CEMEX ROCKFIELD QUARRY

ROCKFIELD MODIFICATION PROJECT (EIR 7763) AND UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATIONS NOS. 3666 AND 3667

FINAL ENVIRONMENTAL IMPACT REPORT

State Clearinghouse No. 2020060123

VOLUME I: CHAPTERS 1—7



SEPTEMBER | 2026

Lead Agency
County of Fresno, Community Development

BENCHMARK RESOURCES

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Lead Agency
County of Fresno,
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APPENDIX K **COMPARISON OF DRAWDOWNS RESULTING FROM PROJECT ALTERNATIVES** (provided in Draft EIR)

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1—INTRODUCTION

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1—INTRODUCTION

1.1 OVERVIEW OF THE PROJECT AND ENVIRONMENTAL REVIEW PROCESS

This final environmental impact report (Final EIR) has been prepared by Fresno County (County), the lead agency under the California Environmental Quality Act (CEQA) (Public Resources Code [PRC], Section 21000 et seq.; California Code of Regulations [CCR] Title 14 Section 15000 et seq. [CEQA Guidelines]) in accordance with CEQA and the CEQA Guidelines, to evaluate the potentially significant environmental effects associated with the Rockfield Quarry Modification Project (proposed project). A summary of revisions and additional information is provided in Section 1.2, "Summary of Additional Studies and Revisions to the Draft EIR," of this Final EIR.

CEMEX Construction Materials Pacific, LLC (CEMEX or Operator) proposes to continue and modify its existing rock, sand, and gravel mining and processing operations at the Rockfield Quarry, and to reclaim the project sites upon completion of mining activities. The proposed project would require adoption of an amended Surface Mining and Reclamation Plan (SMRP), as well as approval of two Conditional Use Permits (CUP Application Nos. 3666 and 3667), which would amend the Operator's existing land use entitlements.

The Rockfield Quarry is located in an unincorporated area of Fresno County, north of the City of Fresno, between North Friant Road to the east and the San Joaquin River to the west. The project consists of two primary components: (1) the "Plant Site," which encompasses approximately 138.5 acres and contains aggregate processing and production facilities; and (2) the "Quarry Site," which encompasses approximately 352.4 acres and contains the primary mining operations. Collectively, these properties are referred to as the "project sites."

Mining operations at the Rockfield Quarry have been conducted continuously since at least 1913, with aggregate processing operations established at the Plant Site since 1924. Existing operations at the Plant Site and Quarry Site are governed by multiple Conditional Use Permits and have historically included aggregate extraction, processing, stockpiling, recycling of concrete materials, and associated support activities. In 2026, Fresno County approved a one-year extension of the existing Conditional Use Permits, allowing existing operations to continue through July 2027 while review of the proposed project is completed.

The proposed project would continue existing mining and processing activities within the established project sites and would introduce hard rock (granite) mining at the

Quarry Site in addition to continued extraction of alluvial materials. The project would also include the addition of processing facilities at the Quarry Site, modifications to existing facilities at the Plant Site, and an increase in permitted aggregate production and sales. Combined annual aggregate production would increase from the currently permitted level of 1.4 million tons per year (MT/year) to up to 3.0 MT/year over time.

The proposed project would be implemented in two stages. Stage 1 would involve continued operations at both the Plant Site and Quarry Site for up to approximately 30 years, including mining of remaining alluvial deposits at the Plant Site and continued operations at the Quarry Site. Upon completion of mining at the Plant Site, that site would be reclaimed and operations would shift entirely to the Quarry Site. Stage 2 would consist of continued mining and processing operations at the Quarry Site for an additional period of approximately 70 years. The total project life is estimated to be up to 100 years. At the conclusion of mining, both sites would be reclaimed to open space, riparian habitat, and open water habitat.

The objectives of the proposed project include maintaining a reliable, long-term local source of high-quality aggregate materials for the Fresno region; efficiently utilizing known mineral resources designated as Mineral Resource Zone 2 (MRZ-2); supporting regional construction needs; maintaining employment and economic contributions; and reclaiming the project sites in a manner consistent with surrounding San Joaquin River Parkway lands and the Fresno County General Plan.

Approval of the proposed project is a discretionary action subject to CEQA. This EIR has been prepared to inform decision-makers and the public of the potential environmental effects of the proposed project, to identify feasible mitigation measures to reduce or avoid significant impacts, and to evaluate reasonable alternatives to the project. A complete description of the proposed project is provided in Chapter 2, "Project Description," of the Draft EIR.

The Draft EIR for the proposed project was circulated for public review and comment in accordance with CEQA Guidelines requirements. This Final EIR has been prepared to provide responses to comments received on the Draft EIR, together with revisions and clarifications to the environmental analysis, and is intended to be used in conjunction with the Draft EIR. A summary of revisions, clarifications, and additional technical analyses prepared since publication of the Draft EIR is provided in Section 1.2, "Summary of Revisions to the Draft EIR."

1.2 SUMMARY OF ADDITIONAL STUDIES AND REVISIONS TO THE DRAFT EIR

1.2.1 Overview

This Final EIR includes revisions, clarifications, and additional technical analyses prepared in response to comments received on the Draft EIR, as well as evaluation by the County and its consultants. These updates clarify, refine, and expand upon the analysis presented in the Draft EIR.

The revisions include both (1) new or revised technical studies and (2) clarifications and expanded discussion of topics addressed in the Draft EIR. As described below, these updates do not result in new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts.

1.2.2 New and Revised Technical Studies and Analyses

Since circulation of the Draft EIR, the following technical studies, technical memoranda, and analyses have been prepared or revised in response to comments received on the Draft EIR, as well as evaluation by the County and its consultants. Revisions to the Draft EIR associated with these updates are identified in Chapter 3, "Draft EIR Errata," and are further addressed in Chapter 4, "Responses to Comments."

- **Air Quality, Health Risk, and Climate Impact Assessment (Revised):** A fully revised Air Quality, Health Risk, and Climate Change Impact Assessment (April 2026) has been prepared and replaces Draft EIR Appendix D-1 in its entirety. The revised analysis incorporates updated emissions modeling, refined assumptions, and expanded discussion of health risk and greenhouse gas emissions. The revised study, included as Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment," refines the analytical methods and assumptions but does not alter the impact significance conclusions presented in the Draft EIR. Related revisions to the Draft EIR are presented in Chapter 3.
- **Hydrology and Flood Hazard Analysis (200-Year Flood):** A 200-year flood analysis has been prepared to supplement the hydrology and water quality evaluation presented in the Draft EIR in accordance with Fresno County requirements. This analysis provides an additional conservative evaluation of potential flood hazards and informs site design considerations, including localized berm adjustments. The additional analysis does not alter the impact significance conclusions presented in the Draft EIR and is included as Appendix G-7, "200-Year Flood Hazard Analysis—Quarry Site," and Appendix G-8, "200-Year Flood Hazard Analysis—Plant Site," to this Final EIR.

- **Blasting and Human Response Technical Memorandum:** In response to comments received on the Draft EIR, a supplemental technical memorandum was prepared to further evaluate human response to blast-induced ground vibration and air overpressure and to support refinements to the blasting analysis and blasting protocols presented in the Draft EIR. The memorandum is included as Appendix H-8, "Blasting and Human Response Technical Memorandum," to this Final EIR, and the revised blasting protocols are included as Appendix H-9. These revisions do not alter the impact significance conclusions presented in the Draft EIR. Related revisions to the Draft EIR are presented in Chapter 3. The technical discussion is also presented in Response 58C-3 in Chapter 4.
- **Transportation Analysis Updates**. In response to comments received on the Draft EIR, supplemental transportation analyses were prepared to evaluate potential roadway deterioration, including pothole formation associated with project-related truck traffic, and potential project effects at the State Route 41/Friant Road interchange. These analyses are documented in the technical memoranda included as Appendix I-5, "Pavement Hazard Identification and Mitigation Technical Memorandum," and Appendix I-6, "State Route 41/Friant Road Interchange Analysis Technical Memorandum," to this Final EIR and support refinements to the transportation analysis and the addition of a mitigation measure addressing roadway conditions. The supplemental analyses do not alter the impact significance conclusions presented in the Draft EIR. Related revisions to the Draft EIR are presented in Chapter 3 and discussed in Chapter 4

1.2.3 Clarifications and Expanded Analysis

In addition to the new and revised technical studies described above, the Final EIR includes clarifications and expanded discussion in response to comments received on the Draft EIR and evaluation by the County and its consultants. These updates provide additional detail and explanation of the analysis presented in the Draft EIR but do not alter the overall impact conclusions.

- **Biological Resources Expanded Analysis:** Additional biological resources evaluation was completed in response to comments received on the Draft EIR, including expansion of the California Natural Diversity Database (CNDDB) search to a nine-quadrangle area to meet current industry standards, evaluation of additional special-status species, and expanded analysis of bats and other wildlife resources. Based on this expanded analysis, revisions have been made to the biological resources analysis and associated mitigation measures to further avoid or minimize potential impacts. The supplemental biological resources evaluation memorandum documenting this work is included as Appendix E-6, "WRA

Supplemental Biological Resources Evaluation Memorandum," to this Final EIR. These revisions clarify and refine the analysis presented in the Draft EIR but do not alter the impact significance conclusions.

- **Transportation Section Clarifications:** Clarifications and expanded explanation of methodologies, regulatory context (including VMT and LOS considerations), and assumptions have been incorporated throughout the transportation analysis in response to comments. These updates are reflected in Chapter 3 and in applicable responses to comments. This additional information does not alter the impact significance conclusions presented in the Draft EIR.

1.2.4 Summary of Impact Conclusions

Based on review of the revisions and additional information presented in this Final EIR, the County has determined that the updates amplify, clarify, and refine the analysis presented in the Draft EIR and include additional technical information prepared in response to comments and agency requirements as well as evaluation by the County and its consultants. While this Final EIR includes revised analyses and supplemental information, including updated technical studies and additional mitigation measures, these revisions do not constitute significant new information within the meaning of CEQA Guidelines Section 15088.5. Specifically, the revisions do not identify new significant environmental impacts, result in a substantial increase in the severity of previously identified impacts, or otherwise alter the conclusions of the Draft EIR.

The Final EIR includes the addition of mitigation measures addressing roadway conditions and potential impacts to special-status bat species, as well as refinements to the project's blasting protocols, along with clarifications and refinements to existing mitigation measures. These updates reflect additional analysis of previously disclosed impacts and enhanced environmental protection measures but do not alter the significance conclusions of the Draft EIR. Accordingly, recirculation of the Draft EIR is not required.

1.3 FINAL EIR REQUIREMENTS

This Final EIR provides responses to comments received on the Draft EIR. Section 15132 of the CEQA Guidelines requires that the Final EIR consist of:

- The Draft EIR or a revision of the draft;
- Comments and recommendations received on the Draft EIR either verbatim or in summary;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;

- The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- Any other information added by the Lead Agency.

This Final EIR for the proposed project has been prepared to provide responses to comments received on the Draft EIR and is to be used in conjunction with, rather than in place of, the Draft EIR. Therefore, the information in this Final EIR, which incorporates the Draft EIR including its appendices, fulfills state and County CEQA requirements for a complete EIR.

Chapter 3 of this Final EIR provides revisions for clarification or amplification of information in the record. As summarized in Section 1.2 above, these revisions do not constitute substantial new information or indicate a new impact or increase in the severity of an impact identified in the Draft EIR.

1.4 USE OF THE EIR IN THE DECISION-MAKING PROCESS

The EIR is an informational document designed to inform the public of the significant environmental effects of a project, identify possible ways to minimize or mitigate the significant effects, and describe reasonable alternatives to the project.

The County will use the EIR, together with economic, social, and technical information, to decide whether to approve the discretionary entitlements being requested. The County has made this Final EIR available prior to hearings on proposed project approval or denial to provide an opportunity for agency and public review of the complete EIR before decisions are made. In addition, the County provided responses to comments to each of the agencies commenting on the Draft EIR 10 days before the first County Planning Commission hearing to consider certification of the Final EIR.

The County reviews proposed mining use permits, reclamation plans, and financial assurance estimates before considering their approval. The proposed project would be regulated by the County in accordance with Section 834.4.220 (Material Extraction Sites) of the Fresno County Zoning Ordinance and the California Surface Mining and Reclamation Act (PRC Section 2710 et seq.).

The EIR (consisting of this Final EIR and the Draft EIR which is incorporated by reference) reviews the environmental consequences of the proposed project, as described in Chapter 4, "Environmental Analysis," of the Draft EIR. The County will use the EIR, along with other information, in its consideration of the Conditional Use Permit and Surface Mining and Reclamation Plan application.

Before rendering decisions on the discretionary actions, the County must certify that:

- the EIR has been completed in compliance with CEQA,
- the EIR was presented to the decision-making body of the Lead Agency,
- the information in the EIR was reviewed and considered by the Lead Agency before approving the project, and
- the EIR reflects the Lead Agency's independent judgment and analysis.

Should the County approve the proposed project, a statement of findings would be adopted for each significant environmental impact of the proposed project, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effects as identified in the Final EIR;
- such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; and/or
- specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

The Lead Agency must adopt, in conjunction with the findings, a program for reporting or monitoring the changes that it has either required in the project or made a condition of approval to avoid or substantially lessen impacts (CEQA Guidelines Section 15091[d]). These measures must be fully enforceable through conditions of approval, agreements, or other measures in a program referred to as the Mitigation Monitoring and Reporting Program (MMRP), which shall be prepared in advance of a public hearing on the proposed project.

In addition, because of the significant and unavoidable impacts identified in the EIR, the County must adopt a statement of overriding considerations for those impacts to approve the proposed project. The statement of overriding considerations would set forth the specific reasons why the benefits of the project outweigh the unavoidable significant environmental impacts. The statement of overriding considerations and the findings must be adopted by the County decision-making body following its decision at a public hearing.

1.5 SIGNIFICANT AND UNAVOIDABLE IMPACTS

The Draft EIR identifies the project's environmental impacts that would remain significant after implementation of all feasible mitigation measures. In accordance with CEQA Guidelines Section 15126.2(c), a detailed discussion of significant and unavoidable impacts is provided in Draft EIR Chapter 7, "Other CEQA Topics." Chapter 3 of this Final EIR, "Draft EIR Errata," presents revisions to the Draft EIR, including revisions to the impact analysis and associated mitigation measure.

If the County determines to approve the project, it would be required to adopt a Statement of Overriding Considerations explaining the specific reasons why the project is being approved despite these impacts.

2—CEQA PUBLIC REVIEW PROCESS

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2—CEQA PUBLIC REVIEW PROCESS

2.1 PURPOSE OF THE PUBLIC REVIEW

The California Environmental Quality Act (CEQA) Guidelines Section 15201 states:

> Public participation is an essential part of the CEQA process. Each public agency should include provisions in its CEQA procedures for wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to the agency's activities. Such procedures should include, whenever possible, making environmental information available in electronic format on the Internet, on a web site maintained or utilized by the public agency.

Fresno County (County) has invited public input during the Environmental Impact Report (EIR) preparation process, including providing opportunities to review and comment during the scoping process and during Draft EIR circulation, as discussed further in Section 2.2, "Public Review Period and Notifications," below.

CEQA (California Public Resources Code [PRC] Section 21082.2(e)) explains that "[s]tatements in an environmental impact report and comments concerning an environmental impact report shall not be determinative of whether the project may have a significant effect on the environment." According to CEQA, it is the responsibility of the lead agency decision makers to "determine whether a project may have a significant effect on the environment based on substantial evidence in the record." (PRC Section 21082.2(a)). Substantial evidence is defined as facts, fact-related reasonable assumptions, and expert opinion. "Substantial evidence" does not include arguments, speculation, unsubstantiated opinion or narrative, clearly erroneous evidence, or socioeconomic impacts not related to the physical environment (PRC Section 21080(e), 21082.2(c), and CEQA Guidelines Section 15384).

2.2 PUBLIC REVIEW PERIOD AND NOTIFICATIONS

In accordance with both the specific requirements and the intent of CEQA, the environmental review process for the proposed project has included substantial opportunities for public and agency review and comment on the environmental evaluations. The public review process for the proposed project EIR has included the following opportunities:

- June 5, 2020, to July 6, 2020: EIR Public Scoping and Notice of Preparation of EIR Review Period

- June 22, 2020: Agency Scoping Meeting
- June 24, 2020: Public Scoping Meeting
- January 2, 2025, to March 10, 2025: Extended Draft EIR public review period
- January 16, 2025: Public Information Meeting

The revised Notice of Availability extending the Draft EIR public review period is included as Final EIR Appendix L, "Draft EIR Revised Notice of Availability."

This Final EIR or notices of its availability have been provided to commenting agencies, organizations, and individuals made available via the County website at: https://www.fresnocountyca.gov/eir7763 or electronic form via USB prior to proposed project hearings before County decision makers. The County provided responses to comments to each of the agencies commenting on the Draft EIR 10 days before the first County Planning Commission hearing to consider certification of the Final EIR.

2.3 SUMMARY OF PUBLIC INPUT AND APPROACH TO RESPONSES

Comments were received from 14 public agencies, 53 organizations and businesses, and 545 individuals. Each comment set (i.e., letter or e-mail) is included in Appendix M, "Draft EIR Comment Letters," of this Final EIR. A list of the agencies, organizations, and individuals who submitted comments is provided in the table of contents of this Final EIR.

Comments addressed a range of issues, including the content and analysis of the Draft EIR. Comments addressing the adequacy of the EIR or issues relevant to the environmental review included all of the CEQA checklist topics:

- Aesthetics and Visual Resources,
- Agricultural Resources,
- Air Quality,
- Biological Resources,
- Cultural Resources,
- Energy,
- Geology and Soils,
- Greenhouse Gas Emissions,
- Hazards and Hazardous Materials,
- Hydrology and Water Quality,
- Land Use and Planning,
- Mineral Resources,
- Noise,
- Population and Housing,
- Public Services,
- Recreation,
- Transportation,
- Tribal Cultural Resources,
- Utilities, and
- Wildfire

These comments were responded to with the level of detail appropriate to the comment and issue. In some cases, the County decided that it was appropriate to revise information in the Draft EIR to correct, clarify, or amplify information. These revisions are presented as errata in Chapter 3, "Draft EIR Errata.".

Some issues raised in comments did not speak to the adequacy of the Draft EIR or did not otherwise address environmental issues. These comments are included in the administrative record by virtue of their submittal to the County and will be considered by County decision makers. However, the Final EIR need not, and does not, respond in detail to non-environmental issues raised in comments. Responses to these issues in this Final EIR are limited to identifying that the comment does not raise an environmental issue and noting that decision makers will consider the issue separate from the environmental review process.

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3—DRAFT EIR ERRATA

3.1 OVERVIEW

In reviewing and responding to comments on the Draft EIR, Fresno County (County) determined that revisions to portions of the Draft EIR text were warranted to correct, clarify, or amplify certain information. CEQA Guidelines Section 15088 provides that where the response to comments makes important changes in the information contained in the text of the Draft EIR, the lead agency should either revise the text in the body of the EIR or include marginal notes showing that the information is revised in the response to comments.

Section 3.2, "Errata," below, provides revisions to the Draft EIR as deemed necessary based on consideration of issues raised in comments on the Draft EIR. Revisions to the Draft EIR text are shown as *errata*, consisting of an excerpt of the Draft EIR text with changes represented with added text shown in underline (example) and deleted text show in strikethrough (~~example~~).

None of the changes provided in Section 3.2 constitute significant new information within the meaning of CEQA Guidelines Section 15088.5 because they are limited to clarifications, amplifications, and minor refinements to the analysis presented in the Draft EIR. The inclusion of this information in the Final EIR does not deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. The revisions also include clarifications and refinements to existing mitigation measures, as well as the addition of limited new mitigation measures based on supplemental analysis. The Final EIR does not identify any new significant impacts or substantial increases in the severity of any environmental effects identified in the Draft EIR. Therefore, recirculation of the Draft EIR is not required (see CEQA Guidelines Section 15088.5).

3.2 ERRATA

This section contains errata to the Draft EIR; each is preceded by a brief explanation of the purpose of the change to the Draft EIR text.

3.2.1 Errata to the Draft EIR Executive Summary

Explanation

Revisions have been made to the Draft EIR Executive Summary to correct an acreage number and provide additional context regarding the property owned by the California

Department of Fish and Wildlife. Draft EIR Executive Summary page ES-2 was revised as follows.

ERRATA

Plant Site: The Plant Site is located on approximately 138.5 acres adjacent to North Friant Road, approximately 1.5 miles north of the City of Fresno, and approximately 0.5 miles east of the San Joaquin River. The 138.5-acre Plant Site area includes approximately 126.6 acres owned by the ~~applicant~~ Operator (APNs 300-070-56S, 57S, 58S, 59S, and 60S) and ~~12.9~~approximately 11.9 acres owned by the California Department of Fish and Wildlife (CDFW) (portions of APNs 300-070-43ST, 48ST, and 50ST).

CDFW acquired the south half of the Ball Ranch in 2000, which included the approximately ~~12.9~~11.9-acre area that was part of the mining and processing operations associated with the Plant Site. In March 2019, the ~~applicant~~ Operator acquired the 126.6-acres of the Plant Site that was under lease from Ball Ranch, and the ~~applicant~~ Operator wishes to continue operations on those portions of CDFW property that are still utilized by the ~~applicant~~ Operator for its current operations. In the event CDFW does not allow operations to continue on the ~~12.9~~11.9 acres (on August 26, 2026, CEMEX received a letter from the California Department of Fish and Wildlife (CDFW) that, among other things, disputes the total CDFW-owned acreage. According to CDFW, this area consists of approximately 13.8 acres, not 11.9 acres. For purposes of this Errata, and as consistent with the DEIR and the Final EIR, CEMEX will refer to the area as consisting of 11.9 acres, with the understanding that this amount is disputed) currently owned by CDFW, such properties would not be used for mining and stockpiling operations. This Draft EIR conservatively assumes that CDFW property will continue to be used for mining and processing operations under the proposed project. Therefore, this ~~12.9~~11.9-acre area is included in the 138.5-acre Plant Site.

END OF ERRATA

Explanation

Revisions have been made to the Draft EIR Executive Summary to clarify the intent of Project Objective 2 by expanding the definition of aggregate to include all crushed rock and also to expand Project Objective 8 by including project consistency with the Fresno County General Plan. These revisions to the Project Objectives were made in response to requests by the Operator. Draft EIR pages ES-3 and ES-4 are revised as follows.

ERRATA

Project Objectives

The project purpose is to continue and expand existing mining and processing operations at the Plant Site and Quarry Site and reclaim the two sites when mining operations are complete.

The objectives for the proposed project are to:

1) Continue to provide a reliable and sustainable, local source of high-quality aggregate to help meet the current and long-term demand (100 years) for construction materials in the Fresno region;
2) continue to utilize known aggregate reserves from existing partially mined properties, including those mineral resources designated by the state and county as Mineral Resource Zone 2 (MRZ-2) (Mineral Resource Zone areas where adequate information indicates that significant mineral resources are present~~), i.e., sand and gravel)~~ to produce construction aggregates;
3) Continue to utilize high quality aggregate resources that meet the California Department of Transportation's specifications for use in Portland Cement Concrete (PCC) and Asphaltic Concrete (AC), which aggregate is important for quality infrastructure growth and maintenance because of its versatility, value, and relative scarcity;
4) Maintain a local source of construction aggregate with enough annual sales capacity (3.0 MT) to encourage a healthy, competitive market;
5) Continue to provide aggregate resources with access to an efficient local road network;
6) Continue to provide an environmentally sound project that would balance the recovery of the aggregate resource with the protection of other resources including wildlife habitat, groundwater, surface water, and air quality;
7) Continue local quality jobs, while also benefiting local downstream businesses and creating an enhanced tax revenue to the county;
8) Maintain consistency with the Fresno County General Plan and the San Joaquin River Parkway Master Plan;
9) Reclaim both sites to wildlife habitat in a manner similar to the reclaimed mine sites that make up the majority of the San Joaquin River Parkway Properties; and
10) Provide potential Parkway trail easements.

END OF ERRATA

3.2.2 Errata to the Draft EIR Chapter 1, "Introduction"

Explanation

An additional appendix was added to Draft EIR Appendix A, "Notice of Preparation," to provide copies of each comment letter received in response to the Notice of Preparation (NOP) for the project. Appendix A-3, "NOP Comment Letters," is inserted after Appendix A-2, "NOC of the Notice of Preparation."

Revisions are made to Draft EIR Chapter 1 to add a new appendix to Draft EIR Appendix A, "Notice of Preparation," which contains copies of each comment letter received in responses to the NOP for the proposed project.

ERRATA

A virtual scoping meeting for public agencies was held on June 22, 2020, using the Zoom teleconference format, and a virtual public scoping session for the general public was held on June 24, 2020, using the Zoom webinar format. All comments received by the County through these scoping sessions, or otherwise received in writing or via e-mail on the NOP, were accounted for during preparation of the Draft EIR. Appendix A-3, "NOP Comment Letters," provides copies of each written comment on the NOP.

END OF ERRATA

Explanation

The Draft EIR Executive Summary Table has been comprehensively updated to incorporate all errata presented in this chapter that affect impact statements or numbering, significance determinations, mitigation measures, or other information summarized in the table. These revisions reflect changes made in response to comments addressed throughout this Final EIR and ensure consistency between the Executive Summary and the revised text of the Draft EIR. Draft EIR Table ES-1, "Summary of Project Impacts and Mitigation Measures" beginning on Draft EIR page ES-11 is revised as follows.

ERRATA

Table ES-1
Summary of Project Impacts and Mitigation Measures

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
AESTHETICS AND VISUAL RESOURCES			
Impact 4.1-1: Have a substantial adverse effect on a scenic vista	PS	**Mitigation Measure 4.1-1:** Rock Staining to Reduce Visual Contrast Within two years of the ~~Following~~ completion of active mining in each western facing highwall/bench, visual modeling will occur to determine the portions of the completed highwall/bench visible from Locations #12 and #13 and those visible portions ~~each phase, an appropriate earth tone rock staining product shall be utilized on exposed and visible pit walls~~ shall be treated to reduce the color contrast to the extent feasible between the pit walls and the surrounding ~~undisturbed slopes~~ landscape. Methods to achieve this reduction include: (1) application of an appropriate earth tone rock staining product; and/or (2) application of a surface weathering accelerant to hasten formation of a natural patina.	SU
Impact 4.1-2: Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	NI	None required.	
Impact 4.1-3: In nonurbanized areas, substantially degrade the existing visual character or quality of public views (i.e., views experienced from publicly accessible vantage points) of the project sites and their surroundings.	PS	Implement Mitigation Measure 4.1-1.	SU

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.1-4: Creation of a new source of substantial light and glare that would adversely affect day or nighttime views in the vicinity of the project sites.	LTS	None required.	
AGRICULTURAL AND FORESTRY RESOURCES			
Impact 4.2-1: Convert prime farmland, unique farmland, or farmland of statewide importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.	NI	None required.	
Impact 4.2-2: Conflict with existing zoning for agricultural use, or a Williamson Act contract.	NI	None required.	
Impact 4.2-3: Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).	NI	None required.	
Impact 4.2-4: Result in the loss of forest land or conversion of forest land to non-forest use.	NI	None required.	
Impact 4.2-5: Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.	LTS	None required.	
AIR QUALITY			
Impact 4.3-1: Conflict with or obstruct implementation of the applicable air quality plan.	LTS	None required.	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.3-2: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standards	PS	**Mitigation Measure 4.3-2a:** Off Road Engines Off-road engines shall be retrofitted or upgraded in order to meet the Tier 4i Particulate Emissions standard of 0.008 grams of PM_{10}/horsepower-hour. **Mitigation Measure 4.3-2b:** Fugitive Dust Control Plan A Fugitive Dust Control Plan ~~shall be~~ has been prepared for the proposed project and shall be submitted to the San Joaquin Valley Air Pollution Control District (SJVAPCD) for review and approval prior to project implementation. The Applicant will also coordinate with the SJVAPCD for monitoring of this Mitigation Measure 4.3-2b and the approved Fugitive Dust Control Plan. The Fugitive Dust Control Plan ~~shall~~ demonstrates how the following will be implemented and enforced throughout project activities: • ~~Off-road engines shall be retrofitted or upgraded in order to meet the Tier 4 Interim Particulate Emissions standard of 0.008 grams of PM_{10}/horsepower-hour.~~ • Unpaved roads shall be controlled at all times by application of chemical dust suppressants or other equivalent methods with a minimum of 90% effectiveness. • Stockpiles shall be controlled at a level of 90% by daily application of water, by covering, or by use of another SJVAPCD approved chemical dust suppressant or other method.	LTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.3-3: Expose sensitive receptors to substantial pollutant concentrations	~~PS~~ LTS	~~Implement Mitigation Measure 4.3-2.~~ None required.	~~LTS~~
Impact 4.3-4: Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people	PS	**Mitigation Measure 4.3-4:** Asphalt Plant Emissions Controls The following design features shall be incorporated into project plans to mitigate VOC, SVOC, and/or SO_2 emissions: 1) The type of asphaltic cement produced by on-site plants affects odorous emissions. Some asphaltic cements have lower VOC/SVOC emissions than others. Therefore, asphaltic cements with lower VOC/SVOC emissions, as approved by the SJVAPCD, shall be used to the extent feasible. 2) In accordance with SJVAPCD Rule 4309, the Project will implement "periodic burner tune-ups" that may reduce VOC emissions from the asphalt plant. ~~To reduce VOC emissions, periodic burner tune-ups shall be implemented.~~ 3) ~~Prior to issuance of a building permit for the proposed Asphalt Plant, project plans shall show that~~ ~~m~~Mixing drum vapors will be routed back to the dryer burner. Implementation of this provision shall be verified by ~~Imperial~~ Fresno County Building Inspectors prior to authorizing operation.	LTS
BIOLOGICAL RESOURCES			
Impact 4.4-1: Have an adverse effect, directly or indirectly, on special-status plant or wildlife species on the Plant Site or Quarry Site during mining operations.	PS	**Mitigation Measure 4.4-1a:** Burrowing Owl ~~A p~~Pre-construction ~~clearance~~ take avoidance surveys for burrowing owl shall be conducted on the Quarry Site prior to disturbing any grasslands in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (dated	LTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		March 7, 2012). The ~~first~~ surveys shall occur as described in the CDFW Staff Report and shall be conducted ~~at least~~ no more than 14 days prior to the initiation of construction of the aggregate plant and/or of each mining phase ~~and the~~. The second survey shall be conducted within 24 hours of the start of construction of the aggregate plant and/or of each mining phase to ensure burrowing owl remain absent from the Quarry Site. ~~If burrowing owls are found to occupy observed within the Quarry Site grasslands at the time of the clearance survey, a relocation plan shall be developed, approved by CDFW, and implemented prior to development of any Quarry Site grasslands.~~ If no burrowing owls are observed, no further actions are required. If burrowing owls are observed within the Quarry Site or within adjacent lands in close enough proximity to be affected by proposed activities, the burrow will be protected using a combination of buffer zones, visual screens or similar measures as recommended by a qualified biologist congruent with recommendations in the CDFW Staff Report on Burrowing Owl. Buffer distances, visual barriers and other minimization practices will be based on the location of observation, time of year, and status of the burrowing owl burrow. If the active burrowing owl burrow cannot be avoided, the Operator shall consult with CDFW to obtain an Incidental Take Permit prior to excluding and relocating non-nesting owls from the burrow. In coordination with any measures	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		or mitigation required in the ITP, the following measures will at minimum be enacted to reduce effects to burrowing owl to less than significant levels: • Prior to any exclusion, mitigation for any lost habitat will be procured (i.e. credits purchased from an approved mitigation bank or mitigation lands protected through a recognized conservation easement). Suitable habitat shall be mitigated at a ratio of 1:1 (mitigation to impact) unless otherwise approved by CDFW. • Exclusion will not occur during the breeding season (February 1 – August 31). • If exclusion occurs immediately after the breeding season (September 1 – September 30) daily monitoring shall be conducted by a qualified biologist for a minimum of one week prior to relocation to confirm young of the year have fledged. • Exclusion will be performed only by a qualified biologist. • Biological monitoring shall be conducted prior to, during, and after exclusion of burrowing owls sufficient to ensure take is avoided. • Following completion of exclusion, a summary will be provided to the County and CDFW documenting the results. **Mitigation Measure 4.4-1b**: Western Pond Turtle and Western Spadefoot Pre-construction clearance surveys within the boundaries of the Quarry Site shall be conducted no more than 14 days	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		prior to removal of a temporary pond to be removed so that the aggregate or hardrock below the pond can be mined. A combination of visual and trapping surveys by a ~~CDFW~~ qualified biologist ~~may~~ shall be performed. A pond cannot be left elevated above the surrounding excavation, as a result avoidance of occupied habitat is not feasible. Therefore, if the species is determined to be present in work areas, the qualified biologist with approval of a relocation plan from CDFW ~~may~~ shall capture turtles and spadefoot prior to ~~construction~~ mining and reclamation activities and relocate them to nearby suitable habitat near the Quarry Site. Exclusion fencing ~~should~~ shall then be installed, if necessary and feasible, to prevent turtles and spadefoot from reentering the work area. ~~For the duration of work to remove the temporary pond, the biologist shall conduct at least weekly follow up visits to monitor effectiveness and take appropriate corrective action if protection measures are not adequate.~~ A qualified biologist shall be present during the draining and removal of the pond and shall monitor removal of the pond until no areas that could ensconce pond turtle or spadefoot remain. **Mitigation Measure 4.4-1c:** Nesting Birds If the initiation of construction (i.e. ground disturbing activities and/or blasting) at the Plant Site or the Quarry Site ~~initiation of a mining phase as shown on the Plant Site Mining Plan (Figure 2-7)~~ will occur between February 1 and August 31, ~~a~~ pre-construction clearance surveys for nesting birds, including ~~the above noted~~ the following raptor species: ~~(~~Swainson's hawk, bald eagle, osprey, red-	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		tailed hawk and white-tailed kite~~,~~) and the tricolored blackbird (Agelaius tricolor) ~~should~~ shall be conducted by a qualified biologist. A total of three surveys shall be conducted. Surveys will be separated from each other by at least one week, and the final survey will end within three (3) days of the start of any vegetation removal or ground disturbing activities~~ within~~. (Note that in accordance with the ~~immediate area of~~ Swainson's hawk survey protocol, the ~~mining phase where construction is to~~ survey efforts shall not be initiated ~~and as well as~~ during the period of April 21 to June 10, when active nests of this species are difficult to detect.) For general mining activities (not blasting) the survey area shall extend to all areas within 500 feet. For blasting events, the survey area shall extend to all areas within ~~a 50-foot buffer~~500 feet for most birds and 0.25-mile for large raptors including Swainson's hawk or bald eagle. Once ground disturbing activities or blasting have begun, if they are discontinued for a period of 7 or more days, a single survey shall be conducted (in addition to the already completed three surveys described above) to verify that no new active nests are present that could be impacted by the resumption of such ~~areas to ensure that no nesting birds will be disturbed during construction.~~ activities. If cessation of activities lasts longer than three weeks, the three-survey survey requirement described above shall be implemented. ~~As shown on Exhibit 5 in Appendix E 1, "Plant Site Habitat Assessment" there are no trees suitable for nesting at the Plant Site for the above noted raptor species~~	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		~~(Swainson's hawk, bald eagle, osprey, red tailed hawk and white tailed kite) except along Friant Road and outside the perimeter of the survey area. Therefore, the survey for the raptor species shall be limited to the initiation of construction along Friant Road and outside the perimeter of the survey area.~~ ~~If the initiation of construction at the new plant at the Quarry Site or the initiation of a mining phase as shown on the Quarry Site Mining Plan (Figure 2-8) will occur between February 1 and August 31, a pre-construction clearance survey for nesting birds, including the above noted raptor species (Swainson's hawk, bald eagle, red-tailed hawk and white tailed kite) and the tricolored blackbird (Agelaius tricolor) should be conducted by a qualified biologist within three (3) days of the start of any vegetation removal or ground disturbing activities within the immediate area of the mining phase as shown on the Quarry Site Mining Plan (Figure 2-8) where construction is to be initiated and as well as within a 50-foot buffer of such areas to ensure that no nesting birds will be disturbed during construction.~~ ~~As shown on Exhibit 5 in Appendix E-2, "Quarry Site Habitat Assessment," there are no trees suitable for nesting for the above noted raptor species except along the west side of the project next to the river. Therefore, the survey for the raptor species shall be limited to the initiation of construction along the west side of the project next to the river. The biologist who conducted the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active~~	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		~~avian nests will occur.~~ If an active avian nest is discovered during the pre-construction clearance survey, ~~construction~~ mining and/or reclamation activities shall stay outside of a ~~300 foot~~ buffer recommended by the qualified biologist. Buffers may be as small as 100 feet around the active nest~~.~~ of non-status passerine species. For listed and raptor species, this buffer shall be expanded to 500 feet~~.~~ (minimum for raptors) and 0.25 mile for bald eagle or listed species such as Swainson's hawk. A ~~biological monitor~~ qualified biologist shall be present to delineate the boundaries of the buffer area and monitor the active nest as detailed below to ensure that nesting behavior is not adversely affected by ~~construction~~ mining and/or reclamation activities. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, mining and/or reclamation ~~construction~~ activities within the buffer area can occur. Criteria related to the amount and duration of nest monitoring that ~~will~~ shall be required if an active avian nest is found are as follows: • If an active nest is found and construction will ~~remain outside of a 300/500 foot~~need to occur within the recommended buffer~~ from the nest~~, the ~~Biologist~~ qualified biologist shall watch the nest for at least ~~15 minutes during construction~~ 1 hour prior to initiating mining and/or reclamation activities and continuing for at least 1 hour following the start of mining and/or reclamation activities to determine if the nesting birds are disturbed by construction activities. If the birds	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		appear distressed or behave aggressively toward the construction, work will not occur within the buffer, and a greater avoidance buffer shall be implemented and ~~watched~~ observations by the ~~Biologist again~~ biologist will continue. Once a suitable buffer has been determined to be effective, the ~~Biologist~~ biologist may decide whether ongoing nest monitoring is warranted. • If an active nest is found and construction will occur within ~~300/500 feet of~~ the specified buffer for the active nest for multiple weeks, the nest shall be checked on the first day as described above, while establishing a suitable buffer. Subsequently the nest shall be checked at least ~~on a weekly basis~~ twice per week to determine if its status has changed. The ~~Biologist~~ biologist shall ~~check~~ then recheck the nest a week after mining and/or reclamation activities have ~~construction has left~~ ceased in the focal area ~~in order~~ to ~~document that the nesting activity continues to proceed successfully~~ note the status, e.g., if the nest remains active. • If the nest of a listed or fully protected species is found within ~~a~~ the survey buffer, ~~the~~ and work will need to occur within that buffer, CDFW will be notified ~~within 24 hours~~ for coordination of any additional monitoring ~~requirements~~ recommendations.	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		Mitigation Measure 4.4-1d: Bat Roost Assessment and Survey No more than 30 days prior to surface disturbing activities of an undisturbed area (e.g., vegetation removal, initial grading/mining or tree removal), a qualified biologist familiar with bats and bat ecology, and experienced in conducting bat surveys, shall conduct a bat habitat assessment amongst suitable habitat (e.g., large trees with crevices, cavities, exfoliating bark, foliage) within the surface disturbance area as well as within a buffer of 100 feet. The qualified biologist shall inspect the habitat areas for signs of bat use (e.g., whitewash, guano); shall inspect crevices, cavities, and exfoliating bark for bat presence (e.g., using a flashlight); and may use bat detection devices if needed. If no evidence of bat roosts or potential bat roosting substrates are found, the qualified biologist shall submit a report summarizing the results of the survey to the Operator, and further mitigation shall not be required. The Operator shall retain this report for five years and make it available to Fresno County staff upon request or as required for mitigation monitoring. If evidence of bat roosts is found, the qualified biologist shall submit a report summarizing the results of the survey to the Operator. The Operator shall retain this report for five years and make it available to Fresno County staff upon request or as required for mitigation monitoring. If evidence of bat roosts is observed during the maternity roosting season (April 1 – August 31), roost type, species and number of bats using the roost shall be	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		determined by a qualified biologist. Bat detectors may be used if deemed necessary to supplement survey efforts by the qualified biologist. A no-disturbance buffer of 100 feet shall be established around active bat maternity roost, and project activities shall not occur within this buffer until after the maternity season or roosts are unoccupied. If non-maternity roosts are found, or the survey identifies a suitable roost outside of the maternity roosting season (between September 1 and May 30) the qualified bat biologist will develop a bat exclusion plan to humanely evict bats from occupied trees or structures. Upon successful completion of the eviction, project activities may be allowed to resume within the buffer.	
Impact 4.4-2: Have an adverse effect, directly or indirectly, on special-status wildlife species in riparian habitat surrounding the Plant Site and Quarry Site during mining operations.	LTS	None required.	
Impact 4.4-3: Have an adverse effect, directly or indirectly, on special-status plant or wildlife species on the plant site or quarry site after the completion of mining and reclamation.	LTS	None required.	
Impact 4.4-4: Have a substantial adverse effect on any riparian habitat or other sensitive natural community.	PS	Implement Mitigation Measures 4.10-1 and 4.3-2a~~,~~ and -2b~~, and -2c~~.	LTS
Impact 4.4-5: Have an adverse effect on protected wetlands or waters of the state.	LTS	None required.	
Impact 4.4-6: Interfere with native resident or migratory fish or wildlife species movement, corridors, or nursery sites.	LTS	None required.	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.4-7: Conflict with local policies or ordinances protecting biological resources.	PS	Implement Mitigation Measures 4.3-2a, 4.3-2b, ~~4.3-2c,~~ 4.4-1a, 4.4-1b, 4.4-1c, and ~~4.13-6~~4.10.	LTS
CULTURAL RESOURCES			
Impact 4.5-1: Substantial adverse change in the significance of a historical resource pursuant to CCR Section 15064.5.	LTS	None required.	
Impact 4.5-2: Substantial adverse change in the significance of an archaeological resource pursuant to CCR Section 15064.5.	PS	**Mitigation Measure 4.5-2:** Inadvertent Discovery of Archaeological Resources If prehistoric or historic-era cultural resources are encountered during project activities, all ground-disturbing activities within 50 feet of the find shall cease. The qualified archaeologist shall evaluate the significance of the resources and recommend appropriate treatment measures. Per CEQA Guidelines Section 15126.4(b)(3)(A), project redesign and preservation in place shall be the preferred means to avoid impacts too significant to archaeological sites. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures in consultation with Fresno County, which may include data recovery or other appropriate measures. Fresno County shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature. Archaeological materials recovered during any investigation shall be curated at an accredited curational facility. The qualified archaeologist shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to Fresno County and	LTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		to the Southern San Joaquin Valley Information Center. Construction can recommence based on direction of the qualified archaeologist and with concurrence from the County.	
Impact 4.5-3: Disturb human remains, including those interred outside of formal cemeteries.	PS	**Mitigation Measure 4.5-3:** Inadvertent Discovery of Unmarked Burials If human remains are uncovered during project activities, the project operator shall immediately halt work on the site, contact the Fresno County Coroner to evaluate the remains, and follow the procedures and protocols set forth in CEQA Guidelines Section 15064.4 (e)(1). If the County Coroner determines that the remains are Native American in origin, the Native American Heritage Commission (NAHC) will be notified, in accordance with Health and Safety Code Section 7050.5(c) and Public Resources Code (PRC) 5097.98 (as amended by Assembly Bill 2641). The NAHC shall designate a Most Likely Descendent (MLD) for the remains per PRC Section 5097.98, and the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in PRC Section 5097.98, with the MLD regarding their recommendations for the disposition of the remains, taking into account the possibility of multiple human remains.	LTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
ENERGY			
Impact 4.6-1: Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources.	PS	Implement Mitigation Measures 4.3-2a, 4.3-2b, and 4.8-1.	LTS
Impact 4.6-2: Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.	LTS	None required.	
GEOLOGY AND SOILS			
Impact 4.7-1: Exposure or people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, as a result of rupture of a known fault.	NI	None required.	
Impact 4.7-2: Exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, as a result of strong seismic ground shaking or as a result of seismically induced liquefaction, lateral spreading, or settlement.	LTS	None required.	
Impact 4.7-3: Exposure of people or structures to potential substantial adverse effects as result of landslides.	LTS	None required.	
Impact 4.7-4: Result in substantial soil erosion	LTS	None required.	
Impact 4.7-5: Result in the substantial loss of topsoil.	LTS	None required.	
Impact 4.7-6: Result in slope instability at the Plant Site.	PS	**Mitigation Measure 4.7-6:** Plant Site Slope Stability Monitoring The operator of the Rockfield Quarry (Operator) shall retain a County-approved qualified engineering geologist or geotechnical engineer experienced in evaluating the	LTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		stability of slopes in alluvial materials. The engineering geologist or geotechnical engineer shall develop an inspection and reporting program that would be implemented at the Plant Site. In general, the interim mining slopes as well as perimeter slopes should be periodically inspected, and recommendations for the reconfiguration of mining slope gradients, dewatering measures, and localized stabilizations should be developed as dictated by the exposed conditions. The engineering geologist or geotechnical engineer shall document the results of the inspection and any recommendations, and the Operator shall submit the inspection report to the County within 30 days following the inspection. The inspection report shall describe the subsurface materials and groundwater conditions observed and shall compare the observed conditions relative to those identified in the Plant Site geotechnical evaluation completed for the revised reclamation plan by Tetra Tech in 2021 ("Stability Assessment Perimeter Mining Slopes"). The Plant Site geotechnical evaluation shall be appended to the Mitigation Monitoring and Reporting Program and shall be incorporated into the conditions of approval for the project. If the conditions vary from the geotechnical evaluation document characterization, the engineering geologist or geotechnical engineer shall evaluate whether the changes would have an adverse impact on slope stability, and, if so, provide feasible recommendations to mitigate the slope stability concerns to achieve a minimum static factor of safety of 1.3 and a pseudo-static (seismic) factor of safety greater than 1.0. Recommendations shall be implemented within 6	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		months by the Operator, if feasible, otherwise no later than one year from the publishing of the recommendations.	
Impact 4.7-7: Result in slope instability at the Quarry Site	PS	**Mitigation Measure 4.7-7a:** Quarry Site Slope Stability Monitoring The operator of the Rockfield Quarry (Operator) shall retain a County-approved qualified engineering geologist or geotechnical engineer experienced in evaluating the stability of slopes in both hard rock and alluvial materials. The engineering geologist or geotechnical engineer shall develop an inspection and reporting program that would be implemented at the Quarry Site, which inspections will be semi-annual until a comprehensive and reliable geologic and groundwater model of the site is developed. In general, the interim mining slopes as well as perimeter slopes should be inspected as per the inspection and reporting program developed by the engineering geologist or geotechnical engineer. Recommendations for the reconfiguration of mining slope gradients, dewatering measures, and localized stabilizations should be developed as dictated by the exposed conditions. It is anticipated that the inspections will be more frequent until a comprehensive and reliable geologic and groundwater model of the Quarry Site is developed. The survey and monitoring program should at least include the following: • Groundwater regime characterization, including effects of dewatering on the aquifers and slope stability; • Rock mass discontinuities and structure characterization; and	LTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		• Slope stability evaluation, including kinematic failure analyses. The engineering geologist or geotechnical engineer shall document the results of each inspection and any recommendations, and the Operator shall submit the inspection report to the County within 30 days following the inspection. The inspection report shall describe the subsurface materials and groundwater conditions observed and shall compare the observed conditions relative to those identified in the Quarry Site geotechnical valuations completed for the revised reclamation plan by Tetra Tech in 2019 and 2021 ("Geological and Geotechnical Assessment Report" and "Response to Peer Review Comment, Geological and Geotechnical Assessment Report"). The Quarry Site geotechnical evaluations shall be appended to the Mitigation Monitoring and Reporting Program. If the conditions vary from the geotechnical evaluation documents characterization, the engineering geologist or geotechnical engineer shall evaluate whether the changes would have an adverse impact on slope stability or groundwater, and, if so, provide feasible recommendations to mitigate the slope stability concerns to achieve a minimum static factor of safety of 1.5 and a pseudo-static (seismic) factor of safety greater than 1.1. Recommendations shall be implemented within 6 months by the Operator, if feasible, otherwise no later than one year from the publishing of the recommendations.	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		Mitigation Measure 4.7-7b: Quarry Site Kinematic Analyses During the mining excavations, the County-approved qualified engineering geologist or geotechnical engineer identified in Mitigation Measure 4.4-7a shall carry out periodic field surveys of structural geologic data and shall apply this information to kinematic analyses of the quarry pit. Initially, during the first year of the mining in the bedrock, the field survey shall be carried out every 6 months. After that, during the Phase 1 mining, the mapping shall be carried out every time the excavation exposes an area of approximately 50 vertical feet and 1,000 horizontal feet of previously unmapped slope. This mapping frequency shall continue until a robust geologic model is developed and verified. Subsequent mapping intervals may be increased to about 1 to 2 years, depending on the exposed conditions. If/when the geologic conditions are found to be consistent as mining progresses, the County shall be notified, and the field mapping and kinematic analysis program may be entirely phased out. As the mapping proceeds, structural domains (i.e., portions of the rock mass with similar patterns of rock mass discontinuities) shall be identified and appropriate kinematic analysis of various failure modes such as planar, wedge, and toppling type failures should be evaluated for each identified structural domain. The analysis shall take into account the groundwater conditions observations required under Mitigation Measure 4.4-7c. The mapping and the associated	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		quantitative database, interpretations, kinematic analyses, failure potential assessment, and any appropriate recommendations to prevent kinematic-type failure shall be summarized in a written report after the completion of each mapping mobilization and submitted to the County by the Operator within 30 days of the completion of each field survey. The report shall also include a summary of the groundwater conditions observations required under Mitigation Measure 4.4-7c. Recommendations shall be implemented within 6 months by the Operator, if feasible, otherwise no later than one year from the publishing of the recommendations. **Mitigation Measure 4.7-7c:** Quarry Site Groundwater Conditions The County-approved qualified engineering geologist or geotechnical engineer identified in Mitigation Measures 4.7-7a and 4.7-7b shall conduct observations of groundwater conditions relevant to slope stability along with the geologic observation of kinematic conditions carried out in support of Mitigation Measure ~~4.4-7b~~4.7-7b. These observations shall focus on the potential presence of: • Artesian conditions; • Preferential seepage paths; and • Piping conditions. To assist with these observations, a series of piezometers shall be installed within six months of project commencement and within the hard to very hard intact granitic rock. Although there are currently seven	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		monitoring wells in the Quarry Site completed within the intact rock, these wells cover the full interval to be mined. As such, they do not adequately allow for the observation of differences in water pressures at different depths or within different groups of fractures. At least four additional piezometer clusters shall be installed as described below: • Two locations spaced equally between MW-1 and MW-2 along the westerly perimeter of the quarry pit along the San Joaquin River; • One location at the eastern boundary near the entry point from Friant Road; and • One location at the southwest limit of the project area between MW-2 and MW-7. The installations shall be nested to establish at least 3 monitoring intervals within the intact bedrock. Each interval shall be about 100 feet long with the shallowest interval extending from the top of the intact bedrock to a depth of about 200 feet, the second interval extending from a depth of approximately 200 feet to approximately 300 feet, and the third interval extending from approximately 300 feet to approximately 400 feet. In no case shall the screened interval for each piezometer section overlap with the interval above or below. Additional groundwater monitoring intervals and/or locations may be required depending on the actual groundwater conditions encountered during mining. The field observations shall also include assessment of seepage conditions in the mined bedrock slopes, if any are	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		found to occur. Specifically, seepage conditions shall be evaluated that may indicate local or more extensive rock slope instability due to local water pressure conditions. Documentation of groundwater observations shall be submitted to the County as required under Mitigation Measure 4.7-7b.	
Impact 4.7-8: Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.	LTS	None required.	
Impact 4.7-9: Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.	LTS	None required.	
Impact 4.7-10: Directly or indirectly destroy a unique geological feature.	NI	None required.	
Impact 4.7-11: Directly or indirectly destroy a unique paleontological resource.	PS	**Mitigation Measure 4.7-11:** Paleontological Resources Prior to initiation of ground disturbance, the operator of the Rockfield Quarry (Operator) shall develop and submit to the County Planning Department for review and approval a project-specific paleontological resource impact mitigation program (PRIMP) for the Plant Site and Quarry Site. The PRIMP shall only be implemented at the Quarry Site until mining of any remaining alluvial deposits is complete. The PRIMP shall not be required at the Quarry Site if the alluvial deposits remaining on the site are mined under the existing CUP. The PRIMP should be developed by a professional paleontologist (Project Paleontologist, Principal Investigator) who meets Society of Vertebrate Paleontology (2010) qualification standards. The PRIMP will specify the steps to be taken to mitigate	LTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		the potential of mining excavation and reclamation-related ground disturbing activities to destroy paleontological resources. At a minimum, these measures shall include development of a Worker's Environmental Awareness Training Program that shall be presented in-person to all field personnel prior to the start of each phase of project-related earth-moving activities, as well as to any new field personnel prior to beginning work on the site. The following directive shall be included in employee and contractor training materials: "The subsurface of the quarry may be sensitive for paleontological resources in the alluvial (non-bedrock) materials. If paleontological resources are encountered during subsurface disturbance, all ground disturbing activities within 100 feet [or another appropriate distance specified in the PRIMP] of the find shall be redirected and a professional paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Employees and contractors shall not collect or move any paleontological materials. Paleontological resources include fossil plants and animals, and such trace fossil evidence of past life as animal tracks. Employee/contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5."	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		A copy of the training materials and documentation of completed training shall be provided to the County for review upon request. The PRIMP shall specify whether field monitoring during earthmoving activities is required, and, if so, the frequency of required monitoring (i.e., full-time, spot-check, etc.). Approximately 96 acres of the Plant Site have already been partially mined to depths of between 5 to 32 feet bgs and backfilled. (See 2.4.2.1.) Any monitoring (i.e., spot-check) should be limited to mining of the remaining undisturbed alluvial material. The PRIMP shall require that if a paleontological resource is encountered during earthmoving activities, the Operator shall notify the County and all activity within 100 feet (or another appropriate distance specified in the PRIMP) of the find shall halt until it can be evaluated by a professional paleontologist. The paleontologist shall evaluate the resource and determine its significance. If significant, the paleontologist shall notify the County and the Operator. The PRIMP shall provide details about fossil collection, analysis, and preparation for permanent curation at an approved repository. Lastly, the PRIMP shall describe the different reporting standards to be used for negative or positive findings during construction activities.	
GREENHOUSE GAS EMISSIONS			
Impact 4.8-1: Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.	~~PS~~ LTS	None required. ~~**Mitigation Measure 4.8-1:** Asphalt Plant Performance Standards~~ ~~The asphalt plant dryer drum and mixing chamber shall be separated so that dryer exhaust gases do not contact~~	~~LTS~~

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		~~liquid asphalt and premium efficiency electric motors with exhaust fan motors shall be equipped with variable frequency speed control. These specifications shall be shown on project plans and submitted to the San Joaquin Air Pollution Control District as part of the application for Authority to Construction the proposed asphalt plant. Air district staff will verify implementation of this measure as part of the permit review process.~~	
Impact 4.8-2: Consistency with applicable GHG plans, policies, or regulations.	LTS	None required.	
HAZARDS AND HAZARDOUS MATERIALS			
Impact 4.9-1: Create a significant hazard to the public or the environment through the routing transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment during construction, relocation, and/or demolition activities.	PS	**Mitigation Measure 4.9-1:** Survey for PCB-Containing Building Materials Prior to the County issuing a demolition permit for the aggregate processing plant, the operator of the Rockfield Quarry shall prepare a comprehensive Hazardous Building Materials Survey for the project site signed by a qualified environmental professional. The Hazardous Building Materials Survey shall document the presence, or lack thereof, of PCB-containing equipment and materials. The Hazardous Building Materials Survey shall include abatement specifications for the stabilization and/or removal of the identified hazardous building materials in accordance with all applicable laws and regulations. The demolition contractor(s) shall implement the abatement specifications and submit to the County evidence of completion of abatement activities prior to demolition of the existing structure.	LTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.9-2: Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials transported, used, or disposed of during mining or final reclamation.	PS	Implement Mitigation Measure 4.10-1	LTS
Impact 4.9-3: Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials transported, used, or disposed of post-reclamation.	LTS	None required.	
Impact 4.9-4: Create a significant hazard to the public or the environment through flyrock generated by the use of blasting agents on the Quarry Site.	PS	Implement the Flyrock Mitigation Plan established by the Blasting Protocols as required by Mitigation Measure 4.10-1.	LTS
Impact 4.9-5: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	LTS	None required.	
Impact 4.9-6: Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.	LTS	None required.	
HYDROLOGY AND WATER QUALITY			
Impact 4.10-1: Violate surface water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality at the Plant Site or Quarry Site during mining and reclamation.	PS	**Mitigation Measure 4.10-1:** Blasting Protocols The operator of the Rockfield Quarry shall at all times implement the requirements of the "Blasting Protocols" developed October ~~27~~12, 2020, and updated ~~September 8, 2021~~April 29, 2026, by Vibra-Tech Engineers, Inc. The Blasting Protocols shall be appended to the Mitigation Monitoring and Reporting Program and shall be incorporated into the conditions of approval for the	LTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		project. County staff shall monitor and verify, on a semi-annual basis, implementation of the Blasting Protocols throughout project operations.	
Impact 4.10-2: Violate surface water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality at the Plant Site after the completion of mining and reclamation.	LTS	None required.	
Impact 4.10-3: Violate surface water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality at the Quarry Site after the completion of mining and reclamation.	LTS	None required.	
Impact 4.10-4: Violate groundwater quality standards or otherwise substantially degrade groundwater quality at the Plant Site due to activities conducted during mining and reclamation.	LTS	None required.	
Impact 4.10-5: Violate groundwater quality standards or otherwise substantially degrade groundwater quality at the Plant Site due to the ponding of water in the excavation.	PS	**Mitigation Measure 4.10-5a:** Plant Site Pond Adaptive Management Program With oversight and enforcement by Fresno County, t~~T~~he Operator of the Rockfield Quarry shall implement an adaptive management program at the Plant Site that includes monitoring, comparison of monitoring results with action levels, and subsequent implementation of mitigation measures if the action levels are exceeded. The impact does not have the potential to occur until after mining on part or all of the Plant Site area is completed, and water is allowed to fill all or a part of the excavated quarry pit. Therefore, monitoring under the adaptive management program shall begin when the quarry	LTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		Operator allows water to begin to fill all or part of the excavated mine pit. At the latest, monitoring shall begin at the completion of the Phase 1 mining at the Plant Site. A qualified professional shall be responsible for the monitoring and reporting to be conducted under the adaptive management program. The qualified professional's qualifications shall be provided to the County prior to the start of the monitoring under the adaptive management program. Every six months, the qualified professional shall supervise field measurements for the parameters, and associated action levels, listed below. • pH>8.5 • Conductivity >700 micromhos/cm @ 25 degree C • Temperature (no action level) • Dissolved oxygen (DO) <8 mg/L or <70% of saturation • Oxidation-reduction potential (ORP) <0 These parameters are general indicators of water quality and the potential for reducing conditions to form that could mobilize naturally occurring iron and manganese and thereby degrade water quality. An annual report documenting the methodology and results of the sampling shall be submitted to Fresno County. The field measurements shall be conducted at two depths: (1) near the surface of the water and (2) near the bottom of the water column. If any of the action levels shown in the "Field Indicator Parameters" table are exceeded for two	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		successive monitoring events, then water samples shall be collected from the Plant Site pond and submitted to an analytical laboratory for analysis of iron and manganese. If the iron concentration exceeds its secondary MCL and NPDES discharge limit of 300 ug/L, or manganese exceeds its secondary MCL and NPDES discharge limit of 50 ug/L mg/L, then the laboratory testing shall be completed again in six months to assess whether there are potential seasonal influences. If the iron and/or manganese levels do not consistently remain below their respective water quality standards, then the semiannual field monitoring shall continue. If no exceedances of the action levels shown in the "Field Indicator Parameters" table or of the iron and manganese water quality standards occur for a period of five years, then the water quality conditions in the reclaimed Plant Site pond shall be considered to have stabilized and no further monitoring shall be necessary. A final monitoring report shall be submitted to the County documenting the cessation of monitoring. If the iron and/or manganese levels persist for five consecutive years above their respective water quality standards, then the following mitigation actions shall be implemented <u>within six months of the end of the five-year monitoring period</u>: • Aeration or mechanical circulation of the water from the bottom of the pond to the surface of the pond. Reducing conditions that favor high pH values and low dissolved oxygen (DO) values,	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		resulting in higher concentrations of iron and manganese, typically form at the bottom of ponds due to the breakdown of organic matter, such as dead aquatic or riparian vegetation. Aeration or mechanical circulation of the water from the bottom of the pond to the surface of the pond would better distribute DO throughout the water column and would minimize the formation of reducing conditions. • Additional Measures. If substantial amounts of submerged aquatic vegetation form within the pond, or riparian vegetation such as reeds and cattails form around the perimeter of the pond, and aeration or water circulation alone is insufficient to eliminate the reducing conditions, then further measures to minimize the vegetation would be implemented. Such measures may include physical removal by hand or mechanical equipment (e.g. dredging), growth prevention using physical barriers (e.g. tarps or bottom barriers) in areas of heavy growth, or use of approved terrestrial or aquatic herbicides if other methods are not feasible or effective. Any herbicides used in implementing this measure shall comply with applicable Regional Water Quality Control Board Basin Plan specifications and Waste Discharge Requirements. Monitoring results shall be reported to the County in an annual report that ~~would~~ will be submitted at the end of the first quarter of every year. The annual report shall describe any measures that have been or are planned to be	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		taken based on the monitoring results and provide the timing of measure implementation, an analysis of the effectiveness of the measures, and a description of any further recommended measures, as part of subsequent annual reports. **Mitigation Measure 4.10-5b:** Plant Site Pond Adaptive Management Program Funding Mechanism Prior to the completion of mining, the Operator shall establish a funding mechanism to provide a permanent funding source for the monitoring of the final reclaimed pond on the Plant Site. The funding mechanism shall be sufficient to cover costs associated with the annual monitoring and reasonably foreseeable actions that may be required to address oxygen reducing conditions, if necessary. The funding mechanism shall be managed by a third party approved by the Operator and County. The Operator shall submit for County review and approval, a proposed funding mechanism and cost basis. If conditions stabilize and no further monitoring is required, as described above in Mitigation Measure 4.10-5a, then the funding mechanism would be cancelled, and any funds returned to the Operator.	
Impact 4.10-6: Violate groundwater quality standards or otherwise substantially degrade groundwater quality at the Quarry Site during mining and reclamation.	PS	Implement Mitigation Measure 4.10.1	LTS
Impact 4.10-7: Violate groundwater quality standards or otherwise substantially degrade groundwater quality at the Quarry Site due to the ponding of water in the excavation.	LTS	None required.	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.10-8: Substantially decrease groundwater supplies during mining operations and after the completion of reclamation at the Plant Site such that the project could interfere with existing groundwater supply wells.	LTS	None required.	
Impact 4.10-9: Substantially decrease groundwater supplies during mining operations and after the completion of reclamation at the Plant Site such that the project may impede sustainable groundwater management of the basin.	LTS	None required.	
Impact 4.10-10: Substantially decrease groundwater supplies during mining operations and after the completion of reclamation at the Quarry Site such that the project could interfere with existing groundwater supply wells.	PS	**Mitigation Measure 4.10-10a:** Quarry Site Groundwater Adaptive Management Program To assess any potential effect on the CSA 44C wells due to the proposed excavation of a hard rock quarry pit at the Quarry Site, monitoring shall be conducted in the nested set of wells between the Northeast Pond and the CSA 44C wells, and in the CSA 44C wells themselves. The existing MW-3 well cluster, with individual wells completed in the alluvium, weathered rock, and hard rock, is appropriately located for this purpose. In addition, the data from the MW-3 well cluster provides a continuous record of water level conditions at this location since August 2017, when dataloggers were installed~~for several years prior to implementation of the project~~. The water levels recorded in the MW-3 well cluster from 2017 until the time that mining and dewatering in the weathered rock begins after approval of the project will be used to define the baseline groundwater level conditions. Baseline water level ranges will be identified for the alluvium, weathered rock, and hard rock, specifically identifying conditions during	LTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		drought periods, wet periods, and seasonal fluctuations, and these baseline conditions shall be documented in the first annual groundwater monitoring report. Pumping and water level data from the CSA 44C wells has been provided by Fresno County to support the analysis in this EIR. Fresno County will continue to provide these data sets to the Operator for the purposes of implementing this Adaptive Management Program. Monitoring of the water levels in the MW-3 cluster will continue to~~shall~~ be conducted using the downhole pressure transducers with dataloggers, which have been in place since August 2017. ~~Dataloggers are already installed in the MW-3 wells~~ (Installation of dataloggers was previously attempted in the CSA 44C wells. Due to the construction of the well head and the pump system, it was not possible to install dataloggers in a manner that would not potentially interfere with the operation of the pumping equipment.) The dataloggers shall be programmed to record water levels at least once every six hours such that a range of static and pumping water level effects would be captured. The data shall be downloaded every six months for review and subsequent inclusion in annual ~~mitigation~~ groundwater monitoring reports. The annual ~~mitigation~~ groundwater monitoring reports shall be prepared by a Professional Geologist/Certified Hydrogeologist and submitted to Fresno County annually ~~at the end of the first quarter of every~~ no later than March 31st each subsequent year. The annual report shall describe any additional measures that have been or are planned to be taken based on the monitoring results, in accordance with this adaptive management program. The first annual report shall be	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		completed at the end of the first quarter of the year after the use permit becomes active and shall describe the baseline water level ranges at the MW-3 cluster for the alluvium, weathered rock, and hard rock, specifically identifying conditions during drought periods, wet periods, and seasonal fluctuations. If the monitoring data indicate that groundwater levels in any of the monitored wells drop such that the available water column decreases by more than 15 percent (analytical solutions for drawdown in a well in an unconfined aquifer indicate that when the drawdown reaches 30% to 45% of the available water column, the reduction in the transmissivity is large enough to potentially cause the drawdown rate to become unstable and increase rapidly. Therefore a 2 to 3-fold factor of safety was used to identify the 15% criterion for this Adaptive Management Plan) then ~~a significant impact to available groundwater supply will have occurred~~ additional assessment as specified below is required. The data from the MW-3 well cluster shall be evaluated to ~~verify whether the impact is specific to the weathered rock and/or hard rock and is not~~ determine if the effect is related to the project or due to other unrelated factors, such as drought, a reduction in regional groundwater recharge (for example, by changes in operating practices along the Friant Kern Canal), or use of groundwater by future developments located upgradient to the north and northeast of the Quarry Site and CSA 44C wells. If the additional assessment confirms that a decrease in water levels greater than 15 percent is the result of mine	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		dewatering, and is not due to other factors (such as those listed above)~~exclusively attributable to mine dewatering~~, then corrective measures would be implemented. ~~"For this analysis, a factor of safety has been applied, such that a criterion of 15 percent reduction in the water column is used to define the condition where a potentially significant impact may occur to the production capacity of a well. Use of the 15 percent criterion is conservative (i.e., protective of groundwater resources) not only due to the applied factor of safety, but also because it accounts for shallow wells or wells with a small water column that may be at a greater distance from the quarry. Other approaches that are based only on the total amount of drawdown do not take into consideration the effects to shallow wells at greater distances from the dewatering location (i.e., the quarry)" (EMKO, October 3, 2023).~~ The initial corrective measure would be to divert additional water from the mining excavation into the Northeast Pond or to a recharge trench to be constructed along the northeast side of the Quarry Site to enhance recharge in the area of CSA 44C wells. The rate of pumping into the Northeast Pond or recharge trench would be increased until the water level in the MW-3 well cluster and the CSA 44C wells recovers to a point between baseline and 15% below baseline. If, during mining, all available water from dewatering is being pumped to the Northeast Pond or recharge trench and the water level in the MW-3 well cluster remains 15% or more below the	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		baseline elevations, then mining could not progress to greater depths in the quarry, although mining could proceed to the full width allowed at that depth under the reclamation plan. If such a condition occurred, then the Reclamation Plan would be amended to reflect the adjusted depth of the quarry. For wells completed west of the Quarry Site, and for the San Joaquin River, the existing MW-1 monitoring well cluster provides an appropriate monitoring location for the purposes of this adaptive management plan. Water levels have been measured in the three wells at the MW-1 cluster since August 2017 using downhole pressure transducers with dataloggers. The water levels recorded in the MW-1 well cluster from 2017 until the time that mining and dewatering in the weathered rock begins after approval of the project will be used to define the baseline groundwater level conditions. Baseline water level ranges will be identified for the alluvium, weathered rock, and hard rock, specifically identifying conditions during drought periods, wet periods, and seasonal fluctuations, and, similar to the MW-3 well cluster, these baseline conditions shall be documented in the first annual report. If access can reasonably be gained to any of the five private wells in Table 4.10-9 located to the west of the Quarry Site from the private owners, then those wells should also become part of the monitoring program. Groundwater levels would continue to be recorded using downhole pressure transducers with dataloggers, programmed to record water levels at least once every six hours such that a range of static and pumping water level effects would be	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		captured. The data would be downloaded every six months for review and subsequent inclusion in annual groundwater mitigation monitoring reports. The annual report would also describe any additional measures that have been or are planned to be taken based on the monitoring results, in accordance with this adaptive management program. If the monitoring data indicate that groundwater levels in any of the monitored wells drop such that the available water column decreases by more than 15 percent as compared to the baseline level, then ~~a significant impact to available groundwater supply will have occurred.~~ additional assessment as specified below is required. This conclusion would be confirmed by analysis of data from the MW-1 well cluster to ~~verify that~~ determine if the ~~impact~~ effect is ~~specific~~ related to the ~~weathered rock and/~~project or ~~hard rock and is not~~ due to other unrelated factors, such as drought, future developments in the area that rely on groundwater, or a reduction in regional groundwater recharge (for example, by changes in operating practices on the San Joaquin River or the Friant Kern Canal). ~~For the San Joaquin River, the impact must be specific to both the alluvium and weathered rock aquifer zones.~~ If the additional assessment confirms that the decrease in water levels is the result of mine dewatering, and is not due to other factors (such as those listed above)~~is primarily due to mine dewatering~~, then corrective measures would be implemented. The initial corrective measure would be to divert additional water from the mining excavation into the	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		recharge trench adjacent to the San Joaquin River on the west side of the Quarry Site. The rate of pumping into the recharge trench would be increased until the water column in the MW-1 well cluster and any monitored private wells west of the Quarry Site recover to within 85 percent or more of baseline levels. If, during mining, all available water from dewatering is being pumped to the western recharge trench and the water column in the MW-1 well cluster remains below 85 percent of baseline elevations, then mining could not progress to greater depths in the quarry, <u>although mining could proceed to the full width allowed at that depth under the reclamation plan</u>. If such a condition occurred, then the Reclamation Plan would be amended to reflect the adjusted depth of the quarry. If mining progresses to completion without impacting nearby wells ~~or flows in the San Joaquin River~~, then monitoring in the MW-1 and MW-3 well clusters will continue for at least 3 years, to include at least two below-normal rainfall years or one critically dry year, as defined by DWR. Dewatering will cease once mining is completed, so groundwater levels will begin to recover. During the post-mining monitoring period, the rate that water is pumped to the Northeast Pond and the recharge trenches will be reduced proportionally in accordance with the rate that the water level in the pond recovers. If the drawdown in the MW-1 and MW-3 monitoring well clusters is less than 15% at the end of the initially required monitoring period, then no further mitigation is required, monitoring can cease, and the related pumps, piping, and other	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		equipment can be removed from the Quarry Site and monitoring equipment on private wells will be removed. However, if at the end of the monitoring period, the drawdown in the monitoring wells is greater than 15%, then pumping to the Northeast Pond, east recharge trench, and/or west recharge trench, as appropriate based on the post-mining monitoring data, must continue ~~indefinitely to reduce~~until the drawdown in the monitoring well clusters is reduced to below the 15% criterion. ~~**Please see Section 4.10 for a footnote on this measure.*~~ **Mitigation Measure 4.10-10b:** Quarry Site Groundwater Adaptive Management Program Funding Mechanism During the mining period, the Operator will be present to fund and implement the Quarry Site Groundwater Adaptive Management Program described in Mitigation Measure 4.10-10a. Implementation of that Program would be a condition of approval for the Conditional Use Permit. ~~Prior to the completion of mining~~Once mining ceases, and prior to the release of the financial assurance mechanism for reclamation, the Operator shall establish a post-reclamation funding mechanism to provide a ~~permanent~~secured funding source for ~~the initial 3 years of~~ monitoring of groundwater levels in the MW-1 and MW-3 well clusters, ~~and~~ review of CSA 44C well monitoring data from the County, and monitoring of wells west of the San Joaquin River that become part of the monitoring program after mining ceases and dewatering is no longer occurring in the quarry pit. The post-reclamation funding mechanism shall be sufficient to cover costs associated with the annual monitoring, the technical analysis and	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		reporting described in Mitigation Measure 4.10-10a, and reasonably foreseeable actions that may be required to address excessive drawdown, including continuing to pump water to the Northeast Pond and recharge trenches indefinitely, if necessary. Upon completion of mining and prior to release of the financial assurance mechanism to be in place through reclamation, the~~The~~ Operator shall submit for review and approval by the County Department of Public Works and Planning~~Agency Director, or designee, ("Director")~~ a proposed funding mechanism (e.g., a bond) and cost basis to secure costs related to the required Quarry Site groundwater adaptive management activities as described in Mitigation Measure 4.10-10a, above. The funding mechanism shall be held by the County or held and managed by a third party approved by the Operator and County, as determined by the ~~Director~~County. Following the completion of the post-mining monitoring period and if conditions are confirmed to be stabilized~~If conditions stabilize~~ and no further monitoring or management actions are~~is~~ required, as described in Mitigation Measure 4.10-10a, then the funding mechanism would be ~~cancelled~~released, and any remaining funds returned to the Operator.	
Impact 4.10-11: Substantially decrease groundwater supplies during mining operations and after the completion of reclamation at the Quarry Site such that the project may impede sustainable groundwater management of the basin.	LTS	None required.	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.10-12: Substantially decrease groundwater levels in a manner that would result in the flow of substantial volumes of water from the San Joaquin River to the Quarry Site.	PS	Implement Mitigation Measures 4.10-10a and 4.10-10b	LTS
Impact 4.10-13: Interfere substantially with groundwater recharge at the Plant Site and Quarry Site such that the project may impede sustainable groundwater management of the basin.	LTS	None required.	
Impact 4.10-14: Alter drainage patterns in a manner which would result in substantial erosion or siltation on or off site.	NI	None required.	
Impact 4.10-15: Alter drainage patterns in a manner which would result in on or off-site flooding or exceed the capacity of the existing storm drainage system.	NI	None required.	
Impact 4.10-16: Alter drainage patterns in a manner which would impede or redirect flood flows.	NI	None required.	
Impact 4.10-17: Release of pollutants in flood hazard, tsunami, or seiche zones due to project inundation.	LTS	None required.	
LAND USE AND PLANNING			
Impact 4.11-1: Physically divide an established community.	NI	None required.	
Impact 4.11-2: Conflict with land use plans, policies, and regulations.	LTS	None required.	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
MINERAL RESOURCES			
Impact 4.12-1: Loss of availability of a known mineral resource or locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.	LTS	None required.	
NOISE			
Impact 4.13-1: Generate a substantial temporary or permanent increase in ambient noise levels from project-generated traffic in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	LTS	None required.	
Impact 4.13-2: Generate a substantial temporary or permanent increase in ambient noise levels from Plant Site stage 1 operations in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	PS	**Mitigation Measure 4.13-2:** Plant Site Noise Reduction The operator of the Rockfield Quarry (Operator) shall implement one or more of the following measures to reduce noise from Plant Site operations: 1. Line aggregate hopper drop-points with heavy urethane sheets. 2. Ensure that all processing area conveyors are properly lubricated at all times. 3. Equip all mobile plant area equipment with acoustic growler-type backup warning systems, rather than conventional beepers. 4. Suspend acoustic curtains around the aggregate processing plant crushers and screen decks (i.e. the loudest components of the processing plant). 5. Install an acoustic silencer on the asphalt plant bag house exhaust fan. 6. Suspend acoustic curtains around the asphalt plant burner.	LTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		7. Following implementation of the appropriate noise control measures identified above, noise monitoring shall be conducted to confirm the effectiveness of noise control measures and compliance with the applicable noise standards. Noise monitoring shall be conducted by a qualified noise specialist within 1 month of the initiation of excavation and operation of the hot-mix asphalt plant on the Plant Site. Monitoring locations and estimated noise levels at the nearest sensitive receptors to the Plant Site shall be consistent with the noise monitoring locations and methodology included in the "Environmental Noise and Vibration Assessment, July 26, 2021." Changes from the locations and methodology that are determined to be necessary by the qualified noise specialist shall be documented. If noise levels are found to exceed the thresholds, additional noise reduction measures shall be implemented, and monitoring conducted until the thresholds achieve acceptable levels. Quarterly reports of noise monitoring and reduction efforts shall be developed and submitted to the County until noise monitoring shows that Plant Site noise levels have been reduced to below the applicable thresholds. If complaints regarding noise generated by Plant Site operations are received by the County, additional noise monitoring shall be conducted in accordance with the procedures described above.	
Impact 4.13-3: Generate a substantial temporary or permanent increase in ambient noise levels from Quarry Site stage 1 and 2 operations and	PS	**Mitigation Measure 4.13-3:** Quarry Site Noise Reduction	LTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
final reclamation in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.		The operator of the Rockfield Quarry (Operator) shall implement one or more of the following measures to reduce noise from Quarry Site operations: 1. Limit excavation operations to daytime hours (6 a.m. to 7 p.m.). 2. Limit aggregate processing plant operations to daytime hours. 3. Limit asphalt and ready-mix operations to daytime hours unless construction contracts specifically require the delivery of materials during nighttime hours. 4. Line aggregate hopper drop-points with heavy urethane sheets. 5. Ensure that all processing area conveyors are properly lubricated at all times. 6. Utilize electric power rather than generators to the maximum extent feasible. If generators must be used, ensure that they are located within acoustic enclosures or property shielded from nearby residences through structures or aggregate stockpiles. 7. Equip all mobile plant area equipment with acoustic growler-type backup warning systems, rather than conventional beepers. 8. Suspend acoustic curtains around the aggregate processing plant crushers and screen decks (i.e. the loudest components of the processing plant). 9. Install acoustic silencers on the asphalt plant bag house exhaust fan. 10. Suspend acoustic curtains around the asphalt plant burner.	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		11. Locate aggregate stockpiles to provide screening of processing area noise sources from view of nearby residences. 12. Following implementation of the appropriate noise control measures identified above, noise monitoring shall be conducted to confirm the effectiveness of noise control measures and compliance with the applicable noise standards. Noise monitoring shall be conducted by a qualified noise specialist within 1 month of the initiation of the start of operation of the aggregate processing plant at the Quarry Site. Monitoring locations and estimated noise levels at the nearest sensitive receptors to the Plant Site shall be consistent with the noise monitoring locations and methodology included in the "Environmental Noise and Vibration Assessment, July 26, 2021." Changes from the locations and methodology that are determined to be necessary by the qualified noise specialist shall be documented. If noise levels are found to exceed the thresholds, additional noise reduction measures shall be implemented, and monitoring conducted until the thresholds achieve acceptable levels. Quarterly reports of noise monitoring and reduction efforts shall be developed and submitted to the County until noise monitoring shows that Quarry Site noise levels have been reduced to below the applicable thresholds. Similarly, within 1 month of the start of operation of the hot-mix asphalt plant, ready-mix cement plant, and portable recycle plant during Stage 2 operations at the Quarry Site, noise monitoring shall be	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		conducted in accordance with the procedures described above. If complaints regarding noise generated by Quarry Site operations are received by the County during Stage 1 or Stage 2 operations, additional noise monitoring shall be conducted in accordance with the procedures described above.	
Impact 4.13-4: Generate a substantial temporary or permanent increase in ambient noise levels from Plant Site and Quarry Site final reclamation activities and post-reclamation in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	LTS	None required.	
Impact 4.13-5: Generate substantial groundborne vibration or groundborne noise from mining operations and reclamation activities (excluding blasting).	LTS	None required.	
Impact 4.13-6: Generate substantial groundborne vibration or airborne vibration as a result of blasting.	PS	Implement Mitigation Measure 4.10-1, "Blasting Protocols." ~~**Mitigation Measure 4.13-6:** Blasting Protocols~~ ~~The operator of the Rockfield Quarry shall at all times implement the requirements of the "Blasting Protocols" developed October 27, 2020, and updated September 8, 2021, by Vibra-Tech Engineers, Inc. The Blasting Protocols shall be appended to the Mitigation Monitoring and Reporting Program and shall be incorporated into the conditions of approval for the project.~~	LTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
POPULATION AND HOUSING			
Impact 4.14-1: Induce substantial unplanned population growth in an area, either directly or indirectly.	LTS	None required.	
Impact 4.14-2: Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.	NI	None required.	
PUBLIC SERVICES			
Impact 4.15-1: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, law enforcement, schools, parks, other public facilities.	LTS	None required.	
RECREATION			
Impact 4.16-1: Increase use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.	LTS	None required.	
Impact 4.16-2: Inclusion of recreational facilities or requiring the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	LTS	None required.	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
TRANSPORTATION			
Impact 4.17-1: Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	PS	**Mitigation Measure 4.17-1a:** Equitable Share Contributions—Friant Road and Willow Avenue (Existing Plus Project) The County of Fresno has collected equitable share contributions for future signalization of the intersection of Friant Road and Willow Avenue from other development projects. The project shall pay an equitable share of the cost of future signalization. **Mitigation Measure 4.17-1b:** Equitable Share Contributions—Pavement Conditions The project shall contribute an equitable share of pavement improvements to increase the pavement section to accommodate the traffic index values in Table 4.17-12. **Mitigation Measure 4.17-1c:** Equitable Share Contributions—Friant Road and Willow Avenue (5-Year Cumulative) The project shall pay an equitable share of the cost of future signalization of the Friant Road and Willow Avenue intersection. **Mitigation Measure 4.17-1d:** Equitable Share Contributions—Copper Avenue and Willow Avenue (5-Year Cumulative) The project shall pay an equitable share of the cost of the future widening and signalization of the Copper Avenue and Willow Avenue intersection. **Mitigation Measure 4.17-1e:** Equitable Share Contributions—SR 41 and Road 145 (15-Year Cumulative)	SU

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		The project shall pay an equitable share of the cost of future widening of the SR 41 and Road 145 intersection. **Mitigation Measure 4.17-1f:** Equitable Share Contributions—Road 206 and Road 145 Intersection (15-Year Cumulative) The project shall pay an equitable share of the cost of the future widening and signalization of the Road 206 and Road 145 intersection. **Mitigation Measure 4.17-1g:** Equitable Share Contributions—Friant Road and North Fork Road Intersection (15-Year Cumulative) The project shall pay an equitable share of the cost of future widening the Friant Road and North Fork Road intersection. **Mitigation Measure 4.17-1h:** ~~Equitable Share Contributions—~~Friant Road and Quarry Site Access Intersection (15-Year Cumulative) Once ~~County Annual Mine Inspections~~ the annual mine report reveals that the project has reached 2.65 MT per year (based on interpolation of peak-hour project traffic volumes between 2.0 and 3.0 MT per year as compared to the California Manual on Uniform Traffic Control Devices (CMUTCD) peak-hour warrant), the operator shall conduct annual traffic signal warrants analyses in accordance with the edition of the ~~California Manual on Uniform Traffic Control Devices~~ CMUTCD current at that time, or future equivalent as determined by the agency having jurisdiction over the intersection, to determine whether traffic signals are warranted at the intersection of	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		Friant Road and the Quarry Site. Passenger Car Equivalent (PCE) volumes shall be used, queue lengths and number of vehicles in the queue should be documented, and the warrants studies should consider the exclusion of right turns as described in the CMUTCD. Traffic signals shall be installed if the traffic signal warrants analyses indicates that signals are warranted, and if approved by the agency having jurisdiction over the intersection. The project will be responsible for installing the traffic signals. **Mitigation Measure 4.17-1i:** ~~Equitable Share Contributions—~~Friant Road and Plant Site Access Intersection (15-Year Cumulative) Once ~~County Annual Mine Inspections~~ the annual mine report reveals that the project has reached 2.65 MT per year (based on interpolation of peak-hour project traffic volumes between 2.0 and 3.0 MT per year as compared to the California Manual on Uniform Traffic Control Devices (CMUTCD) peak-hour warrant), the operator shall conduct annual traffic signal warrants analyses in accordance with the edition of the ~~California Manual on Uniform Traffic Control Devices~~ CMUTCD current at that time, or future equivalent as determined by the agency having jurisdiction over the intersection, to determine whether traffic signals are warranted at the intersection of Friant Road and the Plant Site. Passenger Car Equivalent (PCE) volumes shall be used, queue lengths and number of vehicles in the queue should be documented, and the warrants studies should consider the exclusion of right turns as described in the CMUTCD. Traffic signals shall be	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		installed if the traffic signal warrants analyses indicates that signals are warranted, and if approved by the agency having jurisdiction over the intersection. The project will be responsible for installing the traffic signals. The analyses shall take into consideration the future elimination of the Plant Site. **Mitigation Measure 4.17-1j:** Equitable Share Contributions—Friant Road and Willow Avenue (15-Year Cumulative) The intersection of Friant Road and Willow Avenue will require signalization to operate at acceptable levels of service in the 2040 cumulative scenario. The project shall pay an equitable share of the cost of future signalization. **Mitigation Measure 4.17-1k:** Equitable Share Contributions—Copper Avenue and Willow Avenue (15-Year Cumulative) The project shall pay an equitable share of the cost of the future widening and signalization of the Copper Avenue and Willow Avenue intersection. **Mitigation Measure 4.17-1l:** Equitable Share Contributions—SR 41 and Road 145 (Year 2040 Cumulative) The project shall pay an equitable share of the cost of future widening of the SR 41 and Road 145 intersection. **Mitigation Measure 4.17-1m:** Equitable Share Contributions—Road 206 and Road 145 (Year 2040 Cumulative)	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		The project shall pay an equitable share of the cost of the future widening and signalization of the Road 206 and Road 145 intersection. **Mitigation Measure 4.17-1n:** Equitable Share Contributions—Friant Road and North Fork Road Intersect (Year 2040 Cumulative) The project shall pay an equitable share of the cost of future widening of the Friant Road and North Fork Road intersection. **Mitigation Measure 4.17-1o:** ~~Equitable Share Contributions—~~Friant Road and Quarry Site (Year 2040 Cumulative) Once the annual mine report ~~County Annual Mine Inspections~~ reveals that the project has reached 2.65 MT per year (based on interpolation of peak-hour project traffic volumes between 2.0 and 3.0 MT per year as compared to the California Manual on Uniform Traffic Control Devices (CMUTCD) peak-hour warrant), the operator shall conduct annual traffic signal warrants analyses in accordance with the edition of the ~~California Manual on Uniform Traffic Control Devices~~ CMUTCD current at that time, or future equivalent as determined by the agency having jurisdiction over the intersection, to determine whether traffic signals are warranted at the intersection of Friant Road and the Quarry Site. Passenger Car Equivalent (PCE) volumes shall be used, queue lengths and number of vehicles in the queue should be documented, and the warrants studies should consider the exclusion of right turns as described in the CMUTCD. Traffic signals shall be installed if the traffic signal	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		warrants analyses indicates that signals are warranted, and if approved by the agency having jurisdiction over the intersection. The project will be responsible for installing the traffic signals. **Mitigation Measure 4.17-1p:** ~~Equitable Share Contributions—~~Friant Road and Plant Site (Year 2040 Cumulative) Once the annual mine report ~~County Annual Mine Inspections~~ reveals that the project has reached 2.65 MT per year (based on interpolation of peak-hour project traffic volumes between 2.0 and 3.0 MT per year as compared to the California Manual on Uniform Traffic Control Devices (CMUTCD) peak-hour warrant), the operator shall conduct annual traffic signal warrants analyses in accordance with the edition of the ~~California Manual on Uniform Traffic Control Devices~~ CMUTCD current at that time, or future equivalent as determined by the agency having jurisdiction over the intersection, to determine whether traffic signals are warranted at the intersection of Friant Road and the Plant Site. Passenger Car Equivalent (PCE) volumes shall be used, queue lengths and number of vehicles in the queue should be documented, and the warrants studies should consider the exclusion of right turns as described in the CMUTCD. Traffic signals shall be installed if the traffic signal warrants analyses indicates that signals are warranted, and if approved by the agency having jurisdiction over the intersection. The project will be responsible for installing the traffic signals. The analyses shall take into consideration the future elimination of the Plant Site.	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		Mitigation Measure 4.17-1q: Equitable Share Contributions—Friant Road and Willow Avenue (Year 2040 Cumulative) The project shall pay an equitable share of the cost of future signalization of the Friant Road and Willow Avenue intersection. **Mitigation Measure 4.17-1r:** Equitable Share Contributions—Copper Avenue and Willow Avenue (Year 2040 Cumulative) The project shall pay an equitable share of the cost of future signalization of the Copper Avenue and Willow Avenue intersection.	
Impact 4.17-2: Conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).	LTS	None required.	
Impact 4.17-3: Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	~~LTS~~ PS	~~None required.~~ Implement Mitigation Measures 4.17-1a through 4.17-1r. **Mitigation Measure:** 4.17-3: Pothole Repair Until such time as other parties have entered agreements with the County of Fresno regarding sharing of these costs, at which time the project operator's obligations would be reduced by such sharing, the project operator shall repair potholes greater than 6.0 inches in width, length, or diameter, and greater than 2.0 inches in depth, within the travel lanes on Friant Road between North Fork Road and Willow Avenue (inclusive of the area within the intersections) as requested by the County of Fresno in response to substantiated reports from the public or as identified through County pavement condition surveys.	LTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		The repair cost, including permits and fees, if any, shall be the responsibility of the operator. The operator shall coordinate any required work with the County of Fresno Public Works Department, including closing lanes and maintaining public safety in accordance with the applicable County permits.	
Impact 4.17-4: Result in inadequate emergency access.	LTS	None required.	
TRIBAL CULTURAL RESOURCES			
Impact 4.18-1: Substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or by the lead agency pursuant to criteria set forth in Public Resources Code Section 5024.1(c).	PS	Implement Mitigation Measures 4.5-2 and 4.5-3.	LTS
UTILITIES AND SERVICE SYSTEMS			
Impact 4.19-1: Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.	NI	None required.	
Impact 4.19-2: Not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.	LTS	None required.	

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.19-3: Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, otherwise impair the attainment of solid waste reduction goals, or conflict with federal, state, and local management and reduction statutes and regulations related to solid waste.	LTS	None required.	
WILDFIRE			
Impact: 4.20-1: Substantial Impairment of an Adopted Emergency Response Plan or Emergency Evacuation Plan.	LTS	None required.	
Impact: 4.20-2: Exacerbation of Wildfire Risks Due to Slope, Prevailing Winds, and Other Factors, That Could Thereby Expose Project Occupants to Pollutant Concentrations from a Wildfire or the Uncontrolled Spread of a Wildfire.	PS	Implement Mitigation Measure ~~4.13-6~~4.10.	LTS
Impact: 4.20-3: Installation or Maintenance of Associated Infrastructure (Such as Roads, Fuel Breaks, Emergency Water Sources, Power Lines or Other Utilities) That May Exacerbate Fire Risk or That May Result in Temporary or Ongoing Impacts to the Environment.	LTS	None required.	
Impact: 4.20-4: Exposure of People or Structures to Significant Risks, Including Downslope or Downstream Flooding or Landslides, as a Result of Runoff, Post-Fire Slope Instability, or Drainage Changes.	LTS	None required.	

END OF ERRATA

3.2.3 Errata to the Draft EIR Chapter 2, "Project Description"

Explanation

Revisions are made to Draft EIR Chapter 2 to correct an acreage number. Draft EIR pages 2-2 and 2-3 are revised as follows.

ERRATA

- **Plant Site:** The Plant Site is located on approximately 138.5 acres adjacent to North Friant Road, approximately 1.5 miles north of the City of Fresno, and approximately 0.5 miles east of the San Joaquin River. The 138.5-acre Plant Site area includes approximately 126.6 acres owned by the ~~applicant~~ Operator (APNs 300-070-56S, 57S, 58S, 59S, and 60S) and ~~12.9~~11.9 acres owned by the California Department of Fish and Wildlife (CDFW) (portions of APNs 300-070-43ST, 48ST, and 50ST).

  CDFW acquired the south half of the Ball Ranch in 2000, which included the approximately ~~12.9-acre~~11.9-acre area that was part of the mining and processing operations associated with the Plant Site. In March 2019, the ~~applicant~~ Operator acquired the 126.6-acres of the Plant Site that was under lease from Ball Ranch, and the ~~applicant~~ Operator wishes to continue operations on those portions of the CDFW property that are still utilized by the ~~applicant~~ Operator for its current operations. In the event CDFW does not permit the ~~12.9~~11.9 acres currently owned by CDFW to continue to be used by the ~~applicant~~ Operator, such properties would not be used for mining and stockpiling operations. This Draft EIR assumes that CDFW will permit CDFW to continue to be used for mining and processing operations under the proposed project. Therefore, this ~~12.9-acre~~11.9-acre area is included in the 138.5-acre Plant Site.

END OF ERRATA

Explanation

Revisions have been made to Draft EIR Chapter 2 to correct the depth to groundwater at the Plant Site and Quarry Site stated in Table 2-1, "Rockfield Modification Project Characteristics." In addition, the estimated maximum annual processed aggregate volume (including waste/fines) has been revised from 3.3 million tons (MT) to 3.0 MT to align the project description with the production level evaluated in the technical analyses supporting this Final EIR. As documented in Final EIR Appendix B-3, "CEMEX Production Limit Letter," the Operator has agreed to accept a condition of approval limiting the maximum annual processed aggregate volume (including waste/fines) to 3.0

MT, the amount evaluated in the Draft EIR. Draft EIR pages 2-5 and 2-6 are revised as follows.

ERRATA

Table 2-1
Rockfield Modification Project Characteristics

Item/Activity	Description[1]		
Existing Permits, Acres	Plant Site: CUPs 367, 2209, 3063, ~~and~~ 3093, 3755-A, 3755-B, 3852-A, and 3852-B. Approximately 138.5 acres. Quarry Site: CUPs 367, 2032, 3063, ~~and~~ 3093, 3755-A, 3755-B, 3852-A, and 3852-B. Approximately 352.4 acres. Total Both Sites: Approximately 490.9 acres		
Proposed Mining Acres	Plant Site: Approximately 117.6 acres Quarry Site: Approximately 281.9 acres Total Both Sites: Approximately 399.5 acres		
Mining Depth Allowed Under Existing CUPs	Plant Site: no maximum depth specified Quarry Site: no maximum depth specified		
Proposed Mining Depth	Plant Site: Approximately 85 feet bgs Quarry Site: Approximately 600 feet bgs		
Interplant Haul Via North Friant Road	Existing = 1.4 MT/year Stage 1 = 0.7 MT/year Stage 2 = None		
Estimated Aggregate Reserves Volume	Plant Site: 12 MT Quarry Site: 215 MT		
Estimated Total Sales	195 MT		
Estimated Maximum Annual Processed Aggregate Volume (including waste/fines)[5]	~~3.3~~3.0 MT		
Estimated Maximum Annual Aggregate Sales Volume[2] (excluding waste/fines)	Existing = 1.4 MT Stage 1 (first 5 to 10 years) = 2.0 MT Stage 1 and 2 (after 10 years) = 3.0 MT		
Estimated Annual Sales at Total 3.0 MT[3]	**Existing**	**Stage 1—Combined from both Sites**	**Stage 2—Quarry Site Only**
Aggregate[2]	1,400,000 Tons	3,000,000 Tons	3,000,000 Tons
Hot-Mix Asphalt	0 Tons (Historically 230,800 Tons)	500,000 Tons	500,000 Tons
Ready-Mix Concrete	189,500 Cubic Yards	300,000 Cubic Yards	300,000 Cubic Yards
Concrete and Asphalt Recycling	25,000 Tons (concrete only)	200,000 Tons	200,000 Tons
Depth to Groundwater	Plant Site: 10-30 feet bgs (current surface) Quarry Site: 15-40 feet bgs (current surface)		

Item/Activity	Description[1]
Reclamation End Uses: Open Space, Riparian and Open Water Habitat[4]	Plant Site: Approximately 138.5 acres Quarry Site: Approximately 352.4 acres
Project Life	Plant Site: Up to 30 Years Quarry Site: Up to 100 Years

Table Source: CEMEX 2021.

Table Notes:

feet bgs = feet below ground surface (i.e. original ground surface before historical mining); MT = million tons; MT/year = million tons per year

1. All values are approximate.
2. Includes sales to on-site hot-mix asphalt plant and ready-mix concrete plant.
3. Typical mix of products. Actual sales mix will vary based on demand.
4. Actual final reclamation and areal extent at each site will depend on the volume and availability of overburden and process fines suitable for use as fill occurring on site.
5. The Operator has agreed to limit the maximum annual processed aggregate volume (including waste/fines) to 3.0 MT, consistent with the production level evaluated in the environmental technical analyses. See Appendix B-3.

END OF ERRATA

Explanation

Revisions have been made to Draft EIR Chapter 2 to clarify the intent of Project Objective 2 by expanding the definition of aggregate to include all crushed rock and also to expand Project Objective 8 by including project consistency with the Fresno County General Plan. These revisions to the Project Objectives were made in response to requests by the Operator. Draft EIR pages 2-6 and 2-7 have been revised as follows.

ERRATA

2.3 PROJECT PURPOSE AND OBJECTIVES

The project purpose is to continue and expand existing mining and processing operations at the Plant Site and Quarry Site and reclaim the two sites when mining operations are complete.

The objectives for the proposed project are to:

1) continue to provide a reliable and sustainable, local source of high-quality aggregate to help meet the current and long-term demand (100 years) for construction materials in the Fresno region;
2) continue to utilize known aggregate reserves from existing partially mined properties, including those mineral resources designated by the state and county as Mineral Resource Zone 2 (MRZ-2) (Mineral Resource Zone areas where adequate information indicates that significant mineral resources are present)~~, i.e., sand and gravel)~~ to produce construction aggregates;

3) continue to utilize high quality aggregate resources that meet the California Department of Transportation's specifications for use in Portland Cement Concrete (PCC) and Asphaltic Concrete (AC) which aggregate is important for quality infrastructure growth and maintenance because of its versatility, value, and relative scarcity;
4) maintain a local source of construction aggregate with enough annual sales capacity (3.0 MT) to encourage a healthy competitive market;
5) continue to provide aggregate resources with access to an efficient local road network;
6) continue to provide an environmentally sound project that would balance the recovery of the aggregate resource with the protection of other resources including wildlife habitat, groundwater, surface water, and air quality;
7) continue local quality jobs, while also benefiting local downstream businesses and creating an enhanced tax revenue to the county;
8) maintain consistency with the Fresno County General Plan and the San Joaquin River Parkway Master Plan;
9) reclaim both sites to wildlife habitat in a manner similar to the reclaimed mine sites that make up the majority of the San Joaquin River Parkway Properties; and
10) provide potential Parkway trail easements.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Chapter 2 to correct an acreage number. Draft EIR page 2-7 is revised as follows.

ERRATA

The ***Plant Site*** is located on approximately 138.5 acres adjacent to North Friant Road, approximately 1.5 miles north of the City of Fresno, and approximately 0.5 miles east of the San Joaquin River. The 138.5-acre Plant Site area includes approximately 126.6 acres owned by the ~~applicant~~ Operator (APNs 300-070-56S, 57S, 58S, 59S, and 60S) and ~~12.9~~11.9 acres owned by the California Department of Fish and Wildlife (CDFW) (portions of APNs 300-070-43ST, 48ST, and 50ST). A detailed Plant Site aerial map with parcel delineations is shown on Figure 2-1, "Plant Site Aerial." The Plant Site is accessible from one existing driveway entrance on the west side of North Friant Road. The first 100 feet of the access road is paved and has a width of at least 24 feet.

END OF ERRATA

Explanation

New text has been added to Draft EIR Section 2.4.2.2, "Quarry Site Existing Conditions," to clarify the description of existing conditions related to setbacks. Draft EIR page 2-18, third Section, has been revised as follows.

ERRATA

Setbacks

The following setbacks are required under the existing CUPs for the Quarry Site and the Fresno County Zoning Code:

1) 200-foot mining and stockpiling setback from the river edge;
2) continued avoidance of specified native trees;
3) 250-foot radius mining setback from the residence just south of the southwest corner;
4) 75-foot mining setback from south boundary between the 250 feet from the southwest corner and 350-feet from North Friant Road right-of-way;
5) 50-feet mining setback from the North Friant Road right-of-way;
6) 25-feet mining setback from other property lines; and
7) Per Fresno County Zoning Code Section 834.4.220, ~~no~~ stockpiled soil or material ~~will~~shall not be placed closer than 25 feet from any property boundary ~~except visual/sound berms~~; and
8) Stockpiling of material shall not be allowed within 200 feet of Friant Road or that portion of the north property line adjoining Lost Lake Park unless Permittee screens any such closer stockpiling with approved landscaping so that it is not visible from Friant Road and the north property line of Lost Lake Park.

END OF ERRATA

Explanation

Revisions have been made to Draft EIR Chapter 2 Section 2.4.5, "Surrounding Land Uses," to provide acreages for some of the park facilities surrounding the project sites. Draft EIR pages 2-23 and 2-24 have been revised as follows.

ERRATA

The property that borders the Plant Site to the north, west, and south is the 238-acre Willow Unit Ecological Reserve, owned by California Department of Fish and Wildlife (CDFW). There are several 20-acre farming parcels and other farmland south of the

CDFW property. Most of the property north of the Plant Site and generally north of Little Dry Creek is now the 358-acre Ball Ranch Nature Reserve, owned by the San Joaquin River Conservancy (SJRC). The land east of North Friant Road is primarily open grazing land with several 8 to 10-acre rural residential homesites to the southeast.

Quarry Site

The Quarry Site is bounded on the northwest by Fresno County Lost Lake Regional Park (268 acres), and to the northeast by lands that were previously mined for aggregate between Lost Lake Regional Park and North Friant Road. The property north of the center of the Quarry Site that was previously mined for aggregate was reclaimed as open space, ponds, and riparian habitat, and is now the Beck Ranch Natural Reserve owned by the SJRC. The property north of the northeast portion of the Quarry Site that was previously mined for aggregate was reclaimed as farmland, open space, ponds, and riparian habitat, and includes a rural residence.

The San Joaquin River flows along the west side of the Quarry Site. Across the river to the west in Madera County, there is farmland to the northwest and a private, gated residential community to the west. The Ledger Island Natural Reserve, 161 acres, land previously mined for aggregate and now owned by the SJRC, is located across the river to the southwest of the Quarry Site.

A residence and Peck Ranch farmland owned by the Parkway Trust (76 acres) are located to the south of the Quarry Site. There is a residential community to the northeast overlooking the Quarry Site. A private, gated residential community is located at the base of the foothills southeast of the entrance road to the Quarry Site. The remaining area to the east consists of open grazing land.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Chapter 2 to add details of the 2023 use permit extension granted for the Rockfield Quarry to the summary of conditional use permits for the operation. Draft EIR page 2-27, Table 2-4, has been revised as follows.

ERRATA

TABLE 2-1
SUMMARY OF CONDITIONAL USE PERMITS

CUP Number	Approval Date	Properties	Description
367	9/7/1960	Ball Ranch (including the Plant Site and Quarry Site)	Allowed existing sand and gravel excavation and processing operations, including washing, screening, and grading, on 850 acres that included the Plant Site and Quarry Site. Also permitted processing of materials from the Quarry Site at the processing plant located on the Ball Ranch.
2032	6/7/1984	Quarry Site	Allowed rock, sand, and gravel excavation on an additional 147 acres southwest of CUP 367
367 and 2032	1/8/1985	Ball Ranch and Quarry Site	Settlement Agreement with Fresno County confirming validity of CUP 367. Limited the processing plant operations, asphalt and concrete batch plant operations, and excavation activities to 20 years. Also limited processing of material to that which was extracted from properties permitted under CUP 367 and 2032.
2209	6/10/1986	Plant Site	Extended operating hours.
2235	*7/28/1987*	*Beck Ranch*	*Add 251-acre mining site immediately north of Quarry Site. Allowed aggregate to be processed on the Ball Ranch. (Beck Ranch was mined out and reclaimed in 2009)*
2241	*7/28/1987*	*Plant Site*	*Allowed aggregate mined from Beck Ranch to be processed at Plant Site. (Beck Ranch was mined out and reclaimed in 2009)*
3063	9/25/2003	Quarry and Plant Sites	Extended expiration date to 2023 for CUPs 367, 2032 and 2241.
3064	*9/25/2003*	*Beck Ranch*	*Extended expiration date to 2023 for CUP 2235. (Beck Ranch was mined out and reclaimed in 2009)*
3093	10/21/2004	Quarry and Plant Sites	Amended CUPs 367, 2032, 2241 and 3063 to increase daily limit on mining and processing from 180 truckloads per day to 225 truckloads per day.
3094	*10/21/2004*	*Beck Ranch*	*Amended CUPs 2235 and 3064 (Beck Ranch) to increase loads from 180 truckloads per day to 225 truckloads per day. (Beck Ranch was mined out and reclaimed in 2009)*
3755-A and 3755-B	7/18/2023	Quarry and Plant Sites	Extended expiration date by three years to 2026 for CUPs 3093, 367, 2032, 2209, 2241, 2235, and 3063. A Notice of Exemption from CEQA review was filed on July 20, 2023 (SCH No. 2023070433).
3852-A and 3852-B	6/4/2026	Quarry and Plant Sites	Extended expiration date by one year to 2027 for CUPs 3755-A, 3755-B, 3093, 3094, 367, 2032, 2209, 2241, 2235, 3064, and 3063. A Notice of Exemption from CEQA review was filed on June 9, 2026 (SCH No. 2026060496).

Table Source: CEMEX 2021 and 2026.
Table Notes: *Italicized* text indicates that mining and processing activities authorized by the CUP have been completed.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Chapter 2 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 2-28 is revised as follows.

ERRATA

2.4.10 Zoning Classifications

Both the Quarry Site and Plant Site are zoned "AE-20" Exclusive Agriculture, 20-acre minimum parcel size (Fresno County ~~2022~~2024). Surface mining operations and related facilities and activities are permitted in the AE-20 district subject to a CUP under the provisions of Section ~~858~~834.4.220 of the Fresno County Zoning Ordinance.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Chapter 2 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 2-35 is revised as follows.

ERRATA

As described under Section 2.4.2, above, the perimeter of the property along Friant Road is fenced with four-foot-high, barbed wire ranch fencing with a chain link entrance gate. Under the proposed project, the entire perimeter of the property would be fenced with minimum four-foot-high, ranch fencing consisting of metal T-posts and at least three strands of barbed wire in accordance with Section ~~858 H.4~~834.4.220 I.4 of the Fresno County Zoning Ordinance. The fencing would be erected upon project approval.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Chapter 2 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 2-40 is revised as follows.

ERRATA

The aggregate processing plant, ready-mix concrete plant, hot-mix asphalt plant, offices/scale house, QC lab, and maintenance shop would be located within an approximately 42-acre area, shown as the "plant site" on Figure 2-8. These facilities

would all be located in a previously excavated pit approximately 30 feet bgs. This area is centrally located in accordance with standard ~~H.23, Section 858~~I.23, Section 834.4.220 of the Fresno County Zoning Ordinance. The area where these facilities are located would be mined as part of Phase 5. Prior to mining of this area, the facilities would be removed, and an electric-powered, portable aggregate plant would be used to process the remaining aggregate materials.

END OF ERRATA

3.2.4 Errata to the Draft EIR Chapter 3, "Terminology, Approach and Assumptions"

There are no errata for Draft EIR Chapter 3.

3.2.5 Errata to Draft EIR Chapter 4, "Environmental Analysis"

3.2.5.1 Errata to Draft EIR Section 4.1, "Aesthetics and Visual Resources"

Explanation

Revisions are made to Draft EIR Section 4.1, to clarify that the Ball Ranch property was included as a potentially sensitive viewpoint. Draft EIR Section 4.1.1.4 beginning on page 4.1-4 is revised as follows.

ERRATA

Public Parks/Recreational Facilities

Public recreation areas adjacent to the project sites consist of Lost Lake County Park, located adjacent to the northwest boundary of the Quarry Site, Ball Ranch, located adjacent to the northern boundary of the Plant Site, and the San Joaquin River, located west of the Plant Site and Quarry Site.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.1 to update the text to reflect the 2024 Fresno County General Plan. Draft EIR Section 4.1.2.3, "Local," on page 4.1-9 is revised as follows:

ERRATA

Fresno County General Plan

The *Fresno County General Plan* (Fresno County 2000) Agricultural and Land Use Element and Open Space and Conservation Element include policies related to conservation of visual resources as well as sand and gravel (i.e., aggregate) resources within County

lands. *Fresno County General Plan* policies that apply to the proposed project are listed below.

Agriculture and Land Use Element

Section C. River Influence Areas

Goal LU-C: To preserve and enhance the value of the river environment as a multiple use, open space resource; maintain the environmental and aesthetic qualities of the area; protect the quality and quantity of the surface and groundwater resources; provide for long term preservation of productive agricultural land; conserve and enhance natural wildlife habitat; and maintain the flood-carrying capacity of the channel at a level equal to the one (1) percent flood event (100-year flood).

Policy LU-C.2: Within the San Joaquin River Corridor Overlay, the County shall accommodate agricultural activities with incidental homesites, recreational uses, sand and gravel extraction, and wildlife habitat and open space areas.

Policy LU-C.~~6~~5: The County may allow the extraction of rock, sand, and gravel resources along the San Joaquin River consistent with the Minerals Resources section policies of the Open Space and Conservation Element.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.1, to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 4.1-13 is revised as follows.

ERRATA

Zoning Ordinance of Fresno County—Land Use and Planning

The Zoning Ordinance of Fresno County—Land Use and Planning, last amended ~~June 2018~~February 2026, has policies and ordinances related to visual and aesthetic resources. Specifically, Section ~~858~~834.4.220, "~~Regulations for Surface Mining and Reclamation in All Districts~~ Material Extraction Sites," contains the following countywide development standards that potentially apply to visual resources and impacts associated with mining projects in the County.

~~**Section 858—Regulations for Surface Mining and Reclamation in All Districts**~~

Section 834.4.220—Material Extraction Sites

~~**H. Mining and Reclamation Standards**~~

I. Mining and Reclamation Standards

The standards for surface mining operations and reclamation shall be as follows:

1. ~~No extraction of material or overburden shall be permitted within twenty-five (25) feet of any property boundary nor within fifty (50) feet of a boundary contiguous with a public road right-of-way or recorded residential subdivision.~~ Extraction of material or overburden shall not be allowed within 25 feet of any property boundary nor within 50 feet of a boundary contiguous with a public road right-of-way or recorded residential subdivision.
2. ~~No stockpiled soil or material shall be placed closer than twenty-five (25) feet from a property boundary.~~ Stockpiled soil or material shall not be placed closer than 25 feet from a property boundary.
4. ~~Security fencing four (4) feet in height consisting of not less than three (3) strands of barbed wire, or an approved equivalent, shall be placed along any property line abutting a public right-of-way and around any extraction area where slopes steeper than two (2) feet horizontal to one (1) foot vertical are maintained. Such interior fencing will not be required where exterior fencing surrounds the property.~~ Security fencing four feet in height consisting of not less than three strands of barbed wire, or an approved equivalent, shall be placed along any property line abutting a public right-of-way and around any extraction area where slopes steeper than two feet horizontal to one-foot vertical are maintained. The interior fencing will not be required where exterior fencing surrounds the property.
5. ~~Screening of the site shall be achieved by planting trees of a variety approved by the Director along all property lines adjacent to a public road right-of-way or a recorded residential subdivision. Adequate screening can generally be achieved with evergreen trees planted in two (2) staggered rows, with twenty (20) feet between the rows and between the trees in each row. As an alternative, oleanders or shrubs of a similar size and density may be planted in the same pattern at ten (10) foot intervals. The plant species and planting plan and timetable shall be designated in the Mining and Reclamation Plan. All required plants shall be maintained in a good horticultural manner. In areas where it is found that the planting of trees or shrubs will not achieve the desired screening effect due to soil conditions, the Director may approve an alternate method of screening consisting of meandering dirt berms of sufficient height to screen the~~

~~site. (Amended by Ord. T-252 adopted 12-9-80)~~Screening of the site shall be achieved by planting trees of a variety approved by the Director along all property lines adjacent to a public road right-of-way or a recorded residential subdivision. Adequate screening can generally be achieved with evergreen trees planted in two staggered rows, with 20 feet between the rows and between the trees in each row. As an alternative, oleanders or shrubs of a similar size and density may be planted in the same pattern at 10-foot intervals. The plant species and planting plan and timetable shall be designated in the Mining and Reclamation Plan. All required plants shall be maintained in a good horticultural manner. In areas where it is found that the planting of trees or shrubs will not achieve the desired screening effect due to soil conditions, the Director may approve an alternative method of screening consisting of meandering dirt berms of sufficient height to screen the site.

7. Where an access road intersects a County maintained road, it shall be improved with a driveway approach constructed to ~~Fresno~~ County Standards.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.1 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 4.1-14 is revised as follows.

ERRATA

20. Good operating practices shall at all times be utilized to minimize noise, vibration, dust and unsightliness. In reviewing a proposal, the ~~Planning~~ Commission shall consider:
    a) The location of the processing plant.
    b) The location where unused equipment will be stored.
    c) Proposals for the removal of all structures, metallic equipment, debris, or objects upon conclusion of the extraction operations.

22. ~~21.~~ Any night lighting established on the property shall be arranged and controlled so as not to illuminate public rights-of-way or adjacent properties.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.1 to further explain the methodology used in selecting representative viewpoints surrounding the project sites. Draft EIR page 4.1-17, Table 4.1-2, is revised as follows.

ERRATA

Map Reference	Location	Approximate Distance from Project Sites	Description
#13	Quarry Site—Private Residence Sumner Hill Community	2,260-feet to thewest	This viewpoint represents the view from the private residential community of Sumner Hill, west of the Quarry Site at the end of Croom Place. This viewpoint also represents potential views of a potential future trail easement proposed along the western boundary of the Quarry Site.

Table Source: Sespe 2022
Table Notes: Figure 4.1-1 displays the location of these viewpoints in relation to the project sites.
Ball Ranch and Ledger Island were not accessible to the public at the time the field photo survey was completed.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.1 to correct the stated acreage of the Plant Site in the footnote of Table 4.1-3, "U.S. Bureau of Land Management Visual Project Impact Ratings at Nearby Viewpoints." Draft EIR page 4.1-54, Table 4.1-3, footnote "c" is revised as follows.

ERRATA

c = Upon completion of mining at the Plant Site at the end of Stage 1, operations at the Plant Site would cease, all equipment and septic systems would be removed, and the site reclaimed as ~~122~~138.5 acres of open space, and riparian and open water wildlife habitat. Upon completion of mining at the Quarry Site at the end of Stage 2, operations would cease, all equipment and septic systems would be removed, and the site reclaimed to open space, and riparian and open water wildlife habitat.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.1 to better define the requirements and specify the party responsible for implementation of Mitigation Measure 4.1-1. Draft EIR page 4.1-61 has been revised as follows.

ERRATA

Mitigation Measure 4.1-1: *Rock Staining to Reduce Visual Contrast*

Within two years of the ~~Following~~ completion of active mining in each western facing highwall/bench, visual modeling will occur to determine the portions of the completed highwall/bench visible from Locations #12 and #13 and those visible portions ~~each phase, an appropriate earth tone rock staining product shall be utilized on~~ exposed and visible pit ~~walls~~ shall be treated to reduce the color contrast to the extent feasible between the pit walls and the surrounding ~~undisturbed slopes~~ landscape. Methods to achieve this reduction include: (1) application of an appropriate earth tone rock staining product; and/or (2) application of a surface weathering accelerant to hasten formation of a natural patina.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.1 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 4.1-63 is revised as follows.

ERRATA

High pressure sodium and/or cut-off fixtures (or equivalent International Dark-Sky Association-approved fixtures) would be used at the proposed hot-mix asphalt plant, which minimize the occurrence of light pollution (International Dark-Sky Association 2021). Furthermore, the new lighting would be required to comply with Section ~~858~~834.4.220 of the Fresno County Zoning Ordinance, which states "any night lighting established on the property shall be arranged and controlled so as not to illuminate public rights-of-way or adjacent properties (Section ~~858.H.22~~834.4.220.I.22)." Consistent with this requirement, the proposed Surface Mining and Reclamation Plan indicates that the new lighting would be designed to confine illumination to the Plant Site and/or to areas that do not include light-sensitive uses.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.1 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 4.1-64 is revised as follows.

ERRATA

The majority of nighttime lighting at the Quarry Site would be installed around the plant equipment (north central portion of the facility as shown on Figure 2-9). Because the plant site facilities would be located at a minimum of 30 feet bgs within the Quarry Site, the surrounding excavation pit walls would help shield excess light and keep it confined to the site. The proposed landscaped berm at North Friant Road frontage would further reduce the light and glare visible off-site. High pressure sodium and/or cut-off fixtures (or equivalent International Dark-Sky Association-approved fixtures) would be used and would minimize the occurrence of light pollution (International Dark-Sky Association 2021). All new lighting would be required to comply with Section ~~858~~834.4.220 of the Fresno County Zoning Ordinance, which states "any night lighting established on the property shall be arranged and controlled so as not to illuminate public rights-of-way or adjacent properties (Section ~~858.H.22~~834.4.220.I.22)." Consistent with this requirement, the proposed Surface Mining and Reclamation Plan indicates that the new lighting would be designed to confine illumination to the Quarry Site and/or to areas that do not include light-sensitive uses.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.1 to correct a minor text error. Draft EIR page 4.1-64 has been revised as follows.

ERRATA

For these reasons, the potential of the proposed project to result in a new source of substantial light or glare at the ~~Plant Site~~ Quarry Site would be less than significant.

END OF ERRATA

3.2.5.2 Errata to Draft EIR Section 4.2, "Agricultural and Forestry Resources"

Explanation

Revisions are made to Draft EIR Section 4.2 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 4.2-1 is revised as follows.

ERRATA

4.2.1.1 General Plan Land Use Designations and Zoning Classifications

Both the Plant Site and Quarry Site are zoned Exclusive Agriculture (AE-20), 20-acre minimum parcel size (see Section 4.2.2.3, "Local," below). Surface mining operations and related facilities and activities are permitted in the AE-20 district subject to a Conditional Use Permit (CUP) under the provisions of Section ~~858~~834.4.220 of the County Zoning Ordinance. The purpose of the AE-20 district, as described in the Agriculture and Land Use Element of the *Fresno County General Plan*, is to protect farming areas by permitting agricultural uses only and preserving agricultural lot sizes. Characteristic uses permitted in the district include farming, livestock, processing of agricultural products, agriculture-related businesses, and labor camps (Fresno County ~~2000~~2024).

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.2 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 4.2-9 is revised as follows.

ERRATA

U. Off-site rock, sand, and gravel trucking operations which may include a newly created parcel size of not less than five acres (See Section ~~816.5-A.4~~808.2.10) on sites located outside the Sphere of Influence of any City or community and not located on productive agricultural land as defined in Section 204-02:3.02a of the General Plan (Fresno County ~~2018~~2024).

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.2 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 4.2-10 is revised as follows.

ERRATA

In addition, per ~~Section 858, "Regulations for Surface Mining and Reclamation in All Districts,"~~ Section 834.4.220, "Mineral Extraction Sites," mining is a permitted use within this zone subject to approval of a CUP.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.2 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 4.2-15 is revised as follows.

ERRATA

The Plant Site and Quarry Site are both zoned AE-20, Exclusive Agriculture, district. In accordance with ~~Section 858~~Section 834.4.220 of the Fresno County Zoning Code, mining is a permitted use within this zone subject to approval of a CUP. The Plant Site and Quarry Site's zoning designations would not change under the proposed project. Therefore, implementation of the proposed project would not conflict with the existing zoning for an agricultural use. No impact relating to an agricultural zoning conflict would occur.

END OF ERRATA

3.2.5.3 Errata to Draft EIR Section 4.3, "Air Quality"

Explanation

Revisions are made to Draft EIR Section 4.3 to clarify and amplify the discussion of the project's potential effects on air quality. The revised section is provided as Appendix D-4, "Revised Section 4.3, Air Quality," to this Final EIR and replaces Draft EIR Section 4.3 in its entirety. Additions to the section are marked with underlined font, while removals are indicated by font that has been struck through. The technical analysis of potential air quality impacts was updated to address comments on the Draft EIR, as described in the Air Quality, Health Risk and Climate Change Impact Assessment, Revised May 13, 2026 ("2026 Air Report")(see Appendix D-3, "Revised Air Quality, Health Risk and Climate

Change Impact Assessment,"). The 2026 Air Report replaces the prior air reports contained in Appendix D-1 and Appendix D-2 of the Draft EIR, in their entirety. The 2026 Air Report Executive Summary provides a detailed explanation of the changes made in the air quality analyses, which is in part re-stated here, as it applies to revisions to Section 4.3.

The discussion of the Voluntary Emissions Reduction Agreement (VERA) Program presented in the Draft EIR has been revised as the project is not subject to the Air District's Rule 9510 (Indirect Source Rule).

The Draft EIR has been updated to evaluate the environmental impact of above ground blasting at the Quarry Site. This includes NO_2 dispersion modeling with nine emission sources where each represents a location where blasting would occur and showed a concentration of NO_2 less than the national and state 1-hour limits.

The Draft EIR previously segmented the cancer risk assessment of the project into two timespans with the first timespan lasting the first 30 years (i.e., phase 1 of the project) of the project and the second phase analyzing years 31 to 60 (i.e., 30 years of phase 2 of the project) for a total of 60 years. Per SJVAPCD guidance, the updated HRA now analyzes two 70-year periods with the first period (years 1 to 70) including all of phase 1 and part of phase 2 and the second period (years 31 to 100) including all of phase 2. These changes resulted in updated figures in Tables 4.3-24 and 4.3-25. Additionally, the updated analysis resulted in Impact 4.3-3 (whether the project would expose sensitive receptors to substantial pollutant concentrations) changing from a potentially significant impact to a less than significant impact.

The Draft EIR previously acknowledged the future preparation of a Fugitive Dust Control Plan to comply with SJVAPCD rules and quantified specific mitigation measures for the project. Now, a Fugitive Dust Control Plan has been prepared and will be submitted to the SJVAPCD for further approval. The proposed Fugitive Dust Control Plan is contained in Appendix K of Appendix D-3. Implementation of the "Fugitive Dust Control Plan," is required by Mitigation Measure 4.3-2b as updated in the Final EIR. Mitigation Measure 4.3-2a "Off Road Engines," which was previously a part of Draft EIR Mitigation Measure 4.3-2, has been separated to clarify the requirement that off-road engines shall be upgraded to meet tier 4i particulate emissions standards. It is separate from the fugitive dust control plan measure. Mitigation Measure 4.3-4 "Asphalt Plant Emission Controls," has been updated to correct a minor typographical error and specify the correct agency responsible for issuing a building permit.

The Ambient Air Quality measurements in the project area were updated to include data from 2020 through 2024, in addition to the 2013 through 2017 data previously included. This change resulted in the updated figures in Tables 4.3-2 and 3. In response to comments received, the criteria pollutant concentrations included in Table 4.3-23 have been expanded to include NO_2, SO_2, PM_{10}, $PM_{2.5}$, and Pb as well as the previously included CO.

Additionally, the updated analysis described in Appendix D-3 includes an update of the dispersion model to align with current SJVAPCD receptor grid density guidance, and includes an update to current software, methods, and meteorological/monitoring data. Off-site on-road emissions from haul trucks were also updated to align with the Final EIR GHG Section analysis, which accounts for the project's proportional share of regional demand growth rather than calculating emissions based on continuous operation at maximum throughput as was used in the Draft EIR. This revised methodology, as expanded upon in Appendix J of Appendix D-3, accounts for the fact that project approval would not result in increased demand for aggregates in the region. This updated analysis resulted in changes to the figures as well as the tables throughout Section 4.3.

Additional minor changes to Section 4.3 include minor corrections, including correction to the acreage of the Quarry Site. In addition, the section was revised to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment and to include summaries of the 2024 Plan for the 2012 Annual $PM_{2.5}$ Standard and the 2022 Plan for the 2015 8-hour Ozone Standard.

Project Impact 4.3-1 and the Regulatory Setting as it applies to federal, State, and local rules and regulations are unchanged from the Draft EIR. In addition, the aforementioned changes and updated analysis do not change the conclusions in the Draft EIR, except as discussed above.

ERRATA

See Final EIR Appendix D-4, "Revised Section 4.3 Air Quality," for a full reproduction of Section 4.3 showing errata in underline/strikethrough text.

END OF ERRATA

3.2.5.4 Errata to Draft EIR Section 4.4, "Biological Resources"

Explanation

Revisions are made to Draft EIR Section 4.4 to update the information presented in Table 4.4-1, "Special-Status Wildlife Species." The revisions incorporate the results of the expanded California Natural Diversity Database (CNDDB) (CDFW 2025a) search conducted as part of preparation of this Final EIR (see Response 65-4) and to incorporate corrections and refinements based on agency and public comments received on the Draft EIR.

As documented in the WRA Supplemental Biological Resources Evaluation Memorandum (WRA 2026; see Appendix E-6), WRA, Inc., the County's biological resources consultant, expanded the original four-quadrangle California Natural Diversity Database (CNDDB) (CDFW 2025a) search to a nine-quadrangle search and evaluated the habitat potential of the additional special-status wildlife species identified through the expanded search. These evaluations were conducted by WRA biologists with at least 10 years of experience evaluating the applicable taxa and were based on the expanded CNDDB search results, existing biological resources information, documented site conditions, and professional judgement. The WRA memorandum further concludes that the revised species evaluations reflected in Table 4.4-1 below, together with the corresponding revisions to the biological impact analysis and mitigation measures in Draft EIR Section 4.4, do not identify any new significant impacts, do not substantially increase the severity of previously identified impacts, and do not constitute significant new information requiring recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Table 4.4-1 beginning on Draft EIR page 4.4-25 is revised as follows.

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Table 4.4-2
Special-Status Wildlife Species

Scientific Name **Common Name**	**Status**		**Habitat**	**Observed On-site**	**Potential to Occur on the Plant Site**	**Potential to Occur on the Quarry Site**
Accipiter cooperii Cooper's hawk	Fed: CA:	None WL	Generally found in forested areas up to 900 meters (3,000 feet) in elevation, especially near edges and rivers. Prefers hardwood stands and mature forests but can be found in urban and suburban areas where there are tall trees for nesting. Common in open areas during nesting season.	No	**Moderate** The Plant Site provides suitable foraging habitat. Nesting habitat occurs offsite in adjacent areas.	**Moderate** The Quarry Site provides suitable foraging habitat. Nesting habitat occurs offsite in adjacent areas.
Actinemys marmorata western pond turtle	Fed: CA:	None SSC	Requires both aquatic and terrestrial habitats. Uses permanent and seasonal aquatic habitats including rivers, sloughs, lakes, reservoirs, ponds, and irrigation canals. Moves onto land for nesting, overwintering, dispersal, and basking.	No	**Low** The Plant Site provides marginal habitat for this species. The adjacent offsite riparian areas associated with the San Joaquin River and Little Dry Creek provide suitable habitat.	**Low** There is marginal habitat on the Quarry Site. The adjacent offsite riparian areas associated with the San Joaquin River provides suitable habitat.
Agelaius tricolor tricolored blackbird	Fed: CA:	None Candidate END/SSC	Range is limited to the coastal areas of the Pacific coast of North America, from Northern California to upper Baja California. Can be found in a wide variety of habitat including annual grasslands, wet and dry vernal pools and other seasonal wetlands, agricultural fields, cattle feedlots, and dairies. Occasionally forage in riparian scrub habitats along marsh borders. Basic habitat requirements for breeding include open accessible water, protected nesting substrate (freshwater marsh dominated by cattails, willows, and bulrushes [*Schoenoplectus* sp.]), and either flooded or thorny or spiny vegetation and suitable foraging space providing adequate insect prey.	No	**Low** The Plant Site provides suitable foraging and nesting habitat. However, per CNDDB, there are no known occurrences within the immediate vicinity of the Plant Site.	**Low** The Quarry Site does not provide suitable foraging and nesting habitat. CNDDB records show no known occurrences within the immediate vicinity of the Quarry Site.
Ambystoma californiense California tiger salamander	Fed: CA:	THR THR/WL	Nocturnal, and fossorial, spending most of their time underground in animal burrows. Frequents grassland, oak savanna, and edges of mixed woodland and lower elevation coniferous forest.	No	**Presumed Absent** There is no suitable habitat on the Plant Site and no CNDDB observations in the immediate area.	**Presumed Absent** The Quarry Site supports low quality breeding and inaccessible, low quality aestivation habitat for this species.
Anniella pulchra Northern California legless lizard	Fed: CA:	None SSC	Occupies loose, sandy, or loamy soils in coastal dunes, chaparral, oak woodland, and riparian scrub, living underground beneath leaf litter, grass thatch, and surface debris where soil moisture is retained.	No	**Presumed Absent** There is no suitable habitat on the Plant Site. The only CNDDB observation of this species which appeared in the background search is dated from the 1880's and is more than 10 miles from the Plant Site (CDFW 2025a).	**Presumed Absent** There is no suitable habitat on the Quarry Site. The only CNDDB observation of this species which appeared in the background search is dated from the 1880's and is more than 10 miles from the Quarry Site (CDFW 2025a).
Antrozous pallidus *pallid bat*	Fed: CA: WBWG:	None SSC High	Occurs in open, arid habitats and along riparian zones. Roosts in rock crevices, caves, buildings, bridges, and tree cavities. Forages low over the ground in open areas, agricultural fields, and riparian edges.	No	**Moderate** The Plant Site and adjacent riparian area provide suitable foraging and roosting habitat.	**Moderate** There is potential foraging habitat on Quarry Site. The offsite riparian habitat along the San Joaquin River provides suitable roosting habitat.

Scientific Name **Common Name**	**Status**		**Habitat**	**Observed On-site**	**Potential to Occur on the Plant Site**	**Potential to Occur on the Quarry Site**
Aquila chrysaetos Golden eagle	Fed: CA:	None FP; WL	Occupies nearly all terrestrial habitats of the western states except densely forested areas. Favors secluded cliffs with overhanging ledges and large trees for nesting and cover. Hilly or mountainous country where takeoff and soaring are supported by updrafts is generally preferred to flat habitats. Deeply cut canyons rising to open mountain slopes and crags are ideal habitat.	No	**Low** Suitable foraging and nesting habitat are found west of the Plant Site in the valley oak woodland.	**Presumed Absent** There is no suitable habitat within or adjacent to the Quarry Site.
Ardea alba great egret	Fed: CA:	None None	Yearlong resident throughout California, except for the high mountains and deserts. Feeds and rests in fresh, and saline emergent wetlands, along the margins of estuaries, lakes, and slow-moving streams, on mudflats and salt ponds, and in irrigated croplands and pastures.	Yes	**Present** This species was detected during the 2021 habitat assessment.	**Present** This species was detected during the 2017 habitat assessment.
Ardea herodias great blue heron	Fed: CA:	None None	Fairly common all year throughout most of California, in shallow estuaries and fresh and saline emergent wetlands. Less common along riverine and rocky marine shores, in croplands, pastures, and in mountains about foothills.	Yes	**Present** This species was detected during the 2021 habitat assessment.	**Present** This species was detected during the 2017 habitat assessment.
Arizona elegans occidentalis California glossy snake	Fed: CA:	None SSC	Ranges from Contra Costa to San Diego Counties along the western foothills of the Central Valley and from the coast to inland areas in Ventura to San Diego Counties. Found in a variety of habitat types including grasslands, fields, chaparral, and coastal sage scrub within its geographic range.	No	**Presumed Absent** An occurrence of this species is noted in the CNDDB database within the Fresno North USGS quad, the occurrence is dated to the 1880's with no other local occurrences (CDFW 2025a). This species is also not known to occur within this portion of California (CalHerps 2025)	**Presumed Absent** An occurrence of this species is noted in the CNDDB database within the Fresno North USGS quad, the occurrence is dated to the 1880's with no other local occurrences (CDFW 2025a). This species is also not known to occur within this portion of California (CalHerps 2025)
Athene cunicularia burrowing owl	Fed: CA:	None SSC	Primarily a grassland species, but it persists and even thrives in some landscapes highly altered by human activity. Occurs in open, annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. The overriding characteristics of suitable habitat appear to be burrows for roosting and nesting and relatively short vegetation with only sparse shrubs and taller vegetation.	No	**Presumed Absent** The Plant Site provides line-of-sight opportunities favored by this species. A limited number of suitable burrows (>4 inches in diameter) for nesting and roosting are present; however, they occur directly adjacent to heavy machinery and other significant routine disturbances.	**Presumed Absent** The Quarry Site does not provide suitable foraging habitat. Additionally, there are no suitable burrows (>4 inches in diameter) for nesting or roosting.
Bombus crotchii Crotch's bumble bee	Fed: CA:	None END	Primarily occurs in open grasslands, shrublands, and chaparral of central and southern California, often in hot, dry lowland settings with abundant blooming forbs and shrubs for nectar and pollen.	No	**Presumed Absent** The Plant Site has been disturbed by mining operations for many decades. No intact shrubland, grassland or similar native habitats with pollinator forage sources are present to support this species. The species may occur in offsite areas in the near vicinity, but it is not expected to nest within the Plant Site.	**Low** The Quarry Site has been disturbed by mining operations for many decades. Grassland or potentially suitable habitats are limited to a small area, where limited pollinator forage sources are present to support this species. The species may occur in offsite areas in the near vicinity, but it is not expected to nest within the Quarry Site.

Scientific Name Common Name	Status		Habitat	Observed On-site	Potential to Occur on the Plant Site	Potential to Occur on the Quarry Site
Branchinecta lynchi vernal pool fairy shrimp	Fed: CA:	THR None	Distributed from southern Oregon to southern California and associated with vernal pool habitats. Vernal pools are subject to seasonal variations such as duration of inundation and presence or absence of water at specific times of the year. Vernal pool fairy shrimp are dependent on the ecological characteristics of such variations.	No	**Presumed Absent:** There is no suitable habitat within or adjacent to the Plant Site.	**Presumed Absent** There is no suitable habitat within or adjacent to the Quarry Site.
Branchinecta mesovallensis midvalley fairy shrimp	Fed: CA:	None SSI	Endemic to the Central Valley, where it occurs in shallow seasonal vernal pools and other ephemeral depressions in grasslands and low foothills that fill with winter–spring rain and dry completely by summer.	No	**Presumed Absent** The soils within the Plant Site have been disturbed across its entire footprint as a result of mining operations. There are no vernal pools within the project area or adjacent riparian areas.	**Presumed Absent** The soils within the Quarry Site have been disturbed as a result of mining operations and suitable vernal pools are not present.
Buteo swainsoni Swainson's hawk	Fed: CA:	None THR	Typical habitat is open desert, grassland, or cropland containing scattered, large trees or small groves. Breeds in stands with few trees in juniper-sage flats, riparian areas, and in oak savannah in the Central Valley. Forages in adjacent grassland or suitable grain or alfalfa fields or livestock pastures.	No	**Moderate** The Plant Site provides suitable foraging habitat. The adjacent, offsite riparian habitat provides suitable foraging and nesting habitat.	**Moderate** There is suitable foraging habitat but no nesting habitat on the Quarry Site. The adjacent, offsite riparian habitat provides suitable foraging and nesting habitat.
Circus hudsonius northern harrier	Fed: CA:	None SSC	Frequents meadows, grasslands, open rangelands, desert sinks, fresh and saltwater emergent wetlands; seldom found in wooded areas. Mostly found in flat, or hummocky, open areas of tall, dense grasses moist or dry shrubs, and edges for nesting, cover, and feeding.	No	**Moderate** The Plant Site provides marginal foraging habitat but no nesting habitat for this species. The adjacent, offsite grassland habitat provides suitable foraging habitat.	**Moderate** The Quarry Site provides marginal foraging habitat but no nesting habitat for this species. The adjacent, offsite grassland habitat provides suitable foraging habitat.
Coccyzus americanus occidentalis western yellow-billed cuckoo	Fed: CA:	THR END	In California, the breeding distribution is now thought to be restricted to isolated sites in Sacramento, Amargosa, Kern, Santa Ana, and Colorado River valleys. Obligate riparian species with a primary habitat association of willow-cottonwood riparian forest.	No	**Low** The Plant Site and adjacent riparian area provide suitable foraging and nesting habitat. However, per CNDDB the last recorded occurrence of this species within the vicinity of the Plant Site was in 1883 (CNDDB)	**Presumed Absent** There is no suitable habitat on the Quarry Site.
Corynorhinus townsendii *Townsend's big-eared bat*	Fed: CA: WBWG:	None SSC High	Occurs in a variety of habitats near suitable roosts, including caves, underground mine features such as shafts and adits, older buildings, and bridges. Prefers open woodland, riparian zones, and edges for foraging. Highly sensitive to disturbance at roost sites.	No	**Presumed Absent** While the Plant Site and adjacent riparian area provide suitable foraging habitat, no suitable abandoned buildings or caves are present to support roosting.	**Presumed Absent** While there is potential foraging habitat on the Quarry Site and within the offsite riparian habitat along the San Joaquin River; none of the required roosting features such as caves, abandoned buildings or similar structures required by this species to support roosting are present.
Desmocerus californicus dimorphus valley elderberry longhorn beetle	Fed: CA:	THR None	Found in riparian habitat only in the vicinity of its host plant, the elderberry species such as the Mexican elderberry (*Sambucus mexicana*)	No	**Presumed Absent** There are no elderberries or riparian habitats on the Plant Site capable of supporting this species.	**Presumed Absent** There are no elderberries or riparian habitats on the Quarry Site capable of supporting this species.

Scientific Name Common Name	Status		Habitat	Observed On-site	Potential to Occur on the Plant Site	Potential to Occur on the Quarry Site
Dipodomys nitratoides exilis Fresno kangaroo rat	Fed: CA:	END END	Restricted to arid valley-floor habitats in the central San Joaquin Valley, primarily in alkali sink and saltbush scrub and adjacent open grasslands with friable, fine-textured soils suitable for burrowing.	No	**Presumed Absent** This species is restricted to western Fresno County which is outside of the vicinity of the project. The only CNDDB occurrence which occurred in the background research is more than 10 miles from the Plant Site and dates to the 1890s (CDFW 2025a). No other occurrences are known in the vicinity of the Plant Site.	**Presumed Absent** This species is restricted to western Fresno County which is outside of the vicinity of the project. The only CNDDB occurrence which occurred in the background research is more than 10 miles from the Plant Site and dates to the 1890s (CDFW 2025a). No other occurrences are known in the vicinity of the Quarry Site.
Efferia antiochi Antioch efferian robberfly	Fed: CA:	None None	Known only from a few localities near the lower San Joaquin River (Antioch, Fresno, and Scout Island); occurs in highly localized, open riverine landscapes, although specific microhabitat requirements have not been well documented.	No	**Presumed Absent** This species is restricted to a small number of locations, none of which are within 5 miles of the project (CDFW 2025a).	**Presumed Absent** This species is restricted to a small number of locations, none of which are within 5 miles of the Quarry Site (CDFW 2025a).
Egretta thula snowy egret	Fed: CA:	None None	Uses shallow fresh and brackish wetlands, marshes, mudflats, and the margins of rivers, ponds, irrigated croplands, and pastures for foraging and roosting.	No	**Moderate** Species such as great blue heron have similar habitat requirements and have been documented during previous site visits. This species may co-occur and therefore there is a moderate potential to occur.	**Moderate** Species such as great blue heron have similar habitat requirements and have been documented onsite. This species may co-occur and therefore there is a moderate potential to occur.
Elanus leucurus White-tailed kite	Fed: CA:	None FP	Found in grasslands, open woodlands, savannas, marshes, and cultivated fields	No	**Moderate** The Plant Site provides foraging habitat but no nesting habitat for this species. There is suitable nesting habitat along the adjacent San Joaquin River and Little Dry Creek.	**Moderate** The Quarry Site provides foraging habitat but no nesting habitat for this species. There is suitable nesting habitat along the adjacent San Joaquin River.
~~***Emys marmorata***~~ ~~western pond turtle~~	~~Fed:~~ ~~CA:~~	~~None~~ ~~SSC~~	~~Requires both aquatic and terrestrial habitats. Uses permanent and seasonal aquatic habitats including rivers, sloughs, lakes, reservoirs, ponds, and irrigation canals. Moves onto land for nesting, overwintering, dispersal, and basking.~~	~~No~~	~~**Low**~~ ~~The Plant Site provides marginal habitat for this species. The adjacent offsite riparian areas associated with the San Joaquin River and Little Dry Creek provide suitable habitat.~~	~~**Low**~~ ~~There is marginal habitat on the Quarry Site. The adjacent offsite riparian areas associated with the San Joaquin River provides suitable habitat.~~
Eremophila alpestris actia California horned lark	Fed: CA:	None WL	Occurs in meadows, grasslands, open fields, prairie, and alkali flats. This subspecies is typically found in coastal regions.	No	**Low** The Plant Site provides marginal foraging and nesting habitat.	**Low** The Quarry Site provides marginal foraging habitat for this species.
Erethizon dorsatum North American porcupine	Fed: CA:	None None	Broad variety of habitats including open tundra, deciduous forests, and desert chaparral. Occupies dens in rock outcroppings and trees. Generalist herbivore, feeding habits change seasonally.	No	**Moderate** The Plant Site and adjacent riparian area provide suitable foraging and denning habitat.	**Moderate** The Quarry Site provides suitable foraging and denning habitat
Euderma maculatum spotted bat	Fed: CA: WBWG:	None None High	Occurs in arid and semi-arid regions including desert scrub, pinyon–juniper woodland, and open conifer forest, typically near cliffs, canyons, or rock faces used for roosting. Forages at night over riparian corridors, open fields, and along cliff faces and is highly sensitive to disturbance at roost sites.	No	**Presumed Absent** This species requires caves or large prominent rock features for roosting. No such features are present within the site.	**Presumed Absent** This species requires caves or large prominent rock features for roosting. No such features are present within the site.

Scientific Name **Common Name**	**Status**		**Habitat**	**Observed On-site**	**Potential to Occur on the Plant Site**	**Potential to Occur on the Quarry Site**
Eumops perotis western mastiff bat	Fed: CA: WBWG:	None None High	Inhabits low- to mid-elevation arid and semi-arid habitats including desert scrub, chaparral, and open woodland, usually in areas with prominent cliffs or rocky outcrops that provide crevices for day roosts. Forages high above the ground over open valleys, canyons, and riparian corridors, often commuting long distances between roosting and foraging areas.	No	**Presumed Absent** This species requires caves or large prominent rock features for roosting. No such features are present within the site.	**Presumed Absent** This species requires caves or large prominent rock features for roosting. No such features are present within the site.
Gonidea angulate ~~Western~~western ridged mussel	Fed: CA:	None None	Occurs on the bottom of streams, rivers, and lakes with substrates that vary from gravel to firm mud, and include at least some sand, silt, or clay.	No	**Low** There is suitable habitat present within the adjacent San Joaquin River, outside the boundaries of the Plant Site.	**Low** There is suitable habitat present within the San Joaquin River, outside the boundaries of the Quarry Site.
Haliaeetus leucocephalus ~~Bald~~bald eagle	Fed: CA:	Delisted END/FP	Often found near large bodies of water such as coastal areas, rivers, swamps, and large lakes	No	**Moderate** There is suitable foraging and nesting habitat along the San Joaquin River.	**Moderate** There is potential foraging habitat onsite. The offsite riparian habitat along the San Joaquin River provides suitable nesting habitat.
Lanius ludovicianus ~~Loggerhead~~loggerhead shrike	Fed: CA:	None SSC	Often found in broken woodlands, shrublands, and other habitats. Prefers open country with scattered perches for hunting and fairly dense brush for nesting.	No	**Moderate** The Plant Site provides suitable foraging and nesting habitat.	**Moderate** The offsite riparian habitat present along the San Joaquin River provides suitable nesting habitat.
Lasiurus blossevillii western red bat	Fed: CA: WBWG:	None SSC High	Roosting sites are found in the foliage of trees and shrubs in forests, most commonly 1.5 to 12 meters above ground. Often relies on riparian trees for roosting and foraging and has been associated with mature stands of cottonwood, sycamore and willows adjacent to streams.	No	**Moderate** The Plant Site and adjacent riparian area provide suitable foraging and roosting habitat.	**Moderate** There is potential foraging habitat on Quarry Site. The offsite riparian habitat along the San Joaquin River provides suitable roosting habitat.
Lasionycteris noctivagans Silver-haired bat	Fed: CA: WBWG:	None None Medium	Occurs primarily in forested habitats including coniferous, mixed conifer–hardwood, and riparian woodlands. Roosts in tree cavities, under exfoliating bark, and in snags, and often selects roosts near water. Forages over ponds, streams, forest openings, and along woodland edges, typically at low to mid heights above the ground.	No	**Low** This species primarily roosts within conifer forests which are not present within the Plant Site. The species may forage over the Plant Site as individuals forage along the San Joaquin River.	**Low** This species primarily roosts within conifer forests which are not present within the Quarry Site. The species may forage over the Quarry Site as individuals forage along the San Joaquin River.
Lasiurus cinereus hoary bat	Fed: CA: WBWG	None None Medium	Thought to prefer trees at the edge of clearings but have also been found in trees in heavy forests, open wooded glades, and shade trees along urban streets and in city parks. They roost 3 to 5 meters above ground during the day, usually in the foliage of trees. They prefer dense leaf coverage above and an open area below. They also prefer trees that border clearings.	No	**Moderate** The Plant Site provides suitable foraging and roosting habitat.	**Moderate** There is potential foraging habitat onsite. The offsite riparian habitat along the San Joaquin River provides suitable roosting habitat.
Lasiurus xanthinus *Western yellow bat*	Fed: CA: WBWG:	None SSC High	Occurs in areas with abundant palm trees used as primary day roosts. Forages along riparian corridors, landscaped areas, and open fields. Often associated with Washingtonia palms in urban and semi-urban environments.	No	**Presumed Absent** The Plant Site is outside of the species known range which only extends north into California up to San Bernardino County.	**Presumed Absent** The Plant Site is outside of the species known range which only extends north into California up to San Bernardino County.

Scientific Name **Common Name**	**Status**		**Habitat**	**Observed On-site**	**Potential to Occur on the Plant Site**	**Potential to Occur on the Quarry Site**
Lavinia exilicauda exilicauda Sacramento hitch	Fed: CA:	None None	Inhabits warm, lowland waters including clear streams, turbid sloughs, lakes, and reservoirs. Prefers shallow stream habitats with small gravel to mud substrates. Spawning takes place over gravel riffles and occasionally on vegetation.	No	**Moderate** There is suitable habitat present within the San Joaquin River.	**Low** There is suitable habitat present within the San Joaquin River but not within the Quarry Site.
Lepidurus packardi vernal pool tadpole shrimp	Fed: CA:	END None	Occupies a variety of seasonal aquatic habitats, including vernal pools, clay flats, alkaline pools, stock ponds, and roadside ditches that hold water for several weeks during the cool season and dry out later in the year.	No	**Presumed Absent** The soils within the Plant Site have been disturbed across its entire footprint as a result of mining operations. There are no vernal pools within the project area or adjacent riparian areas.	**Low** The soils within the Quarry Site have been disturbed as a result of mining operations. Commensurate species have been documented offsite, but this species is unlikely to occur onsite
Linderiella occidentalis California linderiella	Fed: CA:	None None	Currently known from the Central Valley and Coast ranges of California. Has been documented on most land forms, geologic formations, and soil types supporting vernal pools in California.	No	**Presumed Absent** The soils within the Plant Site have been disturbed as a result of the excavation operations. There are no vernal pools within the project area or adjacent riparian areas.	**Low** The soils within the Quarry Site have been disturbed as a result of the excavation operations. However, this species has been documented on adjacent land and the ephemeral pool on-site could provide possible habitat for this species.
Lytta moesta ~~Moestan~~ molestan blister beetle	Fed: CA:	None None	Occurs in central California and is associated with grassland habitats and vernal ~~pools.~~ pool landscapes; adults are typically found on flowering plants such as lupines, clovers, and other forbs, where they feed on blossoms and seed pods. Larvae are parasitic on solitary bees.	No	**Low** There is low quality habitat present within the Plant Site.	**Presumed Absent** There is no suitable habitat within or adjacent to the Quarry Site.
Macrotus californicus California leaf-nosed bat	Fed: CA: WBWG:	None None High	A desert species of the Sonoran and Mojave regions that roosts in warm caves, mines, and rock shelters in low-elevation scrub habitats, foraging at night for insects close to the ground.	No	**Presumed Absent** This species is limited to areas of southern California and is not known to occur near the site.	**Presumed Absent** This species is limited to areas of southern California and is not known to occur near the site.
Mustela frenata xanthogenys San Joaquin long-tailed weasel	Fed: CA:	None None	Occurs in a wide variety of habitats, usually near water. Preferred habitats include brushland, open woodlands, field edges, riparian grasslands, swamps, and marshes. Dens in ground burrows, under stumps, or beneath rock piles. Usually uses abandoned burrows.	No	**High** There is suitable habitat present along the San Joaquin River.	**Low** There is suitable habitat present along the San Joaquin River but not within the Quarry Site.
Mylopharodon conocephalus hardhead	Fed: CA:	None SSC	Occurs mainly in low- to mid-elevation rivers and streams, favoring deep, clear pools with rocky or coarse substrates and relatively undisturbed flow conditions; also persists in some mid-elevation reservoirs. Uses cool, well-oxygenated streams and rivers with riffles and pools over clean gravel and cobble substrates; anadromous steelhead also require accessible migratory corridors between spawning/rearing reaches and estuarine or marine habitats.	No	**Absent** This species may occur offsite within the San Joaquin River, but no suitable habitats are present within the Plant Site to support the species.	**Absent** This species may occur offsite within the San Joaquin River, but no suitable habitats are present within the Plant Site to support the species.

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Myotis ciliolabrum Western small-footed bat	Fed: CA: WBWG:	None None Medium	Occupies arid shrublands, open woodlands, and riparian corridors, typically roosting in rock crevices, cliffs, buildings, or tree cavities and foraging low over streams, ponds, and open ground.	No	**Low** No trees, rock outcrops or similar potential roosting features are present within the Plant Site which may be impacted by the project. Any buildings and mining infrastructure are regularly disturbed and are unlikely to support roosting. The species may roost in offsite riparian areas but is only expected to occasionally forage within the Plant Site.	**Low** The Quarry Site has no arid shrublands or woodlands and no cliffs or rock crevices to support roosting by this species. Minimal oak and eucalyptus trees are only located along the riparian corridor. This species may roost in offsite areas along the San Joaquin River but is only likely to forage over the Quarry Site.
Myotis evotis Long-eared myotis	Fed: CA: WBWG:	None None Medium	Found in coniferous forests, shrublands, and riparian zones, where it roosts in tree cavities, under bark, or in rock crevices and forages by gleaning insects from vegetation in cluttered forest and riparian edges.	No	**Low** No trees, rock outcrops or similar potential roosting features are present within the Plant Site which may be impacted by the project. Any buildings and mining infrastructure are regularly disturbed and are unlikely to support roosting. The species may roost in offsite riparian areas, but is only expected to occasionally forage within the Plant Site.	**Low** The Quarry Site has no conifer forest, shrublands or woodlands. No cliff faces or large rock crevices are present to support roosting by this species. Minimal oak and eucalyptus trees are located along the riparian corridor. This species may roost in offsite areas along the San Joaquin River.
Myotis lucifugus Little brown bat	Fed: CA: WBWG:	None None Medium	Widely distributed in forested, riparian, and urban areas; commonly roosts in buildings, bridges, and tree cavities and forages over streams, ponds, wetlands, and forest edges for flying insects.	No	**Low** No trees, rock outcrops or similar potential roosting features are present within the Plant Site which may be impacted by the project. Any buildings and mining infrastructure are regularly disturbed and are unlikely to support roosting. The species may roost in offsite riparian areas, but is only expected to occasionally forage within the Plant Site.	**Moderate** Any buildings and mining infrastructure are regularly disturbed and are unlikely to support roosting. However, the Quarry Site does contain oak and eucalyptus trees which may support roosting by the species. The species may roost in offsite riparian areas as well and may forage within the Quarry Site.
Myotis thysanodes Fringed Myotis	Fed: CA: WBWG:	None None High	Uses arid woodlands, conifer forests, and riparian areas, roosting in caves, mines, rock crevices, and buildings and foraging along forest edges and over open habitats for beetles and other large insects.	No	**Low** No trees, rock outcrops or similar potential roosting features are present within the Plant Site which may be impacted by the project. Any buildings and mining infrastructure are regularly disturbed and are unlikely to support roosting. The species may roost in offsite riparian areas, but is only expected to occasionally forage within the Plant Site.	**Moderate** Any buildings and mining infrastructure are regularly disturbed and are unlikely to support roosting. However, the Quarry Site does contain oak and eucalyptus trees which may support roosting by the species. The species may roost in offsite riparian areas, and may occasionally forage within the Quarry Site.
Myotis volans Long-legged myotis	Fed: CA: WBWG:	None None High	Primarily associated with mid- to high-elevation coniferous forests and woodlands, roosting in tree cavities, under bark, and in rock crevices and foraging above the canopy, along cliffs, and over riparian corridors.	No	**Low** No trees, rock outcrops or similar potential roosting features are present within the Plant Site which may be impacted by the project. Any buildings and mining infrastructure are regularly disturbed and are unlikely to support roosting. The species may roost in offsite riparian areas, but is only expected to occasionally forage within the Plant Site.	**Low** The Quarry Site has no high elevation conifer forest. No cliff faces or large rock crevices are present to support roosting by this species. Some oak and eucalyptus trees are located within the Quarry Site along the riparian corridor but individuals are more likely to roost in offsite areas along the San Joaquin River. The species may occasionally forage within the Quarry Site.

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Myotis yumanensis Yuma myotis	Fed: CA:	None None	Strongly associated with rivers, lakes, and other water bodies. Roosts in buildings, bridges, and tree cavities near water. Forages low over open water and along riparian vegetation edges.	No	**Low** No trees, rock outcrops or similar potential roosting features are present within the Plant Site which may be impacted by the project. Any buildings and mining infrastructure are regularly disturbed and are unlikely to support roosting. The species may roost in offsite riparian areas, but is expected to only occasionally forage within the Plant Site.	**Low** The Quarry Site has no cliffs or rock crevices to support roosting by this species. Minimal oak and eucalyptus trees are only located along the riparian corridor. This species may roost in offsite areas along the San Joaquin River, but is likely to only forage over the Quarry Site.
Nyctinomops femorosaccus Pocketed free-tailed bat	Fed: CA: WBWG:	None None Medium	Occurs in arid and semi-arid habitats including desert scrub, chaparral, and open woodland, typically roosting in deep crevices in cliffs, rocky outcrops, and canyon walls. Forages at high altitudes over open desert, canyons, and riparian corridors, often traveling long distances between roosts and feeding areas.	No	**Presumed Absent** This species is limited to areas of southern California and is not known to occur near the site.	**Presumed Absent** This species is limited to areas of southern California and is not known to occur near the site.
Nyctinomops macrotis Big free-tailed bat	Fed: CA: WBWG:	None SSC Medium	Inhabits arid and semi-arid regions, including desert mountains, canyons, and rugged rocky terrain. Roosts primarily in deep crevices of cliffs and steep rock faces. Forages high above ground over open desert, canyons, and riparian areas, often flying long distances in search of insect prey.	No	**Presumed Absent** This species is limited to areas of southern California and is not known to occur near the site.	**Presumed Absent** This species is limited to areas of southern California and is not known to occur near the site.
Oncorhynchus mykiss *steelhead/rainbow trout*	Fed: CA:	THR None	Uses cool, well-oxygenated streams and rivers with riffles and pools over clean gravel and cobble substrates; anadromous steelhead also require accessible migratory corridors between spawning/rearing reaches and estuarine or marine habitats.	No	**Absent** This species may occur offsite within the San Joaquin River, but no suitable habitats are present within the Plant Site to support the species.	**Absent** This species may occur offsite within the San Joaquin River, but no suitable habitats are present within the Plant Site to support the species.
Oncorhynchus tshawytscha *chinook salmon* *Central Valley fall-run chinook salmon*	Fed: CA:	None SSC	Occurs in large river systems with cool, well-oxygenated water. Spawns in shallow riffles with clean, coarse gravel and moderate flows. Juveniles use mainstem channels, side channels, and shallow off-channel areas with low water velocity for rearing. Requires accessible migratory corridors with sufficient flow for downstream movement.	No	**Absent** There is suitable habitat in the San Joaquin River near the project sites, but no suitable habitats are present within the Plant Site to support the species. The fall run is historically and currently the dominant run in the SJR and its tributaries.	**Absent** There is suitable habitat in the San Joaquin River near the project sites, but no suitable habitats are present within the Quarry Site to support the species. The fall run is historically and currently the dominant run in the SJR and its tributaries.
Oncorhynchus tshawytscha *chinook salmon* *Central Valley spring-run chinook salmon*	Fed: CA:	THR THR	Occurs in upstream river reaches with cold, sustained flows and deep pools for summer holding. Spawns in cool, swift-water riffles with clean gravel substrate. Juveniles rely on complex shallow water and floodplain habitats that provide low-velocity refuge and abundant food resources. Requires cool summer temperatures and unobstructed migratory access.	No	**Absent** There is suitable habitat in the San Joaquin River near the project sites. Historically, this species had been extirpated from the mainstem of the river. An experimental population is currently being reintroduced as part of the San Joaquin River Restoration Program (SJRRP). Populations are limited but returning adults have been observed in the adjacent river during annual monitoring.	**Absent** There is suitable habitat in the San Joaquin River near the project sites. Historically, this species had been extirpated from the mainstem of the river. An experimental population is currently being reintroduced as part of the San Joaquin River Restoration Program (SJRRP). Populations are limited but returning adults have been observed in the adjacent river during annual monitoring.

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Pandion haliaetus osprey	Fed: CA:	None WL	Occurs in a variety of plant communities in association with riparian habitats including shrublands, grasslands, swamps, and coniferous and deciduous forests. In California, ospreys are primarily associated with ponderosa pine (Pine ponderosa) and mixed-conifer types.	Yes	**Present** This species was detected foraging over the Valley Oak Woodland west of the Plant Site during the 2021 habitat assessment.	**Present** This species was detected foraging over the ~~site~~ Quarry Site during the 2017 habitat assessment.
Phrynosoma blainvillii coast horned lizard	Fed: CA:	None SSC	Occurs in a variety of semi-arid and foothill habitats characterized by loose, sandy or loamy soils and open ground with sparse or low vegetation, conditions that support their primary prey — native harvester ants.	No	**Presumed Absent** The Plant Site has been disturbed over many years and any native habitat features that this species relies on have been removed. This species may occur in offsite areas but is expected to be absent from within the Plant Site.	**Presumed Absent** The Quarry Site has been disturbed over many years of mining and any native habitat features required by this species have been removed. This species may occur in offsite areas but is expected to be absent from within the Quarry Site.
Pogonichthys macrolepidotus *Sacramento splittail*	Fed: CA:	None SSC	Occurs in slow-moving rivers, sloughs, backwaters, and floodplain habitats of the Central Valley. Prefers shallow areas with submerged vegetation, low velocities, and seasonally inundated floodplains used for spawning. Juveniles and adults use slack-water habitats with gentle flows and turbid conditions for feeding and refuge. Requires periodic floodplain inundation to support successful reproduction.	No	**Low** There is suitable habitat in the San Joaquin River near the project sites. Historically, this species was present in the SJR, but current occurrences are rare due to changes in floodplain conditions in the region.	**Low** There is suitable habitat in the San Joaquin River near the project sites. Historically, this species was present in the SJR, but current occurrences are rare due to changes in floodplain conditions in the region.
Rana boylii pop. 5 foothill yellow-legged frog - south Sierra DPS	Fed: CA:	None THR	Closely associated with rocky, sun-exposed streams and rivers in foothill and lower montane forests and chaparral, breeding in shallow riffles and runs with coarse substrates and relatively stable spring and summer flows.	No	**Presumed Absent.** This species requires streams with rocky substrate and stable flows. No such features are present within the Plant Site. While offsite, the San Joaquin River is subjected to regular dam releases, rather than a natural hydrograph, therefore it is also unlikely to support this species.	**Presumed Absent.** This species requires streams with rocky substrate and stable flows. No such features are present within the Quarry Site. While offsite, the San Joaquin River is subjected to regular dam releases, rather than a natural hydrograph, it is also unlikely to support this species.
Spea hammondii western spadefoot	Fed: CA:	None SSC	Prefers open areas with sandy or gravelly soils, in a variety of habitats including mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washed, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Rain pools which do not contain bullfrogs, fish, or crayfish are necessary for breeding.	No	**~~High~~ Low** ~~There is suitable habitat present along the San Joaquin River.~~ While the Plant Site has silt ponds that could provide habitat, the level of disturbance in the vicinity severely limits movement opportunities to access the ponds.	**Low** There is marginal habitat within the Quarry Site. The offsite riparian habitat along the San Joaquin River provides suitable nesting habitat.
Taxidea taxus American badger	Fed: CA:	None SSC	Prefers open grasslands, shrublands, and agricultural areas with loose, well-drained soils that support abundant burrowing prey such as ground squirrels and pocket gophers.	No	**Presumed Absent.** No suitable habitat is present. The Plant Site has been continuously disturbed under current mining activities which has eliminated potential habitats for this species.	**Low.** The only grasslands that are present within the Quarry Site are between the active mining area and North Friant Road. This area is regularly disturbed from ongoing operations and traffic. The Quarry Site has been continuously disturbed under current mining activities which has diminished potential habitats for this species. This species may occur in adjacent undeveloped habitats but is unlikely to be present in the Quarry Site.

Scientific Name **Common Name**	**Status**		**Habitat**	**Observed On-site**	**Potential to Occur on the Plant Site**	**Potential to Occur on the Quarry Site**
Tadarida brasiliensis *Mexican free-tailed bat*	Fed: CA:	None None	Occurs widely in urban, agricultural, and natural habitats. Roosts in large colonies under bridges, in buildings, and in rock crevices. Forages high over rivers, fields, and riparian corridors where insect concentrations are high.	No	**High** There is suitable habitat present along the San Joaquin River.	**Low** There is marginal habitat within the Quarry Site. The off-site riparian habitat along the San Joaquin River provides suitable nesting habitat.
Thamnophis gigas giant garter snake	Fed: CA:	THR THR	Inhabits agricultural wetlands and other waterways such as irrigation and drainage canals, sloughs, ponds, small lakes, low gradient streams, and adjacent uplands in the Central Valley.	No	**Low** There is suitable habitat present along the San Joaquin River. However, per CNDDB this species has not been observed in the general area.	**Low** There is suitable habitat present along the San Joaquin River. However, per CNDDB this species has not been observed in the general area.
Vireo bellii pusillus least Bell's vireo	Fed: CA:	END END	Breeds in dense, low riparian scrub dominated by willow, mulefat, and other shrubs along low-gradient streams, rivers, and floodplains, typically where continuous riparian vegetation occurs near surface water.	No	**Presumed Absent.** The project is outside of the known distribution for this species (USFWS 2025).	**Presumed Absent.** The project is outside of the known distribution for this species (USFWS 2025).
Vulpes macrotis mutica San Joaquin kit fox	Fed: CA:	END THR	Inhabits arid grasslands and scrublands of the San Joaquin Valley and adjacent foothills, typically in areas with sparse, low vegetation and friable soils suitable for denning, including some agricultural and urban edge habitats.	No	**Low** The Plant Site has no intact native habitats such as grassland or scrubland to support denning by this species. In addition, there are no significant attractants such as ground squirrel colonies or industrial food waste to attract and support this species. The species may occur in offsite undeveloped areas.	**Low** The Quarry Site has limited grasslands between the active mine and North Friant Road. Such areas are regularly disturbed from mining activities and traffic. There are no significant attractants such as ground squirrel colonies or industrial food waste to attract and support this species. This species may occur in adjacent non-developed areas.
Xanthocephalus xanthocephalus yellow-headed blackbird	Fed: CA:	None SSC	Nests in fresh emergent wetland with dense vegetation and deep water, often along borders of lakes or ponds. Forages in emergent wetland and moist, open areas, especially cropland and muddy shores of lacustrine habitat. Restricted distribution in Central Valley in winter, occurring mainly in the western portion.	No	**High** There is suitable habitat located along the San Joaquin River.	**Presumed Absent** There is no suitable habitat within the Quarry Site. There is suitable foraging and nesting habitat present along the San Joaquin River.

Table Source: Appendix E-1 and Appendix E-2. Revisions incorporated into this Final EIR, including evaluations of additional special-status wildlife species identified through the expanded California Natural Diversity Database (CNDDB) search, are based on WRA (2026) (See Appendix E-6).

Table Notes:

CNDDB—California Natural Diversity Database

U.S. Fish and Wildlife Service (USFWS)—Federal

END—Federal Endangered
THR—Federal Threatened

California Department of Fish and Wildlife (CDFW)—California

END—California Endangered
THR—California Threatened
SSC—California Species of Concern
WL—Watch List
FP—California Fully Protected

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.4 to correct the stated acreage of the Quarry Site. Draft EIR page 4.4-30 is revised as follows.

ERRATA

Within the ~~349~~352.4-acre Quarry Site, land uses and available vegetation and/or habitat types are in constant flux, generally decreasing, due to the ongoing mining operations which have been continuous for over 30 years. During the 2019 habitat assessment, it was determined that mining has removed soils down to bedrock, 20 to 50 feet deep, on 254.99 acres or 73% of the Quarry Site. These areas do not support native habitats or vegetation. In 2019, there were also 47.21 acres of non-native grasslands, approximately 14%, and 44.70 acres of open ponds, approximately 13%.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.4 to provide setting information regarding chinook salmon. New text was added as paragraph three to Draft EIR page 4.4-37 as follows.

ERRATA

Central Valley Chinook salmon, including fall-run and reintroduced spring-run populations, have the potential to migrate through the San Joaquin River downstream of the project sites. Fall-run Chinook salmon currently represent the predominant run in the basin and use the lower San Joaquin River for migration, spawning, and juvenile rearing under seasonally managed flow conditions. Spring-run Chinook salmon are being reintroduced to the upper San Joaquin River as part of the San Joaquin River Restoration Program (SJRRP), which restores flows to support upstream passage, over-summer holding, and spawning habitat in historically occupied reaches. Although habitat is present in the mainstem San Joaquin River, no suitable habitat occurs within the project sites, and the heavily modified channel in the project area is not expected to support resident or holding adults. Neither fall-run nor spring run Chinook salmon were observed during site-level field surveys.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.4 to provide setting information regarding bats. New text was added as paragraph four to Draft EIR page 4.4-37 as follows.

ERRATA

Bat Species

There is a moderate potential for several bat species, including the western red bat, hoary bat, pallid bat, and fringed myotis. Potential day roosting habitat occurs in riparian woodlands and mature trees associated with the San Joaquin River corridor, as well as in bridges, barns, and other structures in the surrounding area. Some potential roosting structures exist in the form of trees and buildings within the sites, and in the riparian corridor abutting the sites. No bat roosts were observed within the project sites during field surveys; however, because bats have moderate potential to occur, Mitigation Measure 4.4-1d has been included to ensure that any potential roosts are identified and avoided during the maternity season. Incorporating Mitigation Measure 4.4-1d reduces any potential impacts to roosting bats to a less than significant level.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.4 to provide further description of the San Joaquin River Restoration Program. New text was added as the last paragraph of Draft EIR page 4.4-38 as follows.

ERRATA

San Joaquin River Restoration Program

The San Joaquin River Restoration Program (SJRRP) is a long-term, comprehensive effort led by the U.S. Bureau of Reclamation and the California Department of Water Resources (DWR) to restore and manage flows in the San Joaquin River between Friant Dam and the confluence with the Merced River. The SJRRP was established pursuant to the Stipulation of Settlement in *Natural Resources Defense Council et al. v. Kirk Rodgers et al.* (2006), which resolved long-standing litigation over river flow releases from Friant Dam. The primary goals of the SJRRP are to:

- Restore and maintain fish populations, in particular the reintroduction and long-term viability of naturally reproducing, self-sustaining populations of Chinook salmon, including spring-run; and

- Reduce or avoid adverse water supply impacts to Friant Division long-term contractors that could result from restoration flows.

To achieve these goals, the SJRRP includes phased flow releases below Friant Dam; channel and structural improvements to facilitate fish passage and inundation of floodplain habitat; reintroduction of spring-run Chinook salmon; and ongoing monitoring, adaptive management, and cooperative implementation with federal, state, and local agencies. The SJRRP has incrementally restored seasonal connectivity to reaches of the river that had historically been dry, improving aquatic and riparian habitat conditions and supporting the gradual return of anadromous fish to portions of the San Joaquin River.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.4 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 4.4-41 is revised as follows.

ERRATA

Zoning Ordinance of Fresno County—Land Use and Planning

The Zoning Ordinance of Fresno County—Land Use and Planning, last amended ~~June 2018~~February 2026, has policies and ordinances related to biological resources. Specifically, ~~Section 858, "Regulations for Surface Mining and Reclamation in All Districts,"~~ Section 834.4.220, "Mineral Extraction Sites," contains the following countywide development standards:

~~Section 858—Regulations for Surface Mining and Reclamation in All Districts~~
Section 834.4.220—Mineral Extraction Sites

~~H. Mining and Reclamation Standards~~
I. Mining and Reclamation Standards

11. The species selected for revegetation shall be those with good survival characteristics for the topography, resoiling characteristics, and climate of the mined area. The operator shall provide a schedule and methodology for monitoring vegetation and replacing vegetation should the Department determine that replacement is necessary.

25. The ~~Department~~Director shall consider the potentially adverse environmental effects of surface mining operations and ~~will~~shall generally require that ~~the~~:

a) Disturbances of vegetation and overburden in advance of mining activities be minimized.

c) All reasonable and practical measures be taken to protect the habitat of fish and wildlife.

26. Reclamation of mined lands shall be implemented in ~~conformance~~compliance with applicable performance standards as set forth in the State Regulations Sections 3703 et seq. pertaining to the subjects listed below:

a) Wildlife habitat.

g) Stream protection including surface and groundwater.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.4 to update the discussion to match revisions to Mitigation Measure 4.4-1c required as part of this Final EIR. Draft EIR page 4.4-49 is revised as follows.

ERRATA

The project sites have a low potential to provide suitable habitat for western pond turtle and western spadefoot. However, the removal of silt ponds to allow for the mining of aggregate and/or hardrock underneath would adversely affect western pond turtle and western spadefoot, if any are present in the ponds during removal. Mitigation Measure 4.4-1b would require pre-construction clearance surveys of the ponds on the Plant Site and Quarry Site to be conducted no more than 14 days prior to the removal of a pond. Furthermore, a biologist will be present during pond removal activities to monitor for these species and will perform other duties of the biologist described in Mitigation Measure 4.4-1b. Because excavation for mining would make it physically impossible to maintain the pond while mining hard rock beneath, ~~A pond cannot be left elevated above the surrounding excavation, as a result~~ avoidance of occupied habitat is not feasible. Therefore, any member of the species present would be captured by a qualified biologist and with approval from CDFW relocated to similar habitat near the project sites. With implementation of Mitigation Measure 4.4-1b, the potential of the proposed project to result in adverse impacts to any western pond turtle and western spadefoot present at the Plant Site and Quarry Site ponds would be less than significant.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.4 to further evaluate the project's potential impacts to various bat species (see Draft Table 4.4-1). Draft EIR page 4.4-49 is revised to add new text at the third paragraph as follows.

ERRATA

As discussed in Table 4.4-1, there is moderate potential for western red bat, hoary bat, and other bat species to be present at both the Plant Site and Quarry Site where roosting habitat is provided (i.e., rock crevices, tree cavities, old buildings, etc.). Project activities may remove potential roost sites within the Plant Site and Quarry Site. Additionally, disturbances from project operations could indirectly affect bat roosting and foraging behavior in the riparian areas abutting both sites. Mitigation Measure 4.4-1d has been added to the EIR to address potential impacts to bat species.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.4 to strengthen existing mitigation measures and add new mitigation measures to further avoid and minimize impacts to special status fish and wildlife species. Draft EIR pages 4.4-50 through 4.4-52 have been revised as follows.

ERRATA

Mitigation Measure 4.4-1a: *Burrowing Owl*

~~A p~~Pre-construction ~~clearance~~ take avoidance surveys for burrowing owl shall be conducted on the Quarry Site prior to disturbing any grasslands in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (dated March 7, 2012).

The ~~first~~ surveys shall occur as described in the CDFW Staff Report and shall be conducted ~~at least~~ no more than 14 days prior to the initiation of construction of the aggregate plant and/or of each mining phase ~~and the~~. The second survey shall be conducted within 24 hours of the start of construction of the aggregate plant and/or of each mining phase to ensure burrowing owl remain absent from the Quarry Site. ~~If burrowing owls are found to occupy observed within the Quarry Site grasslands at the time of the clearance survey, a relocation plan shall be developed, approved by CDFW, and implemented prior to development of any Quarry Site grasslands.~~

If no burrowing owls are observed, no further actions are required.

If burrowing owls are observed within the Quarry Site or within adjacent lands in close enough proximity to be affected by proposed activities, the burrow will be protected using a combination of buffer zones, visual screens or similar measures as recommended by a qualified biologist congruent with recommendations in the CDFW Staff Report on Burrowing Owl. Buffer distances, visual barriers and other minimization practices will be based on the location of observation, time of year, and status of the burrowing owl burrow.

If the active burrowing owl burrow cannot be avoided, the Operator shall consult with CDFW to obtain an Incidental Take Permit prior to excluding and relocating non-nesting owls from the burrow. In coordination with any measures or mitigation required in the ITP, the following measures will at minimum be enacted to reduce effects to burrowing owl to less than significant levels:

- *Prior to any exclusion, mitigation for any lost habitat will be procured (i.e. credits purchased from an approved mitigation bank or mitigation lands protected through a recognized conservation easement). Suitable habitat shall be mitigated at a ratio of 1:1 (mitigation to impact) unless otherwise approved by CDFW.*
- *Exclusion will not occur during the breeding season (February 1 – August 31).*
- *If exclusion occurs immediately after the breeding season (September 1 – September 30) daily monitoring shall be conducted by a qualified biologist for a minimum of one week prior to relocation to confirm young of the year have fledged.*
- *Exclusion will be performed only by a qualified biologist.*
- *Biological monitoring shall be conducted prior to, during, and after exclusion of burrowing owls sufficient to ensure take is avoided.*
- *Following completion of exclusion, a summary will be provided to the County and CDFW documenting the results.*

***Mitigation Measure 4.4-1b**: Western Pond Turtle and Western Spadefoot*

Pre-construction clearance surveys within the boundaries of the Quarry Site shall be conducted no more than 14 days prior to removal of a temporary pond to be removed so that the aggregate or hardrock below the pond can be mined. A combination of visual and trapping surveys by a ~~CDFW~~ qualified biologist ~~may~~ shall be performed. A pond cannot be left elevated above the surrounding excavation, as a result avoidance of occupied habitat is not feasible. Therefore, if the species is determined to be present in work areas, the qualified biologist with approval of a relocation plan from CDFW ~~may~~ shall capture turtles and spadefoot prior to ~~construction~~ mining and reclamation activities and relocate them to nearby suitable habitat near the Quarry Site. Exclusion fencing ~~should~~ shall then be installed, if necessary and feasible, to prevent turtles and spadefoot from reentering the work area. ~~For the duration of work to remove the temporary pond, the biologist shall~~

~~*conduct at least weekly follow-up visits to monitor effectiveness and take appropriate corrective action if protection measures are not adequate.*~~ *A qualified biologist shall be present during the draining and removal of the pond and shall monitor removal of the pond until no areas that could ensconce pond turtle or spadefoot remain.*

Mitigation Measure 4.4-1c: *Nesting Birds*

If the initiation of construction (i.e. ground disturbing activities and/or blasting) at the Plant Site or the Quarry Site ~~*initiation of a mining phase as shown on the Plant Site Mining Plan (Figure 2-7)*~~ *will occur between February 1 and August 31,* ~~*a*~~ *pre-construction clearance surveys for nesting birds, including* ~~*the above noted*~~ *the following raptor species:* ~~*(*~~*Swainson's hawk, bald eagle, osprey, red-tailed hawk and white-tailed kite,*~~*)*~~ *and the tricolored blackbird (Agelaius tricolor)* ~~*should*~~ *shall be conducted by a qualified biologist. A total of three surveys shall be conducted. Surveys will be separated from each other by at least one week, and the final survey will end within three (3) days of the start of any vegetation removal or ground disturbing activities* ~~*within*~~*. (Note that in accordance with the* ~~*immediate area of*~~ *Swainson's hawk survey protocol, the* ~~*mining phase where construction is to*~~ *survey efforts shall not be initiated* ~~*and as well as*~~ *during the period of April 21 to June 10, when active nests of this species are difficult to detect.) For general mining activities (not blasting) the survey area shall extend to all areas within 500 feet. For blasting events, the survey area shall extend to all areas within* ~~*a 50-foot buffer*~~*500 feet for most birds and 0.25-mile for large raptors including Swainson's hawk or bald eagle.*

Once ground disturbing activities or blasting have begun, if they are discontinued for a period of 7 or more days, a single survey shall be conducted (in addition to the already completed three surveys described above) to verify that no new active nests are present that could be impacted by the resumption of such ~~*areas to ensure that no nesting birds will be disturbed during construction.*~~ *activities. If cessation of activities lasts longer than three weeks, the three-survey survey requirement described above shall be implemented.*

~~*As shown on Exhibit 5 in Appendix E 1, "Plant Site Habitat Assessment" there are no trees suitable for nesting at the Plant Site for the above noted raptor species (Swainson's hawk, bald eagle, osprey, red-tailed hawk and white-tailed kite) except along Friant Road and outside the perimeter of the survey area. Therefore, the survey for the raptor species shall be limited to the initiation of construction along Friant Road and outside the perimeter of the survey area.*~~

~~*If the initiation of construction at the new plant at the Quarry Site or the initiation of a mining phase as shown on the Quarry Site Mining Plan (Figure 2-8) will occur between February 1 and August 31, a pre-construction clearance survey for nesting birds, including the above noted raptor species (Swainson's hawk, bald eagle, red-tailed hawk and white-*~~

~~*tailed kite) and the tricolored blackbird (Agelaius tricolor) should be conducted by a qualified biologist within three (3) days of the start of any vegetation removal or ground disturbing activities within the immediate area of the mining phase as shown on the Quarry Site Mining Plan (Figure 2-8) where construction is to be initiated and as well as within a 50-foot buffer of such areas to ensure that no nesting birds will be disturbed during construction.*~~

~~*As shown on Exhibit 5 in Appendix E-2, "Quarry Site Habitat Assessment," there are no trees suitable for nesting for the above noted raptor species except along the west side of the project next to the river. Therefore, the survey for the raptor species shall be limited to the initiation of construction along the west side of the project next to the river. The biologist who conducted the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur.*~~ *If an active avian nest is discovered during the pre-construction clearance survey,* ~~*construction*~~ *mining and/or reclamation activities shall stay outside of a* ~~*300-foot*~~ *buffer recommended by the qualified biologist. Buffers may be as small as 100 feet around the active nest.* ~~.~~ *of non-status passerine species. For listed and raptor species, this buffer shall be expanded to 500 feet.* ~~.~~ *(minimum for raptors) and 0.25 mile for bald eagle or listed species such as Swainson's hawk. A* ~~*biological monitor*~~ *qualified biologist shall be present to delineate the boundaries of the buffer area and monitor the active nest as detailed below to ensure that nesting behavior is not adversely affected by* ~~*construction*~~ *mining and/or reclamation activities. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, mining and/or reclamation* ~~*construction*~~ *activities within the buffer area can occur.*

Criteria related to the amount and duration of nest monitoring that ~~*will*~~ *shall be required if an active avian nest is found are as follows:*

- *If an active nest is found and construction will* ~~*remain outside of a 300/500-foot*~~*need to occur within the recommended buffer* ~~*from the nest*~~*, the* ~~*Biologist*~~ *qualified biologist shall watch the nest for at least* ~~*15 minutes during construction*~~ *1 hour prior to initiating mining and/or reclamation activities and continuing for at least 1 hour following the start of mining and/or reclamation activities to determine if the nesting birds are disturbed by construction activities. If the birds appear distressed or behave aggressively toward the construction, work will not occur within the buffer, and a greater avoidance buffer shall be implemented and* ~~*watched*~~ *observations by the* ~~*Biologist again*~~ *biologist will continue. Once a suitable buffer has been determined to be effective, the* ~~*Biologist*~~ *biologist may decide whether ongoing nest monitoring is warranted.*

- *If an active nest is found and construction will occur within ~~300/500 feet of~~ the specified buffer for the active nest for multiple weeks, the nest shall be checked on the first day as described above, while establishing a suitable buffer. Subsequently the nest shall be checked at least ~~on a weekly basis~~ twice per week to determine if its status has changed. The ~~Biologist~~ biologist shall ~~check~~ then recheck the nest a week after mining and/or reclamation activities have ~~construction has left~~ ceased in the focal area ~~in order~~ to ~~document that the nesting activity continues to proceed successfully~~ note the status, e.g., if the nest remains active.*
- *If the nest of a listed or fully protected species is found within ~~a~~ the survey buffer, ~~the~~ and work will need to occur within that buffer, CDFW will be notified ~~within 24 hours~~ for coordination of any additional monitoring ~~requirements~~ recommendations.*

Mitigation Measure 4.4-1d: *Bat Roost Assessment and Survey*

No more than 30 days prior to surface disturbing activities of an undisturbed area (e.g., vegetation removal, initial grading/mining or tree removal), a qualified biologist familiar with bats and bat ecology, and experienced in conducting bat surveys, shall conduct a bat habitat assessment amongst suitable habitat (e.g., large trees with crevices, cavities, exfoliating bark, foliage) within the surface disturbance area as well as within a buffer of 100 feet. The qualified biologist shall inspect the habitat areas for signs of bat use (e.g., whitewash, guano); shall inspect crevices, cavities, and exfoliating bark for bat presence (e.g., using a flashlight); and may use bat detection devices if needed.

If no evidence of bat roosts or potential bat roosting substrates are found, the qualified biologist shall submit a report summarizing the results of the survey to the Operator, and further mitigation shall not be required. The Operator shall retain this report for five years and make it available to Fresno County staff upon request or as required for mitigation monitoring.

If evidence of bat roosts is found, the qualified biologist shall submit a report summarizing the results of the survey to the Operator. The Operator shall retain this report for five years and make it available to Fresno County staff upon request or as required for mitigation monitoring. If evidence of bat roosts is observed during the maternity roosting season (April 1 – August 31), roost type, species and number of bats using the roost shall be determined by a qualified biologist. Bat detectors may be used if deemed necessary to supplement survey efforts by the qualified biologist. A no-disturbance buffer of 100 feet shall be established around active bat maternity roost, and project activities shall not occur within this buffer until after the maternity season or roosts are unoccupied.

If non-maternity roosts are found, or the survey identifies a suitable roost outside of the maternity roosting season (between September 1 and May 30) the qualified bat biologist will develop a bat exclusion plan to humanely evict bats from occupied trees or structures. Upon successful completion of the eviction, project activities may be allowed to resume within the buffer.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.4 to clarify implementation of Mitigation 4.10-1, "Blasting Protocols." Draft EIR pages 4.4-57 and 4.4-58 are revised as follows.

ERRATA

Mitigation Measure 4.10-1 would require implementation of the *Blasting Protocols* (Appendix H-6) which specifies that blasting must begin at the center of the Quarry Site so that monitoring of groundborne vibration can occur and be used to verify that predicted maximum ground vibrations are consistent with actual ground vibration measurements and allow for adjustments in blasting design to occur based on the monitoring results. The *Blasting Protocols* detail requirements for the implementation of a blast monitoring program that includes ground vibration measurements, air overpressure measurements, visual inspection of the San Joaquin River embankment whenever blasting occurs within 1,000 feet of the embankment and depths less than 100 feet within the hard rock portion of the quarry pit (measured at the contact between alluvium and rock). Should significance thresholds be exceeded or signs of instability of the embankment (such as slumping or cracking) be noted, the County must be notified within 48 hours. If it is determined that the instability is the direct result of blasting, and not due to natural water erosion, with or without flooding, then a corrective action plan must be developed that identifies changes to the blasting program to prevent future exceedances. If a corrective action plan is required, a suspension of all blasting will immediately occur until the corrective action is approved by the County. The *Blasting Protocols* also detail the requirements for complaint response procedures; record keeping; and annual reporting of monitoring, complaints investigations, and corrective actions.

END OF ERRATA

Explanation

Revisions have been made to the Draft EIR Section 4.4 to correct the lettering regarding Mitigation Measure 4.3-2c, which is a non-existent mitigation measure and is therefore removed. Draft EIR page 4.4-58 is revised as follows.

ERRATA

Lastly, indirect impacts to riparian habitat could occur from fine materials and dust settling on vegetation. The generation of dust by the proposed project is discussed in detail in Section 4.3, "Air Quality," of this Draft EIR. Mitigation Measures 4.3-2a~~,~~ and -2b~~, and -2c~~ would require that all equipment with off-road engines to be retrofitted or upgraded to meet the Tier 4i Particulate Emissions standard and would require dust from unpaved roads and stockpiles to be controlled by the application of dust suppressants or other equivalent methods. With implementation of these measures, the generation of particulate matter would be minimized and the potential for dust to be generated from the project sites in amounts that could damage surrounding vegetation would be less than significant.

Level of Significance Before Mitigation: Potentially significant.

Mitigation Measures: *Implement Mitigation Measures 4.10-1 and 4.3-2a~~,~~ and -2b~~, and -2c.~~*

END OF ERRATA

Explanation

Revisions have been made to the Draft EIR Section 4.4 to correct the lettering regarding Mitigation Measure 4.3-2c, which is a non-existent mitigation measure and is therefore removed. Mitigation Measure 4.13-6 has been removed in the Final EIR as it was duplicative of Mitigation Measure 4.10-1, "Blasting Protocols." Draft EIR page 4.4-58 is revised as follows.

ERRATA

Mitigation Measure: *Implement Mitigation Measures 4.3-2a, 4.3-2b, ~~4.3-2c,~~ 4.4-1a, 4.4-1b, 4.4-1c, and ~~4.13-6~~4.10-1*.

END OF ERRATA

Explanation

Revisions have been made to the Draft EIR Section 4.4 to eliminate references to Mitigation Measure 4.13-6, which is a duplicate mitigation measure of 4.10-1 and is therefore replaced with Mitigation Measure 4.10-1, "Blasting Protocols." Draft EIR page 4.4-64 is revised as follows.

ERRATA

Level of Significance Before Mitigation: Potentially significant.

Mitigation Measure: *Implement Mitigation Measures 4.3-2a, 4.3-2b, 4.3-2c, 4.4-1a, 4.4-1b, 4.4-1c, and ~~4.13-6~~4.10-1.*

Level of Significance After Mitigation: Less than significant.

END OF ERRATA

3.2.5.5 Errata to Draft EIR Section 4.5, "Cultural Resources"

There are no errata for Draft EIR Section 4.5.

3.2.5.6 Errata to Draft EIR Section 4.6, "Energy"

Explanation

Revisions are made to Draft EIR Section 4.6 in order to provide updated information on the most recent version of Fresno Council of Governments Regional Transportation Plan/Sustainable Communities Strategy. Draft EIR page 4.6-13 is revised as follows.

ERRATA

Fresno Council of Governments Regional Transportation Plan/Sustainable Communities Strategy

The Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)(Fresno Council of Governments 2022) develops a regional transportation network that is environmentally sensitive and reduces GHG emissions. New transportation facilities must avoid or fully mitigate all significant impacts on environmentally sensitive areas and natural resources such as minimizing loss of farmland. Increased transportation and facility design is encouraged, along with infill development near existing public transportation, which is intended to reduce vehicle miles traveled (VMT) and the associated GHGs from those mobile emissions. This plan is not applicable to the proposed project because the proposed project does involve changes to existing transportation facilities or development of new transportation facilities.

Fresno COG is currently in the process of preparing an update to the Regional Transportation Plan/Sustainable Communities Strategy to reflect new data, policy priorities, project lists, and federal/state planning requirements. Until the update is adopted, the 2022 RTP/SCS remains the applicable transportation planning document for purposes of this Draft EIR.

Explanation

Revisions are made to Draft EIR Section 4.6 Table 4.6-1, "Existing and Proposed Energy Consumption," as follows. The revisions clarify energy consumption estimates but do not affect the energy use and energy efficiency analysis and conclusions of the Draft EIR. Draft EIR page 4.6-15 is revised as follows.

ERRATA

Table 4.6-2
Existing and Proposed Energy Consumption~~: Plant Site~~

Energy Resource	Unit of Measurement	Existing Average Consumption: Plant Site	Existing Average Consumption: Quarry Site	Existing Average Consumption: Total	Proposed Consumption: Stage 1	Proposed Consumption: Stage 2
Electricity	~~Hp/hour~~kWh/year	~~2,125~~1,801	~~90~~67	**~~2,215~~1,868**	~~950~~4,136	~~3,000[1]~~4,136
Natural Gas	Therms/year	0	0	**0**	~~900,000[1]~~1,175,200[1]	~~900,000[1]~~1,175,200[1]
Gasoline	Gallons/month	350	0	**350**	350	350[1]
Diesel	Gallons/month	~~18,000~~19,000	3,000	**~~21,000~~22,000**	~~33,000[2]~~48,000[2]	~~38,000[3]~~48,000[3]
Propane	Gallons/month	2,500	0	**2,500**	2,500[4]	2,500[4]

Table Source: Information provided by CEMEX in June and July of 2021~~.~~, and Sespe July 2026

Table Notes:

1. After asphalt plant is connected to natural gas pipeline.
2. The Plant Site would use on average 18,000 gallons/month for the aggregate plant, ready-mix concrete plant, and asphalt plant operations. The Quarry Site would use ~~15,000~~30,000 gallons/month after the aggregate plant is added at the start of Stage 1.
3. The Quarry Site would use ~~38,000~~48,000 gallons/month after the ready-mix concrete plant and asphalt plant are added at the start of Stage 2.
4. Before asphalt plant is connected to natural gas pipeline. After, no propane would be used.

END OF ERRATA

Explanation

Revisions have been made to the Draft EIR Section 4.6 to reflect that Mitigation Measure 4.3-2 has been updated in the Final EIR to include Mitigation Measure 4.3-2a, "Off Road Engines," and Mitigation Measure 4.3-2b, "Fugitive Dust Control Plan." Draft EIR page 4.6-19 is revised as follows.

ERRATA

Mitigation Measures: *Implement Mitigation Measures 4.3-2a, 4.3-2b, and 4.8-1*

END OF ERRATA

3.2.5.7 Errata to Draft EIR Section 4.7, "Geology and Soils"

Explanation

Revisions are made to Draft EIR Section 4.7 to correct a citation for the Fresno County General Plan Background Report. Draft EIR page 4.7-11 is revised as follows.

ERRATA

The *Fresno County General Plan Background Report* (Background Report) indicates that landslide hazard areas in Fresno County consist primarily of foothill and mountain areas where fractured and steep slopes are present (i.e., the Sierra Nevada in eastern Fresno County), areas where less consolidated or weathered soils overlie bedrock (e.g., the Coast Range in western Fresno County), and areas where inadequate ground cover accelerates erosion (e.g., along the San Joaquin River) ~~(Fresno County 2000a)~~. The Background Report concludes that there is no risk of large landslides in the valley area of the County due to its relatively flat topography. However, there is the potential for small slides and slumping along the steep banks of rivers and creeks (Fresno County ~~2000a~~2023). The Hazard Mitigation Plan similarly concludes that localized minor landslides are likely to continue to occur in Fresno County when heavy precipitation occurs, as they have in the past (Fresno County 2018a).

Explanation

Revisions are made to Draft EIR Section 4.7 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 4.7-19 is revised as follows.

ERRATA

Zoning Ordinance of Fresno County—Land Use and Planning

The Zoning Ordinance of Fresno County—Land Use and Planning, last amended ~~June 2018~~February 2026, has policies and ordinances related to geology and soils. Specifically, ~~Section 858, "Regulations for Surface Mining and Reclamation in All Districts,"~~ Section 834.4.220, "Mineral Extraction Sites," contains the following countywide development standards:

~~Section 858—Regulations for Surface Mining and Reclamation in All Districts~~
Section 834.4.220—Mineral Extraction Sites

~~H. Mining and Reclamation Standards~~
I. Mining and Reclamation Standards

13. Grading and revegetation shall be designed to minimize erosion and to convey surface runoff to natural drainage courses or interior basins designed for water storage. Basins that will store water during periods of surface runoff shall be designed to prevent erosion of spillways when these basins have outlet to lower ground.
14. Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.
15. Erosion control facilities such as (e.g., settling basins, ditches, stream bank stabilization, and dikes) shall be constructed and maintained where necessary to control erosion.
25. The ~~Department~~Director shall consider the potentially adverse environmental effects of surface mining operations and ~~will~~shall generally require that:
    a. Disturbances of vegetation and overburden in advance of mining activities be minimized.
    b. Sufficient topsoil be saved to perform site reclamation in compliance with the Mining and Reclamation Plan.
    c. All reasonable and practical measures be taken to protect the habitat of fish and wildlife.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.7 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 4.7-20 is revised as follows.

ERRATA

26. Reclamation of mined lands shall be implemented in ~~conformance~~compliance with applicable performance standards as set forth in the State Regulations Sections 3703 et seq. pertaining to the subjects listed below:
    b. Backfilling, regrading, slope stability, and recontouring.

c. Revegetation.
d. Drainage, diversion structures, waterways, and erosion control.
h. Topsoil salvage, maintenance, and redistribution

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.7 to correct a misdated reference for the Fresno County General Plan. Draft EIR page 4.7-20 is revised as follows.

ERRATA

Fresno County General Plan

The *Fresno County General Plan* (Fresno County ~~2000b~~2024) Public Facilities & Services Element, Health and Safety Element, and Open Space & Conservation Element include the following policies that apply to the proposed project:

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.7 to specify the timing of implementation of Mitigation Measure 4.7-7a, "Quarry Site Slope Stability Monitoring." Draft EIR page 4.7-35 is revised as follows.

ERRATA

Mitigation Measure 4.7-7a: *Quarry Site Slope Stability Monitoring*

The operator of the Rockfield Quarry (Operator) shall retain a County-approved qualified engineering geologist or geotechnical engineer experienced in evaluating the stability of slopes in both hard rock and alluvial materials. The engineering geologist or geotechnical engineer shall develop an inspection and reporting program that would be implemented at the Quarry Site, which inspections will be semi-annual until a comprehensive and reliable geologic and groundwater model of the site is developed. In general, the interim mining slopes as well as perimeter slopes should be inspected as per the inspection and reporting program developed by the engineering geologist or geotechnical engineer. Recommendations for the reconfiguration of mining slope gradients, dewatering measures, and localized stabilizations should be developed as dictated by the exposed conditions. It is anticipated that the inspections will be more frequent until a comprehensive and reliable geologic and groundwater model of the Quarry Site is

developed. The survey and monitoring program should at least include the following:

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.7 to specify the timing of implementation of Mitigation Measure 4.7-7c, "Quarry Site Groundwater Conditions." Draft EIR pages 4.7-36 and 4.7-37 is revised as follows.

ERRATA

Mitigation Measure 4.7-7c: *Quarry Site Groundwater Conditions*

The County-approved qualified engineering geologist or geotechnical engineer identified in Mitigation Measures 4.7-7a and 4.7-7b shall conduct observations of groundwater conditions relevant to slope stability along with the geologic observation of kinematic conditions carried out in support of Mitigation Measure ~~4.4-7b~~4.7-7b. These observations shall focus on the potential presence of:

- *Artesian conditions;*
- *Preferential seepage paths; and*
- *Piping conditions.*

To assist with these observations, a series of piezometers shall be installed within six months of project commencement and within the hard to very hard intact granitic rock. Although there are currently seven monitoring wells in the Quarry Site completed within the intact rock, these wells cover the full interval to be mined. As such, they do not adequately allow for the observation of differences in water pressures at different depths or within different groups of fractures. At least four additional piezometer clusters shall be installed as described below:

END OF ERRATA

3.2.5.8 Errata to Draft EIR Section 4.8, "Greenhouse Gas Emissions"

Explanation

Revisions are made to Draft EIR Section 4.8 to clarify and amplify the discussion of the project's potential effects on greenhouse gas emissions (GHG). The revised section is provided as Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions," to this Final EIR and replaces Draft EIR Section 4.8 in its entirety. Additions to the section are marked with underlined font, while removals are indicated by font that has been struck through. The technical analysis of potential air quality impacts was updated to address

comments on the Draft EIR, as described in the Air Quality, Health Risk and Climate Change Impact Assessment, Revised May 13, 2026 ("2026 Air Report")(Appendix D-3). The 2026 Air Report replaces the prior air reports contained in Appendix D-1 and Appendix D-2 in their entirety. The 2026 Air Report Executive Summary provides a detailed explanation of the changes made in the air quality analyses, which is in part re-stated here, as it applies to revisions to Section 4.8 (see Appendix D-5).

Section 4.8 was revised to reflect additional California Climate Change Policies, including California's Greenhouse Gas Reduction Fund, and California Executive Orders N-82-20 and B-55-18. Information regarding the Fresno Council of Governments Priority Climate Action Plan, approved on February 29, 2024, was also added.

The Draft EIR was released on December 20, 2024, and the comment period closed on March 10, 2025. Subsequently, the GHG analysis in the Final EIR was revised, as envisioned by CEQA, to address comments on the Draft EIR by several commenters, including the Center for Biological Diversity. In addition, in the Draft EIR, the GHG analysis relied in part on an analysis used in an EIR certified by Kern County in approving the modification to an oil refinery. That EIR acknowledged that certain GHG emissions related to the consumption of fuel and the use of electricity were offset upstream of those uses pursuant to California's Cap-and-Trade Program. This approach was upheld in a decision by the Fifth District Court of Appeal, which appellate court has jurisdiction over Fresno County, in *Association of Irritated Residents v. Kern County Board of Supervisors*, 17 Cal.App.5th 798 (2017) ("AIR").

However, on June 26, 2025, a new California appellate case out of Los Angeles County reviewing the use of offsets under the Cap-and-Trade Program as part of an EIR used to evaluate a housing development program was filed in the 2nd District Court of Appeal, *Center for Biological Diversity v. County of Los Angeles*, 112 Cal.App.5th 317 (2025) ("LA County Decision"). The LA County Decision distinguished the AIR Decision on the basis that the refinery subject to the Kern County EIR was a "covered entity" for purposes of the Cap-and-Trade Program, whereas the housing development at issue in the LA County Decision was not a "covered entity" for purposes of the Cap-and-Trade Program. The LA County Decision accordingly held that Los Angeles County could not rely on the fact that transportation fuels and electricity that would be used as part of the project were subject to Cap-and-Trade offsets and allowances as a mitigation measure under CEQA. Since the project is also not a "covered entity" under the Cap-and-Trade Program, in an abundance of caution, Fresno County decided to revise the GHG analysis in the Draft EIR to conform to the more recent LA County Decision. Accordingly, all emissions, including those involving the consumption of fuel and the use of electricity, are included in

determining whether total emissions will exceed the GHG significance threshold of 10,000 $MTCO_2e$/yr.

The GHG analysis was also updated to account for the project's proportional share of regional demand growth rather than calculating emissions based on continuous operation at maximum throughput as was used in the Draft EIR. This revised methodology is described further in the Final EIR and in Appendix J of Appendix D-3. In addition, the increased use of renewable diesel fuel has been accounted for in the Final EIR analysis, as is further discussed in Appendix L of Appendix D-3. This updated analysis resulted in changes to the figures in tables 4.8-7 through 4.8-9.

The Draft EIR discusses the project's proposed hot mix asphalt plant and the associated emissions and best performance standards (BPS). This discussion was warranted at the time the analysis of air quality and GHG commenced because SJVAPCD had published a draft BPS for hot mix asphalt plants and the asphalt plant dryer combustion is the only source of GHG emissions that is not transportation fuel or electricity and considered to be subject to the Cap-and-Trade Program as discussed above. However, SJVAPCD did not finalize the draft BPS, has removed it from their website, and the project GHG emissions are less than the 10,000 $MTCO_2e$/yr significance threshold. Therefore, GHG emissions from the Project require no further mitigation, and the previously proposed Mitigation Measure 4.8-1, requiring premium efficiency electric motors with exhaust fan motors equipped with variable frequency speed control has been removed. The requirement that the dryer drum and mixing chamber be separated so that dryer exhaust gases do not contact liquid asphalt is a common requirement and design feature of contemporary asphalt plants that will be required during new source review as a best available control technology (BACT) for that part of the process.

The environmental setting, federal regulatory setting, and the CEQA Statutes and guidelines amendments remain unchanged from the Draft EIR. The aforementioned changes and updated analysis do not change the conclusions in the Draft EIR.

ERRATA

See Final EIR Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions," for a full reproduction of Section 4.8 showing errata in underline/strikethrough text.

END OF ERRATA

3.2.5.9 Errata to Draft EIR Section 4.9, "Hazards and Hazardous Materials"

There are no errata for Draft EIR Section 4.9.

3.2.5.10 Errata to Draft EIR Section 4.10, "Hydrology and Water Quality"

Explanation

The Draft EIR's discussion of Current Flood Maps in Section 4.10 has been revised to incorporate the conclusions of the 200-year floodplain analyses conducted for the project. The 200-year hydraulic analyses are included as Appendix G-7 and G-8 to this Final EIR.

- Chang Consultants, *200-Year Hydraulic Analysis for CEMEX Rockfield Modification Project Quarry Site*, (April 21, 2026) (2026a) (See Appendix G-7, "200-year Flood Hazard Analysis—Quarry Site")
- Chang Consultants, *200-Year Hydraulic Analysis for CEMEX Rockfield Modification Project Plant Site*, (May 12, 2026) (2026b) (See Appendix G-8, "200-year Flood Hazard Analysis—Plant Site")

A 200-year event is a flood that statistically has a 0.5-percent chance of occurring in any given year, as compared to a 100-year flood event which is a flood that statistically has a 1-percent chance of occurring in any given year (Chang 2026a, page 1). The 200-year flood report for the Quarry Site estimated that the 200-year flow rate would be 95,000 cfs based upon FEMA's 2016 flood insurance study (Chang 2026a, page 2). As such, the 200-year hydraulic analysis provides an even more conservative evaluation of the potential for rare flood events to breach the quarry pit. Upon an initial evaluation, the modeled 200-year floodplain entered the quarry pit at stations 16, 19, and 20 by approximately two feet. To proactively prevent the possibility of a 200-year flood event from entering the quarry pit, CEMEX raised the northerly portion of the berms separating the San Joaquin River and Quarry Site up to approximately 4 feet with compacted fill. Topographic mapping was prepared to display the locations where the berms were raised and is included in the 200-year hydraulic analysis for the Quarry Site (see Appendix G-7). These analyses demonstrated that the 200-year flood does not enter the Quarry Site. Chang Consultants also evaluated the 200-year flood at the Plant Site and determined that existing berms and ground elevations would provide protection from the San Joaquin River and Little Dry Creek 200-year flood (Chang 2026b, Appendix G-8). The addition of the 200-year analyses of the project sites does not change the conclusions drawn in the EIR. The following errata updates the Draft EIR's discussion of Current Flood Maps that appears on page 4.10-16 to incorporate the results of the 200-year flood analyses and to clarify that the 100-year hydraulic analysis (Appendix G-1) demonstrated that the San Joaquin 100-year floodplain does not encroach onto the Plant Site.

ERRATA

Localized and Riverine Flooding

Regulatory Flood Maps

The Federal Emergency Management Agency (FEMA) prepares Flood Insurance Rate Maps (Flood Maps) that delineate the areas of known special flood hazards and associated applicable risks to the community. According to FEMA Flood Maps #06019C1030H and #06019C1040H, the San Joaquin River adjacent to the Plant ~~Site~~ and Quarry ~~Site~~sites is mapped as both a 100-year Zone AE floodplain and regulatory floodway (FEMA 2009a and 2009b). A 100-year floodplain is the area that has a 1-in-100 (1%) chance of being flooded in any given year based on historical data and hydraulic modeling. A Zone AE floodplain and associated regulatory floodway are based on detailed engineering analyses. The floodway and floodplain are shown in Figure 4.10-1. As shown in Figure 4.10-1, the San Joaquin River floodway generally does not ~~encroach onto~~ overlie the Plant ~~Site~~ or Quarry ~~Site~~sites, but the FEMA floodplain ~~encroaches on~~ does overlie the west side of both sites. With regards to the Plant Site, the floodplain ~~does encroach onto~~ overlies a small portion of the southwest ~~northwest~~ corner of the Plant Site that contains a stockpile area.

Little Dry Creek is approximately 475 feet or more north of the Plant Site. The creek flows in a westerly direction and joins the San Joaquin River approximately one-half mile west of the Plant Site. According to FEMA Flood Map #06019C1040H, a Zone A floodplain along the creek ~~encroaches onto~~ overlies the northerly portion of the Plant Site; FEMA has not determined a floodway for Little Dry Creek (FEMA 2009b). A Zone A floodplain is determined from approximate methods and is not based on detailed engineering analyses.

According to FEMA Flood Map #06019C1040H, there is also a FEMA Zone A floodplain that ~~encroaches onto~~ overlies the southerly portion of the Plant Site (FEMA 2009b). This Zone A floodplain is isolated with no apparent connectively to the San Joaquin River, Little Dry Creek, or any other watercourse. The Little Dry Creek Zone A floodplain and the southern floodplain are shown in Figure 4.10-1.

Current Flood Maps

The FEMA studies on which the Flood Maps are based were performed over 20 years ago (the initial studies were completed in 1981 with updates from Friant Dam to Highway 99 in 1998). Consequently, an updated hydraulic analysis (Appendix G-1) was completed to estimate floodplain changes that may have occurred as a result of physical changes within and surrounding the project sites,

particularly changes that occurred as a result of the development of berms along the project site's boundaries. The analysis methodology is summarized in Section 4.10.3.2, "Analysis Methodology," and described in detail in Appendix G-1.

The results of the analysis are shown in Figure 4.10-1 as the "Current 100-Year Floodplain." The analysis indicates that the current San Joaquin River 100-year floodplain does not encroach onto the Quarry Site. ~~Similarly, the~~ FEMA's San Joaquin River 100-year floodplain does not ~~encroach onto~~overlie the Plant Site, except where the San Joaquin River water is delivered to the Plant Site via a delivery ditch that terminates just inside the western boundary and except at small portions on the ~~northwest corner~~western side of the Plant Site that contain~~s~~ stockpiled aggregate. FEMA's 100-year floodplain map did not fully account for the Plant Site's topography as existing in November 2018. The 2020 Hydraulic Analysis presented in Appendix G-1 demonstrates that the 100-year flood would not encroach onto the western portion of the Plant Site due to the Plant Site's existing berms and ground elevations.

The results of the analysis of the Little Dry Creek 100-year floodplain indicate that the berms along the northern boundary of the plant site prevent the little Dry Creek floodplain from ~~encroaching onto~~ entering the Plant Site. Similarly, the berm along the south property line of the Plant Site prevents the southern floodplain (not associated with any known water course) from ~~encroaching onto~~ entering the Plant Site.

The Fresno County General Plan previously only required the investigation of the 100-year water surface elevations for the San Joaquin River, but was revised in 2024 to require the investigation of the 200-year water surface elevation of the San Joaquin River in Policy HS-C.12. A 200-year event is a flood that statistically has a 0.5-percent chance of occurring in any given year, as compared to a 100-year flood event which is a flood that statistically has a 1-percent chance of occurring in any given year. (Chang 2026, page 1.) The 200-year flood report estimated that the 200-year flow rate would be 95,000 cfs based upon FEMA's 2016 flood insurance study. (Chang 2026, page 2.) As such, the 200-year hydraulic analysis provides an even more conservative evaluation of the potential for rare flood events to breach the quarry pit. Upon an initial evaluation, the modeled 200-year floodplain entered the Quarry Site at stations 16, 19, and 20 by approximately two feet. To proactively prevent the possibility of a 200-year flood event from entering the quarry pit, CEMEX raised the northerly portion of the berms separating the San Joaquin River and Quarry site up to approximately 4 feet with compacted fill. A topographic mapping was prepared to display the locations where the berms were raised and

is included in the 200-year hydraulic analysis for the Quarry Site. The analysis demonstrated that the 200-year flood does not enter the Quarry Site (Chang 2026a, Appendix G-7). Chang Consultants also evaluated the 200-year flood at the Plant Site and determined that existing berms and ground elevations would provide protection from the San Joaquin River and the Little Dry Creek 200-year flood (Chang 2026b, Appendix G-8).

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.10 to add a discussion of California Code of Regulations (CCR) Title 23 standards related to projects that affect floodways. Text is added to Draft EIR page 4.10-74 as follows.

ERRATA

The Rockfield Quarry Operator has chosen to fund the local PP&O study (CV-SALTS Salinity Control Program 2023).

California Code of Regulations, (Waters)

Under California Code of Regulations, Title 23, Division 1, Section 6, approval from the Central Valley Flood Protection Board (Board) is required for proposed work or uses that encroach upon levees, floodways, or regulated streams within areas subject to an adopted plan of flood control. Board jurisdiction includes levees and associated waterward and landward areas, designated floodways, and areas within specified distances of regulated stream banks, as well as other activities that could adversely affect state or federal flood control facilities. Permits may also be required for existing unpermitted encroachments or where conditions of responsibility or use have changed.

Pursuant to Section 15 of Title 23, the Board may deny an encroachment permit if a project would adversely affect the integrity, operation, or maintenance of flood control facilities; alter flood flows or water velocities; impair inspection, maintenance, or emergency response activities; increase flood hazards; or otherwise interfere with an adopted plan of flood control or the State Plan of Flood Control. As a Responsible Agency under CEQA, the Board reviews the environmental effects of proposed projects based on the Draft EIR and independently determines whether and under what conditions a project may be approved, including consideration of both direct and indirect impacts to flood control facilities.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.10 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR pages 4.10-74 through 4.10-76 are revised as follows.

ERRATA

Fresno County Zoning Ordinance—Land Use and Planning

The Zoning Ordinance of Fresno County—Land Use and Planning, last amended ~~June 2018~~February 2026, has policies and ordinances related to hydrology and water quality as ~~regards~~ it pertains to mine sites. Specifically, ~~Section 858, "Regulations for Surface Mining and Reclamation in All Districts,"~~ Section 834.4.220, "Mineral Extraction Sites," contains the following countywide development standards:

~~Section 858—Regulations for Surface Mining and Reclamation in All Districts~~ Section 834.4.220—Mineral Extraction Sites

~~H. Mining and Reclamation Standards~~
I. Mining and Reclamation Standards

13. Grading and revegetation shall be designed to minimize erosion and to convey surface runoff to natural drainage courses or interior basins designed for water storage. Basins that will store water during periods of surface runoff shall be designed to prevent erosion of spillways when these basins have outlet to lower ground.
14. Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.
15. ~~Erosion control facilities such as settling basins, ditches, stream bank stabilization, and dikes shall be constructed and maintained where necessary to control erosion.~~ Erosion control facilities (e.g., settling basins, ditches, stream bank stabilization, and dikes) shall be constructed and maintained where necessary to control erosion.
16. Extraction operations adjacent to any flowing stream shall be separated from the stream by closed dikes. No extractions within the stream ~~will be permitted~~ shall be allowed.
17. All water utilized in the plant operation shall be disposed of behind a closed dike so that it will not cause impairment of water in any stream.
18. Operations shall be conducted to substantially prevent siltation of groundwater recharge areas.

19. Settling ponds or basins shall be constructed to prevent potential sedimentation of streams at operations where they will provide a significant benefit to water quality.

25. The ~~Department~~Director shall consider the potentially adverse environmental effects of surface mining operations and ~~will~~shall generally require that:
    a. Disturbances of vegetation and overburden in advance of mining activities be minimized.
    b. Sufficient topsoil be saved to perform site reclamation in ~~accordance~~compliance with the Mining and Reclamation Plan.
    c. All reasonable and practical measures be taken to protect the habitat of fish and wildlife.
    d. Temporary or watershed diversion be restored.
    e. Permanent piles or dumps of mine waste rock and overburden be stabilized and not restrict the natural drainage without suitable provisions for diversion and toxic materials be removed or confined to control leaching.

26. Reclamation of mined lands shall be implemented in ~~conformance~~compliance with applicable performance standards as set forth in the State Regulations Sections 3703 et seq. pertaining to the subjects listed below:
    a. Wildlife habitat.
    b. Backfilling, regrading, slope stability, and recontouring.
    c. Revegetation.
    d. Drainage, diversion structures, waterways, and erosion control.
    g. Stream protection including surface and groundwater.
    h. Topsoil salvage, maintenance, and redistribution.
    i. Tailing and mine waste management

END OF ERRATA

Explanation

The Draft EIR misstates the County Policy HS-C.12 on page 4.10-81. Draft EIR page 4.10-81 is revised as follows.

ERRATA

Policy HS-C.12: The County shall encourage the performance of appropriate investigations to determine the ~~100~~200-year water surface elevations for the San Joaquin River, taking into account recent storm events and existing channel conditions, to identify

the potential extent and risk of flooding. New development, including public infrastructure projects, shall not be allowed along the river until the risk of flooding at the site has been determined and appropriate flood risk reduction measures identified.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.10 to specify monitoring requirements for Mitigation Measure 4.10-1, "Blasting Protocols." Draft EIR page 4.10-94 is revised as follows.

ERRATA

Mitigation Measure 4.10-1: *Blasting Protocols*

The operator of the Rockfield Quarry shall at all times implement the requirements of the "Blasting Protocols" developed October ~~27~~12, 2020, and updated ~~September 8, 2021~~April 29, 2026, by Vibra-Tech Engineers, Inc. The Blasting Protocols shall be appended to the Mitigation Monitoring and Reporting Program and shall be incorporated into the conditions of approval for the project. County staff shall monitor and verify, on a semi-annual basis, implementation of the Blasting Protocols throughout project operations.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.10 to add monitoring and enforcement details to Mitigation Measure 4.10-5a, "Plant Site Pond Adaptive Management Program." Draft EIR pages 4.10-98 through 4.10-100 are revised as follows.

ERRATA

Mitigation Measure 4.10-5a: *Plant Site Pond Adaptive Management Program*

With oversight and enforcement by Fresno County, t~~T~~he Operator of the Rockfield Quarry shall implement an adaptive management program at the Plant Site that includes monitoring, comparison of monitoring results with action levels, and subsequent implementation of mitigation measures if the action levels are exceeded. The impact does not have the potential to occur until after mining on part or all of the Plant Site area is completed, and water is allowed to fill all or a part of the excavated quarry pit. Therefore, monitoring under the adaptive management program shall begin when the quarry Operator allows water to begin to fill all or part of the excavated mine pit. At the latest,

monitoring shall begin at the completion of the Phase 1 mining at the Plant Site.

A qualified professional shall be responsible for the monitoring and reporting to be conducted under the adaptive management program. The qualified professional's qualifications shall be provided to the County prior to the start of the monitoring under the adaptive management program. Every six months, the qualified professional shall supervise field measurements for the parameters, and associated action levels, listed below.

- *pH>8.5*
- *Conductivity >700 micromhos/cm @ 25 degree C*
- *Temperature (no action level)*
- *Dissolved oxygen (DO) <8 mg/L or <70% of saturation*
- *Oxidation-reduction potential (ORP) <0*

These parameters are general indicators of water quality and the potential for reducing conditions to form that could mobilize naturally occurring iron and manganese and thereby degrade water quality. An annual report documenting the methodology and results of the sampling shall be submitted to Fresno County.

The field measurements shall be conducted at two depths: (1) near the surface of the water and (2) near the bottom of the water column. If any of the action levels shown in the "Field Indicator Parameters" table are exceeded for two successive monitoring events, then water samples shall be collected from the Plant Site pond and submitted to an analytical laboratory for analysis of iron and manganese. If the iron concentration exceeds its secondary MCL and NPDES discharge limit of 300 ug/L, or manganese exceeds its secondary MCL and NPDES discharge limit of 50 ug/L mg/L, then the laboratory testing shall be completed again in six months to assess whether there are potential seasonal influences.

If the iron and/or manganese levels do not consistently remain below their respective water quality standards, then the semiannual field monitoring shall continue. If no exceedances of the action levels shown in the "Field Indicator Parameters" table or of the iron and manganese water quality standards occur for a period of five years, then the water quality conditions in the reclaimed Plant Site pond shall be considered to have stabilized and no further monitoring shall be necessary. A final monitoring report shall be submitted to the County documenting the cessation of monitoring.

If the iron and/or manganese levels persist for five consecutive years above their respective water quality standards, then the following mitigation actions shall be implemented

within six months of the end of the five-year monitoring period:

- *Aeration or mechanical circulation of the water from the bottom of the pond to the surface of the pond. Reducing conditions that favor high pH values and low dissolved oxygen (DO) values, resulting in higher concentrations of iron and manganese, typically form at the bottom of ponds due to the breakdown of organic matter, such as dead aquatic or riparian vegetation. Aeration or mechanical circulation of the water from the bottom of the pond to the surface of the pond would better distribute DO throughout the water column and would minimize the formation of reducing conditions.*
- *Additional Measures. If substantial amounts of submerged aquatic vegetation form within the pond, or riparian vegetation such as reeds and cattails form around the perimeter of the pond, and aeration or water circulation alone is insufficient to eliminate the reducing conditions, then further measures to minimize the vegetation would be implemented. Such measures may include physical removal by hand or mechanical equipment (e.g. dredging), growth prevention using physical barriers (e.g. tarps or bottom barriers) in areas of heavy growth, or use of approved terrestrial or aquatic herbicides if other methods are not feasible or effective. Any herbicides used in implementing this measure shall comply with applicable Regional Water Quality Control Board Basin Plan specifications and Waste Discharge Requirements.*

Monitoring results shall be reported to the County in an annual report that ~~would~~ will be submitted at the end of the first quarter of every year. The annual report shall describe any measures that have been or are planned to be taken based on the monitoring results and provide the timing of measure implementation, an analysis of the effectiveness of the measures, and a description of any further recommended measures, as part of subsequent annual reports.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.10 Mitigation Measures 4.10-10a and 4.10-10b to clarify and amplify the requirements of the quarry site groundwater adaptive management program and funding obligations in response to comments on the Draft EIR requesting clarifications to the measures. Additional editorial changes are made to clarify the requirements and to move text that was included as footnotes for these measures in the Draft EIR to parenthetical statements in the text of the measure.

These changes better explain and enhance the groundwater monitoring program requirements and do not affect the analysis or conclusions in the Draft EIR. Draft EIR pages 4.10-107 through 4.10-111 are revised as follows.

ERRATA

After the completion of mining and reclamation, similar potential impacts to the groundwater supply wells shown in Table 4.10-9 could occur due to the local decrease in static groundwater levels as a result of the flow of groundwater to the proposed quarry pit. This is also a potentially significant impact. However, since dewatering would no longer be occurring, the groundwater level around the pit would increase, or rise, over time until reaching equilibrium with the final water level within the reclaimed mining excavation. As discussed in Appendix K of the Draft EIR, EMKO Environmental determined that a criterion of 15% reduction in the water column is an appropriate standard of significance for addressing potential groundwater reduction impacts at wells near the Quarry Site: "Use of the 15 percent criterion is conservative (i.e., protective of groundwater resources) not only due to the applied factor safety, but also because it accounts for shallow wells or wells with a small water column that may be at a greater distance from the quarry. Other approaches that are based only on the total amount of drawdown do not take into consideration the effects to shallow wells at greater distances from the dewatering location (i.e., the quarry)" (EMKO, October 3, 2023). As such, reduction of groundwater levels exceeding 15 percent in specified well clusters would trigger additional assessment under Mitigation Measure 4.10-10a. Furthermore, if such groundwater reduction is determined attributable to the mining operations and not due to unrelated factors, such as a drought, corrective actions would be required, as detailed in Mitigation Measure 4.10-10a. Mitigation Measure 4.10-10a would specifically require the implementation of an adaptive management strategy during mining and after the completion of reclamation that includes monitoring, comparison of monitoring results with action levels, and implementation of corrective measures if the action levels are exceeded. To ensure funding and implementation of the adaptive management program, Mitigation Measure 4.10-10b requires the establishment of an endowment dedicated to the implementation of the adaptive management program and implementation of corrective actions.

Level of Significance Before Mitigation: Potentially significant.

Mitigation Measure 4.10-10a: *Quarry Site Groundwater Adaptive Management Program*

To assess any potential effect on the CSA 44C wells due to the proposed excavation of a hard rock quarry pit at the Quarry Site, monitoring shall be conducted in the nested set

of wells between the Northeast Pond and the CSA 44C wells, and in the CSA 44C wells themselves. The existing MW-3 well cluster, with individual wells completed in the alluvium, weathered rock, and hard rock, is appropriately located for this purpose. In addition, the data from the MW-3 well cluster provides a continuous record of water level conditions at this location since August 2017, when dataloggers were installed~~for several years prior to implementation of the project~~. The water levels recorded in the MW-3 well cluster from 2017 until the time that mining and dewatering in the weathered rock begins after approval of the project will be used to define the baseline groundwater level conditions. Baseline water level ranges will be identified for the alluvium, weathered rock, and hard rock, specifically identifying conditions during drought periods, wet periods, and seasonal fluctuations, and these baseline conditions shall be documented in the first annual groundwater monitoring report. Pumping and water level data from the CSA 44C wells has been provided by Fresno County to support the analysis in this EIR. Fresno County will continue to provide these data sets to the Operator for the purposes of implementing this Adaptive Management Program. Monitoring of the water levels in the MW-3 cluster will continue to~~shall~~ be conducted using the downhole pressure transducers with dataloggers, which have been in place since August 2017.~~ Dataloggers are already installed in the MW-3 wells.~~[1] (Installation of dataloggers was previously attempted in the CSA 44C wells. Due to the construction of the well head and the pump system, it was not possible to install dataloggers in a manner that would not potentially interfere with the operation of the pumping equipment.)–The dataloggers shall be programmed to record water levels at least once every six hours such that a range of static and pumping water level effects would be captured. The data shall be downloaded every six months for review and subsequent inclusion in annual ~~mitigation~~ groundwater monitoring reports. The annual ~~mitigation~~ groundwater monitoring reports shall be prepared by a Professional Geologist/Certified Hydrogeologist and submitted to Fresno County annually ~~at the end of the first quarter of every~~ no later than March 31st each subsequent year. The annual report shall describe any additional measures that have been or are planned to be taken based on the monitoring results, in accordance with this adaptive management program. The first annual report shall be completed at the end of the first quarter of the year after the use permit becomes active and shall describe the baseline water level ranges at the MW-3 cluster for the alluvium, weathered rock, and hard rock, specifically identifying conditions during drought periods, wet periods, and seasonal fluctuations.

If the monitoring data indicate that groundwater levels in any of the monitored wells

~~[1] Installation of dataloggers was previously attempted in the CSA 44C wells. Due to the construction of the well head and the pump system, it was not possible to install dataloggers in a manner that would not potentially interfere with the operation of the pumping equipment.~~

drop such that the available water column decreases by more than 15 percent[2] (analytical solutions for drawdown in a well in an unconfined aquifer indicate that when the drawdown reaches 30% to 45% of the available water column, the reduction in the transmissivity is large enough to potentially cause the drawdown rate to become unstable and increase rapidly. Therefore a 2 to 3-fold factor of safety was used to identify the 15% criterion for this Adaptive Management Plan) then ~~a significant impact to available groundwater supply will have occurred~~ additional assessment as specified below is required. The data from the MW-3 well cluster shall be evaluated to ~~verify whether the impact is specific to the weathered rock and/or hard rock and is not~~ determine if the effect is related to the project or due to other unrelated factors, such as drought, a reduction in regional groundwater recharge (for example, by changes in operating practices along the Friant Kern Canal), or use of groundwater by future developments located upgradient to the north and northeast of the Quarry Site and CSA 44C wells. If the additional assessment confirms that a decrease in water levels greater than 15 percent is the result of mine dewatering, and is not due to other factors (such as those listed above)~~exclusively attributable to mine dewatering~~, then corrective measures would be implemented.

~~"For this analysis, a factor of safety has been applied, such that a criterion of 15 percent reduction in the water column is used to define the condition where a potentially significant impact may occur to the production capacity of a well. Use of the 15 percent criterion is conservative (i.e., protective of groundwater resources) not only due to the applied factor of safety, but also because it accounts for shallow wells or wells with a small water column that may be at a greater distance from the quarry. Other approaches that are based only on the total amount of drawdown do not take into consideration the effects to shallow wells at greater distances from the dewatering location (i.e., the quarry)" (EMKO, October 3, 2023).~~

The initial corrective measure would be to divert additional water from the mining excavation into the Northeast Pond or to a recharge trench to be constructed along the northeast side of the Quarry Site to enhance recharge in the area of CSA 44C wells. The rate of pumping into the Northeast Pond or recharge trench would be increased until the water level in the MW-3 well cluster and the CSA 44C wells recovers to a point between baseline and 15% below baseline. If, during mining, all available water from dewatering is being pumped to the Northeast Pond or recharge trench and the water level in the MW-3 well cluster remains 15% or more below the baseline elevations, then mining could not progress to greater depths in the quarry, although mining could proceed to the full width

~~[2]Analytical solutions for drawdown in a well in an unconfined aquifer indicate that when the drawdown reaches 30% to 45% of the available water column, the reduction in the transmissivity is large enough to potentially cause the drawdown rate to become unstable and increase rapidly. Therefore a 2 to 3 fold factor of safety was used to identify the 15% criterion for this Adaptive Management Plan.~~

allowed at that depth under the reclamation plan. If such a condition occurred, then the Reclamation Plan would be amended to reflect the adjusted depth of the quarry.

For wells completed west of the Quarry Site, and for the San Joaquin River, the existing MW-1 monitoring well cluster provides an appropriate monitoring location for the purposes of this adaptive management plan. Water levels have been measured in the three wells at the MW-1 cluster since August 2017 using downhole pressure transducers with dataloggers. The water levels recorded in the MW-1 well cluster from 2017 until the time that mining and dewatering in the weathered rock begins after approval of the project will be used to define the baseline groundwater level conditions. Baseline water level ranges will be identified for the alluvium, weathered rock, and hard rock, specifically identifying conditions during drought periods, wet periods, and seasonal fluctuations, and, similar to the MW-3 well cluster, these baseline conditions shall be documented in the first annual report. If access can reasonably be gained to any of the five private wells in Table 4.10-9 located to the west of the Quarry Site from the private owners, then those wells should also become part of the monitoring program. Groundwater levels would continue to be recorded using downhole pressure transducers with dataloggers, programmed to record water levels at least once every six hours such that a range of static and pumping water level effects would be captured. The data would be downloaded every six months for review and subsequent inclusion in annual groundwater mitigation monitoring reports. The annual report would also describe any additional measures that have been or are planned to be taken based on the monitoring results, in accordance with this adaptive management program.

If the monitoring data indicate that groundwater levels in any of the monitored wells drop such that the available water column decreases by more than 15 percent as compared to the baseline level, then ~~a significant impact to available groundwater supply will have occurred.~~ additional assessment as specified below is required. This conclusion would be confirmed by analysis of data from the MW-1 well cluster to ~~verify that~~ determine if the ~~impact~~ effect is ~~specific~~ related to the ~~weathered rock and/~~project or ~~hard rock and is not~~ due to other unrelated factors, such as drought, future developments in the area that rely on groundwater, or a reduction in regional groundwater recharge (for example, by changes in operating practices on the San Joaquin River or the Friant Kern Canal). ~~For the San Joaquin River, the impact must be specific to both the alluvium and weathered rock aquifer zones.~~ If the additional assessment confirms that the decrease in water levels is the result of mine dewatering, and is not due to other factors (such as those listed above)~~is primarily due to mine dewatering~~, then corrective measures would be implemented.

The initial corrective measure would be to divert additional water from the mining

excavation into the recharge trench adjacent to the San Joaquin River on the west side of the Quarry Site. The rate of pumping into the recharge trench would be increased until the water column in the MW-1 well cluster and any monitored private wells west of the Quarry Site recover to within 85 percent or more of baseline levels. If, during mining, all available water from dewatering is being pumped to the western recharge trench and the water column in the MW-1 well cluster remains below 85 percent of baseline elevations, then mining could not progress to greater depths in the quarry, although mining could proceed to the full width allowed at that depth under the reclamation plan. If such a condition occurred, then the Reclamation Plan would be amended to reflect the adjusted depth of the quarry.

If mining progresses to completion without impacting nearby wells ~~or flows in the San Joaquin River~~, then monitoring in the MW-1 and MW-3 well clusters will continue for at least 3 years, to include at least two below-normal rainfall years or one critically dry year, as defined by DWR. Dewatering will cease once mining is completed, so groundwater levels will begin to recover. During the post-mining monitoring period, the rate that water is pumped to the Northeast Pond and the recharge trenches will be reduced proportionally in accordance with the rate that the water level in the pond recovers. If the drawdown in the MW-1 and MW-3 monitoring well clusters is less than 15% at the end of the initially required monitoring period, then no further mitigation is required, monitoring can cease, and the related pumps, piping, and other equipment can be removed from the Quarry Site and monitoring equipment on private wells will be removed. However, if at the end of the monitoring period, the drawdown in the monitoring wells is greater than 15%, then pumping to the Northeast Pond, east recharge trench, and/or west recharge trench, as appropriate based on the post-mining monitoring data, must continue ~~indefinitely to reduce~~until the drawdown in the monitoring well clusters is reduced to below the 15% criterion.

***Mitigation Measure 4.10-10b:** Quarry Site Groundwater Adaptive Management Program Funding Mechanism*

During the mining period, the Operator will be present to fund and implement the Quarry Site Groundwater Adaptive Management Program described in Mitigation Measure 4.10-10a. Implementation of that Program would be a condition of approval for the Conditional Use Permit. ~~Prior to the completion of mining~~Once mining ceases, and prior to the release of the financial assurance mechanism for reclamation, the Operator shall establish a post-reclamation funding mechanism to provide a ~~permanent~~secured funding source for ~~the initial 3 years of~~ monitoring of groundwater levels in the MW-1 and MW-3 well clusters, ~~and~~ review of CSA 44C well monitoring data from the County, and monitoring of wells west of the San Joaquin River that become part of the monitoring

program after mining ceases and dewatering is no longer occurring in the quarry pit. The post-reclamation funding mechanism shall be sufficient to cover costs associated with the annual monitoring, the technical analysis and reporting described in Mitigation Measure 4.10-10a, and reasonably foreseeable actions that may be required to address excessive drawdown, including continuing to pump water to the Northeast Pond and recharge trenches indefinitely, if necessary.

Upon completion of mining and prior to release of the financial assurance mechanism to be in place through reclamation, the~~The~~ Operator shall submit for review and approval by the County Department of Public Works and Planning~~Agency Director, or designee, ("Director")~~ a proposed funding mechanism (e.g., a bond) and cost basis to secure costs related to the required Quarry Site groundwater adaptive management activities as described in Mitigation Measure 4.10-10a, above. The funding mechanism shall be held by the County or held and managed by a third party approved by the Operator and County, as determined by the ~~Director~~County. Following the completion of the post-mining monitoring period and if conditions are confirmed to be stabilized~~If conditions stabilize~~ and no further monitoring or management actions are~~is~~ required, as described in Mitigation Measure 4.10-10a, then the funding mechanism would be ~~cancelled~~released, and any remaining funds returned to the Operator.

END OF ERRATA

Explanation

Draft EIR Impact 4.10-16 and Impact 4.10-17 have been revised to incorporate the 2026 200-year San Joaquin River hydraulic analyses conducted for the Quarry Site and Plant Site. The errata to Impact 4.10-16 also clarifies that the San Joaquin River 100-year floodplain does not extend onto the Plant Site. FEMA's San Joaquin River Floodplain partially overlies the westerly portion of the Plant Site; however, the FEMA flood maps do not reflect the existing topography of the Plant Site and therefore do not accurately portray the actual floodplain boundaries. The 2020 Hydraulic Analysis concluded that the San Joaquin River 100-year flood would not extend into the Plant Site given the existing berms and ground elevations. The inclusion of the 200-year hydraulic analysis does not change the conclusions drawn in the Draft EIR. Draft EIR pages 4.10-117 to 4.10-119 are revised as follows.

ERRATA

Impact 4.10-16: Alter Drainage Patterns in a Manner Which Would Impede or Redirect Flood Flows

As described above in Section 4.10.1.45, "Flood Hazards," ~~above,~~ the 2020 Hydraulic Analysis (Appendix G-1) shows that the San Joaquin River 100-year floodplain does not enter into the Quarry Site and therefore the river would not overtop its banks and flow into the quarry. Additionally, as described under Section 4.10.1.5, subsection "Current Flood Maps," CEMEX raised the berms separating the Quarry Site from the San Joaquin River to proactively address potential flooding associated with a 200-year flood. The 2026 Hydraulic Analysis conducted for the Quarry Site reflects the current topography of the Quarry Site and demonstrates that the 200-year floodplain would not enter the Quarry Site (Chang 2026a; see G-7). Consequently, the proposed mining and reclamation of the Quarry Site would not impede or redirect flood flows.

FEMA's San Joaquin River floodplain extends into the westerly portion of the Plant Site, as shown in Figure 4.10-1. However, FEMA's maps do not reflect the existing topography of the Plant Site and therefore do not accurately portray the actual floodplain boundaries. Thus, Chang Consultants conducted an engineering assessment, which demonstrated that ~~The analysis also concludes that~~ the 100-year San Joaquin River floodplain does not enter into the Plant Site, and existing topography and berms along the north edge of the Plant Site prevent the 100-year Little Dry Creek floodplain from entering the Plant Site~~, with the exception of a small portion of the northwest corner of the Plant Site (as shown in Figure 4.10-1)~~. (Appendix G-1). Regardless, ~~This~~ the northwest portion of the Plant Site is currently used as a stockpile area, and this use would continue during Phase 1 mining operations. Upon completion of Phase 1 mining, the stockpiles would be removed, and the area would be graded to drain to the reclaimed pond to the east, as it does under existing conditions, which would improve conditions relative to flood flows. The stockpile area would then be revegetated. Although minor changes to the drainage patterns within the Plant and Quarry Site ~~of the portion of the Plant Site in the Little Dry Creek floodplain~~ would occur due to mining activities and reclamation under the proposed project, ultimately, the on-site storm runoff ~~area~~ would drain towards the ~~reclaimed Plant Site~~ mining excavations, similar to existing conditions, and flood flows would therefore not be impeded or redirected. ~~Removing the stockpiles would improve conditions relative to flood flows.~~ The 2026 Hydraulic Analysis conducted for the Plant Site also demonstrates that the 200-year San Joaquin River floodplain and the 200-year Little Dry Creek floodplain would not enter the Plant Site (Chang 2026b; Appendix G-8) ~~Thus, the proposed project would benefit site conditions and there would be no impact~~.

Because the project would not impede or redirect flood flows, the project's impacts would be less than significant.

Level of Significance: Less than significant.

Mitigation Measure: None required.

Impact 4.10-17: Release of Pollutants in Flood Hazard, Tsunami, or Seiche Zones Due to Project Inundation

As described in Section 4.10.1.45, above, the *Hydraulic Analysis* (Appendix G-1) shows that the San Joaquin River 100-year floodplain does not enter into the Quarry Site. Furthermore, as described in Section 4.10.1.5 above, the 200-year San Joaquin River floodplain also does not enter into the Quarry Site given the increased height of the berms separating the Quarry Site from the San Joaquin River (Chang 2026a, Appendix G-7). As described in the "Erosion and Sedimentation" subsection of Section 4.10.1.5, above, results of the 2020 Hydraulic Analysis indicate that the 100-year flow velocities along the Quarry Site San Joaquin ~~River bank~~ riverbank under existing conditions are generally at or below the 6 fps "permissible velocity" below which the natural channel will resist erosion, at all cross-sections shown in Figure 4.10-1 except at cross-sections 8, 15, and 16. Therefore, the proposed project, which proposes conditions equal to or better than those under existing conditions with respect to the flood hazard zone (i.e., 100-year floodplain) would not have the potential to increase the release of sediment by altering existing river velocities. FEMA's San Joaquin River floodplain extends into the westerly portion of the Plant Site, as shown in Figure 4.10-1. However, FEMA's maps do not reflect the existing topography of the Plant Site. Thus, Chang Consultants conducted an engineering assessment incorporating 2018 topographical information of the Plant Site and ultimately concluded that ~~The analysis also concludes that~~ the San Joaquin River 100-year floodplain does not enter into the Plant Site, and existing topography and berms along the north edge of the Plant Site prevent the Little Dry Creek 100-year floodplain from entering the Plant Site~~, with the exception of a small portion of the northwest corner of the Plant Site (as shown in Figure 4.10-1)~~ (see Appendix G-1). Regardless, this~~This~~ portion of the Plant Site is currently used as a stockpile area, and this use would continue during Phase 1 mining operations. Upon completion of Phase 1 mining, the stockpiles would be removed, and the area would be graded to drain to the reclaimed pond to the east, as it does under existing conditions. The area would then be revegetated. Because the existing land use of this portion of the Plant Site would not change during Phase 1 mining operations and does not involve the use of hazardous materials, and because this area would be graded and revegetated upon the completion of mining, the potential of the proposed project to substantially increase the risk of the release pollutants in the event of

flooding would be less than significant. Further, existing ground elevations and berms also prevent the 200-year San Joaquin River floodplain and Little Dry Creek floodplain from entering into the Plant Site (Chang 2026b, Appendix G-8).

The project sites are located downstream of Friant Dam, a concrete dam that forms the Millerton Lake reservoir. During unforeseen events, the release of water into the San Joaquin River at rates that could exceed the river channel capacity could be required (Fresno County 2018a). This in turn could result in flooding of the Quarry Site and/or Plant Site. During such an event, sediment could be generated due to erosion at both the Quarry Site and Plant Site, but that sediment would be generated with and without the project. However, the resulting inundation due to the unforeseen events would occur far outside the actual flood hazard zones, and thus would not be covered by this impact. In addition, the unforeseen event of the release of water from the Friant Dam or Millerton Lake Reservoir is not required to be addressed under CEQA since the releases are not "reasonably foreseeable." The enlarged mining excavation could help contain and minimize downstream flooding, which would reduce the overall potential for release of pollutants, including sediment. In addition, hazardous materials on both sites would be stored in accordance with the requirements of the Industrial General Permit SWPPP and SPCC Plan. This would minimize the risk of the release of pollutants in the event of site inundation. Upon completion of reclamation, both project sites would contain open space/open water land uses, which would not be sources of pollutants and would not store hazardous materials. Therefore, the potential of inundation of the project sites due to a rapid release of water from Friant Dam to result in the release of pollutants would be less than significant.

During mining operations, the quarry pits on the Plant Site and Quarry Site would generally be dewatered. After the completion of mining operations, quarry pit lakes would form. The lake surfaces would be approximately 20 feet bgs at the Plant Site and 500 feet bgs at the Quarry Site. Any seiches that could occur in these lakes would be unlikely to be sufficient in size to overtop the quarry pit highwalls. Furthermore, the surrounding areas would be reclaimed to open space and therefore water from seiches would not have the potential to come into contact with any substantial potential sources of pollutants. This impact would be less than significant.

Level of Significance: Less than significant.

Mitigation Measure: None required.

END OF ERRATA

3.2.5.11 Errata to Draft EIR Section 4.11, "Land Use and Planning"

Explanation

Revisions are made to Draft EIR Section 4.11 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 4.11-3 is revised as follows.

ERRATA

4.11.1.4 Zoning Classifications

Both the Quarry Site and Plant Site are zoned "AE-20" Exclusive Agriculture, 20-acre minimum parcel size. Surface mining operations and related facilities and activities are permitted in the AE-20 district subject to a CUP under the provisions of ~~Section 858~~Section 834.4.220 of the Fresno County Zoning Ordinance.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.11 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 4.11-9 is revised as follows.

ERRATA

4.11.2.3 Zoning Ordinance of Fresno County—Land Use and Planning

The Zoning Ordinance of Fresno County—Land Use and Planning, last amended ~~June 2018~~February 2026, establishes land use districts and regulations within the unincorporated areas of the county, outlines the use permit process, establishes regulations for various special land uses, and describes administrative procedures.

Both the Quarry Site and Plant Site are zoned "AE-20" Exclusive Agriculture, 20-acre minimum parcel size. Surface mining operations and related facilities and activities are permitted in the AE-20 district subject to a CUP under the provisions of ~~Section 858~~Section 834.4.220 of the Fresno County Zoning Ordinance.

~~Section 858—Regulations for Surface Mining and Reclamation in All Districts~~
Section 834.4.220—Mineral Extraction Sites

This section of the Fresno County Zoning Ordinance outlines the County's regulations on surface mining and reclamation operations, consistent with the California Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.). The section establishes the importance of mineral resources to the County as community

assets while acknowledging the need to protect surrounding uses from potential land use conflicts and adverse environmental effects and to reclaim mining sites to a usable condition. Specifically, this section requires approval of a CUP, Mining and Reclamation Plan, and Financial Assurances for all surface mining operations in the County and outlines the submission requirements and processing procedures for each. This section also establishes standards for surface mining operations and reclamation including requirements for annual inspections and reporting.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.11 Table 4.11-1 beginning on page 4.11-10 to correct an error regarding the significance level of Impact 4.10-10 and the numbering of the associated mitigation measures. Draft EIR Table 4.11-1, 6th row, is revised as follows.

ERRATA

Table 4.11-4
Project Consistency with Local Planning Documents

Goals/Objectives/Policies	Consistency Analysis
FRESNO COUNTY GENERAL PLAN: AGRICULTURAL & LAND USE ELEMENT	
SECTION A. AGRICULTURE	
Goal LU-A: To promote the long-term conservation of productive and potentially- productive agricultural lands and to accommodate agricultural-support services and agriculturally-related activities that support the viability of agriculture and further the County's economic development goals.	**Consistent:** The proposed project would be consistent with each of the applicable policies under this goal.
Policy LU-A.2: The County shall allow by right in areas designated Agriculture activities related to the production of food and fiber and support uses incidental and secondary to the on-site agricultural operation. Uses listed in Table LU-1 are illustrative of the range of uses allowed in areas designated Agriculture.	**Consistent:** According to Fresno County General Plan Table LU-1, mineral extraction is an allowed use in areas designated Agriculture, pursuant to the policies in the Open Space and Conservation Element.
Policy LU-A.3: The County may allow by discretionary permit in areas designated Agriculture, special agricultural uses and agriculturally related activities, including value added processing facilities, and certain non-agricultural uses listed in Table LU-1. Approval of these and similar uses in areas designated Agriculture shall be subject to the following criteria: a) The use shall provide a needed service to the surrounding agricultural area which cannot be	**Consistent:** Mineral extraction is an allowed use per Fresno County General Plan Table LU-1 and would meet the criteria outlined in this policy. a) The proposed use provides a needed service to the surrounding area by producing cement products for roads and other construction projects. b) As an existing commercial use, the proposed project is excluded from this policy provision per subsection (h) below.

Goals/Objectives/Policies	Consistency Analysis
provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics; b) The use should not be sited on productive agricultural lands if less productive land is available in the vicinity; c) The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter (1/4) mile radius; d) A probable workforce should be located nearby or be readily available; e) For proposed agricultural commercial center uses the following additional criteria shall apply: 1) Commercial uses should be clustered in centers instead of single uses. 2) To minimize proliferation of commercial centers and overlapping of trade areas, commercial centers shall be located a minimum of two (2) miles from a city sphere of influence and four (4) miles from any existing or approved agricultural or rural residential commercial center or designated commercial area. 3) New commercial uses should be located within or adjacent to existing centers. 4) Sites should be located on a major road serving the surrounding area. 5) Commercial centers should not encompass more than one-quarter (1/4) mile of road frontage, or one-eighth (1/8) mile if both sides of the road are involved, and should not provide potential for developments exceeding ten (10) separate business activities, exclusive of caretakers' residences; f) For proposed value-added agricultural processing facilities, the evaluation under criteria "a" above, shall consider the service requirements of the use and the capability and capacity of cities and unincorporated communities to provide the required services; and g) For proposed churches and schools, the evaluation under criteria LU-A.3a above shall include consideration of the size of the facility.	c) See Section 4.10, "Hydrology and Water Quality." With implementation of mitigation measures, the project would have less-than-significant impacts on water quality, groundwater supplies and recharge, and drainage patterns. ~~However, as it cannot be said with certainty at this time that access would be granted to County and private residential supply wells to allow for the full implementation of Mitigation Measure 4.10-11a, the County has determined that the proposed project's potential impact on groundwater supply wells surrounding the Quarry Site would be significant and unavoidable~~. d) See Impact 4.14-1. The project would require the addition of five new workers which would likely be hired from the surrounding communities. e) The project is not an agricultural commercial center. f) Per Fresno County General Plan Table LU-1, the proposed use is not a value-added agricultural processing facility. g) The proposed use is not a church or school. h) The proposed use is an existing commercial use and is consistent with the applicable criteria outlined in this policy.

Goals/Objectives/Policies	Consistency Analysis
Such facilities should be no larger than needed to serve the surrounding agricultural community. h) When approving a discretionary permit for an existing commercial use, the criteria listed above shall apply except for LU-A.3b, e2, e4, and e5	

END OF ERRATA

Explanation

The Fresno County General Plan was revised in 2024. As a result of the 2024 update, General Plan Policy HS-C.12 was changed to encourage the performance of appropriate investigations to determine the 200-year, rather than 100-year, flood water surface elevations for the San Joaquin River and reduce potential risks associated with the 200-year flood. The Hydraulic Analysis initially prepared for the project, included as Appendix G-1 to the Draft EIR, was completed in 2020, prior to the 2024 General Plan update, and thus previously analyzed the 100-year flood water surface elevations of the San Joaquin River. To address General Plan Policy HS-C.12 and address commenter's concerns pertaining to extreme flood events, Chang Consultants analyzed 200-year flood water surface elevations of the San Joaquin River at both the Quarry Site and the Plant Site. These analyses are included in the following reports:

- Chang Consultants, *200-Year Hydraulic Analysis for CEMEX Rockfield Modification Project Quarry Site*, (April 21, 2026) (2026a) (See Appendix G-7, "200-year Flood Hazard Analysis—Quarry Site")
- Chang Consultants, *200-Year Hydraulic Analysis for CEMEX Rockfield Modification Project Plant Site*, (May 12, 2026) (2026b) (See Appendix G-8, "200-year Flood Hazard Analysis—Plant Site")

A 200-year event is a flood that statistically has a 0.5-percent chance of occurring in any given year, as compared to a 100-year flood event which is a flood that statistically has a 1-percent chance of occurring in any given year (Chang 2026a, page 1). The 200-year flood report estimated that the 200-year flow rate would be 95,000 cfs based upon FEMA's 2016 flood insurance study (Chang 2026a, page 2). As such, the 200-year hydraulic analysis provides an even more conservative evaluation of the potential for rare flood events to breach the quarry pit than could occur with a 100-year flood event. Upon an initial evaluation, the modeled 200-year floodplain entered the quarry pit at stations 16, 19, and 20 by approximately two feet. To proactively and conservatively prevent a 200-year flood event from entering the quarry pit, CEMEX raised the northerly portion of the berms separating the San Joaquin River and Quarry site up to approximately 4 feet with compacted fill. A topographic mapping was prepared to display the locations where the

berms were raised and is included in the 200-year hydraulic analysis for the Quarry Site. These analyses demonstrated that the 200-year flood does not enter the Quarry Site. or the Plant Site. The addition of the 200-year analyses of the project site does not change the conclusions drawn in the EIR. The following errata updates the consistency analysis with policies LU-C.7, HS-C.12, and PF-E.9, to incorporate the results of the 200-year flood analyses and to clarify that the Little Dry Creek floodplain does not extend into the Plant Site. Table 4.11-1, at Draft EIR pages 4.11-13, 4.11-20, and 4.11-36, is revised as follows.

ERRATA

Goals/Objectives/Policies	Consistency Analysis
Policy LU-C.7: Fresno County shall take into consideration the presence of the regulatory floodway or other designated floodway, the FEMA-designated 100-year floodplain, estimated 250-year floodplain, the Standard Project Flood, and the FMFCD Riverine Floodplain Policy in determining the location of future development within the San Joaquin River Parkway area. Any development sited in a designated 100-year floodplain shall comply with regulatory requirements at a minimum and with the FMFCD Riverine Floodplain Policy criteria, or requirements of other agencies having jurisdiction, where applicable.	**Consistent:** Impact 4.10-11 of Section 4.10, "Hydrology and Water Quality," provides an analysis of flood hazards at the project sites. The Quarry Site and ~~majority of~~ the Plant Site are separated from nearby floodplains by existing berms and ground elevations. ~~Only the northwest corner of the Plant Site is within the floodplain for Little Dry Creek.~~ The FEMA maps of the San Joaquin River 100-year flood, which do not accurately reflect existing conditions of the Plant Site, indicate that the floodplain encroaches on the westerly portions of the Plant Site. However, the 2020 Hydraulic Analysis indicates that existing topography and berms and ground elevations prevent the floodplain from entering the site (Appendix G-1). Regardless, the northwestern ~~This~~ area is used solely for stockpile storage and would continue to be used as such after project implementation. Upon reclamation, these stockpiles would be removed, and the area would be graded to drain to an existing pond. Thus, no development is proposed within a designated 100-year floodplain.
Policy PF-E.9: The County shall require new development to provide protection from the 100-year flood as a minimum.	**Consistent:** See discussion of Impact 4.10-11 of Section 4.10, "Hydrology and Water Quality." The project does not constitute a new development; both sites have existed and have been mined for decades. The project sites are located near the San Joaquin River; however, the river's floodplain does not extend into either project site. FEMA's map of the San Joaquin 100-year flood, which do not accurately reflect existing conditions of the Plant Site, indicates that the floodplain encroaches onto the westerly portions of the Plant Site. ~~The floodplain for Little Dry Creek does extend into the northwest corner of the Plant Site; however,~~ However, the 2020 Hydraulic Analysis concludes that existing topography and berms prevent ~~it~~ the floodplain from

Goals/Objectives/Policies	Consistency Analysis
	entering ~~the majority of~~ the site~~.~~ (Appendix G-1). Regardless, the ~~The~~ portion of the Plant Site within the ~~Little Dry Creek~~ FEMA floodplain is used for stockpiles and would be graded to drain into a pond upon reclamation of the site. As further explained in Section 4.10.1.5, the existing, heightened berms at the Quarry Site prevent the 200-year flood from entering the Quarry Site. The existing berms and ground elevations at the Plant Site also prevent the 200-year flood from entering the Plant Site. Thus, the proposed project would be protected from the 100-year and 200-year flood.

Goals/Objectives/Policies	Consistency Analysis
Policy HS-C.12: The County shall encourage the performance of appropriate investigations to determine the 200-year water surface elevations for the San Joaquin River, taking into account recent storm events and existing channel conditions, to identify the potential extent and risk of flooding. New development, including public infrastructure projects, shall not be allowed along the river until the risk of flooding at the site has been determined and appropriate flood risk reduction measures identified.	**Consistent:** See discussion of Impact 4.10-16 of Section 4.10, "Hydrology and Water Quality." The project sites ~~are~~have been located near the San Joaquin River for decades. As discussed in Section 4.10.1.5; ~~however,~~ the San Joaquin River's 200-year~~river's~~ floodplain does not extend into either project site. The existing, heightened berms at the Quarry Site prevent the 200-year flood from entering the Quarry Site. The existing berms and ground elevations at the Plant Site also prevent the 200-year flood from entering the Plant Site. ~~The floodplain for Little Dry Creek does extend into the northwest corner of the Plant Site. This portion of the Plant Site is used for stockpiles and would be graded to drain into a pond upon reclamation of the site.~~ Thus, the proposed project would be protected from potential flood risks, including from the 200-year flood~~the 100-year flood~~.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.11 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 4.11-43 is revised as follows.

ERRATA

Goals/Objectives/Policies	Consistency Analysis
FRESNO COUNTY ZONING ORDINANCES	
~~SECTION 858, SURFACE MINING AND RECLAMATION ORDINANCE~~SECTION 834.4.220, MINERAL EXTRACTION SITES	
~~H. Mining and Reclamation Standards~~ I. Mining and Reclamation Standards **The standards for surface mining operations and reclamation shall be as follows:**	
1. ~~No extraction of material or overburden shall be permitted within twenty five (25) feet of any property boundary nor within fifty (50) feet of a boundary contiguous with a public road right-of-way or recorded residential subdivision.~~ Extraction of material or overburden shall not be allowed within 25 feet of any property boundary nor within 50 feet of a boundary contiguous with a public road right-of-way or recorded residential subdivision.	**Consistent:** The approved CUPs for the quarry operation prohibit placement of stockpiled soil or other materials within 25 feet of any property boundary or within 50 feet of any public right-of-way, consistent with these standards. There are two rural residential subdivisions adjacent to the Quarry Site and no residential subdivisions adjacent to the Plant Site. Under the proposed project, the quarry would continue to comply with these standards.
2. ~~No stockpiled soil or material shall be placed closer than twenty five (25) feet from a property boundary.~~ Stockpiled soil or material shall not be placed closer than 25 feet from a property boundary.	**Consistent:** The quarry is restricted by its approved CUPs from placing any stockpiles of soil or other materials within 25 feet of a property boundary. Under the proposed project, the Quarry would continue to comply with these standards.
4. Security fencing four ~~(4)~~ feet in height consisting of not less than three ~~(3)~~ strands of barbed wire, or an approved equivalent, shall be placed along any property line abutting a public right-of-way and around any extraction area where slopes steeper than two ~~(2)~~ feet horizontal to one ~~(1)~~ foot vertical are maintained. ~~Such~~ The interior fencing will not be required where exterior fencing surrounds the property.	**Consistent:** The project sites are currently partially fenced. Upon project approval, fencing meeting these standards would be erected along all project site boundaries.
5. Screening of the site shall be achieved by planting trees of a variety approved by the Director along all property lines adjacent to a public road right-of-way or a recorded residential subdivision. Adequate screening can generally be achieved with evergreen trees planted in two ~~(2)~~ staggered rows, with ~~twenty (20)~~20 feet between the rows and between the trees in each row. As an alternative, oleanders or shrubs of a similar size and density may be planted in the same pattern at ~~ten (10)~~ 10-foot intervals. The plant species and planting plan and timetable shall be designated in the Mining and Reclamation Plan. All required plants shall be maintained in a good horticultural manner. In areas where it is found that the planting of trees or shrubs will not achieve the desired screening effect due to soil conditions, the Director may approve an	**Consistent:** The Plant Site has landscape screening along North Friant Road, the adjacent public right-of-way, consistent with the existing CUP conditions. The Quarry Site would add landscape screening consistent with these standards. Existing and proposed plantings for the project sites are described in Chapter 2, "Project Description."

Goals/Objectives/Policies	Consistency Analysis
alternate method of screening consisting of meandering dirt berms of sufficient height to screen the site. (Amended by Ord. T- 252 adopted 12-9-80)	

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.11 Table 4.11-1 beginning on page 4.11-16. Mitigation Measure 4.13-6 has been removed in the Final EIR as it was duplicative of Mitigation Measure 4.10-1, "Blasting Protocols." Draft EIR Table 4.11-1 is revised as follows.

ERRATA

Goals/Objectives/Policies	Consistency Analysis
Policy PF-C.15: If the cumulative effects of more intensive land use proposals are detrimental to the water supplies of surrounding areas, the County shall require approval of the project to be dependent upon adequate mitigation. The County shall require that costs of mitigating such adverse impacts to water supplies be borne proportionately by all parties to the proposal.	**Consistent:** The project's potential impacts to groundwater quality at the project sites and during both the mining and reclamation phases are addressed in Impacts 4.10-4 through 4.10-7 of Section 4.10, "Hydrology and Water Quality." The analyses determined that the project would have a potentially significant impact to groundwater quality at the Plant Site due to the water quality of the pond that would form in the excavation pit after the completion of mining. To address this impact, Mitigation Measure 4.10-5a requires implementation of a Plant Site Pond Adaptive Management Program while Mitigation Measure 4.10-5b requires establishment of a funding mechanism to ensure implementation of the program. The analyses further determined that the project would have a potentially significant impact to groundwater quality at the Quarry Site during mining operations due to blasting operations. To address this impact, Mitigation Measure ~~4.13-6~~4.10-1 requires implementation of the project's Blasting Protocols to avoid the potential contamination of groundwater by explosives. The project's potential impacts to groundwater supplies are addressed in Impacts 4.10-8 through 4.10-13. According to the impact discussion, dewatering of the Quarry Site excavation pit would have the potential to affect the availability of groundwater at surrounding wells. To address this impact, Mitigation Measure 4.10-11a requires the implementation of a Groundwater Adaptive

Goals/Objectives/Policies	Consistency Analysis
	Management Program during mining and after completion of reclamation that includes monitoring and implementation of corrective measures as necessary to prevent impacts to surrounding wells. Mitigation Measure 4.10-11 requires establishment of a funding mechanism to ensure implementation of the program.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.11 Table 4.11-1 beginning on page 4.11-21. Mitigation Measure 4.13-6 has been removed in the Final EIR as it was duplicative of Mitigation Measure 4.10-1, "Blasting Protocols." Draft EIR Table 4.11-1 is revised as follows.

ERRATA

Goals/Objectives/Policies	Consistency Analysis
Policy PF-E.20: The County shall require new development of facilities near rivers, creeks, reservoirs, or substantial aquifer recharge areas to mitigate any potential impacts of release of pollutants in flood waters, flowing rivers, streams, creeks, or reservoir waters.	**Consistent:** See Impacts 4.9-1 and 4.9-2 of Section 4.9, "Hazards and Hazardous Materials," for a discussion of hazardous materials on the project site and the potential for accidental releases of such materials into the environment. Mitigation Measure 4.9-1 of Section 4.9 and Mitigation Measure ~~4.13-6~~4.10-1 of Section 4.13, "Noise," are provided to prevent accidental release of pollutants.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.11 Table 4.11-1 beginning on page 4.11-23. Mitigation Measure 4.13-6 has been removed in the Final EIR as it was duplicative of Mitigation Measure 4.10-1, "Blasting Protocols." Draft EIR Table 4.11-1 is revised as follows.

ERRATA

Goals/Objectives/Policies	Consistency Analysis
Policy PF-H.5: The County shall require that new development be designed to maximize safety and minimize fire hazard risks to life and property.	**Consistent.** See Section 4.20, "Wildfire." The implementation of Mitigation Measure ~~4.13-6~~4.10-1 would ensure that the use of explosives for blasting is carefully managed to minimize fire risk including compliance with applicable regulations and offsite storage.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.11 Table 4.11-1 beginning on page 4.11-24. Mitigation Measure 4.13-6 has been removed in the Final EIR as it was duplicative of Mitigation Measure 4.10-1, "Blasting Protocols." Draft EIR Table 4.11-1 is revised as follows.

ERRATA

Goals/Objectives/Policies	Consistency Analysis
Policy OS-A.18: The County shall protect groundwater resources from contamination and overdraft by pursuing the following efforts: a) Identifying and controlling sources of potential contamination; b) Protecting important groundwater recharge areas; c) Encouraging water conservation efforts and supporting the use of surface water for urban and agricultural uses wherever feasible; d) Encouraging the use of treated wastewater for groundwater recharge and other purposes (e.g., irrigation, landscaping, commercial, and nondomestic uses); e) Supporting consumptive use where it can be demonstrated that this use does not exceed safe yield and is appropriately balanced with surface water supply to the same area; f) Considering areas where recharge potential is determined to be high for designation as open space; and g) Developing conjunctive use of surface and groundwater.	**Consistent:** The project's potential impacts on groundwater resources are addressed in Section 4.10, "Hydrology and Water Quality." a) Potential impacts to groundwater quality at the project sites are addressed in Impacts 4.10-4 through 4.10-7. With implementation of Mitigation Measures 4.10-5a and 4.10-5b requiring funding and implementation of a Pond Adaptive Management Program on the Plant Site as well as Mitigation Measure ~~4.13-6~~4.10-1, which requires implementation of the project's Blasting Protocols to minimize the risk of contamination of groundwater by explosives. **[REMAINING TEXT IS OMITTED.]**

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.11 Table 4.11-1 beginning on page 4.11-25. Mitigation Measure 4.13-6 has been removed in the Final EIR as it was duplicative of Mitigation Measure 4.10-1, "Blasting Protocols." Draft EIR Table 4.11-1 is revised as follows.

ERRATA

Goals/Objectives/Policies	Consistency Analysis
Policy OS-A.19: The County shall require new development near rivers, creeks, reservoirs, or substantial aquifer recharge areas to mitigate any potential impacts of release of pollutants in storm waters, flowing river, stream, creek, or reservoir waters.	**Consistent:** See Impacts 4.9-1 and 4.9-2 of Section 4.9, "Hazards and Hazardous Materials," for a discussion of hazardous materials on the project site and the potential for accidental releases of such materials into the environment. Mitigation Measures 4.9-1 and ~~4.13-6~~4.10-1 are provided to prevent the accidental release of pollutants.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.11 Table 4.11-1 beginning on pages 4.11-25 through 4.11-26. Mitigation Measure 4.13-6 has been removed in the Final EIR as it was duplicative of Mitigation Measure 4.10-1, "Blasting Protocols." Draft EIR Table 4.11-1 is revised as follows.

ERRATA

Goals/Objectives/Policies	Consistency Analysis
Policy OS-A.24: In areas with increased potential for groundwater degradation (e.g., areas with prime percolation capabilities, coarse soils, and/or shallow groundwater), the County shall only approve land uses with low risk of degrading groundwater.	**Consistent:** The project's potential impacts to groundwater quality at both sites and during both the mining and reclamation phases are addressed in Impacts 4.10-4 through 4.10-7. The analyses determined that the project would have a potentially significant impact to groundwater quality at the Plant Site due to water quality of the pond that would form in the excavation pit after the completion of mining. To address this impact Mitigation Measure 4.10-5a requires implementation of a Plant Site Pond Adaptive Management Program while Mitigation Measure 4.10-5b requires establishment of a funding mechanism to ensure implementation of the program. The analyses further determined that the project would have a potentially significant impact to groundwater quality at the Quarry Site during mining operations due to blasting operations. To address this impact, Mitigation Measure ~~4.13-6~~4.10-1 requires implementation of the project's Blasting Protocols to avoid the potential contamination of groundwater by explosives.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.11 Table 4.11-1 beginning on page 4.11-30 to reflect that Mitigation Measure 4.3-2 has been updated in the Final EIR to include Mitigation Measure 4.3-2a "Off Road Engines," and Mitigation Measure 4.3-2b "Fugitive Dust Control Plan." Additionally, Mitigation Measure 4.13-6 has been removed in the Final EIR as it was duplicative of Mitigation Measure 4.10-1, "Blasting Protocols." Draft EIR Table 4.11-1 is revised as follows.

ERRATA

Goals/Objectives/Policies	Consistency Analysis
Policy OS-E.13: The County should protect to the maximum extent practicable wetlands, riparian habitat, and meadows since they are recognized as essential habitats for birds and wildlife.	**Consistent:** As discussed in Impacts 4.4-4 and 4.4-5, the project sites do not contain any wetlands, riparian habitat, or meadows. There is riparian habitat along the San Joaquin River west of the project sites and along Little Dry Creek north of the Plant Site; however, project activities would not extend into these areas, and potential indirect impacts from dust and

Goals/Objectives/Policies	Consistency Analysis
	noise/vibration are addressed through Mitigation Measures 4.3-2b and ~~4.13-6~~4.10-1, respectively.
Policy OS-E.14: The County shall require a minimum 200-foot-wide wildlife corridor along particular stretches of the San Joaquin River and Kings River, whenever possible. The exact locations for the corridors should be determined based on the results of biological evaluations of these watercourses. Exceptions may be necessary where the minimum width is infeasible due to topography or other physical constraints. In these instances, an offsetting expansion on the opposite side of the river should be considered.	**Consistent:** The Plant Site is located 0.6 miles from the San Joaquin River. The Quarry Site is located adjacent to the San Joaquin River, but Quarry Site operations would not be conducted within 200 feet of the river. As discussed under Impact 4.4-4, project activities would not extend into wildlife corridors, and potential indirect impacts from dust and noise/vibration are addressed through Mitigation Measures 4.3-2b and ~~4.13-6~~4.10-1, respectively.
Policy OS-E.16: The County should preserve in a natural state to the maximum possible extent areas that have unusually high value for fish and wildlife propagation.	**Consistent:** The project sites do not contain areas that have high value for fish and wildlife propagation. The San Joaquin River and associated riparian habitat west of the project sites are considered high value habitat; however, project activities would not extend into these areas, and potential indirect impacts from dust and noise/vibration are addressed through Mitigation Measures 4.3-2b and ~~4.13-6~~4.10-1, respectively.
Policy OS-E.17: The County should preserve, to the maximum possible extent, areas defined as habitats for rare or endangered animal and plant species in a natural state consistent with State and Federal endangered species laws.	**Consistent:** The project sites provide only marginal habitat for any rare or endangered wildlife species and were found during surveys to be absent all special status animals, plants and plant communities.
SECTION F. VEGETATION	
Goal OS-F: To preserve and protect the valuable vegetation resources of Fresno County.	**Consistent:** The proposed project would be consistent with each of the applicable policies under this goal.
Policy OS-F.3: The County shall support the preservation of significant areas of natural vegetation, including, but not limited to, oak woodlands, riparian areas, and vernal pools.	**Consistent:** The project sites are heavily disturbed and do not contain any significant areas of natural vegetation. As discussed in Impacts 4.4-2 and 4.4-4, the riparian habitat associated with the San Joaquin River west of the project sites and with Little Dry Creek north of the Plant Site would not be directly affected by the proposed project, and potential indirect impacts from dust and noise/vibration are addressed through Mitigation Measure 4.3-2b and ~~4.13-6~~4.10-1, respectively.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.11 to provide consistency analysis for additional goals and policies from the San Joaquin River Conservancy's Parkway Master Plan. Draft EIR Table 4.11-1 at page 4.11-46 is revised as follows.

ERRATA

Goals/Objectives/Policies	Consistency Analysis
Mineral Resource Goal: Work with gravel mining companies to acquire high-priority properties after they have been mined. Promote reclamation plans that enhance and complement Parkway goals and are Parkway-ready to the extent practicable.	**Consistent:** As described in greater detail below in the analysis of project consistency with specific Parkway Master Plan policies, the proposed reclamation plan would create approximately 138.5 acres of wildlife habitat that would enhance and complement Parkway goals by restoring open space, riparian, and open-water habitat features consistent with the Parkway Master Plan's long-term vision for post-mining land uses.
Mineral Resource Goal: Design, construct, and manage the Parkway in a manner that will not conflict with sand and gravel mining operations.	**Consistent:** The proposed project has been designed to avoid and minimize conflicts with adjacent parks, trails, and recreational facilities to the extent feasible. As evaluated in Sections 4.13, "Noise," and 4.17, "Transportation," potential operational conflicts related to noise and traffic would be reduced to less-than-significant levels with mitigation. In addition, as described in Section 2.5.8, the project proposes to dedicate easements to allow for future continuation of existing Parkway trails through the project area.
Policy Mineral.1: For new mining permit applications within the Parkway planning area, provide recommendations to local land use control agencies to ensure the appropriate application of Parkway policies.	**Consistent:** The intent of this policy is to ensure coordination between mining projects and Parkway planning objectives. The San Joaquin River Conservancy was provided the project's Notice of Preparation (see Appendix A-2) and given the opportunity to review and provide recommendations during the environmental review process. Comments received from the Conservancy were considered during preparation of this Draft EIR, consistent with the policy's coordination objective.

Goals/Objectives/Policies	Consistency Analysis
Policy Mineral.2: For new mining permit applications in the Parkway planning area, provide recommendations to local land use control agencies to protect existing riparian woodlands, enhance or complement the revegetation of the river wildlife corridor and adjacent areas, improve excavated gravel ponds by providing for specific wildlife habitat needs or replication of natural landscapes, and to reflect public safety needs.	**Consistent:** The entire Plant Site is disturbed by mining and processing operations with the exception of required setbacks from Friant Road. The proposed project would not disturb the existing wildlife corridors along the San Joaquin River to the west or Little Dry Creek to the north. Reclamation of the Plant Site would create approximately 138.5 acres of open space, riparian, and open water wildlife habitat that complement and enhance goals of the Parkway Master Plan. Slopes surrounding the approximate 95-acre reclaimed pond would be seeded with native grasses and forbs and planted with native plants that would provide food and habitat for wildlife. The perimeter of the Plant Site would be fenced with minimum four (4) foot high ranch fencing consisting of metal T-posts and minimum three (3) strands of barbed wire. At the Quarry Site, an approximately 110-acre pond will be located at the bottom of the excavation. Slopes (alluvial and weathered granite) above the hard rock benches would be seeded with native grasses and forbs that will provide food and habitat for wildlife. The perimeter of Plant Site will be fenced with minimum four (4) foot high ranch fencing consisting of metal T-posts and minimum three (3) strands of barbed wire. See also the discussion under Policies Habitat 7.
Policy Mineral.3: In public Parkway areas that have significant sand and gravel reserves that may be needed for the San Joaquin River Restoration Program or other habitat and floodplain restoration needs, site significant permanent structures where they will not preclude or interfere with future extraction of those resources.	**Consistent:** The project proposes to mine aggregate resources within the footprint of the existing Plant Site and Quarry Site. At the Plant Site the project would mine the remaining alluvial deposit. At the Quarry Site, the project would mine the hard rock below the alluvial deposit currently being mined. This would conserve areas that have significant sand and gravel reserves along the San Joaquin River that may be needed for the San Joaquin River Restoration Program or other habitat and floodplain restoration needs. In addition, it will conserve other areas of aggregate resources for future recovery.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.11 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 4.11-49 is revised as follows.

ERRATA

Fresno County Zoning Ordinance

As described previously, both the Quarry Site and the Plant Site are zoned by the Fresno County Zoning Ordinance as "AE-20" Exclusive Agriculture, 20-acre minimum parcel size. Surface mining operations and related facilities and activities are permitted in this zoning district subject to a CUP under the provisions of ~~Section 858~~Section 834.4.220 of the Fresno County Zoning Ordinance. Surface mining operations at the Quarry Site and Plant Site are permitted through 2023 under multiple existing CUPs approved by Fresno County. The proposed project would allow for continued and expanded mining on the Quarry Site and Plant Site under a new CUP. Therefore, with project approval, the proposed actions would be consistent with the Fresno County Zoning Ordinance.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.11 to add a description of the San Joaquin River Parkway Master Plan. Text is added to Draft EIR page 4.11-50, after the second paragraph, as follows.

ERRATA

San Joaquin River Parkway Master Plan

Overall, the proposed project would be consistent with the San Joaquin River Parkway Master Plan. It maintains the existing 200-foot river setback and, through reclamation, would create substantial new habitat: about 352.4 acres at the Quarry Site and 138.5 acres at the Plant Site. These reclaimed conditions would enhance riparian/open-water resources that support the Parkway Master Plan's habitat goals. Landscaping and revegetation would use native species, and current onsite conservation practices (e.g., nest boxes) would be continued, aligning with habitat policies. The project's cooperative approach with the San Joaquin River Conservancy and neighbors also furthers the Parkway Master Plan's partnership objectives. Mining and reclamation are confined to existing disturbed footprints and sequenced to conserve aggregate resources and minimize the impact to adjacent land uses and the natural environment, consistent with the Plan's mineral policies.

END OF ERRATA

3.2.5.12 Errata to Draft EIR Section 4.12, "Mineral Resources"

Explanation

Revisions are made to Draft EIR Section 4.12 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 4.12-3 is revised as follows.

ERRATA

Fresno County Zoning Ordinance

The existing zoning designations for the project sites are both AE-20 (Exclusive Agriculture, 20-acre minimum parcel size). As described in Section 816 of the Zoning Ordinance, this zone is intended to be an exclusive district for agriculture and for those uses that are necessary and an integral part of the agricultural operation. Surface mining operations and related facilities and activities are permitted in the AE-20 district subject to a CUP and the provisions of ~~Section 858~~Section 834.4.220 of the Zoning Ordinance.

Mineral resources are specifically identified in ~~Section 858~~Section 834.4.220 as "valuable community assets which must be safeguarded against preemption by competing or conflicting land uses." The County also discusses that mineral deposits are frequently located in areas that are also suited for other types of development or are in areas characterized by significant natural resources. Therefore, care must be taken to ensure that mineral resources are recovered efficiently and safely, with minimal disruption to surrounding land uses and environmental values, and that sites are reclaimed to a usable condition that is readily adaptable for alternative land uses.

END OF ERRATA

3.2.5.13 Errata to Draft EIR Section 4.13, "Noise"

Explanation

Revisions are made to Draft EIR Section 4.13 to reflect the current (February 2024) Fresno County General Plan land use compatibility criteria for community noise environments. Draft EIR Table 4.13-6 on pages 4.13-28 and 4.13-29 has been revised to update text and to incorporate the updated land use compatibility criteria, including revisions to the compatibility shading, updates to the table source and General Plan references, and other minor formatting corrections. Because revisions to the compatibility shading and formatting cannot be shown using underline and strikethrough, the revised shading is presented in the table below without redline notation.

ERRATA

Policies HS-H.4 and HS-H.8 refer to "Figure HS-9" and "Chart HS-1," which provide noise compatibilities for various land use categories. The information in Chart HS-1 of the *Fresno County General Plan* is provided in Table 4.13-6, "Land Use Compatibility for Community Noise Exposure."

Table 4.13-3
Land Use Compatibility for Community Noise Exposure

Land Use Category	Noise Exposure Level, Ldn or CNEL (dBA)							
	50	55	60	65	70	75	80	85
Residential: Low-Density Single-Family, Duplex, ~~and~~ Mobile Homes								
Residential: Multiple Family								
Transient Lodging: Motels, ~~and~~ Hotels								
Schools, Libraries, Churches, Hospitals, ~~and~~ Nursing Homes								
Auditoriums, Concert Halls, ~~and~~ Amphitheaters								
Sports Arenas~~, and~~ Outdoor Spectator Sports								
Playgrounds, ~~and~~ Neighborhood Parks								
Golf Courses, Riding Stables, Water Recreation, ~~and~~ Cemeteries								

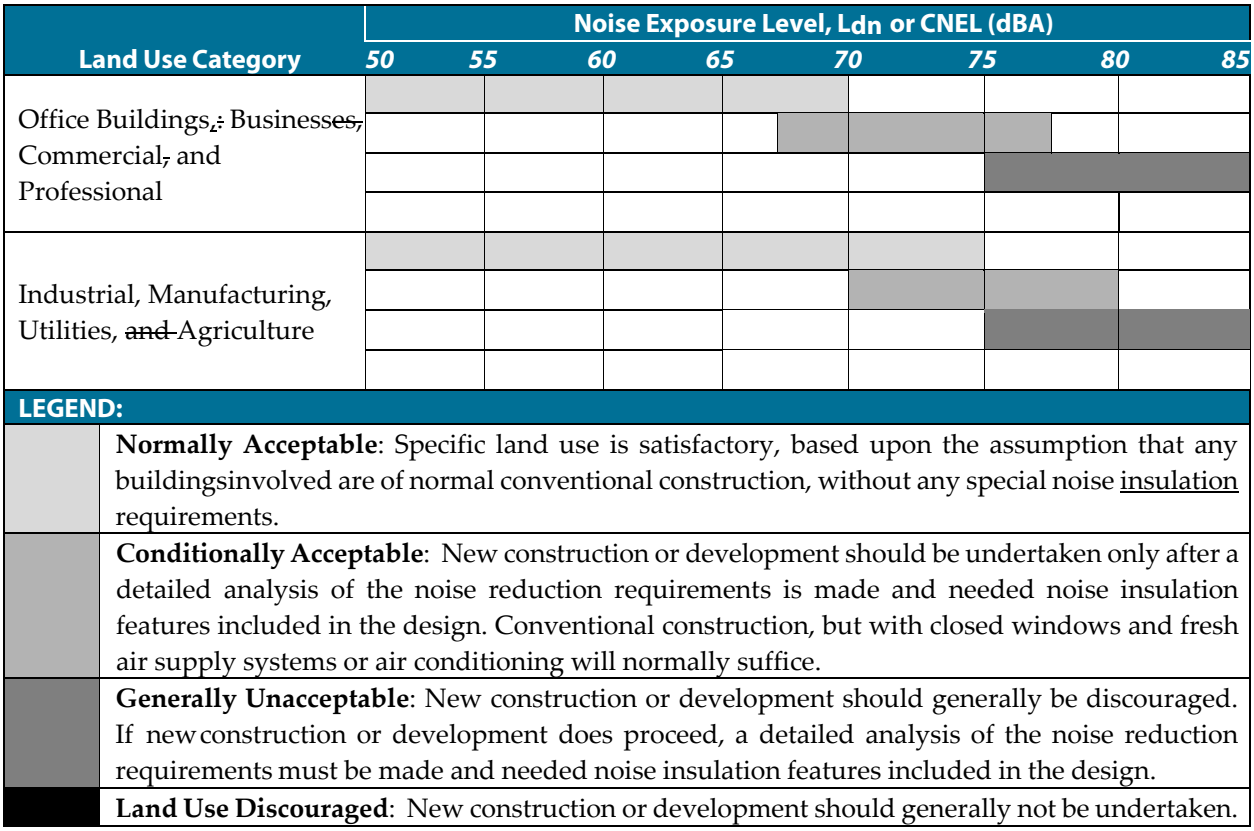


Table Source: ~~Chart HS-1~~Figure HS-9 of Fresno County ~~2000~~2024.

Explanation

Revisions are made to Draft EIR Section 4.13 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 4.13-30 is revised as follows.

ERRATA

Zoning Ordinance of Fresno County—Land Use and Planning

The Zoning Ordinance of Fresno County—Land Use and Planning, last amended ~~June 2018~~February 2026, has policies and ordinances related to noise and vibration. Specifically, ~~Section 858, "Regulations for Surface Mining and Reclamation in All Districts,"~~ Section 834.4.220, "Mineral Extraction Sites," contains the following countywide development standards:

~~Section 858—Regulations for Surface Mining and Reclamation in All Districts~~
Section 834.4.220—Mineral Extraction Sites

~~H. Mining and Reclamation Standards~~
I. Mining and Reclamation Standards

The standards for surface mining operations and reclamation shall be as follows:

20. Good operating practices shall at all times be utilized to minimize noise, vibration, dust and unsightliness. In reviewing a proposal, the ~~Planning~~ Commission shall consider:
    a. The location of the processing plant.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.13 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 4.13-31 is revised as follows.

ERRATA

    b. The location where unused equipment will be stored.
    c. Proposals for the removal of all structures, metallic equipment, debris, or objects upon conclusion of the extraction operations.

24. All surface mining operations and reclamation activities shall be conducted consistent with all policies of the General Plan's Noise Element.

END OF ERRATA

Explanation

In response to certain comments raising concerns about the potential impacts of blasting upon nearby residents, Vibra-Tech Engineers evaluated the appropriate ground vibration and air overpressure significance threshold for preventing human disturbance. Vibra-Tech Engineers' "Technical Note on Threshold of Significance for Human Response CEMEX Rockfield Quarry Modification Project Fresno County, California, dated April 29, 2026, is presented as Appendix H-8, "Blasting and Human Response Technical Memorandum.".

Revisions are made to Draft EIR Section 4.13 to provide a summary of the analysis of ground vibration and air overpressure thresholds of significance that would account for human sensitivities. Further, the "Blasting Protocols," as required by Mitigation Measure

4.10-1 and presented in Final EIR as Appendix H-9, "Revised Blasting Protocol," have been revised to incorporate the blasting vibration and air overpressure thresholds applicable to humans at occupied residential structures near the Quarry Site.

The following paragraphs have been added to page 4.13-39 of the Draft EIR, after the San Joaquin River Embankment Threshold discussion, as follows.

ERRATA

Human Sensitivity Threshold

Vibra-Tech Engineers evaluated the limited available research regarding blasting impacts to people, including the 2004 CalTrans Study, the 1974 Wiss and Parmelee Study, the American National Standards Institute ("ANSI") standards and the U.S. Bureau of Mines Report RI-8507, and determined that the appropriate significance threshold for minimizing human annoyance resulting from blast-induced ground vibrations and air overpressure is a peak particle velocity of 0.60 inches/second and blast-induced air overpressure threshold of 0.01 psi. (Vibra-Tech Engineers, *Technical Note on Threshold of Significance for Human Response CEMEX Rockfield Quarry Modification Project Fresno County, California* (April 29, 2026) (Appendix H-8, "Blasting and Human Response Technical Memorandum".) The data evaluated in the USBM Report RI-8507 is based on calculated ground vibration levels, and thus is the most valid predictor of homeowner response to blast vibrations. The data is based on human response to perceived vibration in people's homes, the house rattle and other associated sounds produced by vibration in a residential structure, and considers the fear homeowners feel concerning property damage.

The 0.60 inches/second PPV threshold falls between the two ANSI standards and is at the lower end of the "strongly perceptible to mildly unpleasant" average response provided in the 2004 CalTrans Study. This is still encompassing the 95th percentile of responses discussed in the USBM report, meaning that 95% of the population would not be disturbed if the calculated ground vibration levels reached 0.60 inches/second PPV.

Similarly, utilizing data from a USBM study that evaluated air overpressure limits to minimize human annoyance, Vibra-Tech Engineers determined that the appropriate threshold of significance for human response to blast-induced air overpressure is 0.01 psi given that the vast majority of the population would not be disturbed by blasts resulting in 0.01 psi blast-induced air overpressure.

END OF ERRATA

Explanation

Draft EIR Section 4.13 Impact 4.13-6 has been revised to clarify the applicable ground vibration and air overpressure thresholds for residences, structures, wells, the San Joaquin River Embankment, and humans at occupied residential structures near the Quarry Site. The clarification of certain blasting thresholds and the addition of blasting thresholds for humans do not change the significance determinations contained in the Draft EIR. Draft EIR pages 4.13-65 and 4.13-66 are revised as follows.

ERRATA

Impact 4.13-6: Generate Substantial Groundborne Vibration or Airborne Vibration as a Result of Blasting

A substantial ground-borne vibration impact would occur if vibration from blasting resulted in damage to surrounding residential/commercial structures, damage to nearby groundwater wells, disturbance of nearby residents, or destabilization of the San Joaquin River embankment. As described in the "Blasting Significance Thresholds" subsection, of Section 4.13.3.2, above, the following significance thresholds are required to ensure that ground vibration and air overpressure~~airblast~~ from blasting activities do not result in damage or destabilization:

- 0.75 in/sec PPV ground vibration threshold to prevent damage to residential/commercial structures (this threshold can be adjusted based on frequency of vibration as shown on Figure 4.13-5);
- Ground vibrations measured at water wells will not exceed 2.0 in/sec to prevent damage to wells;
- 0.5 in/sec PPV ground vibration threshold to prevent destabilization of the San Joaquin River embankment (this threshold can be adjusted based on frequency of vibration as shown on Figure 4.13-6); and
- 0.012950 psi to prevent damage to residential/commercial structures and minimize human disturbance from airblast ~~(provided that blasting is limited to 1 to 2 blast events per day)~~ (this threshold ~~can be adjusted based on frequency of vibration as summarized in~~ is based on utilizing a 2 Hz microphone for measurements as shown in Table 4.13-12)~~.~~; and
- 0.60 in/sec PPV vibration threshold and 0.01 psi air overpressure threshold to minimize human disturbance at occupied residential structures near the Quarry Site.

Because maintaining the vibration residential/commercial structure threshold of 0.75 in/sec PPV is lower than the 2.0 in/sec PPV threshold to prevent damage to wells,

measures taken to maintain vibration below the residential/commercial structure threshold would also be protective of any wells associated with the structure. The closest wells that are not associated with a residential/commercial structure are located further from the blasting area than the nearest residential/commercial structures. Therefore, measures taken to maintain vibration below the residential/commercial structure threshold would also be protective of the nearby wells that are not associated with a residential/commercial structure. ~~In addition, because blasting would occur once to twice a week between the hours of 10 a.m. and 2 p.m., it would not exceed a frequency of more than two blasts per day, and therefore measures taken to maintain vibration below the 0.01295 psi threshold to prevent damage from airblast would be also prevent human disturbance.~~ To minimize human disturbance that may result from blasting, the *Blasting Protocols* as updated in 2026 and provided in Appendix H-9, "Revised Blasting Protocol," require blasting designs to maintain a vibration threshold of 0.60 in/sec PPV and an air overpressure threshold of 0.01 psi at occupied residential structures near the Quarry Site.

The *Blast Impact Analysis* (Appendix H-3) found that to ensure that vibration and airblast remain below the applicable thresholds, reduced maximum explosive weights would be required as blasting approaches the perimeter of the quarry (at progressively closer distances to residential structures and other receptors). Reduced explosive weights can be achieved using smaller diameter blastholes, shorter diameter blastholes, and/or a reduced number of blastholes per delay. With regards to the San Joaquin River embankment, blasting-generated vibration can also be reduced to meet the ~~0.5 in/sec threshold~~ San Joaquin River embankment threshold curve set forth in Figure 4.13-6 by reducing the bench heights within the quarry pit. The analysis and recommendation of the Blast Impact Analysis (Appendix H-3) indicate that without appropriate vibration and airblast reduction measures, blast-induced groundborne vibration and airblasts could exceed thresholds and result in damage to surrounding residential/commercial structures, to nearby groundwater wells, or destabilization of the San Joaquin River embankment. The Blast Impact Analysis Peer Review (Appendix H-7) recommends adherence to a blasting program that conform to the OSMRE (1987) Blasting Guidance Manual to avoid blast-induced impacts and recommends the implementation of specific mitigation measures that require beginning hard rock blasting towards the center of the Quarry Site, implementing a blast monitoring plan, and preparing and updating a blasting plan annually.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.13 to clarify implementation of Mitigation Measure 4.10-1, "Blasting Protocols." Draft EIR page 4.13-66 is revised as follows.

ERRATA

Mitigation Measure ~~4.13-6~~4.10-1 would require implementation of the Blasting Protocols ~~(Appendix H-6)~~ (Appendix H-9, "Revised Blasting Protocols") which specify that blasting must begin at the center of the Quarry Site so that monitoring of groundborne vibration can occur and be used to verify that predicted maximum ground vibrations are consistent with actual ground vibrations measurements and allow for adjustments in blasting design to occur based on the monitoring results. The Blasting Protocols detail requirements for the implementation of a blast monitoring program that includes ground vibration measurements, air overpressure measurements, visual inspection of the San Joaquin River embankment whenever blasting occurs within 1,000 feet of the embankment and depths less than 100 feet within the hard rock portion of the quarry pit (measured at the contact between alluvium and rock). Should significance thresholds be exceeded or signs of instability of the embankment (such as slumping or cracking) be noted, the County must be notified within 48 hours, and a corrective action plan must be developed that identifies changes to the blasting program to prevent future exceedances. If a corrective action plan is required, a suspension of all blasting will immediately occur until the corrective action is approved by the County. The Blasting Protocols also detail the requirements for complaint response procedures; record-keeping; and annual reporting of monitoring, complaints investigations, and corrective actions. Lastly, the Blasting Protocols would require the operator of the Rockfield Quarry to develop an annual Blasting Plan that includes the proposed blasting designs for areas proposed for blasting each year. The blasting design must be supported by calculations that maintain blast-induced vibrations below the significance thresholds. The plan must be submitted to the County each year for review. With implementation of Mitigation Measure ~~4.13-6~~4.10-1, the potential of the proposed project to generate substantial groundborne vibration or airblast would be less than significant.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.13 to eliminate a duplicate mitigation measure, Mitigation Measure 4.13-6, "Blasting Protocols." Draft EIR page 4.13-67 is revised as follows.

ERRATA

Mitigation Measure ~~4.13-6~~: ~~*Blasting Protocols*~~ *Implement Mitigation Measure 4.10-1, "Blasting Protocols."*

~~*The operator of the Rockfield Quarry shall at all times implement the requirements of the "Blasting Protocols" developed October 27, 2020, and updated September 8, 2021, by Vibra-Tech Engineers, Inc. The Blasting Protocols shall be appended to the Mitigation Monitoring and Reporting Program and shall be incorporated into the conditions of approval for the project.*~~

END OF ERRATA

3.2.5.14 Errata to Draft EIR Section 4.14, "Population and Housing"

There are no errata for Draft EIR Section 4.14.

3.2.5.15 Errata to Draft EIR Section 4.15, "Public Services"

There are no errata for Draft EIR Section 4.15.

3.2.5.16 Errata to Draft EIR Section 4.16, "Recreation"

Explanation

Revisions are made to Draft EIR Section 4.16 Table 4.16-1 beginning on page 4.16-1 to update the details regarding public access at multiple recreational facilities. Draft EIR Table 4.16-1 is revised as follows.

ERRATA

Several recreational facilities are located within two miles of at least one of the project sites, including the San Joaquin Fish Hatchery, Lost Lake Recreation Area, Lewis S. Eaton Trail, and Ball Ranch. Recreational facilities adjacent to or in the immediate vicinity of the project sites are described in Table 4.16-1, "Recreation Facilities Near the Project Sites."

Table 4.16-6
Recreation Facilities Near the Project Sites

Recreation Facility Name	Facility Type	Facility Size	Managing Agency	Distance from Plant Site[1]	Distance from Quarry Site
San Joaquin River Ecological Reserve-Willow Unit	Ecological reserve, no public access	238 acres	CDFW	0 mi	1.1 mi S
Rank Island, Joaquin River Ecological Reserve	Ecological reserve, no public access	270 acres	CDFW	1.4 mi SW	2.6 mi SW

Recreation Facility Name	Facility Type	Facility Size	Managing Agency	Distance from Plant Site[1]	Distance from Quarry Site
Lost Lake Park (including Lost Lake Fishing Area and Lost Lake Park Nature Trail	Public Recreation Area, public access	268 acres[2]	Fresno County/CDFW	2.1 mi N	0 mi N
San Joaquin Fish Hatchery	Fish Hatchery, limited public access	35 acres	CDFW	3.8 mi N	1.9 mi N
Lewis S. Eaton Trail/Friant Open Space	~~Parkway~~ Trail, public access	6.0 mi/141 acres	Fresno County/ Fresno City	1.8 mi SW	3.18 mi SW
Beck-Lost Lake Addition	Public land, ~~limited public access~~ public access	106 acres	SJRC	1.9 mi N	0 mi N
Ledger Island	Public land, limited public access	161 acres[2]	SJRC	0.8 mi N (across San Joaquin River)	0.25 mi W (across San Joaquin River)
K'uik'ui Ranch (Ball Ranch)	Public land, ~~limited~~ public access	358 acres[2]	SJRC	0.1 mi N	0.5 mi S
Coke Hallowell Center for River Studies	Private land, public access by permission	20 acres[2]	Parkway Trust	1.8 mi SW	3.18 mi SW
Owl Hallow	Private land, public access by permission	5 acres	Parkway Trust	1.9 mi SW	3.2 Mi SW
Sumner Peck Ranch	Private land, public access ~~public access by permission~~	76 acres	Parkway Trust	0.7 mi N	0.14 mi S
Dragonfly Golf Club	Private Golf Club	320 acres	Dragonfly Golf Club	0.7 mi W (across river)	1.7 mi SW (across river)

Table Source: GreenInfo Network 2007, 2020; SJRPCT 2021; CDFW 2021a, 2021c; Vaughan 2021, SJRC 2021~~.~~, Benchmark 2026

Table Notes:

1. Distances are estimates made using Google Earth and park maps provided by respective agencies.
2. Size provided by SJRC database & California Protected Areas Database

END OF ERRATA

3.2.5.17 Errata to Draft EIR Section 4.17, "Transportation"

Explanation

Revisions are made through the errata below to the introduction of Draft EIR Section 4.17 to clarify that the level of service (LOS) analysis in the Transportation section of the EIR is included because the Fresno County General Plan requires an LOS analysis. Draft EIR page 4.17-2 is revised as follows.

ERRATA

This EIR discusses anticipated VMT associated with the proposed project based on the analysis of the VMT Addendum (Appendix I-2) and the Additional Response to Comments (Appendix I-4). CEQA changed from requiring a LOS analysis to requiring a VMT analysis in 2018. Thus, this EIR's transportation discussion includes a VMT analysis, see e.g. pages 4.7-20 through 4.7-26. In addition, under the Fresno County General Plan, a LOS analysis is also required under Policy TR-A.3. Thus, the County General Plan requires a LOS analysis that could be properly included in the Draft EIR in either the EIR Land Use and Planning section regarding the project's consistency with the County General Plan, or this Transportation section. For ease of review, Fresno County determined that this Transportation section is a better place for the LOS analysis, which is why it is in this section.

END OF ERRATA

Explanation

Revisions are made through the errata below to Draft EIR Section 4.17 to clarify that CEQA requires VMT analyses to evaluate transportation impacts under Title 14 CCR Section 15064.3. Draft EIR page 4.17-8 is revised as follows.

ERRATA

CEQA Section 21099(b)(1) (Senate Bill 743)

Under SB 743, CEQA Section 21099(b)(1) ~~requires~~ required that the California Governor's Office of Planning and Research (OPR) develop revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts of projects that "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." CEQA Section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to Section 21099(b)(1), automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment under CEQA. Subsequently, the

CEQA Guidelines were amended in 2018 adding Guidelines Section 15064.3 that describes specific considerations for evaluating a project's transportation impacts and advises that vehicle miles traveled (VMT) is generally the most appropriate measure of transportation impacts. In December 2018, OPR published the *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Technical Advisory) recommending that transportation impacts for projects be measured using a VMT metric (OPR 2018).

END OF ERRATA

Explanation

Revisions are made to Draft EIR Section 4.17 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 4.17-8 is revised as follows.

ERRATA

Zoning Ordinance of Fresno County—Land Use and Planning

The Zoning Ordinance of Fresno County—Land Use and Planning, last amended ~~June 2018~~February 2026, has policies and ordinances related to transportation. Specifically, ~~Section 858, "Regulations for Surface Mining and Reclamation in All Districts,"~~ Section 834.4.220, "Mineral Extraction Sites," contains the following countywide development standards related to transportation that apply to mining projects in the County.

~~Section 858—Regulations for Surface Mining and Reclamation in All Districts~~
Section 834.4.220-Mineral Extraction Sites

~~H. Mining and Reclamation Standards~~
I. Mining and Reclamation Standards

The standards for surface mining operations and reclamation shall be as follows:

6. The first ~~one hundred (~~100~~)~~ feet of access road(s) intersecting with a County maintained road shall be surfaced in a manner approved by the Board and shall not exceed a two ~~(2)~~ percent grade and shall have a width of not less than ~~twenty-four (~~24~~)~~ feet.
7. Where an access road intersects a County-maintained road, it shall be improved with a driveway approach constructed to ~~Fresno~~ County Standards.
9. Traffic control and warning signs shall be installed as required by the Commission at the intersection of all private roads with public roads. The placement, size, and wording of these signs shall be approved by the Director.

END OF ERRATA

Explanation

Revisions are made through the errata below to Draft EIR Section 4.17 to provide information about the Fresno Council of Governments' SB 743 Implementation – Regional Guidelines (June 2025). Fresno County has not adopted the 2025 COG Guidelines; however, the County utilizes the guidelines where VMT analyses are required. This additional guidance does not change the VMT analysis or conclusions presented in the Draft EIR. The following subsection is inserted to Draft EIR page 4.17-12 preceding the subsection "Fresno County General Plan."

ERRATA

Fresno County SB 743 Implementation—Regional Guidelines

The Fresno Council of Governments (COG) prepared the "Fresno County SB 743 Implementation – Regional Guidelines" (Fresno COG VMT Guidelines; updated June 2025) after publication of the Draft EIR in December 2024, as a guide for the COG's 16 member jurisdictions to assist the member agencies in their shift from a delay-based LOS approach to VMT and with the intent that local governments may use the recommendations in the regional guidelines as appropriate based on their individual circumstances (e.g., growth policies and economic development goals). Substantial evidence and explanation on establishing the "Region," VMT screening criteria, and VMT analysis thresholds are also described in the Fresno COG VMT Guidelines. The Regional Guidelines further confirm that heavy-duty trucks are not included in VMT analyses at page 21.

END OF ERRATA

Explanation

Revisions are made through the errata below to Draft EIR Section 4.17 to include additional Fresno County General Plan policies under the list of policies associated with General Plan Goal TR-A. Policy TR-A.2 requires evaluation of transportation impacts be based upon VMT under CEQA, and Policies TR-A.5 and TR-A.25 pertain to road improvements and analysis of transportation impacts. Although these three policies were not specifically listed in the Draft EIR, the transportation analyses are consistent with the applicable aspects of these policies. The addition of these policies through the errata below amplifies the EIR's discussion of General Plan policies related to transportation, but does not affect the analysis or conclusions of the Draft EIR. The policies are added to the list of select Goal TR-A policies beginning on Draft EIR page 4.17-12, as shown below.

ERRATA

Goal TR-A: To plan and provide a unified, multi-modal, coordinated, and cost-efficient countywide street and highway system that ensures the safe, orderly, and efficient movement of people and goods, including travel by walking, bicycle, or transit.

Policy TR-A.2: The County shall require evaluation of County General Plan land use designation changes, zone changes, and discretionary development for their individual (i.e., project-specific) and cumulative transportation impacts based on Vehicle Miles Traveled (VMT) under the California Environmental Quality Act (CEQA) pursuant to the methodology and thresholds of significance criteria established by the County.

Policy TR-A.3: The County shall plan and design its roadway system in a manner that strives to meet Level of Service (LOS) D on urban roadways within the spheres of influence of the cities of Fresno and Clovis and LOS C on all other roadways in the county. Roadway improvements to increase capacity and maintain LOS standards should be planned and programmed based on consideration of the total overall needs of the roadway system, recognizing the priority of maintenance, rehabilitation, and operation of the existing road system.

The County may, in programming capacity-increasing projects, allow exceptions to the level of service standards in this policy where it finds that the improvements or other measures required to achieve the LOS policy are unacceptable based on established criteria. In addition to consideration of the total overall needs of the roadway system, the County shall consider the following factors:

a) The right-of-way needs and the physical impacts on surrounding properties;
b) Construction and right-of-way acquisition costs;
c) The number of hours that the roadway would operate at conditions below the standard;
d) The ability of the required improvement to significantly reduce delay and improve traffic operations; and
e) Environmental impacts upon which the County may base findings to allow an exceedance of the standards.

In no case should the County plan for worse than LOS D on rural County roadways, worse than LOS E on urban roadways within the spheres of influence of the cities of Fresno and Clovis, or in cooperation with Caltrans and the Council of Fresno County Governments, plan for worse than LOS E on State Routes in the county.

Policy TR-A.5: The County shall program road improvements on a countywide priority basis using technical assessment tools such as the Road and Traffic Evaluation (RATE) and Pavement Management System.

Policy TR-A.6: The County shall require dedication of right-of-way or dedication and construction of planned road facilities as a condition of land development, and require an analysis of impacts of traffic from all land development projects including impacts from truck traffic. Each such project shall construct or fund improvements necessary to mitigate the effects of traffic from the project. The County may allow a project to fund a fair share of improvements that provide significant benefit to others through traffic impact fees.

Policy TR-A.7: The County shall assess fees on new development sufficient to cover the fair share portion of that development's impacts on the local and regional transportation system.

Policy TR-A.10: The County shall ensure that land development that affects roadway use or operation or requires roadway access to plan, dedicate, and construct required improvements consistent with the criteria in the Circulation Diagram and Standards section of this element.

Policy TR-A.16: The County working with the cities of Fresno County, Shall establish a system of designated truck routes through areas of urban density.

Policy TR-A.25: Projects that would generate or attract more than 110 daily vehicle trips shall be evaluated for a transportation VMT impact on an individual basis. The threshold of significance shall be 87 percent below the countywide average rate of VMT. Any individual project resulting in VMT that exceeds 87 percent below the countywide average shall be required to implement project-specific mitigation measures aimed at reducing VMT generated by the project.

END OF ERRATA

Explanation

Revisions are made through the errata below to Draft EIR Section 4.17 to discuss the 2025 Fresno Council of Governments (COG) VMT Guidelines. The addition does not affect the analysis or conclusions in the Draft EIR. The second paragraph under the heading "Vehicle Miles Traveled Analysis" beginning on Draft EIR page 4.17-18 is revised as follows.

ERRATA

As of ~~the date of this analysis~~ March 2026, the County has not finalized or adopted any VMT guidelines. In addition, the guidelines that were prepared by COG for the County's consideration have not been approved by the County. As discussed previously, the Fresno Council of Governments adopted the Fresno COG VMT Guidelines in June 2025. The County has not officially adopted the 2025 Fresno COG VMT Guidelines, but the 2025 Fresno COG VMT Guidelines are used as the reference material for reviews that require a VMT analysis. As a result, the VMT analysis presented in this analysis was performed pursuant to the Technical Advisory (OPR 2018) and is supplemented by the 2025 Fresno COG VMT Guidelines.

END OF ERRATA

Explanation

Revisions are made through the errata below to Draft EIR Section 4.17 to provide the additional information pertaining to the 2025 COG VMT Guidelines pertaining to VMT analyses and specifically the difference between the significance thresholds identified in the 2018 OPR Technical Advisory and the 2025 Fresno COG VMT Guidelines. Revisions are made to the "Automobile VMT Significance Thresholds" on Draft EIR page 4.17-19 as shown below.

ERRATA

Automobile VMT Significance Thresholds

The Technical Advisory states that projects that generate or attract fewer than 110 automobile trips per day can be assumed to cause a less-than-significant transportation impact (OPR 2018). Therefore, the 110 automobile trips per day threshold is used to determine whether the increase in automobile trips generated by the proposed project could result in a significant increase in VMT.

The June 2025 Fresno COG *Fresno County SB 743 Implementation Regional Guidelines* ("2025 COG Guidelines") and the December 2018 California Office of Planning and

Research (OPR) *Technical Advisory on Evaluating Transportation Impacts in CEQA* ("2018 Technical Advisory") contain descriptions that the analysis of VMT under CEQA pertains to on-road passenger vehicles (cars and light-duty trucks) and does not apply to heavy-duty trucks typical of those generated by the Project. As such, only employee automobile trips and other non-truck trips are required to be analyzed for VMT. The Fresno County General Plan Policy TR-A.25 requires an analysis for any project generating more than 110 trips per day. This value stems from the 2018 Technical Advisory, which indicates 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 2025 COG Guidelines provide substantial evidence that projects generating up to 500 non-truck trips per day may be screened out (assumed to cause a less-than-significant transportation impact).

END OF ERRATA

Explanation

Revisions are made through the errata below to Draft EIR Section 4.17 to clarify that the active mines evaluated for the purpose of creating VMT estimates are located in or adjacent to the Fresno Production-Consumption Region. Draft EIR Figure 4.17-2 and Table 4.17-5, and associated references in the paragraph that precedes Table 4.17-5, are updated through the errata below to reflect this clarification. Additionally, the footnote in Table 4.17-5 is revised through the errata below to reference the Traffic Impact Study as Appendix I-1 of the Draft EIR instead of Appendix I-2. These revisions do not affect the analysis or conclusions of the Draft EIR transportation analysis.

ERRATA

There are no well-established methods or sets of empirical data for estimating VMT, particularly for aggregate mining operations that are highly dependent upon the location of the source, the locations of other aggregate mines, regional demand, and the consideration that not all trips are round trips. The trip generation estimates presented in the Traffic Impact Study (Appendix I-1) were utilized as the basis for the VMT estimates developed by the VMT Addendum (Appendix I-2). Calculations were performed to estimate the distribution of trips to the various cities and growth areas in the region considering the relative populations and distances from the source. For purposes of these estimates, truck trips and automobile trips were considered separately, and each trip was considered to be a round trip with an equal trip length in each direction. In addition to the proposed Rockfield Quarry operations, the aggregate mines listed in Table 4.17-5, "Active, Inactive, and Permitted Aggregate Mines in or Adjacent to the Fresno ~~Madera~~ Production Consumption Region," were considered in the VMT analysis. These locations

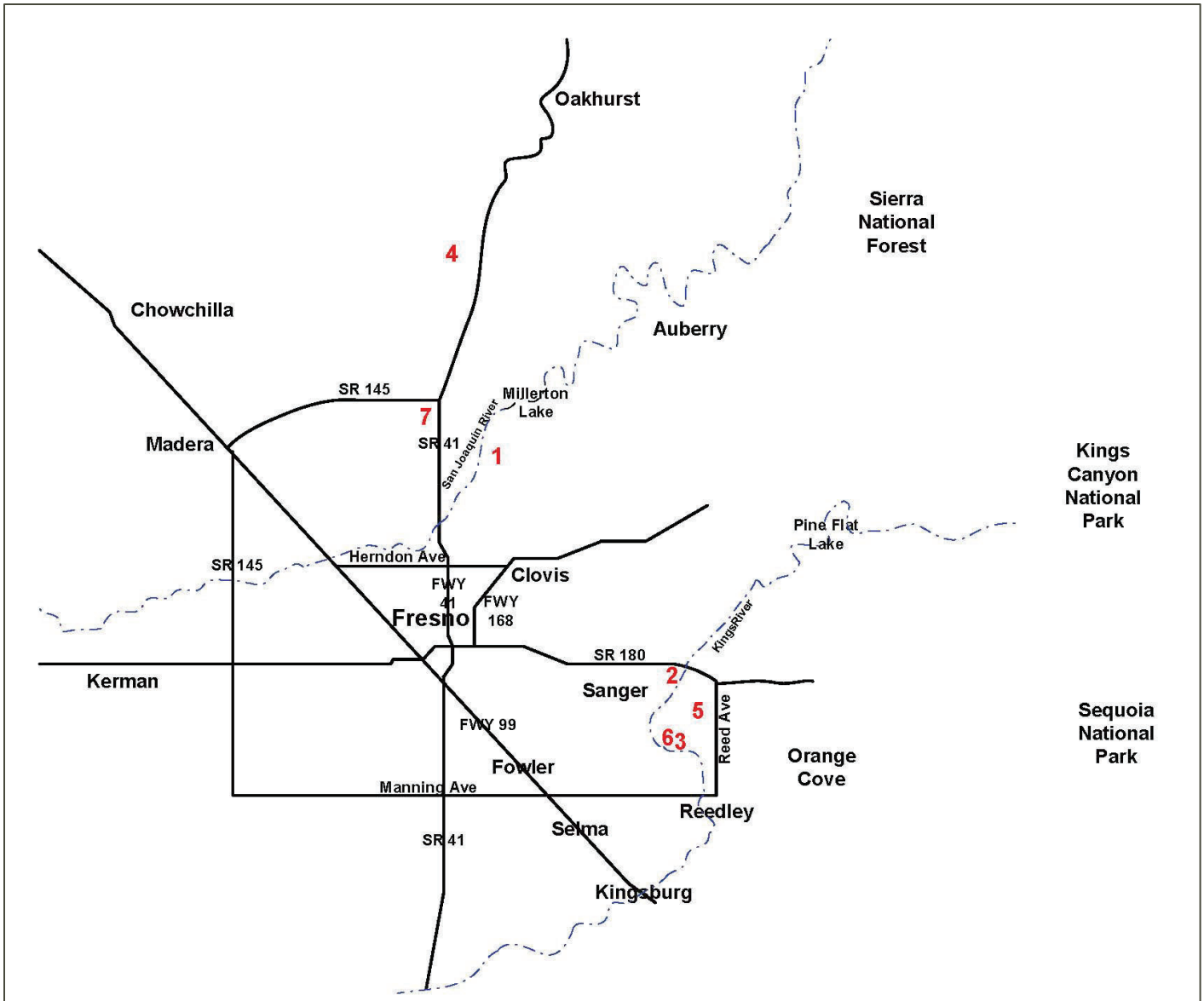
are shown on Figure 4.17-2, "Active, Inactive, and Permitted Aggregate Mines in or Adjacent to the Fresno ~~Madera~~ Production Consumption Region."

Table 4.17-5
Active, Inactive, and Permitted Aggregate Mines
in or Adjacent to the Fresno ~~Madera~~ Production Consumption Region

Aggregate Mine	Operational Status
Sanger Sand & Gravel—Vulcan	Active
Kings River Sand & Gravel—Calaveras	Active
Madera Quarry	Inactive
Carmelita Resources	Permitted, not operational
Riverbend Sand & Gravel	Permitted, not operational
Austin Quarry	Active

Table Source: Page 2 of Appendix I-2.
Table Notes: Aggregate mine locations are shown on Figure 4.17-2. The operational status is based on conditions that were existing at the time the Traffic Impact Study (Appendix I-~~2~~1) was completed.

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Active Aggregate Mines

1. Rockfield - Cemex
2. Sanger Sand and Gravel - Vulcan Materials Company
3. Kings River Sand and Gravel - Calaveras Materials, Inc.
7. Austin Quarry - Vulcan Materials Company

Inactive Mines

4. Madera Quarry

Permitted Aggregate Mines - Not Operational

5. Carmelita Resources
6. Riverbend Sand and Gravel
~~7. Austin Quarry - Vulcan Materials Company~~

SOURCE: Peter Engineering Group 2020; arranged by Benchmark Resources in 2022; 2026 (errata)

Active, Inactive, and Permitted Aggregate Mines in or Adjacent to the Fresno ~~Madera~~ Production Consumption Region

ROCKFIELD MODIFICATION PROJECT

DRAFT EIR

Figure 4.17-2

BENCHMARK RESOURCES

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END OF ERRATA

Explanation

Revisions are made through the errata below to Draft EIR Section 4.17 to clarify the discussion in the last full paragraph on Draft EIR page 4.17-25 that Mitigation Measures 4.17-1a through 4.17-1r primarily pertain to recommended road improvements. The revisions simply clarify the discussion of road improvement mitigation and do not affect the analysis, mitigation, or conclusions of the Draft EIR.

ERRATA

~~That~~The Traffic Impact Study indicates that all of the study intersections are currently operating at acceptable LOS; therefore, no LOS deficiencies are identified. Queues in some turn lanes exceed the existing storage capacity at some intersections. The analysis in the Traffic Impact Study found that the addition of project-related trips to existing conditions, 5-year cumulative conditions, 15-year, and cumulative (year 2040) conditions would contribute to substantial decreases in LOS and substantial increase in queuing at some intersections. The substantial change in LOS and queuing is based on the thresholds in the *Guidelines for the Preparation of Traffic Impact Studies Within County of Fresno* (Fresno County 2012). ~~Measures to~~ Road improvements that would reduce these traffic congestion effects are recommended in the Traffic Impact Study, are identified under Impact 4.17-1, and are required as Mitigation Measure 4.17-1a through 4.17-1r. These measures primarily consist of the payment of equitable share of costs of future roadway improvements in the County, and, if warranted, the installation of traffic signals at the intersection of North Friant Road with the Quarry Site and Plant Site entrances. The study analysis indicates that LOS and queuing would be effectively reduced to the extent feasible through the implementation of the recommended ~~measures~~ road improvements.

END OF ERRATA

Explanation

Revisions are made through the errata below to the Traffic Index Analysis discussion on page 4.17-26 of Draft EIR Section 4.17 to clarify that a design life of 20 years is the standard used for pavement design life. This revision simply clarifies the discussion of traffic index analysis and does not affect the analysis or conclusions of the Draft EIR.

ERRATA

The traffic index is a measure of the number of 18,000-pound equivalent single axle loads expected over the design period and is used to calculate the required pavement thickness of a roadway. A design life of 20 years is typically utilized for pavement design.

END OF ERRATA

Explanation

Revisions are made through the errata below to Draft EIR Section 4.17 on pages 4.17-26 and 4.17-27 to clarify that the traffic index summary presented in Table 4.17-10 is for Project operations at 3.0 million tons per year. Additionally, the paragraph below Table 4.17-10 is revised to clarify that the equitable share contributions towards pavement improvements are based on the percent increase above the baseline and that such payments are made one time. These revisions more clearly specify the intended requirements for equitable share contributions toward pavement improvements and do not affect the analysis, mitigation efficacy, or conclusions of the Draft EIR.

ERRATA

The results of the existing conditions traffic index analyses are summarized in Table 4.17-10, "Traffic Index Summary—Existing and Existing Plus Project at 3.0 MTY."

Table 4.17-10
Traffic Index Summary—Existing and Existing Plus Project at 3.0 MTY

Road	Segment	Direction	Existing Traffic Index	Traffic Index With Project
Friant Road	Between North Fork Road and Site Access	NB	9.5	**10.0**
		SB	9.5	**10.0**
Friant Road	Between Quarry Site and Existing Plant Access	NB	9.5	**10.0**
		SB	9.5	**10.0**
Friant Road	Between Existing Plant Access and Willow Avenue	NB	9.5	**10.5**
		SB	9.5	**10.5**
Friant Road	Between Willow Avenue and Copper River Drive	NB	9.5	**10.5**
		SB	9.5	**10.5**
Willow Avenue	Between Friant Road and Copper Avenue	NB	8.5	**9.0**
		SB	8.5	**9.0**

The proposed project would cause the traffic index to increase ~~substantially~~ on all of the roadway segments evaluated. Therefore, the Traffic Impact Study (Appendix I-1) recommends that the operator of the Rockfield Quarry must contribute an equitable share of pavement improvements based on the percent increase above baseline to increase the pavement section and accommodate the traffic index values in Table 4.17-10. This is a one-time payment, and for the percentage above baseline.

END OF ERRATA

Explanation

In response to Caltrans's comment made in Letter 2b and in consideration of supplemental evaluation of the State Route 41 (SR 41)/Friant Road interchange memorandum (see Appendix I-6, "State Route 41/Friant Road Interchange Analysis Technical Memorandum") prepared by Peters Engineering Group, revisions are made through the errata below to Draft EIR Section 4.17 to incorporate discussion of the SR 41/Friant Road Interchange. Impact 4.17-1 is revised to incorporate the following discussion of the project's projected net trip volumes at the SR 41/Friant Road Interchange. The additional analysis clarifies and amplifies the transportation analysis and does not identify a new significant impact nor an increase in the severity of a previously identified significant impact.

ERRATA

SR 41 and Friant Road Interchange

The SR 41/Friant Road Interchange is located approximately 6 miles north of the Project sites. The project Transportation Impact Study (Peters Engineering Group 2019) and the Draft EIR Transportation section did not expressly include the SR 41/Friant Road interchange in the analysis, expecting that any project trip-related effects at the interchange would be addressed through the payment of any applicable per-trip fees for use by Caltrans at its discretion in making improvements at this interchange, in accordance with past practices and as presented in Appendix I-3, "Response to Comments on Traffic Impact Study Proposed CEMEX Rockfield Modification Project." To more fully evaluate the potential for project trips to affect traffic operations at the SR 41 / Friant Road Interchange in this Final EIR, Peters Engineering Group prepared a technical memorandum documenting the observed conditions at and near the SR 41 / Friant Road Interchange at peak AM and PM periods, and evaluating potential effects associated with the project's net change in vehicle trips at the interchange in the "Interchange Analysis – State Route 41 and Friant Road" (Peters Engineering Group 2026b), attached as Appendix I-6. The Interchange Analysis demonstrates that the estimated year 2026 volumes at the southbound and northbound SR 41 / Friant ramp intersections under existing conditions are as follows:

- intersection of Friant Road and the SR 41 southbound ramps: 8,996 during the AM peak hour and 11,873 during the PM peak hour.
- intersection of Friant Road and the SR 41 northbound ramps: 8,821 during the AM peak hour and 11,419 during the PM peak hour.

Table 4.17-13, "Percentage of Net Project Trips at State Route 41/Friant Road Intersection," presents the project's net peak-hour trips at the Friant Road / SR 41 interchange, the total trip volumes estimated at the intersection with the addition of net project trips, and the project's percentage of total trips during the AM and PM peak hours.

Table 4.17-13
Percentage of Net Project Trips at State Route 41 / Friant Road Intersection

Location	AM Peak Hour			PM Peak Hour		
	Net Project Trips	Total Volume with Project	Project Percentage	Net Project Trips	Total Volume with Project	Project Percentage
Friant / SR 41 SB Ramps	27	9,023	0.3%	0	11,873	0.00%
Friant / SR 41 NB Ramps	48	8,869	0.5%	0	11,419	0.00%

Table Source: Peters Engineering Group 2026b.

As shown in Table 4.17-13, the net project trips at the Friant Road/SR 41 interchange represent a very small fraction of the total traffic volumes, and are considered operationally negligible with respect to the total volumes and overall traffic operations. During the AM peak hour, the net project trips represent half a percent or less of the total volume, and no net project trips are expected for typical average conditions during the PM peak hour. Project truck trips are expected to be present on any given approach to the intersections at a rate of substantially less than one truck per minute, and would contribute a negligible effect on overall traffic operations. Considering the daily fluctuations in traffic volumes typically expected in urban areas, the trips generated by the project would be within the normal variations that would occur under existing conditions without the project and are not expected to cause a significant change in operations or measurably affect average queue lengths, traffic signal operations, or ramp operations (Peters Engineering Group 2026b).

END OF ERRATA

Explanation

Revisions are made through the errata below to Draft EIR Section 4.17 to amplify and clarify the VMT analysis and the application of the significance thresholds set forth by the 2018 OPR Technical Advisory as well as the 2025 Fresno COG VMT Guidelines. The revisions clarify and amplify the discussion of the project non-truck trips under baseline and with-project conditions and the relationship of these trips to VMT analysis screening

thresholds. The revisions amplify the analysis in consideration of both the 2018 OPR Technical Advisory and the 2025 Fresno COG VMT Guidelines and do not alter the Draft EIR conclusions. The last paragraph on Draft EIR page 4.17-40 is revised and inserted after Table 4.17-12, "Automobile Trip Generation."

ERRATA

~~As shown in Table 4.17-12, the existing Rockfield Quarry generates approximately 78 automobile trips per day, and the proposed project would increase automobile trips between approximately 6 and 10 trips per day during Stage 1 and Stage 2 operations.~~ The baseline number of quarry/plant annual non-truck trips is 14,213 entering and exiting for a total annual volume of 28,426 non-truck trips (combined entering and exiting), as calculated by the Traffic Study in Appendix I-1 and provided in Table 4.17-12. Dividing the total annual volume by 365 days per year, the average number of baseline daily non-truck trips is approximately 78. The number of cumulative annual non-truck Project trips (including baseline quarry/plant trips in Table 4.17-1) is a maximum of 16,126 entering and exiting (specifically presented near the bottom of Table 4.17-3) for a total annual volume of 32,252 non-truck trips (combined entering and exiting). Dividing by 365 days per year, the average number of daily non-truck trips is about 89. Subtracting the baseline quarry/plant trips, the net number of daily new Project non-truck trips is 11. ~~This is less than~~ These values are less than the 110 trips per day screening threshold recommended by the 2018 OPR Technical Advisory and less than the 500-trip threshold recommended by the 2025 COG Guidelines. Therefore, the potential of the proposed project to generate an increase in VMT from automobile trips that would conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) would be less than significant.

END OF ERRATA

Explanation

Revisions are made through the errata below to Draft EIR Section 4.17 to clarify that the project's increase in vehicle trips would not conflict with the applicable transportation plans because the transportation plans relied on the assumption of a fast-growing population. Draft EIR page 4.17-28 is revised as follows.

ERRATA

Based on Table 4.17-11, Stage 1 and Stage 2 project operations would increase total truck and non-truck vehicle round trips by between 7 and 201 trips per day. The increase in vehicles on existing roadways does not have the potential to conflict with a plan, ordinance, or policy addressing the circulation system because transportation plans,

including the Fresno County General Plan, Fresno County Regional Active Transportation Plan, and Fresno County Regional Transportation Plan, account for anticipated future increases in vehicles travelling along roadways because a fast-growing population is an underlying assumption in these transportation plans.

END OF ERRATA

Explanation

Revisions are made through the errata below to Draft EIR Section 4.17 clarify that the impact referenced in the paragraph pertains to project vehicle trips effects on levels of service (LOS). The revisions clarify the discussion and do not affect the analysis or conclusions of the Draft EIR. Draft EIR page 4.17-29 is revised as follows.

ERRATA

As stated above, Policy TR-A.2 of the Transportation and Circulation Element requires the County to plan and design its roadway system in a manner that strives to meet Level of Service (LOS) D on urban roadways within the spheres of influence of the cities of Fresno and Clovis and LOS C on all other roadways in the county. The Traffic Impact Study (Appendix I-1) identifies that project ~~impacts that~~ vehicle trips would affect such LOS and proposes mitigation measures in accordance with Fresno County General Plan: Transportation and Circulation Element Policies TR-A.5 and TR-A.6 allowing a project to fund a fair share of improvements as identified in Section 4.11, of this Draft EIR. The project impacts and mitigation measures are described below.

END OF ERRATA

Explanation

Revisions are made through the errata below to Draft EIR Section 4.17 clarify mitigation requirements specifying that the Operator would be fully responsible for funding road improvements at the Friant Road and Quarry Site Access Intersection and at the Friant Road and Plant Site Access Intersection. The revisions clarify and amplify the mitigation requirements and obligations, and do not affect the analysis, mitigation efficacy, or conclusions of the Draft EIR. Mitigation Measures 4.17-1h, 4.17-1i, 4.17-1o, and 4.17-1p are revised as follows.

ERRATA

Friant Road and Quarry Site Access Intersection (15-Year Cumulative)

The traffic projections indicate the cumulative effect of regional development within 15 years, including the project (if it reaches sales of 3.0 MT per year), will cause the

intersection of Friant Road and the Quarry Site to operate at LOS F during the a.m. peak hour.

Level of Significance Before Mitigation: Potentially significant.

Mitigation Measure 4.17-1h: ~~*Equitable Share Contributions—*~~*Friant Road and Quarry Site Access Intersection (15-Year Cumulative)*

Once ~~County Annual Mine Inspections~~ the annual mine report reveals that the project has reached 2.65 MT per year (based on interpolation of peak-hour project traffic volumes between 2.0 and 3.0 MT per year as compared to the California Manual on Uniform Traffic Control Devices (CMUTCD) peak-hour warrant), the operator shall conduct annual traffic signal warrants analyses in accordance with the edition of the ~~California Manual on Uniform Traffic Control Devices~~ CMUTCD current at that time, or future equivalent as determined by the agency having jurisdiction over the intersection, to determine whether traffic signals are warranted at the intersection of Friant Road and the Quarry Site. Passenger Car Equivalent (PCE) volumes shall be used, queue lengths and number of vehicles in the queue should be documented, and the warrants studies should consider the exclusion of right turns as described in the CMUTCD. Traffic signals shall be installed if the traffic signal warrants analyses indicates that signals are warranted, and if approved by the agency having jurisdiction over the intersection. The project will be responsible for installing the traffic signals.

Level of Significance After Mitigation: Less than significant.

Friant Road and Plant Site Access Intersection (15-Year Cumulative)

The traffic projections indicate the cumulative effect of regional development within 15 years, including the project (if it reaches sales of 3.0 MT per year), will cause the intersection of Friant Road and the Plant Site to operate at LOS F during the a.m. peak hour and LOS D during the p.m. peak hour.

Level of Significance Before Mitigation: Potentially significant.

Mitigation Measure 4.17-1i: ~~*Equitable Share Contributions—*~~*Friant Road and Plant Site Access Intersection (15-Year Cumulative)*

Once ~~County Annual Mine Inspections~~ the annual mine report reveals that the project has reached 2.65 MT per year (based on interpolation of peak-hour project traffic volumes between 2.0 and 3.0 MT per year as compared to the California Manual on Uniform Traffic Control Devices (CMUTCD) peak-hour warrant), the operator shall conduct annual traffic signal warrants analyses in accordance with the edition of the ~~California Manual on Uniform Traffic Control Devices~~ CMUTCD current at that time, or future equivalent as

determined by the agency having jurisdiction over the intersection, to determine whether traffic signals are warranted at the intersection of Friant Road and the Plant Site. Passenger Car Equivalent (PCE) volumes shall be used, queue lengths and number of vehicles in the queue should be documented, and the warrants studies should consider the exclusion of right turns as described in the CMUTCD. Traffic signals shall be installed if the traffic signal warrants analyses indicates that signals are warranted, and if approved by the agency having jurisdiction over the intersection. The project will be responsible for installing the traffic signals. The analyses shall take into consideration the future elimination of the Plant Site.

Friant Road and Quarry Site (Year 2040 Cumulative)

The traffic projections indicate the cumulative effect of regional development by the year 2040, including the project (if it reaches sales of 3.0 MT per year), will cause the intersection of Friant Road and the Quarry Site to operate at LOS F during the a.m. peak hour.

Level of Significance Before Mitigation: Potentially significant.

Mitigation Measure 4.17-1o: ~~*Equitable Share Contributions—*~~*Friant Road and Quarry Site (Year 2040 Cumulative)*

Once the annual mine report ~~County Annual Mine Inspections~~ reveals that the project has reached 2.65 MT per year (based on interpolation of peak-hour project traffic volumes between 2.0 and 3.0 MT per year as compared to the California Manual on Uniform Traffic Control Devices (CMUTCD) peak-hour warrant), the operator shall conduct annual traffic signal warrants analyses in accordance with the edition of the ~~California Manual on Uniform Traffic Control Devices~~ CMUTCD current at that time, or future equivalent as determined by the agency having jurisdiction over the intersection, to determine whether traffic signals are warranted at the intersection of Friant Road and the Quarry Site. Passenger Car Equivalent (PCE) volumes shall be used, queue lengths and number of vehicles in the queue should be documented, and the warrants studies should consider the exclusion of right turns as described in the CMUTCD. Traffic signals shall be installed if the traffic signal warrants analyses indicates that signals are warranted, and if approved by the agency having jurisdiction over the intersection. The project will be responsible for installing the traffic signals.

Level of Significance After Mitigation: Less than significant.

Friant Road and Plant Site (Year 2040 Cumulative)

The traffic projections indicate the cumulative effect of regional development by the year 2040, including the project (if it reaches sales of 3.0 MT per year), will cause the

intersection of Friant Road and the Plant Site to operate at LOS F during the a.m. peak hour and LOS D during the p.m. peak hour.

Level of Significance Before Mitigation: Potentially significant.

Mitigation Measure 4.17-1p: ~~*Equitable Share Contributions—Friant Road and Plant Site (Year 2040 Cumulative)*~~

Once the annual mine report ~~County Annual Mine Inspections~~ reveals that the project has reached 2.65 MT per year (based on interpolation of peak-hour project traffic volumes between 2.0 and 3.0 MT per year as compared to the California Manual on Uniform Traffic Control Devices (CMUTCD) peak-hour warrant), the operator shall conduct annual traffic signal warrants analyses in accordance with the edition of the ~~California Manual on Uniform Traffic Control Devices~~ CMUTCD current at that time, or future equivalent as determined by the agency having jurisdiction over the intersection, to determine whether traffic signals are warranted at the intersection of Friant Road and the Plant Site. Passenger Car Equivalent (PCE) volumes shall be used, queue lengths and number of vehicles in the queue should be documented, and the warrants studies should consider the exclusion of right turns as described in the CMUTCD. Traffic signals shall be installed if the traffic signal warrants analyses indicates that signals are warranted, and if approved by the agency having jurisdiction over the intersection. The project will be responsible for installing the traffic signals. The analyses shall take into consideration the future elimination of the Plant Site.

Level of Significance After Mitigation: Less than significant.

END OF ERRATA

Explanation

Revisions are made through the errata below to Draft EIR Section 4.17 to amplify and clarify the analysis of the project's potential to substantially increase hazards due to a geometric design feature or incompatible uses in Draft EIR Impact 4.17-3. Because the road improvements that require equitable contributions do not have an established time frame of completion, these future improvements cannot be considered to reduce impacts to less than significant. In consideration of comments on the Draft EIR expressing concerns about conditions on Friant Road, further assessment of measures to address road conditions was performed by Peters Engineering Group and documented in the February 24, 2026, *Pavement Hazard Identification and Mitigation – CEMEX Rockfield Quarry Modification Project* memorandum ("Pavement Memorandum") included as Appendix I-5, "Pavement Hazard Identification and Mitigation Technical Memorandum".

The Pavement Memorandum recommends that the project could mitigate the project's contribution to hazardous pavement conditions and safety concerns by repairing severe potholes on Friant Road between North Fork Road and Willow Avenue (inclusive of the area within the intersections) on request from the County of Fresno in response to substantiated reports from the public or as identified through County pavement condition surveys. The Pavement Memorandum recommends that with the application of such mitigation, the pavement hazard impact would be mitigated to below a level of significance. In consideration of the additional analysis in the Pavement Memorandum, Mitigation Measure 4.17-3 is incorporated to the EIR through the errata below require that the project operator repair severe potholes, thus mitigating the project's contribution to a hazardous pavement condition or pavement safety concerns, with the limitation that such costs would be reduced by future cost-sharing agreements if they ever occur between the County of Fresno and other parties. The errata below incorporate the analysis to the first paragraph of Impact 4.17-3 on Draft EIR page 4.17-41 and incorporates the revised conclusion of potentially significant to the last paragraph of Impact 4.17-3 on Draft EIR page 4.17-42, and the errata then provides the new Mitigation Measure 4.17-3 establishing the pothole repair requirements. The additional analysis and mitigation clarify and amplify the evaluation of the project's potential impact associated with road hazards and establishes a project mitigation obligation that would reduce the impact to less than significant. Although the revisions acknowledge a changed pre-mitigation determination that Impact 4.17-3 would be potentially significant without mitigation, the revisions do not identify a new unmitigable significant impact nor identify an unmitigable increase in the severity of a previously identified significant impact.

ERRATA

Impact 4.17-3: Substantially Increase Hazards Due to a Geometric Design Feature (e.g., Sharp Curves or Dangerous Intersections) or Incompatible Uses (e.g., Farm Equipment)

As described under Impact 4.17-1, the proposed Stage 1 and Stage 2 operations would remain located inside of the existing footprints of the Plant Site and Quarry Site and vehicle trips generated by the proposed project would utilize existing roadways. No changes to existing roadways or bike lanes would occur under the proposed project. Although the proposed project would have the potential to substantially increase the traffic index of the traffic study area roadways, as discussed above under the "Traffic Index Analysis" subsection of Section 4.17.3.2, above, the operator of the Rockfield Quarry would be required to pay an equitable share of pavement improvements to the County of Fresno to improve the pavement section and accommodate the traffic index values, ~~thereby keeping road conditions safe~~ which would contribute to safe road

conditions upon the implementation of such improvements once in the future those improvements occur. However, given the uncertainty of the timing of the fair share improvements, the impact is considered potentially significant. To further ensure safe road conditions, the project operator would repair severe potholes as recommended in the February 24, 2026, *Pavement Hazard Identification and Mitigation – CEMEX Rockfield Quarry Modification Project* memorandum ("Pavement Memorandum") included as Appendix I-5, thus mitigating the project's contribution to a hazardous pavement condition or pavement safety concerns as outlined in Mitigation Measure 4.17-3 below.

…

For these reasons, the potential of the proposed project to substantially increase hazards due to a geometric design feature or incompatible uses is considered potentially significant with the implementation of Mitigation Measures 4.17-1a through 4.17-1r, but would be reduced to less than significant with implementation of Mitigation Measure 4.17-3.

Level of Significance Before Mitigation: ~~Less than significant.~~ Potentially significant.

Mitigation Measures: ~~None required~~ *Implement Mitigation Measures 4.17-1a through 4.17-1r and 4.17-3, "Pothole Repair."*

Mitigation Measure 4.17-3: *Pothole Repair*

Until such time as other parties have entered agreements with the County of Fresno regarding sharing of these costs, at which time the project operator's obligations would be reduced by such sharing, the project operator shall repair potholes greater than 6.0 inches in width, length, or diameter, and greater than 2.0 inches in depth, within the travel lanes on Friant Road between North Fork Road and Willow Avenue (inclusive of the area within the intersections) as requested by the County of Fresno in response to substantiated reports from the public or as identified through County pavement condition surveys. The repair cost, including permits and fees, if any, shall be the responsibility of the operator. The operator shall coordinate any required work with the County of Fresno Public Works Department, including closing lanes and maintaining public safety in accordance with the applicable County permits.

Level of Significance After Mitigation: Less than significant.

END OF ERRATA

3.2.5.18 Errata to Draft EIR Section 4.18, "Tribal Cultural Resources"

There are no errata for Draft EIR Section 4.18.

3.2.5.19 Errata to Draft EIR Section 4.19, "Utilities and Service Systems"

There are no errata for Draft EIR Section 4.19.

3.2.5.20 Errata to Draft EIR Section 4.20, "Wildfire"

Explanation

Revisions are made to Draft EIR Section 4.20, "Wildfire," Impact 4.20-2 on pages 4.20-13 through 4.20-14. Mitigation Measure 4.13-6 has been removed in the Final EIR as it was duplicative of Mitigation Measure 4.10-1, "Blasting Protocols." Draft EIR page 4.20-14 is revised as follows.

ERRATA

The use and handling of these materials would be required to comply with all relevant state and local regulations including the California Fire Code, Cal/OSHA Mine Safety Orders, and all applicable CUPA programs related to hazardous materials storage and handling. With regards to explosives used in blasting, the *Blasting Protocols* (Appendix H-6, and updated in Appendix H-9 of the Final EIR) required to be implemented by Mitigation Measure ~~4.13-6~~4.10-1, prohibit the storage of explosive materials on the Quarry Site. The blasting contractor would deliver adequate quantities of explosives to the site on the days when blasting is planned. All unused explosives and detonators would be returned to the blasting contractor's secure off-site magazines. Compliance with existing regulations and combined with the off-site storage of explosives and the handling of explosives by a licensed blasting contractor would minimize the risk of occurrence of a fire on the Quarry Site due to improper storage and handling of flammable and explosive hazardous materials. The proposed Stage 1 and Stage 2 operations would involve mining, blasting, and aggregate processing activities,

and such activities do not have the potential to alter prevailing winds. For these reasons, the potential for Stage 1 and Stage 2 operations to exacerbate fire risk at the Quarry Site would be less than significant.

Upon completion of mining at the Quarry Site at the end of Stage 1 and Stage 2, operations at the Quarry Site would cease, and all equipment and septic systems would be removed. An approximately 107-acre pond would be formed above the reclaimed bottom of the quarry pit from groundwater and rainfall, as shown on Figure 2-10, "Quarry Site Final Reclaimed Conditions," in Chapter 2 of this Draft EIR. Slopes surrounding the approximately 107-acre reclaimed pond would be seeded with native grasses and forbs and planted with native plants. Because the reclamation of the Quarry Site would create open space land uses with a large central water body and remaining areas revegetated

with native vegetation, there would be limited fuels on the Quarry Site to exacerbate fire risk.

In summary, compliance with existing hazardous materials regulation and implementation of the Blasting Protocols required by Mitigation Measure ~~4.13-6~~4.10-1, would ensure that the potential of Stage 1 and Stage 2 operations and final reclamation activities on the Plant Site and Quarry Site to exacerbate fire risk would be less than significant.

Level of Significance Before Mitigation: Potentially significant.

Mitigation Measures: *Implement Mitigation Measure ~~4.13-6~~4.10-1.*

Level of Significance After Mitigation: Less than significant.

END OF ERRATA

3.2.6 Errata to Draft EIR Chapter 5, "Cumulative Impacts"

Explanation

Revisions are made to Draft EIR Chapter 5 to reflect that Mitigation Measure 4.3-2 has been updated in the Final EIR to include Mitigation Measure 4.3-2a, "Off Road Engines," and 4.3-2b, "Fugitive Dust Control Plan." Draft EIR pages 5-10 and 5-11 are revised as follows.

ERRATA

5.3.3 Air Quality

Section 4.3, "Air Quality," identifies the following project impacts and mitigation measures:

- Impact 4.3-1: Conflict With or Obstruct Implementation of the Applicable Air Quality Plan (**less than significant**)
- Impact 4.3-2: Result in a Cumulatively Considerable Net Increase of Any Criteria Pollutant for Which the Project Region Is Non-Attainment Under an Applicable Federal or State Ambient Air Quality Standard (**less than significant with mitigation incorporated**)
  - Mitigation Measure 4.3-2a, "Off Road Engines"
  - Mitigation Measure 4.3-2b, "Fugitive Dust Control Plan"
- Impact 4.3-3: Expose Sensitive Receptors to Substantial Pollutant Concentrations (**less than significant ~~with mitigation incorporated~~**)

  - Mitigation Measure 4.3-2b, "Fugitive Dust Control Plan"
- Impact 4.3-4: Result in Other Emissions (Such as Those Leading to Odors) Adversely Affecting a Substantial Number of People (**less than significant with mitigation incorporated**)
  - Mitigation Measure 4.3-4, "Asphalt Plant Emissions Controls"

The geographic scope of the cumulative analysis for air quality is the San Joaquin Valley Air Basin, which is currently in non-attainment status for ozone (one-hour and eight-hour), PM_{10}, and $PM_{2.5}$. As described in greater detail in the following discussion, the list method of cumulative impact analysis was used for this resource area.

By its very nature, air pollution is largely a cumulative impact. The nonattainment status of an air basin is a direct result of past and present development. Further, new emissions generating activities in the region could jeopardize the attainment of ambient air quality standards. For these reasons, SJVAPCD considers a project's individual emissions of criteria air pollutants to be both individually significant and cumulatively considerable if they exceed the applicable significance thresholds. Further, according to SJVAPCD guidance (2015), a lead agency should also consider the cumulative impact of multiple simultaneously proposed projects, located in the same area.

The project's estimated criteria air pollutant emissions are shown and compared to applicable significance thresholds in Section 4.3, "Air Quality," under Impact 4.3-2. The impact evaluation concludes that, with implementation of Mitigation Measures 4.3-2a and 4.3-2b, the project's annual emissions and resulting pollutant concentrations would not exceed applicable SJVAPCD significance thresholds. Therefore, the project's individual emissions of criteria air pollutants would not be cumulatively considerable according to SJVAPCD guidance (2015).

END OF ERRATA

Explanation

Revisions are made to Draft EIR Chapter 5 to reflect that Mitigation Measure 4.3-2 has been updated in the Final EIR to include Mitigation Measure 4.3-2a, "Off Road Engines," and 4.3-2b, "Fugitive Dust Control Plan." Mitigation Measure 4.13-6 has been removed in the Final EIR as it was duplicative of Mitigation Measure 4.10-1, "Blasting Protocols." Draft EIR page 5-12 is revised as follows.

ERRATA

- Impact 4.4-4: Have A Substantial Adverse Effect on Any Riparian Habitat or Other Sensitive Natural Community (**less than significant with mitigation incorporated**)
  - Mitigation Measure 4.3-2b, "Fugitive Dust Control Plan"
  - Mitigation Measure ~~4.13-6~~4.10-1, "Blasting Protocols"
- Impact 4.4-5: Have An Adverse Effect on Protected Wetlands or Waters of The State (**less than significant**)
- Impact 4.4-6: Interfere With Native Resident or Migratory Fish or Wildlife Species Movement, Corridors, Or Nursery Sites (**less than significant**)
- Impact 4.4-7: Conflict With Local Policies or Ordinances Protecting Biological Resources (**less than significant with mitigation incorporated**)
  - Mitigation Measure 4.4-1a, "Burrowing Owl"
  - Mitigation Measure 4.4-1b, "Western Pond Turtle and Western Spadefoot"
  - Mitigation Measure 4.4-1c, "Nesting Birds"
  - Mitigation Measure 4.3-2b, "Fugitive Dust Control Plan"
  - Mitigation Measure ~~4.13-6~~4.10-1, "Blasting Protocols"

END OF ERRATA

Explanation

Revisions are made to Draft EIR Chapter 5 to reflect that Mitigation Measure 4.3-2 has been updated in the Final EIR to include Mitigation Measure 4.3-2a, "Off Road Engines," and 4.3-2b, "Fugitive Dust Control Plan." Draft EIR page 5-15 is revised as follows.

ERRATA

5.3.6 Energy

Section 4.6, "Energy," identifies the following project impacts and mitigation measures:

- Impact 4.6-1: Result in a Potentially Significant Environmental Impact Due to Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources (**less than significant with mitigation incorporated**)
  - Mitigation Measure 4.3-2a, "Off Road Engines"
  - Mitigation Measure 4.3-2b, "Fugitive Dust Control Plan"
  - Mitigation Measure 4.8-1, "Asphalt Plant Performance Standards"

- Impact 4.6-2: Conflict With or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency (**less than significant**)

END OF ERRATA

Explanation

Revisions are made to Draft EIR Chapter 5 to reflect that Mitigation Measure 4.13-6 has been removed as duplicative of Mitigation Measure 4.10-1, "Blasting Protocols." Draft EIR page 5-18 is revised as follows.

ERRATA

- Impact 4.9-2: Create a Significant Hazard to the Public or the Environment Through Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials Transported, Used, or Disposed of During Mining or Final Reclamation (**less than significant with mitigation incorporated**)
  - Mitigation Measure ~~4.13-6~~4.10-1, "Blasting Protocols"
- Impact 4.9-3: Create a Significant Hazard to the Public or the Environment Through Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials Transported, Used, or Disposed of Post-Reclamation (**less than significant**)
- Impact 4.9-4: Create a Significant Hazard to the Public or the Environment Through Flyrock Generated by the Use of Blasting Agents on the Quarry Site (**less than significant with mitigation incorporated**)
  - Mitigation Measure ~~4.13-6~~4.10-1, "Blasting Protocols"

END OF ERRATA

Explanation

Revisions are made to Draft EIR Chapter 5 to reflect that Mitigation Measure 4.13-6 has been removed as duplicative of Mitigation Measure 4.10-1, "Blasting Protocols." Draft EIR page 5-20 is revised as follows.

ERRATA

- Impact 4.10-1: Violate Surface Water Quality Standards or Waste Discharge Requirements or Otherwise Substantially Degrade Surface Water Quality at the Plant Site or Quarry Site During Mining and Reclamation (**less than significant with mitigation incorporated**)
  - Mitigation Measure ~~4.13-6~~4.10-1, "Blasting Protocols"

[Text is omitted]

- Impact 4.10-6: Violate Groundwater Quality Standards or Otherwise Substantially Degrade Groundwater Quality at the Quarry Site During Mining and Reclamation (**less than significant with mitigation incorporated**)
  - Mitigation Measure ~~4.13-6~~4.10-1, "Blasting Protocols"

END OF ERRATA

Explanation

Revisions are made to Draft EIR Chapter 5 to correct a typographical error. Draft EIR pages 5-22 and 5-23 are revised as follows.

ERRATA

Over the period from 1997 to 2012, the average overdraft in the Kings Subbasin is estimated to be 122,000 acre-feet per year. The Kings Subbasin has seven Groundwater Sustainability Agencies (GSAs) responsible for meeting the SGMA requirement that medium- and high-priority basins halt groundwater overdraft and bring groundwater basins into balanced levels of pumping and recharge. Therefore, there is an existing significant cumulative impact to the Kings Subbasin where the proposed project is located. The use of groundwater by the proposed project and cumulative projects in a critically over-drafted groundwater basin could also lead to conflict or obstruction of the North Kings GSA Groundwater Sustainability Plan, which is a potentially significant cumulative impact (North Kings GSA 2022) (Impact ~~4.10-18~~4.10-9). The project sites are located within the jurisdiction of the North Kings GSA, which experiences a positive water balance during normal and wet year conditions (Table 3-10 in North Kings GSA 2022). The use of groundwater recharge trenches at the Plant Site and Quarry Site would minimize the consumption of groundwater at the proposed project sites. Furthermore, as described in Impacts 4.10-10 and 4.10-11, during both mining operations and after final reclamation, the estimated increase in groundwater consumption at the Plant Site and Quarry Site are several orders of magnitude smaller than the fluctuations in the water balance of the North Kings GSA area. For these reasons, the project's contribution to the significant cumulative impacts related to the depletion of groundwater and conflict/obstruction with the North Kings GSA Groundwater Sustainability Plan would be less than cumulatively considerable.

END OF ERRATA

Explanation

Section 5.3.10, "Hydrology and Water Quality," addresses cumulative hydrology and water quality impacts. The following paragraph incorrectly states that the Little Dry Creek floodplain extends onto the northwest corner of the Plant Site. The Hydraulic Analyses conducted for the project and included as Appendix G-1 to the Draft EIR conclude that the San Joaquin River and Little Dry Creek floodplains do not enter the Quarry Site or Plant Site. Revisions are also made to correct a typographical error. Draft EIR page 5-24 is revised as follows.

ERRATA

The Quarry Site and the Plant Site are ~~is~~ not located in a flood plain.~~, and only a small portion of the northwest corner of the Plant Site (as shown in Figure 4.10-1, "Current and Regulatory Floodways and Floodplains,") is located within the Little Dry Creek floodplain.~~ None of the cumulative projects listed in Table 5-1 and shown in Figure 5-1 are located in the San Joaquin River or Little Dry Creek floodplains. Consequently, the potential cumulative impact due to the release of pollutants as a result of inundation of the proposed project sites and cumulative projects sites would be less than significant.

As described in Impact ~~4.10-18~~4.10-4, the Basin Plan is the master policy document that establishes the water quality objectives and strategies needed to protect designated beneficial water uses in the Central Valley region. The SWRCB and Central Valley RWQCB enforce compliance with the water quality objectives of the Basin Plan through the issuance of NPDES permits. There are no land uses or activities proposed by the project or cumulative projects that would prevent compliance with the requirements of the NPDES program. Therefore, the cumulative potential of the proposed project and cumulative projects to conflict with or obstruct the Basin Plan would be less than significant.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Chapter 5 to reflect that Mitigation Measure 4.13-6 has been removed as duplicative of Mitigation Measure 4.10-1, "Blasting Protocols." Draft EIR page 5-26 is revised as follows.

ERRATA

- Impact 4.13-6: Generate Substantial Groundborne Vibration or Airborne Vibration As a result of Blasting (**less than significant with mitigation incorporated**).
  − Mitigation Measure ~~4.13-6~~4.10-1, "Blasting Protocols"

END OF ERRATA

Explanation

Revisions are made to Draft EIR Chapter 5 to reflect that Mitigation Measure 4.13-6 has been removed as duplicative of Mitigation Measure 4.10-1, "Blasting Protocols." Draft EIR page 5-32 is revised as follows.

ERRATA

- Impact 4.20-2: Exacerbation of Wildfire Risks Due to Slope, Prevailing Winds, and Other Factors, Which Could Thereby Expose Project Occupants to Pollutant Concentrations from a Wildfire or the Uncontrolled Spread of a Wildfire (**less than significant with mitigation incorporated**).
  − Mitigation Measure ~~4.13-6~~4.10-1, "Blasting Protocols"

END OF ERRATA

Explanation

Revisions are made to Draft EIR Chapter 5 to reflect that Mitigation Measure 4.13-6 has been removed as duplicative of Mitigation Measure 4.10-1, "Blasting Protocols." Draft EIR page 5-33, beginning at the first complete sentence, is revised as follows.

ERRATA

The majority of the slopes above the pond would be solid granite with almost no vegetation. Slopes above the granite would be seeded with native grasses and forbs and planted with native plants. Thus, the newly formed slopes would not exacerbate wildfire risks in the County. As discussed in Impact 4.20-3, all roads, infrastructure, and facilities proposed as part of the project would be constructed in unvegetated, highly disturbed areas and would not exacerbate fire risk. Finally, as discussed in Impact 4.20-4, because the project sites and adjacent properties are relatively flat and because, once reclaimed, the sites would be largely covered by lakes, the project would not expose downstream properties to excessive post-fire runoff or flooding. Implementation of Mitigation Measure ~~4.13-6~~4.10-1 would minimize potential fire risks associated with the use of explosives onsite during blasting events. For these reasons, the project's contribution to

countywide wildlife risk would be less than cumulatively considerable and less than significant.

END OF ERRATA

3.2.7 Errata to Draft EIR Chapter 6, "Project Alternatives"

Explanation

Revisions are made to Draft EIR Chapter 6 to clarify the intent of Project Objective 2. Draft EIR page 6-3 is revised as follows.

ERRATA

6.3 SUMMARY OF PROJECT OBJECTIVES AND IMPACTS

6.3.1 Project Objectives

The CEQA Guidelines provide that "the range of potential alternatives...shall include those that could feasibly accomplish most of the basic objectives of the project..." (CEQA Guidelines Section 15126.6(c)). The overall goal of the project is to continue and expand existing mining and processing operations at the Plant Site and Quarry Site and reclaim the two sites when mining operations are complete. As defined in Section 2.3, "Project Purpose and Objectives," of Chapter 2, "Project Description," of this Draft EIR, specific project objectives as revised since the October 2021 application submittal include:

1) Continue to provide a reliable and sustainable, local source of high-quality aggregate to help meet the current and long-term demand (100 years) for construction materials in the Fresno region;
2) Continue to utilize known aggregate reserves from existing partially mined properties, including those <u>mineral resources</u> designated by the state and county as Mineral Resource Zone 2 (MRZ-2) (Mineral Resource Zone areas where adequate information indicates that significant mineral resources are present~~), i.e., sand and gravel)~~ <u>to produce construction aggregates</u>;

END OF ERRATA

Explanation

Revisions are made to Draft EIR Chapter 6 to expand Project Objective 8 to include project consistency with the Fresno County General Plan. Draft EIR page 6-4 is revised as follows.

ERRATA

8) Maintain consistency with the Fresno County General Plan and the San Joaquin River Parkway Master Plan;

END OF ERRATA

Explanation

The existing operation was extended for one additional year in order to complete the environmental review process. Paragraphs four and five on page 6-12 are revised below.

ERRATA

The Plant Site currently operates under CUPs 367, 2209, 3063, ~~and~~ 3093, 3755-A, 3755-B, 3852-A, and 3852-B. The CUPs allow aggregate mining of the alluvial deposit; plant operations including an aggregate processing plant, a ready-mix concrete plant, a hot-mix asphalt plant (inactive since 2009), and related supportive facilities; and the processing of raw aggregate mined from the Applicant's current Quarry Site.

The Quarry Site currently operates under CUPs 367, 2032, 3063, ~~and~~ 3093, 3755-A, 3755-B, 3852-A, and 3852-B. Since there are no plant operations permitted at the Quarry Site, the CUPs allow the interplant haul of approximately 1.4 MT per year of raw aggregate via North Friant Road approximately 1.1 miles south to the Plant Site for processing. Under the No Project Alternative, mining and processing operations would continue until existing permits expire in ~~2026~~2027.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Chapter 6 to reflect that Mitigation Measure 4.3-2 has been updated in the Final EIR to include Mitigation Measure 4.3-2a, "Off Road Engines," and 4.3-2b, "Fugitive Dust Control Plan." Draft EIR page 6-14 is revised as follows.

ERRATA

Air Quality

Under Alternative 1, no mining equipment would be relocated from the Plant Site and installed at the Quarry Site. Thus, no construction emissions would occur should Alternative 1 be implemented. In addition, mining operations would cease when existing permits expire in 2026, and reclamation would commence. Thus, operational emissions would be significantly lower under Alternative 1 compared to the proposed

project. Mitigation measures 4.3-2a and 4.3-2b would not be required to reduce criteria pollutant emissions or to avoid exposure of sensitive receptors to substantial pollutant concentrations and mitigation measure 4.3-4 would not be required to reduce potential odorous emissions. Alternative 1 would have reduced impacts on air quality compared to the proposed project.

END OF ERRATA

Explanation

The Draft EIR misstated the significance of the project's transportation impacts in the Alternatives Chapter. Page 6-19 is revised below.

ERRATA

Transportation

~~Neither the proposed project nor Alternative 1 would result in any significant transportation impacts. However, under~~Under Alternative 1, transport of raw material from the Quarry Site to the Plant Site would cease when existing permits expire thus significantly reducing traffic volumes on North Friant Road in the vicinity of the project site. Furthermore, Alternative 1 would not require the use of any oversized trucks to relocate mining facilities or equipment as is required under the proposed project. Thus Alternative 1 would have a reduced impact on transportation as the proposed project.

END OF ERRATA

Explanation

The Draft EIR misstated the significance of the transportation impacts in the Alternatives Chapter. Page 6-30 is revised below.

ERRATA

Transportation

~~Neither the proposed project nor Alternative 2 would result in any significant transportation impacts. However, under~~Under Alternative 2, mining operations would cease 14 years earlier than under the proposed project thus reducing traffic volumes on North Friant Road in the vicinity of the project site. Thus Alternative 2 would have a reduced impact on transportation as the proposed project. Impact 4.17-1 would remain significant under Alternative 2 because the project would still result in the operation of specified intersections, identified in the Traffic Impact Study, at LOS D or LOS F during peak hours, which conflicts with the County General Plan Requirement to meet LOS D on urban roadways within the spheres of influence of the

cities of Fresno and Clovis and LOS C on all other roadways in the County. Mitigation Measures 4.17-1a through 4.17-1r would still require equitable contributions towards specified road improvement measures to improve LOS; however, even with the implementation of the mitigation measures, Impact 4.17-1 would remain significant and unavoidable because it is uncertain when the road improvements would be constructed. Neither the proposed project nor Alternative 2 would be inconsistent with CEQA Guidelines Section 15064.3(b) (Impact 4.17-2), substantially increase hazards due to geometric design feature or incompatible uses (Impact 4.17-3), or result in inadequate emergency access (Impact 4.17-4).

END OF ERRATA

Explanation

The Draft EIR misstated the significance of the transportation impacts in the Alternatives Chapter. Page 6-38 is revised below.

ERRATA

Transportation

~~Neither Alternative 3 nor the proposed project would result in any significant transportation impacts. However, under~~Under Alternative 3, mining operations would cease 32 years earlier than under the proposed project thus reducing traffic volumes on North Friant Road in the vicinity of the project site. Thus Alternative 3 would have a reduced impact on transportation as the proposed project. Impact 4.17-1 would remain significant under Alternative 3 because the project would still result in the operation of specified intersections, identified in the Traffic Impact Study, at LOS D or LOS F during peak hours, which conflicts with the County General Plan Requirement to meet LOS D on urban roadways within the spheres of influence of the cities of Fresno and Clovis and LOS C on all other roadways in the County. Mitigation Measures 4.17-1a through 4.17-1r would still require equitable contributions towards specified road improvement measures to improve LOS; however, even with the implementation of the mitigation measures, Impact 4.17-1 would remain significant and unavoidable because it is uncertain when the road improvements would be constructed. Neither the proposed project nor Alternative 3 would be inconsistent with CEQA Guidelines Section 15064.3(b) (Impact 4.17-2), substantially increase hazards due to geometric design feature or incompatible uses (Impact 4.17-3), or result in inadequate emergency access (Impact 4.17-4).

END OF ERRATA

Explanation

The Draft EIR misstated the significance of the transportation impacts in the Alternatives Chapter. Page 6-49 is revised below.

ERRATA

Transportation

~~Neither Alternative 4 nor the proposed project would result in any significant transportation impacts. However, under~~Under Alternative 4, there would be fewer trucks on the road due to mining ceasing 37 years earlier, thus reducing traffic volumes on North Friant Road in the vicinity of the project site. Thus Alternative 4 would have a reduced impact on transportation as the proposed project. Impact 4.17-1 would remain significant under Alternative 4 because the project would still result in the operation of specified intersections, identified in the Traffic Impact Study, at LOS D or LOS F during peak hours, which conflicts with the County General Plan Requirement to meet LOS D on urban roadways within the spheres of influence of the cities of Fresno and Clovis and LOS C on all other roadways in the County. Mitigation Measures 4.17-1a through 4.17-1r would still require equitable contributions towards specified road improvement measures to improve LOS; however, even with the implementation of the mitigation measures, Impact 4.17-1 would remain significant and unavoidable because it is uncertain when the road improvements would be constructed. Neither the proposed project nor Alternative 4 would be inconsistent with CEQA Guidelines Section 15064.3(b) (Impact 4.17-2), substantially increase hazards due to geometric design feature or incompatible uses (Impact 4.17-3), or result in inadequate emergency access (Impact 4.17-4).

END OF ERRATA

Explanation

The Draft EIR misstated the significance of the transportation impacts in the Alternatives Chapter. Page 6-57 is revised below.

ERRATA

Transportation

~~Neither Alternative 5 nor the proposed project would result in any significant transportation impacts. However, under~~Under Alternative 5, there ~~will~~would be fewer truck~~s~~ trips due to less annual tonnage and mining ceasing 14 years earlier, thus reducing traffic volumes on North Friant Road and in the vicinity of the project site~~s~~. Thus Alternative 5 would have a lesser impact on transportation as compared to the

proposed project. Even with reduced tonnage, Impact 4.17-1 would remain significant under Alternative 5 because the project would still result in the operation of specified intersections, identified in the Traffic Impact Study, at LOS D or LOS F during peak hours, which conflicts with the County General Plan requirement to meet LOS D on urban roadways within the spheres of influence of the cities of Fresno and Clovis and LOS C on all other roadways in the County. Mitigation Measures 4.17-1a through 4.17-1r would still require equitable contributions towards specified road improvement measures to improve LOS; however, even with the implementation of the mitigation measures, Impact 4.17-1 would remain significant and unavoidable because it is uncertain when the road improvements would be constructed. Neither the proposed project nor Alternative 5 would be inconsistent with CEQA Guidelines Section 15064.3(b) (Impact 4.17-2), substantially increase hazards due to geometric design feature or incompatible uses (Impact 4.17-3), or result in inadequate emergency access (Impact 4.17-4).

END OF ERRATA

3.2.8 Errata to Draft EIR Chapter 7, "Other CEQA Topics"

There are no errata for Draft EIR Chapter 7.

3.2.9 Errata to Draft EIR Chapter 8, "List of Preparers"

There are no errata for Draft EIR Chapter 8.

3.2.10 Errata to Draft EIR Chapter 9, "References and Resources"

Explanation

Revisions are made to Draft EIR Chapter 9 to reflect Fresno County's 2024 Comprehensive Zoning Ordinance Update and the March 2026 Zoning Ordinance Amendment. Draft EIR page 9-3 is revised as follows.

ERRATA

~~Fresno County. 2018. Chapter 1, General Provisions, Sections 800-803.19, Division VI, Zoning Division (Zoning Ordinance). *The Ordinance Code of the County of Fresno, Part VII, "Land Use Regulation and Planning."* Last amended June 12, 2018. Available at: https://www.co.fresno.ca.us/departments/public-works-planning/divisions-of-public-works-and-planning/development-services-division/zoning-ordinance?locale=en. Accessed April 12, 2021.~~

Fresno County. 2024. *Zoning Ordinance of the County of Fresno – Land Use and Planning* (Ordinance No. T-099-385). Adopted February 20, 2024. Fresno County

Department of Public Works and Planning. Available at: https://www.fresnocountyca.gov/Departments/Public-Works-and-Planning/divisions-of-public-works-and-planning/development-services-division/zoning-ordinance. Accessed April 12, 2026.

END OF ERRATA

Explanation

Revisions are made to Draft EIR Chapter 9 to add a new citation referenced in Section 4.3, "Air Quality." Draft EIR page 9-5 is revised as follows.

ERRATA

_____. 2026 (May 13). *Air Quality, Health Risk and Climate Change Impact Assessment.*

Explanation

Revisions are made to Draft EIR Chapter 9 to add a new citation referenced in Section 4.10, "Hydrology and Water Quality." Draft EIR page 9-17 is revised as follows.

ERRATA

_____. 2026a (April 21) *200-Year Hydraulic Analysis for CEMEX Rockfield Modification Project Quarry Site*.

_____. 2026b (May 12) *200-Year Hydraulic Analysis for CEMEX Rockfield Modification Project Plant Site*.

Explanation

Revisions are made to Draft EIR Chapter 9 to add a new citation referenced in Section 4.13, "Noise." Draft EIR page 9-22 is revised as follows.

ERRATA

_____. 2026 (April 29) *Technical Note on Threshold of Significance for Human Response CEMEX Rockfield Quarry Modification Project Fresno County, California*.

Explanation

Revisions are made to Draft EIR Chapter 9 to add a new citation referenced in Section 4.17, "Transportation." Draft EIR page 9-25 is revised as follows.

ERRATA

_____. 2026. *Pavement Hazard Identification and Mitigation – CEMEX Rockfield Quarry Modification Project memorandum*.

Peters Engineering Group. 2026. *Interchange Analysis – State Route 41 and Friant Road, CEMEX Rockfield Quarry Modification Project, Fresno County, California*. May 28, 2026.

END OF ERRATA

3.2.11 Errata to Draft EIR Chapter 10, "Acronyms and Glossary"

There are no errata for Draft EIR Chapter 10.

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4—RESPONSE TO COMMENTS

INTRODUCTION

This chapter of the Final Environmental Impact Report (Final EIR) for the Rockfield Quarry Modification Project (proposed project) provides specific responses to each issue raised in comments on the Draft EIR. Comment letters are ordered as received from agencies, organizations, and individuals. Each comment letter has been assigned a number and the individual comments/issues within each letter are assigned sequential subnumbers (e.g., 1-1, 1-2). An index that lists each commenter and the number assigned to the comment letter is provided on the following pages. Section 4.1 presents collective responses that provide a single, central response to multiple similar comments. Responses to specific letters are contained in Sections 4.2 through 4.4 for letters received from public agencies, organizations and businesses, and individuals, respectively.

The text of each comment/issue is reproduced using `courier new font` and is followed by the County's response numbered to correspond with each respective comment. All comment letters are also provided in the EIR original form in Appendix M, "Draft EIR Comment Letters," where the comment letters are numbered in the upper right corner of the first page to correspond to the numbering used in this chapter. Note that the reproduction of comments in this chapter is intended to reflect the text of the comment letters. Formatting; font emphases (e.g., underline, bold, all capital); and graphics, tables, and other attachments are not necessarily reflected in the reproduced text here and are noted in brackets in certain instances in this chapter. The County has reviewed all original comment letters on the EIR with original formatting, font emphasis, graphics, tables, and other attachments. Reviewers interested in the content of a specific comment letter should see Appendix A for a reproduction of the original letter.

The County has provided a response to all comments received during public circulation of the Draft EIR. In every instance, each comment was carefully considered for its contribution of information regarding environmental impacts and other issues relevant to the County's CEQA review of the project. In general, all comments concerning an environmental issue pertaining to analysis in the Draft EIR receive a response that either (1) summarizes the information provided in the EIR and directs the commenter to the chapter/section(s) of the EIR providing that information or (2) provides additional clarifying information concerning the environmental issue raised by the commenter.

In some instances, information in comments was incorporated into the Final EIR to amplify the impact analysis or mitigation measures, or to otherwise clarify the information presented. In none of these instances did the additional information

incorporated to this Final EIR result in identifying a new significant impact or an increase in the severity of a significant impact identified in the Draft EIR. Thus, while these revisions amplify and clarify information based on certain comments, these revisions do not result in requiring the County to recirculate the EIR for public review and comment before certification.

If the comment did not address an environmental issue (e.g., opposition or support of the project), a response is provided noting that this comment does not pertain to an environmental issue. All comments will be considered by County decision-makers for the EIR deliberations in approval or denial of the entitlements requested for the project.

COMMENT LETTERS

Table 4-1, "Comment Letters," lists the comment letters and provides the numbering and order used to organize the comment letters received.

Table 4-1
Comment Letters

Letter Date	Commenter	Comment Letter No.
AGENCY COMMENT LETTERS		
01/28/25	Larry Brown, Fresno County Fire Protection District	1
02/24/25	Keyomi Jones, California Department of Transportation	2a
02/10/25	Dave Padilla, California Department of Transportation	2b
02/28/25	Jennifer Laird, City of Fresno	3
02/28/25	Jamie Silva, Central Valley Flood Protection Board	4
03/07/25	Bryan Rock, Central Valley Regional Water Quality Control Board	5
03/07/25	Karl Stock, United States Bureau of Reclamation	6
03/10/25	Jonathan Ambrose, National Marine Fisheries Service	7
03/10/25	Dr. Joaquin Arambula, California Assemblymember 31st District	8
03/10/25	Ian Buck-Macleod, Friant Water Authority	9
03/10/25	Kassy Chauhan, North Kings Groundwater Sustainability Agency	10
03/10/25	Kari Kyler Daniska, San Joaquin River Conservancy	11
03/10/25	Douglas Hedenkamp, City of Fresno (12-1 through 12-83) Exhibit 1: Brock Buche, City of Fresno Department of Public Utilities (12-84 through 12-111)	12
03/10/25	Tom Jordan, San Joaquin Valley Air Pollution Control District	13
~~03/10/25~~	~~Elsa Mejia, City of Madera District 5 Councilmember~~ (Initially missorted, moved to Letter 613, not an *Agency* commenter. Placeholder kept to preserve numbering.)	14
03/11/25	Julie Vance, California Department of Fish and Wildlife	15
ORGANIZATION AND LOCAL BUSINESSES COMMENT LETTERS		
02/02/25	Leo Labbe, Fresno Fly Fishers for Conservation	16
02/05/25	Daniel Frank, Floyd Johnston Construction	17

Letter Date	Commenter	Comment Letter No.
02/07/25	Kim Nulick, Caliber Contracting	18
02/11/25	Samantha McCarty, Santa Rosa Rancheria Tachi-Yokut Tribe	19
02/11/25	Christopher Robbins, Fresno Fly Fishers For Conservation	20
02/12/25	Karry Wendel, Clean Cut Landscape	21
02/13/25	Ronald Hicks, Fresno Fly Fishers For Conservation	22
02/14/25	Michael Branco, American Industrial Equipment	23
02/14/25	Mike Higgins, Pape Machinery	24
02/17/25	Robert Joubert, Jameson Hydro Crane / A&E Welding and Machine	25
02/18/25	Steve Sharp, General Teamsters Union Local No. 431	26
02/19/25	Chase Hager, 559 Pro Landscape Inc.	27
02/20/25	Chuck Riojas, FMKTC Building and Construction Trades	28
02/21/25	Matthew Estipona, Associated Builders and Contractors Northern California	29
02/21/25	James Hammond, Laborers' International Union of North America Local 294	30
02/24/25	Emily Braswell, Braswell Construction	31
02/24/25	David Cruce, Heavy Road Industries	32
02/24/25	Sarkis Nersesian, Jim Crawford Construction	33
02/25/25	Wyatt Meadows, Operating Engineers Local 3	34
02/25/25	Larry Odell, Fresno Fly Fishers for Conservation	35
02/25/25	Joseph Penbera, Penbera Paris	36
02/25/25	Juan Serrano, Jim Crawford Construction	37
02/26/25	Marvin Hoogendam, Fresno Fly Fishers for Conservation	38
02/27/25	Rob Chapman, B & B Surplus Inc.	39
02/28/25	John Cameron, Fresno Fly Fishers for Conservation	40
02/28/25	Timothy Cone, Fresno Fly Fishers for Conservation	41
02/28/25	John Lawson, John R. Lawson Rock and Oil	42
02/28/25	Ben Nydam, Dellavalle Laboratory Inc.	43
03/01/25	Raaktin Praseutsy, Fresno Fly Fishers for Conservation	44
03/02/25	Donna Mackiewicz, Redbud Audubon Society	45
03/05/25	Bart Jones, JWT Site Management	46
03/05/25	Garrett Jones, Material Movers Inc.	47
03/05/25	Janae McCarthy, Xerces Society Inc.	48
03/06/25	Clay Davis, Teter Architects and Engineers	49
03/06/25	Michelle Heredia-Cordova, Table Mountain Rancheria	50
03/06/25	Carol Laval, Laval and Associates	51
03/06/25	Multiple Signers, Table Mountain Rancheria	52
03/06/25	Joe Salazar, Happy Panels	53
03/07/25	Don Simmons, Creative Potential Consulting and Training	54
03/09/25	Diane Dimon, Matters of the Mind	55
03/09/25	Rick Grijalva, Fresno Audubon Society	56
03/10/25	Kay and Robin Chiero Bertken, League of Women Voters of Fresno	57
03/10/25	Kevin Bundy, San Joaquin River Parkway & Conservation Trust Inc.	58
03/10/25	Kevin Bundy, San Joaquin River Parkway & Conservation Trust, Inc.; Exhibit A, CBEC Report, March 6, 2025	58A

Letter Date	Commenter	Comment Letter No.
03/10/25	Kevin Bundy, San Joaquin River Parkway & Conservation Trust, Inc.; Exhibit B, Colibri Report, March 7, 2025	58B
03/10/25	Kevin Bundy, San Joaquin River Parkway & Conservation Trust, Inc.; Exhibit C, Salter Report, March 7, 2025	58C
03/10/25	Cala Carter, CCIS Bonding & Insurance Services	59
03/10/25	Andrew Escamilla, California Environmental Voters Education Fund	60
03/10/25	Gohar Hakimipour, Clovis North River Alive Club	61
03/10/25	Thomas R. Johnson, San Joaquin River Restoration Program	62
03/10/25	Anthony Molina, Safe Access to Woodward Park Coalition	63
03/10/25	Jason Palmer, Fresno Fly Fishers for Conservation	64
03/10/25	Sofia Prado-Irwin, Center for Biological Diversity	65
03/10/25	Scott Roycroft, Earth Funeral Services	66
03/10/25	John Shelton, Friends of the River	67
03/10/25	Sharon Weaver, San Joaquin River Parkway & Conservation Trust, Inc.	68
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01/28/25	Susan McAndrew	74
02/03/25	Nyein Win	75
02/05/25	Diane Durando, Letter 1	76
02/05/25	Diane Durando, Letter 2	77
02/05/25	Diane Durando, Letter 3	78
02/05/25	Neil Thompson	79
02/06/25	Ken and Betty Cornelisen	80
02/06/25	Eve Hudson	81
02/06/25	Ken Hudson	82
02/06/25	Brenda Markham, Letter 1	83
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02/06/25	Brenda Markham, Letter 3	85
02/07/25	Cheyenne Jenvey	86
02/07/25	Neil Thompson	87
02/07/25	Laurie Tidyman-Jones	88
02/08/25	Patrick Cassen	89
02/10/25	Bonnie Douglas	90
02/10/25	Marianne Kast	91
02/10/25	Bayard and June Taylor	92
02/10/25	Dorothy Woolum	93
02/12/25	Naomi Quintana	94
02/13/25	Sally Negin	95
02/13/25	Unnamed Resident	96
02/14/25	Brenda Markham	97

Letter Date	Commenter	Comment Letter No.
02/14/25	Linda and George Sward	98
02/15/25	Chris Howes	99
02/16/25	Matthew Ethen	100
02/16/25	Lee Liddle	101
02/16/25	Brian Paulsen	102
02/16/25	Cathleen Perez	103
02/16/25	Stephanie Salazar	104
02/17/25	Zach Baroni	105
02/17/25	Johnathan Benson	106
02/17/25	Francesca Cannizzo	107
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02/17/25	Unnamed Resident	109
02/18/25	Donna Duckworth	110
02/18/25	Diane and Jim Durando	111
02/18/25	James Durando	112
02/18/25	George Hewett	113
02/18/25	Debi Schmidt	114
02/19/25	Kathryn Elliott	115
02/19/25	Ann Heiniger	116
02/19/25	Multiple Signers	117
02/20/25	Jenine Cortopassi	118
02/20/25	George Folsom	119
02/20/25	Debra Keldrauk	120
02/20/25	Brenda Markham, Letter 1	121
02/20/25	Brenda Markham, Letter 2	122
02/20/25	Unnamed Resident	123
02/21/25	Tom Bozzo	124
02/21/25	Ronald Martin, Ph. D	125
02/21/25	Julie Olsen	126
02/21/25	Gerald Vinnard	127
02/22/25	Beth Arrindell	128
02/22/25	Deanna Bailey	129
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02/23/25	Amanda Joy	133
02/23/25	Georgia Murach	134
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02/24/25	Suzanne Abrams	137
02/24/25	Catherine Farinelli	138
02/24/25	Nancy Gilmore	139
02/24/25	Lynn Gorman	140

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02/24/25	Barry Kriebel	142
02/24/25	Leo Labbe	143
02/24/25	Bill Schmidt	144
02/24/25	Sue Vaughn	145
02/24/25	Kaili Zink-Hernandez and Family	146
02/25/25	Carole Bryson	147
02/25/25	Mitchell Hall Fresno Fly Fishers for Conservation (missorted with *Individual Residents'* instead of *Local Businesses and Organizations*)	148
02/25/25	Linda Odell	149
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02/25/25	Julie Taylor	151
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03/02/25	William A. and Deborah Dotson	180
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03/02/25	Robert Hills, Letter 3	185
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03/03/25	Preston Ernest	209
03/03/25	Amy Gallagher	210
03/03/25	Thomas Grogan	211
03/03/25	Karen Hammer	212
03/03/25	Carla Hawks	213
03/03/25	Robert Hills, Letter 1	214
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03/03/25	Steven Hromada, Ph. D.	217
03/03/25	Barbara Hueyn	218
03/03/25	John and Norma Kirby	219
03/03/25	Russell and Rebecca Lindquist	220
03/03/25	Steven Matthews	221
03/03/25	Gerard Medeiros	222
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03/03/25	Marcella L Osterhaus	227
03/03/25	John Peckham	228
03/03/25	Karl Quinn	229
03/03/25	Nanette Stockle	230
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03/04/25	Janice Ferrell	244
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03/04/25	Laurell Huber	246
03/04/25	Brad and Kristi Hushaw	247
03/04/25	Sue Karibian	248
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03/04/25	Kathryn Kelly	250
03/04/25	June Kezerian	251
03/04/25	Emily Kuizenga	252
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03/04/25	Rebecca Mendoza	255
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03/04/25	Judy Simon	259
03/04/25	Kelty Spencer	260
03/04/25	Roger Stewart	261
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03/04/25	John Zweifler	263
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03/05/25	Robert Crooks	266
03/05/25	Ron Darnell	267

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03/05/25	David DeFrank	268
03/05/25	Debra Dooley	269
03/05/25	Magda Gilewicz	270
03/05/25	Flannery Good	271
03/05/25	Robert Greteman	272
03/05/25	Robert Heisdorf	273
03/05/25	David Horwitz	274
03/05/25	Elaine Johnson	275
03/05/25	Patty Kanemoto	276
03/05/25	Marjorie Keir	277
03/05/25	Ann Lewis	278
03/05/25	Dylan Lewis	279
03/05/25	H Lopez	280
03/05/25	Douglas Marsh	281
03/05/25	Madison Nield	282
03/05/25	Shauna Perenon	283
03/05/25	David Roberts	284
03/05/25	George Saul	285
03/05/25	Gary Simmons	286
03/05/25	Terri Soares	287
03/05/25	Jennifer Squire	288
03/05/25	Linda Tiboni	289
03/05/25	Kay Tolladay Pitts	290
03/05/25	Thao Xiong	291
03/06/25	Marian Battles	292
03/06/25	Joanne Bazarian	293
03/06/25	Judith Castro	294
03/06/25	Mark Fletcher	295
03/06/25	Catherine Fowler	296
03/06/25	Steve Fretz	297
03/06/25	Daniel Griffith	298
03/06/25	John Hendon	299
03/06/25	Cordell Jelf	300
03/06/25	Steven Martinez	301
03/06/25	Sharon Matson	302
03/06/25	Cheri Matthews	303
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03/06/25	Brian McNally	305
03/06/25	Ryan Mitchum	306
03/06/25	Jose Palacios	307
03/06/25	Jody Palmer	308
03/06/25	Maria Pantoja	309
03/06/25	David Roberts	310

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03/06/25	Sasha Roeske	311
03/06/25	Lesa Schwartz	312
03/06/25	Unnamed Resident	313
03/07/25	Kirk Anderson	314
03/07/25	Sandra Aune	315
03/07/25	Erin Barca	316
03/07/25	Eric Battles	317
03/07/25	Diane Bauman	318
03/07/25	Sara Belezzuoli	319
03/07/25	Ronald Bohigian	320
03/07/25	Sheila Cary and and Sheryl Lund	321
03/07/25	Martin Cawthorne	322
03/07/25	Wei-Lung Chang	323
03/07/25	Aurora Clark	324
03/07/25	Asher Cupp	325
03/07/25	Matt Davis	326
03/07/25	Julie Evans	327
03/07/25	Kathleen Fauver	328
03/07/25	Tiffany Garcia	329
03/07/25	Michael Goldring	330
03/07/25	Erilyn Grey	331
03/07/25	Joseph Haydock	332
03/07/25	David Horwitz	333
03/07/25	Barbara Howell	334
03/07/25	Linda Kelsey	335
03/07/25	Sharon Lucero	336
03/07/25	Karen Micheli	337
03/07/25	Bob Paul	338
03/07/25	Gordon Renfro	339
03/07/25	Andy Roberts	340
03/07/25	Jennifer Roberts	341
03/07/25	Laura Rosenberger Haider	342
03/07/25	Laura Sanford	343
03/07/25	Justin Semrick	344
03/07/25	Unnamed Resident 1	345
03/07/25	Unnamed Resident 2	346
03/07/25	Thomas Utecht	347
03/07/25	Elizabeth Valdez	348
03/07/25	Cindy Williamson	349
03/07/25	Thomas Zynda	350
03/08/25	Susan Aronson	351
03/08/25	Greg Basila	352
03/08/25	Roberta Bavin	353

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03/08/25	Mark Bozzo	354
03/08/25	Gloria Brough	355
03/08/25	L Dean Clark	356
03/08/25	David Cords	357
03/08/25	Carol de Vries	358
03/08/25	Renee Denton	359
03/08/25	Jeffrey Duncan	360
03/08/25	James Durando	361
03/08/25	Lonney Edwards	362
03/08/25	Ingrid Fellows	363
03/08/25	Andrea Gerton	364
03/08/25	Paul Gordon	365
03/08/25	Ann Guevara	366
03/08/25	Shannon Holmes	367
03/08/25	Tom Holyoke	368
03/08/25	Valerie Johnson	369
03/08/25	Chris Julian	370
03/08/25	Kent Karsevar	371
03/08/25	David Kawano	372
03/08/25	Deborah Ledford	373
03/08/25	Annabelle Lowndes	374
03/08/25	Kyle Lyman	375
03/08/25	Marie Meade	376
03/08/25	Norell Naoe	377
03/08/25	Jack Roberts	378
03/08/25	Bonna Rogers-Neufeld	379
03/08/25	Erika San Roman	380
03/08/25	Cat Sanders-Smith	381
03/08/25	Susan Sanford	382
03/08/25	Laura Silberman	383
03/08/25	Unnamed Resident	384
03/08/25	John Watkins	385
03/08/25	Thomas and Anna Wielicki	386
03/08/25	Carolyn Yale	387
03/08/25	Thomas Zynda	388
03/09/25	Jacinta Amaral	389
03/09/25	Marc Ament and Mary-Elin Kelly	390
03/09/25	Katurah Andrews	391
03/09/25	Saeed Attar	392
03/09/25	Amy Barron	393
03/09/25	Sharon Benes	394
03/09/25	Perminder Bhatia	395
03/09/25	Veronika Carrillo	396

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03/09/25	Robin Cassinerio	397
03/09/25	Allyson Chun	398
03/09/25	Holly Clinard	399
03/09/25	Priscilla Craft	400
03/09/25	James Crane	401
03/09/25	Catherine Curry McNally	402
03/09/25	Melissa Dearing	403
03/09/25	Kory Donati	404
03/09/25	Eric Downing	405
03/09/25	Jesus Flores	406
03/09/25	Dennis and Valarie Foley	407
03/09/25	Linda Garcia	408
03/09/25	Acsa Garcia-Aceves	409
03/09/25	Paul Gibson	410
03/09/25	Brandon Gonzalez	411
03/09/25	Carol Hansen	412
03/09/25	Keith Hawkyard	413
03/09/25	Lori Hawkyard	414
03/09/25	Harris and Pam Hays	415
03/09/25	Clay Howell	416
03/09/25	Blue Kalmbach	417
03/09/25	Pamela Kammen	418
03/09/25	Cheryl and Terry Kershaw	419
03/09/25	Ricky Kline	420
03/09/25	Kathleen Klitz	421
03/09/25	Sarah Knight	422
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03/09/25	Asgy Lame	424
03/09/25	Patricia Libby	425
03/09/25	Alana Little	426
03/09/25	Alycia Mariano	427
03/09/25	Julie Marlow	428
03/09/25	Janice Marshall	429
03/09/25	Ivory Maxwell	430
03/09/25	Laura Menendez	431
03/09/25	Inga Minton	432
03/09/25	Brooke Nelson	433
03/09/25	Jesse Nieves	434
03/09/25	Carolyn Nolan	435
03/09/25	Rebecca Patel	436
03/09/25	Keving and Marisa Ploog	437
03/09/25	Georgia Porcella	438
03/09/25	Carole D. Putnam	439

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03/09/25	Louise Richardson	440
03/09/25	Donnie Ross	441
03/09/25	Anthony and Frances Salafia	442
03/09/25	Ileana Santos-Gonzalez	443
03/09/25	Joan Schoettler	444
03/09/25	Michael Smith	445
03/09/25	Arl Suda	446
03/09/25	Lucy Tecorral	447
03/09/25	Venus Warner	448
03/09/25	Eddie and Claudia West	449
03/10/25	Cathy Aguilera	450
03/10/25	Susan Allred Simpson	451
03/10/25	Mary Barajas	452
03/10/25	Susan Bartel	453
03/10/25	Joanne Bazarian	454
03/10/25	Caroline Bergren	455
03/10/25	Kathy Bian	456
03/10/25	Tom Biglione	457
03/10/25	Janine Blake-Quisenberry	458
03/10/25	Tom Boroujeni	459
03/10/25	Karen Bosch Cobb	460
03/10/25	Elizabeth Brewer Lichty	461
03/10/25	Sirley Carballo	462
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03/10/25	Karen Cawthorne	464
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03/10/25	Clayton Dahlen	467
03/10/25	Rose Cordero-Gonzales	468
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03/10/25	Bryna De Fede	471
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03/10/25	Judith Dickison	475
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03/10/25	Ryan and Elena Donaghy	477
03/10/25	Cherith Drescher Merson	478
03/10/25	James Driscoll	479
03/10/25	Laura Duncan	480
03/10/25	James Durando, Letter 1	481
03/10/25	James Durando, Letter 2	482

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03/10/25	Terry Easley	483
03/10/25	Joan Eaton	484
03/10/25	David Erickson	485
03/10/25	Kirsten Field	486
03/10/25	Carolyn Flores	487
03/10/25	Linda Foster	488
03/10/25	Laurie Frye	489
03/10/25	Carlos Garcia	490
03/10/25	Victoria Garcia	491
03/10/25	Sherri Geer	492
03/10/25	Kimberly Gibson	493
03/10/25	Gary Gilmore	494
03/10/25	Carol Goibur	495
03/10/25	Tracie Goodwin	496
03/10/25	Eva Green	497
03/10/25	Reid Gromis	498
03/10/25	Amanda Grossman	499
03/10/25	David Grubbs	500
03/10/25	Alyssa Gurney	501
03/10/25	Sheila Hakimipour	502
03/10/25	Jeffrey Hallock and Deborah Symes	503
03/10/25	Bryan Harley	504
03/10/25	John Hayes	505
03/10/25	Jean Hays Gunn	506
03/10/25	Frank Helling	507
03/10/25	Pedro Hernandez	508
03/10/25	Lenore Hiebert	509
03/10/25	Leslie Hoyt	510
03/10/25	Kay Hutmacher	511
03/10/25	Carolyn Johnson	512
03/10/25	Pat Johnson	513
03/10/25	Vanessa Jones	514
03/10/25	William Koole	515
03/10/25	Tom Laury	516
03/10/25	Paul Lerro	517
03/10/25	Ellen Lipp	518
03/10/25	Aaron Lowe	519
03/10/25	Miyoung Lowe	520
03/10/25	Kim Lucero	521
03/10/25	Mandy Macias	522
03/10/25	Florence Maly	523
03/10/25	Mel Mark	524
03/10/25	Allison Martinez	525

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03/10/25	Kevin and Crystal Martinez	526
03/10/25	Brett Mason	527
03/10/25	Sylvia Mata	528
03/10/25	Tess McClellan	529
03/10/25	Donna McCloskey	530
03/10/25	Gracie McKesson	531
03/10/25	Gloria Medina-Sancho	532
03/10/25	Dinora Mendoza	533
03/10/25	Dale Merrill	534
03/10/25	Diane Merrill	535
03/10/25	James Minton	536
03/10/25	Samai Munoz	537
03/10/25	Leticia Murrietta	538
03/10/25	Jorge Negrete	539
03/10/25	Katharine Nelson	540
03/10/25	Kathie Nesbitt	541
03/10/25	Peter Newell	542
03/10/25	Christina Olague	543
03/10/25	Suzanne Olguin	544
03/10/25	Patricia Oren	545
03/10/25	Eli Ortiz	546
03/10/25	Hailey Owji	547
03/10/25	Sarah Parkes	548
03/10/25	Pearson Family	549
03/10/25	Steven Pearson	550
03/10/25	Celeste Perez Corona	551
03/10/25	Alan Pinkerton	552
03/10/25	Christopher Pluhar	553
03/10/25	Pamela Pokrovsky	554
03/10/25	Joan Poss	555
03/10/25	William and Jessica Priddy	556
03/10/25	Asdruval Ramirez	557
03/10/25	Jillian Ramirez	558
03/10/25	Radley Reep	559
03/10/25	Richard Rollin	560
03/10/25	Laura Rosenberger Haider	561
03/10/25	Kristen Roznovsky	562
03/10/25	Stephanie Ruiz	563
03/10/25	Monica Ruiz-Cangco	564
03/10/25	Kyan Salehi	565
03/10/25	Shirinnaz (Shauna)Salehi	566
03/10/25	Kristen Samaniego	567
03/10/25	Isabel Santos-Gonzalez	568

Letter Date	Commenter	Comment Letter No.
03/10/25	Joan Schoettler, Letter 1	569
03/10/25	Joan Schoettler, Letter 2	570
03/10/25	Joan Schoettler, Letter 3	571
03/10/25	Joan Schoettler, Letter 4	572
03/10/25	Daniel Schwartz	573
03/10/25	Kulraj Sidhu	574
03/10/25	Joleen Siebert	575
03/10/25	Jeff Single	576
03/10/25	Stephanie Smallie	577
03/10/25	Peter Smith	578
03/10/25	Brian Snyder	579
03/10/25	Clare Statham	580
03/10/25	Miranda Stelfox	581
03/10/25	Wendell Stephenson	582
03/10/25	Kathy Suda	583
03/10/25	Judith Swick	584
03/10/25	Deborah Symes	585
03/10/25	Carly Tex	586
03/10/25	Guinevere Thelin and Kirk Brown	587
03/10/25	Robb Tibstra	588
03/10/25	Rachael Torres	589
03/10/25	Aracely Trejo Mendoza	590
03/10/25	Bert Tribbey	591
03/10/25	Ignacio Valdez	592
03/10/25	Jesse Verduzco	593
03/10/25	Evelyn Vieira	594
03/10/25	Leni Villagomez Reeves	595
03/10/25	James Von Tersh	596
03/10/25	Evonne Waldo	597
03/10/25	Lisa Walzem	598
03/10/25	Gary and Venus Warner	599
03/10/25	Laura Watkins	600
03/10/25	Elizabeth Weeks	601
03/10/25	Patricia Wells	602
03/10/25	Tom and Anna Wielicki	603
03/10/25	Christine Williams	604
03/10/25	Darlene Young	605
03/10/25	Sean Zweifler	606
03/11/25	Jericho Guansing	607
03/11/25	Marie Motta	608
03/11/25	Shirinnaz (Shauna) and Kyan Salehi	609
03/12/25	Bryan Hamer	610
03/12/25	William Podolsky	611

Letter Date	Commenter	Comment Letter No.
03/12/25	Nathan Schramm	612
03/10/25	Elsa Mejia, City of Madera District 5 Councilmember (missorted, moved to Letter 613 from Letter 14, not an *Agency* commenter)	613

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4.1 COLLECTIVE RESPONSES

This subsection provides collective responses to comments that were raised repeatedly. Responses are thus presented in a single location and in a comprehensive manner. The collective responses and the topics addressed are listed below:

- Collective Response #1: County CEQA Process
- Collective Response #2: Previous Permit Extensions
- Collective Response #3: Aggregate Demand and Need for Project
- Collective Response #4a: CEMEX Regulatory History
- Collective Response #4b: Liability and Fund for Potential Damages
- Collective Response #5: Duration of Use Permit
- Collective Response #6: Operational Nuisance
- Collective Response #7: Economic Effects
- Collective Response #8: Visual Impact Mitigation
- Collective Response #9: Air Quality Analysis and Project Impacts
- Collective Response #10: Air Quality Analysis Baseline
- Collective Response #11: Analysis of Population-wide Cancer Burden
- Collective Response #12: Effects on San Joaquin River and Chinook Salmon Restoration Efforts
- Collective Response #13: Project Operational Effects on Offsite Wildlife
- Collective Response #14: Analysis of Impacts on Swainson's Hawk
- Collective Response #15: Impacts to Non-Nesting Birds and Birds Outside of Nesting Season
- Collective Response #16: Impacts to Salmon Spawning and Analysis Methods
- Collective Response #17: Flooding and Bank Stability
- Collective Response #18: Consistency with San Joaquin River Parkway Master Plan
- Collective Response #19: Public Accessibility of Adjacent Parks
- Collective Response #20: Encroachment on an Ecological Preserve
- Collective Response #21: Public Access to San Joaquin River, Recreational Sites, and Future Uses of the Existing Project Sites
- Collective Response #22: Trail Easements

- Collective Response #23: Quality of Water Pumped to Onsite Ponds and Potential Impacts to San Joaquin River and Groundwater Quality if Pumped to Recharge Trenches
- Collective Response #24: Groundwater Monitoring Program Changes and Funding
- Collective Response #25: Interconnected Surface Water, Groundwater Dependent Ecosystems, and Impacts on Flows in the San Joaquin River
- Collective Response #26: Baseline Groundwater Data
- Collective Response #27: Operational Effects on Park/Trail Users
- Collective Response #28: Land Subsidence
- Collective Response #29: Traffic Impacts and Mitigation
- Collective Response #30: Road Safety

4.1.1 Collective Response #1: County CEQA Process

Some comments on the Draft EIR requested additional time to review the Draft EIR and expressed concerns over the County's processing of the project application. Some commenters also expressed concerns that information in the Draft EIR is overly technical and difficult to understand.

Draft EIR Review Period and Public Input Opportunities

California Environmental Quality Act (CEQA) Guidelines Section 15105(a) specifies that "the public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances" and requires that a Draft EIR be circulated for a minimum period of 45 days when the Draft EIR is submitted to the State Clearinghouse unless a shorter time period is requested and approved by the State Clearinghouse. The Draft EIR was filed with the State Clearinghouse on January 2, 2025, and a Notice of Availability for the Draft EIR was mailed to neighboring landowners and interested parties and posted on the County's website with project information (https://www.fresnocountyca.gov/eir7763). The Draft EIR was released for a 45-day public review period, ending on February 17, 2025. In response to requests by some commenters for additional time to review the Draft EIR, the County subsequently extended the public review period to end on March 10, 2025, and announced the extended period by filing a revised Notice of Availability with the State Clearinghouse on January 22, 2025, and distributing the revised Notice of Availability to additional interested parties. The revised Notice of Availability is included as Appendix L, "Revised Notice of Availability."

Through the process discussed above, the Draft EIR comment period was a total of 68 days. The Draft EIR review period exceeded CEQA requirements, and the County has determined that the Draft EIR review period was sufficient to ensure that agencies and members of the public were provided with adequate time to review and comment on the Draft EIR.

Prior to and during circulation of the Draft EIR, Fresno County held public meetings to provide information to the public regarding the proposed project. As detailed in Draft EIR Section 1.3, "Environmental Review Process," the County held a virtual public scoping meeting for public agencies on June 22, 2020, and a second virtual public scoping meeting for the general public on June 24, 2020. The public scoping meetings were noticed to the general public in a variety of ways including mailed notifications to neighboring land owners and individuals that had requested to be notified of project activity, on the County website, and in the Fresno Business Journal.

On January 16, 2025, during circulation of the Draft EIR, Fresno County held an additional informational virtual meeting, to ensure interested parties were informed of the availability of the Draft EIR for review and the process for reviewing and submitting comments to the County. The accompanying digital presentation from this meeting was posted on the County website for viewing in both English and Spanish.

The County's public notifications, public informational meetings, and the Draft EIR review period and process have met and exceeded CEQA requirements.

Project Application Review Process and Decision-Making Hearings

Several comments on the Draft EIR expressed concern that the project application is being processed too quickly which is inhibiting the public from fully reviewing and commenting on the Draft EIR. As discussed above, the County's public notifications, public informational meetings, and the Draft EIR review period and process have met and exceeded CEQA requirements. The project application is being processed in accordance with the Fresno County zoning ordinance (e.g., Chapter 842.5, "Conditional Use Permits," and Section 834.4.220, "Material Extraction Sites."). The application was initially submitted to the County in 2020 and has been in process for over five years.

Once the Final EIR is completed, the public will still have additional opportunities to provide input to County decision-makers before final decisions are made with regard to certification of the Final EIR and whether to approve the project. The Final EIR, including responses to comments on the Draft EIR and errata revisions made to the text of the Draft EIR, will be made available to agencies and the public. In accordance with the County Zoning Ordinance, the County Planning Commission will hold a public hearing for

consideration of certification of the EIR and a decision of whether to approve the project. Members of the public will have the opportunity to provide written comments to the Planning Commission prior to the hearing and will be invited to provide oral comments during the hearing. The Planning Commission will consider all comments on the Draft EIR as well as all written and oral comments provided prior to and during the hearing prior to acting on the project.

Draft EIR Content and Readability

Some commenter's expressed concerns regarding the size and content of the Draft EIR. These comments included a combination of commenter's who felt the Draft EIR was too lengthy or too technical for the public to fully comprehend, while other commenter's asserted that the Draft EIR did not contain enough information to fully inform the public and decision-makers.

CEQA Guidelines Section 15140 states:

> EIRs shall be written in plain language and may use appropriate graphics so that decision makers and the public can rapidly understand the documents.

CEQA Guidelines Section 15146 discusses:

> The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

CEQA Guidelines Section 15147 discusses that:

> The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

In balancing the above directives, the Draft EIR was prepared to provide sufficient information and analysis for consideration by decision-makers and the public to understand the documents and analysis. The Draft EIR is written in plain language and

utilizes graphics (e.g., maps, diagrams, tables) in an effort to clearly present information about the project and environmental effects. Toward this objective, the Draft EIR Executive Summary provides a clear, succinct summary of the proposed project and its impacts, significance determinations, and mitigation measures. The Draft EIR provides a detailed but clearly presented description of the project and uniformly structured resource impact sections, with introductions and explanations regarding content and analytical methods where deemed necessary and appropriate to aid the reader in readily understanding the information presented. Also consistent with the CEQA Guidelines, highly technical and specialized analyses are presented in appendices to the Draft EIR, and their relevant information sufficient to permit full assessment of significant environmental impacts is summarized in the Draft EIR. In preparing the Draft EIR, the County recognizes that a balance must be struck between presenting sufficient information and analysis while maintaining readability and minimizing the length and level of technical information presented. The County has made all reasonable efforts to achieve the appropriate balance of information in the Draft EIR and technical appendices.

Several comments on the Draft EIR asserted that there is a need for revised or additional analyses before the County can certify the EIR or make a project approval decision. Where comments raise specific issues, the County has provided individual responses in Sections 4.2 through 4.4 of the Final EIR. In some instances, the County determined that additional analyses were necessary to respond to comments on the Draft EIR and to more fully present information pertaining to environmental effects of the proposed project and to amplify and clarify the Draft EIR discussion. As discussed in Final EIR Chapter 1, "Introduction," Section 1.2, "Summary of Additional Studies and Revisions to Draft EIR," the additional analyses are summarized in the Final EIR and included as appendices to the Final EIR. As discussed in Section 1.2, these additional analyses and information added to the Final EIR do not result in changes to the Draft EIR that represent substantial new information or significant impacts but aid in amplifying and clarifying information presented in the Draft EIR.

4.1.2 Collective Response #2: Previous Permit Extensions

Comments on the Draft EIR questioned why previous extensions of the operation's conditional use permits (CUPs) were granted by the County and some comments asserted that previous extensions did not receive appropriate CEQA review.

The existing operations at both the Plant Site and Quarry Site were originally evaluated under CEQA in an EIR that was certified by Fresno County on July 28, 1987. In July 2023, the CUPs for the Quarry Site and Plant Site operations were extended by the County Board of Supervisors without the preparation of a new or supplemental EIR because the

extensions did not constitute a new project under CEQA. Specifically, as part of the 2023 extension approval, the County Board of Supervisors determined that CEQA Guidelines Section 15301 (Existing Facilities) applied, which provided a categorical exemption under CEQA for the extensions. In turn, a Notice of Exemption (NOE) was filed on July 20, 2023 (SCH No. 2020060123), covering both the Plant Site and Quarry Site, based in part on the existing physical conditions baseline. (CEQA Guidelines Section 15061(b)(2); *North Coast Rivers Alliance v. Westlands Water Dist.* (2014) 227 Cal.App.4th 832, 872 – 873 ["Where a project involves ongoing operations or a continuation of past activity, the established levels of a particular use and the physical impacts thereof are considered to be part of the existing environmental baseline"].) A second one-year extension was granted in June 2026, and an NOE was subsequently filed on June 10, 2026 (SCH No. 2026060496). The extensions of the CUPs allow operations to continue through July 2027 with the intent to provide sufficient time for the EIR for the proposed project to be completed and for the requested CUP amendments for the proposed project to be processed by the County. With approval of the 2023 and 2026 extensions, no substantial changes to the existing permitted operation, its circumstances, or to the environmental setting occurred that would trigger the need for further CEQA review under CEQA Guidelines Sections 15162 or 15164. Thus, the 2023 approval was in compliance with CEQA and ongoing operations at the project sites are in compliance with the operation's current CUPs as summarized in Draft EIR Table 2-4, "Summary of Conditional Use Permits," on page 2-27. See Chapter 3, "Draft EIR Errata," for a proposed revision to the table to add the 2023 permit extension approval.

4.1.3 Collective Response #3: Aggregate Demand and Need for Project

Several comments on the Draft EIR suggested that the proposed project is not needed as an additional source of aggregate because sufficient aggregate resources are permitted and available to meet regional demand. The majority of these comments directly refer to, or appear to rely on information from, the 2018 "*Map Sheet 52 – Aggregate Sustainability in California Report*" prepared by the California Geological Survey (CGS 2018) and that study's 50-year aggregate demand and supply forecast for the Fresno Production Consumption Region (Fresno PC Region). The CGS study estimates a 50-year aggregate demand for the Fresno PC Region of 305 million tons and documents permitted aggregate reserves within the Fresno PC Region of 556 million tons (CGS 2018, page 5). Comments suggest these data are evidence that the project is not needed as there is sufficient aggregate supply within the Fresno PC Region to meet forecasted demand over the next several decades.

As described in Draft EIR Chapter 2, "Project Description," the Applicant has applied to the County for two CUPs and a reclamation plan that would amend the Applicant's

current land use entitlements to allow the Applicant to expand its existing rock, sand, and gravel mining and processing operation at Rockfield Quarry and to reclaim the quarry when mining operations are complete. The project would occur in two stages with a total project life estimate of up to 100 years. Stage 1 would continue concurrent operations at both the Quarry Site and the Plant Site for up to 30 years and Stage 2 would continue hard rock mining and processing operations only at the Quarry Site for approximately 70 additional years (Draft EIR, pages 2-1 through 2-4). With approval of the project, the combined annual sales of aggregate from both sites are estimated to increase from the 1.4 million tons per year (MT/year) allowed under the current permits to 2.0 MT/year within approximately five years of project approval and *up to* 3.0 MT/year within approximately 10 years of project approval (Draft EIR, page 2-4). Also as discussed in the Draft EIR, one of the Applicant's objectives is to "continue to provide a reliable and sustainable, local source of high-quality aggregate to help meet the current and long-term demand (100 years) for construction materials in the Fresno region" (Draft EIR, pages 2-6 through 2-7).

To comply with CEQA, the County's EIR must evaluate the project as proposed based on the entitlements requested by the Applicant. Thus, the Draft EIR Chapter 2 reflects the requested entitlements, including the proposed 100-year duration of operations and associated CUP, and the proposed maximum annual aggregate production and sales. The Draft EIR properly evaluates environmental effects of the proposed project and identifies mitigation measures that would be implemented to address reasonably foreseeable significant adverse environmental impacts. The Draft EIR also assesses the project's potential to induce growth and through a detailed evaluation concludes that the proposed project is not considered growth-inducing and would therefore not result in potential environmental effects associated with induced growth (Draft EIR, pages 7-4 through 7-6).

Regional aggregate demand and availability are important factors for the regional economy that may be considered by County decision-makers in considering approval of the project. However, the project's contribution to regional construction aggregate supply does not implicate environmental impacts beyond those considered in the EIR associated with the proposed project's operation and reclamation. Demand for construction aggregate is based on several factors associated with development, construction and maintenance of roads and other infrastructure, and other factors not driven by aggregate availability. Thus, the project's contribution to regional construction aggregate availability would not be expected to increase the demand or consumption of aggregate. Instead, the project would provide one of multiple sources of construction aggregate within the region. The Draft EIR evaluates the environmental impacts of the project assuming full production at the proposed maximum annual production and sales rates.

If demand for aggregate materials produced at the project site does not warrant production at the maximum permitted rate, production may be commensurately reduced. However, such a reduction would be a market-driven decision by the operator's potential customers and would not introduce the potential for environmental impacts relevant to the County's CEQA review.

Additionally, it should be noted that the 2018 CGS Map 52 study is a broad, high-level forecast of regional aggregate demand. As stated in the study, "[a]lthough the statewide and regional information presented on the map and in this report may be useful to decision-makers, *it should not be used as a basis for local land-use decisions*. The more detailed information on the location and estimated amounts of permitted and non-permitted resources, and future regional demands contained in each of the aggregate studies employed in the compilation of Map Sheet 52 should be used for local land-use and decision-making purposes" (CGS 2018, page 2). The most recent "aggregate stud[y] employed in the compilation of Map Sheet 52" pertaining to the Fresno PC Region is the 1999 DMG Open File Report 99-02, *Update of Mineral Land Classification: Aggregate Materials in the Fresno Production Consumption Region, California* (Youngs and Miller 1999).

Although both the 1999 Open File Report 99-02 and the more recent CGS 2018 Map 52 study provide information on permitted aggregate reserves and estimates of regional aggregate demand, neither provides sufficiently detailed or current information to accurately inform an understanding of aggregate resources availability and demand within the Fresno PC Region.

For instance, neither report considers maximum annual *permitted* aggregate production capacity from the various permitted mining operations in the region and neither differentiates between permitted *active* mining operations and permitted but *inactive* mining operations. Although total permitted reserves within a region may be useful to decision-makers, more directly relevant to understanding aggregate availability to meet actual demand within a region is the annual production capacity, operational status, and locations of aggregate production facilities within a region. Additionally, the lifetime of several of the permitted mining operations considered in the CGS 2018 Map 52 study are longer than 50 years and even at their maximum permitted annual production rates would not produce their total reserves within the 50-year study period. Yet, CGS presents data for permitted reserves based on the total estimated tonnage of the reserve without accounting for operational constraints that limit the annual production potential. Consequently, including the entire combined permitted reserves for the 50-year supply forecast overstates aggregate availability during the 50-year period.

Additionally, demand projections in the reports are largely based on population estimates and estimated tons of aggregate per capita per year. While this approach may prove useful for certain purposes, such an approach does not account for more recent region-specific factors that may substantially affect actual aggregate demand. For example, the 2018 CGS Map 52 study's use of per capita aggregate consumption estimates appears to omit consideration of aggregate needed for construction and maintenance of the California High-Speed Rail which initiated construction in Fresno and Madera counties in recent years, resulting in a new and substantial demand for aggregate not accounted for in the CGS demand estimates.

Although these and other factors associated with aggregate demand and availability within the region may be relevant for County decision-makers, they do not evaluate potential environmental effects and need not be considered further in the EIR.

4.1.4 Collective Response #4a: CEMEX Regulatory History

Comments on the Draft EIR were received related to the Operator's regulatory compliance history. Comments claim that CEMEX has a record of environmental and labor violations at the existing Rockfield operation and its other operations. Some comments further suggest that this history of violations indicates that CEMEX may not be relied upon to comply with the regulations, conditions of approval, and mitigation measures that are described in the Draft EIR.

As an initial note, the Operator's regulatory history does not constitute a significant environmental issue that needs to be addressed under CEQA. (Title 14 CCR Section 15088.)

Implementation and enforcement of mitigation measures and conditions of approval for surface mining operations are ensured through established local and state regulatory programs. Fresno County, in its role as the SMARA lead agency, regulates surface mining activities through discretionary land use approvals, implementation of Fresno County Zoning Ordinance Section 834.4.220 (Material Extraction Sites), and enforcement of the Surface Mining and Reclamation Act (SMARA) (Public Resources Code [PRC] Section 2710 et seq.).

Surface mining operations in Fresno County may only proceed in accordance with County-approved permits, including approval of a reclamation plan and financial assurances, which are expressly required to be conditions of project approval under SMARA. Conditions of approval and mitigation measures adopted by the County are legally binding and enforceable and are not dependent on the Operator's voluntary compliance.

Fresno County ensures ongoing compliance through mandatory annual reporting and inspection requirements established in Fresno County Zoning Ordinance Sections 834.4.220(M) and (N). Mine operators are required to submit annual reports documenting mining and reclamation activities, which are reviewed by County staff. The County is also required to conduct inspections of surface mining operations at least once each calendar year to evaluate compliance with approved permits, mitigation measures, and reclamation requirements, consistent with SMARA and County implementing regulations.

Where noncompliance is identified, Fresno County has clear enforcement authority under both the County Code and SMARA. The County may issue notices of violation, require corrective actions within specified timeframes, impose administrative penalties, and take additional enforcement action as authorized by law. If violations are not corrected, SMARA authorizes further remedies, including enforcement actions by the State.

In addition to County oversight, the California Department of Conservation, through its Division of Mine Reclamation, provides State-level oversight of SMARA implementation. This includes review of County inspection reports, reclamation plans, financial assurances, and enforcement actions. The State has independent authority to evaluate County compliance with SMARA and to take enforcement action if necessary (PRC Sections 2774.14, 2774.4).

This regulatory framework provides reasonable assurance that mitigation measures and conditions of approval would be implemented and enforced throughout the life of the proposed project and during reclamation. CEQA does not require speculation regarding future noncompliance where adopted mitigation measures are enforceable through existing regulatory mechanisms.

In response to certain comments that incorrectly assume that a settlement reflects an agreed violation, settlements do not mean a violation has occurred. Disputes regarding compliance are typically resolved by settlement agreements that specifically state the allegation of a violation remains disputed. These comments incorrectly assume a settlement reflects an agreed violation.

4.1.5 Collective Response #4b: Liability and Fund for Potential Damages

Comments on the Draft EIR expressed concerns regarding liability for potential damages resulting from the proposed project. In particular, commenters questioned whether CEMEX (the Operator), as a foreign-owned company, could be held liable for potential damages. Some of these comments suggest that the County should require the Applicant

to set aside money to fund any corrective actions that might be needed to address project-related damages.

As an initial matter regarding liability for damages, CEMEX as the Operator is, and would continue to be, subject to compliance with all applicable local, state, and federal laws and regulations pertaining to surface mining operations in California regardless of the nationality of the company. We also note that the Operator would be CEMEX Construction Materials Pacific, LLC, a United States registered company.

Surface mining operations in California are required to comply with the Surface Mining and Reclamation Act (SMARA), codified in PRC Section 2710 et seq. SMARA requires surface mining operations to have a financial assurance to ensure that reclamation is performed in accordance with the approved reclamation plan. Financial assurances are adjusted annually to account for new lands disturbed, inflation, and for reclamation of lands accomplished with the approved reclamation plan. The Reclamation Plan provides the following in Appendix B-1, "Surface Mining and Reclamation Plan," of the Draft EIR:

> "Reclamation of the project site will be covered by financial assurances in accordance with the requirements of SMARA. The financial assurance estimate and the proposed financial assurance mechanism will be submitted to the County no later than 60 days prior to commencement of activities authorized in connection with this Project." (Draft EIR, Appendix B-1, page 62.)

The County's surface mining ordinance (Fresno County Zoning Ordinance Section 834.4.220, "Material Extraction Sites") requires that mining operations establish and maintain financial security as a condition of approval to ensure that reclamation will proceed in compliance with the approved Mining and Reclamation Plan. Pursuant to Section 834.4.220(H), financial assurances are required to ensure compliance with elements of the Mining and Reclamation Plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability, erosion and drainage control, and disposal of hazardous materials.

The County's financial assurance requirements will ensure that sufficient funds are set aside in a financial assurance mechanism (FAM) to ensure that reclamation is performed in accordance with the approved reclamation plan.

4.1.6 Collective Response #5: Duration of Use Permit

Comments on the Draft EIR expressed concerns that the 100-year duration of the project's requested CUP is excessive, and some expressed that additional analysis was needed for the 100-year duration. Some comments also suggested that a more appropriate CUP duration would be between 10 to 25 years.

As described in Draft EIR Chapter 2, "Project Description," the Operator has applied to the County for two CUPs and a reclamation plan that would amend the Operator current land use entitlements to allow the Operator to expand its existing rock, sand, and gravel mining and processing operation at Rockfield Quarry and to reclaim the quarry when mining operations are complete. The proposed project would occur in two stages with a total project life estimate of up to 100 years. Stage 1 would continue concurrent operations at both the Quarry Site and the Plant Site for up to 30 years and Stage 2 would continue hard rock mining and processing operations only at the Quarry Site for approximately 70 additional years. (Draft EIR, pages 2-1 through 2-4.) Also as discussed in the Draft EIR, one of the Applicant's objectives is to "continue to provide a reliable and sustainable, local source of high-quality aggregate to help meet the current and long-term demand (100 years) for construction materials in the Fresno region." (Draft EIR, pages 2-6 through 2-7.)

To comply with CEQA, the County's EIR must evaluate the project as proposed based on the entitlements requested by the Applicant. Thus, the Draft EIR Chapter 2 reflects the requested entitlements, including the proposed 100-year duration of operations and associated CUP. The Draft EIR properly evaluates environmental effects of the proposed project, including the 100-year project operational life and proposed reclamation in accordance with the proposed reclamation plan amendment. The Draft EIR identifies mitigation measures that would be implemented to address reasonably foreseeable significant adverse environmental impacts of the project.

CEQA Guidelines Section 15145 specifies, "[i]f, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact." Although all future conditions within the project region cannot be known or predicted with certainty, and the County must avoid speculation of future circumstances and outcomes, the project is well-defined, and impacts associated with the project over its proposed 100-year duration are thoroughly evaluated and documented in the Draft EIR.

The Draft EIR discusses a "Reduced Operational Life Alternative" as a project alternative that was considered but rejected from further analysis in the Draft EIR. As discussed in

the Draft EIR, after considering this alternative it was eliminated from further analysis as it would reduce utilization of a known MRZ-2 resource in conflict with Fresno County's General Plan and does not fully meet some of the project objectives. (Draft EIR pages 6-7 through 6-8.) The Draft EIR also discusses alternatives (Alternatives 2 through 4) that each describe a scenario in which the overall life of the project is reduced by between 14 and 37 years either due to decreased pit depth or increased setbacks, reducing the total volume of material recovered. Therefore, a potential project with a shorter duration was evaluated in the EIR.

In defining the proposed project based on the entitlements requested by the Operator, the Draft EIR properly characterizes and evaluates the project's environmental effects over the proposed 100-year life of the project in compliance with CEQA.

In project approval deliberations, County decision-makers will consider information in the EIR as well as other factors including public comments and concerns regarding the duration of the project.

4.1.7 Collective Response #6: Operational Nuisance

Comments on the Draft EIR expressed concerns with regard to the existing operation and proposed future operation's potential to result in nuisances associated with aesthetics, air pollutants, odors, noise, and vibration. Some of these comments also expressed concerns that the Draft EIR analysis and mitigation improperly dismissed impacts as temporary or insignificant.

The Draft EIR provides a detailed evaluation of potential project impacts associated with environmental issues that could be associated with nuisance, including but not limited to, visual changes (see Draft EIR Section 4.1, "Aesthetics and Visual Resources," at Impacts 4.1-1, 4.1-2, and 4.1-3), light and glare (see Draft EIR Section 4.1 at Impact 4.1-4), air pollutant emissions (see Appendix D-4, "Revised Section 4.3, Air Quality," at Impacts 4.3-1, 4.3-2, and 4.3-3), odors (see Appendix D-4 at Impact 4.3-4), fly rock hazards (see Draft EIR Section 4.9, "Hazards and Hazardous Materials," at Impact 4.9-4), noise (see Draft EIR Section 4.13, "Noise," at Impacts 4.13-1, 4.13-2, 4.13-3, and 4.13-4), vibration (see Draft EIR Section 4.13 at Impacts 4.13-5 and 4.13-6), and circulation (see Draft EIR Section 4.17, "Transportation," at Impact 4.17-1).

CEQA Guidelines Section 15126.2(a) requires that, "[a]n EIR shall identify and focus on the significant effects of the proposed project on the environment," and CEQA Guidelines Section 15126.4(a)(1) requires that, "[a]n EIR shall describe feasible measures which could minimize significant adverse impacts." In accordance with CEQA, the Draft EIR evaluates potential environmental impacts of the proposed project and provides a

determination of whether each impact is considered significant or less than significant based on the analysis and in consideration of significance criteria and thresholds described in the Draft EIR. Where such impacts are found to be significant or potentially significant, the Draft EIR identifies mitigation measures to avoid the significant impact or to reduce the significant impact to either less than significant or to the extent feasible.

Comments expressing concerns over potential nuisance issues that do not present substantial evidence of a significant environmental impact will be considered by County decision-makers in project approval deliberations but do not require additional evaluation or mitigation in the EIR. In the event that the project results in unanticipated nuisance for adjacent property owners, property owners may notify the County of a suspected violation of County ordinances and property owners may take other legal action deemed appropriate. However, the EIR is not required to evaluate speculative potential future nuisance events outside of the environmental impacts evaluated in the Draft EIR.

4.1.8 Collective Response #7: Economic Effects

Comments on the Draft EIR expressed concern about the project's potential to result in adverse economic impacts (e.g., reduced property values) or otherwise questioned the economic benefit of the project including tax and other revenue to the County, job creation, and other economic and socioeconomic factors.

Under CEQA statute, guidelines, and case law, economic impacts are not cognizable CEQA issues (*Porterville Citizens for Responsible Hillside Development v. City of Porterville* (2007) 157 Cal.App.4th 885, 903 ["CEQA is not an economic protection statute"]; see also *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1120). Evidence of economic impacts, which do not contribute to or are not caused by physical impacts on the environment, are beyond the scope of CEQA (PRC Section 21080). Economic and social effects, by themselves, are not treated as significant effects on the environment (CEQA Guidelines Section 15131(a)). Therefore, comments regarding purported economic impacts of the project (rather than significant physical changes that may be caused by social or economic impacts) are not required to be addressed by the County in the EIR (Kostka & Zischke, *Practice Under the Cal. Environmental Quality Act* (Cont.Ed.Bar 2005) Section 13.24, page 634). It is anticipated that County decision-makers will consider economic and socioeconomic factors in project approval deliberations. However, such factors are outside of the scope of the EIR and do not warrant further consideration or discussion here.

4.1.9 Collective Response #8: Visual Impact Mitigation

Comments on the Draft EIR assert that the proposed visual mitigation (Mitigation Measure 4.1-1) is inadequate to address the project's visual impacts and that the measure is improperly deferred. Comments also ask who will be responsible for maintenance.

The project's potential impacts related to aesthetics and visual resources are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." The comments generally refer to Impact 4.1-1, which begins on Draft EIR page 4.1-51 and evaluates the project's potential impacts to scenic vistas and Impact 4.1-3, which begins on page 4.1-61 and evaluates the project's impacts on the character and quality of public views of the project sites. On page 4.1-60, the Draft EIR determines that the visual quality in the vicinity of Locations #12 and #13 (private residences west of the Quarry Site and west of the river within Madera County; see Figure 4.1-1, "Potentially Sensitive Viewpoint Locations," on Draft EIR page 4.1-19) would be substantially decreased and Impact 4.1-1 would be potentially significant. Similarly, on page 4.1-62 the Draft EIR determines that excavation of the quarry pit would substantially degrade the existing visual quality of the site as viewed from Locations #12 and #13 and Impact 4.1-3 would be potentially significant.

The exposed rock cannot be revegetated and so staining the rock a color that is more harmonious with the surrounding slopes is the only feasible mitigation to reduce visual impacts at these two locations. As stated on Draft EIR page 4.1-60:

> *Implementation of Mitigation Measure 4.1-1 would reduce these impacts to the greatest extent feasible; however, the quarry pit's engineered and linear benches would remain visible and would have an appearance that is discordant and disharmonious with the surrounding open space land uses. For this reason, impacts to views at Locations #12 and #13 would be significant and unavoidable during Stage 2 and after the completion of reclamation.*

Mitigation Measure 4.1-1 is revised in this Final EIR to clarify the specific provisions of the visual contrast reduction measures and provide the frequency of monitoring of the stained surface of the rock, in accordance with CEQA standards. See Chapter 3, "Draft EIR Errata," of this Final EIR, to view this revision to the Draft EIR. This change does not require recirculation under CEQA pursuant to Title 14 CCR Section 15088.5 as it does not change the mitigation approach and does not identify any new significant impacts.

Comments were also received regarding the need for ongoing maintenance of the stained quarry pit wall and responsibility for funding maintenance activities. Products commonly used for rock staining in mining applications are not a pigment or paint but a solution that chemically reacts with minerals in the rock resulting in a permanent,

integral color. Similarly, weathering accelerants hasten the formation of a natural, permanent patina. Therefore, these finishes require minimal upkeep (Natina 2025).

See also Response 6-28 regarding potential water quality impacts associated with the application of a staining product on the quarry pit walls.

None of the comments referenced in this collective response identify any new or substantially more severe environmental impacts or any new project alternatives or mitigation measures that would substantially reduce one or more project impacts. Therefore, recirculation of the Draft EIR is not required.

4.1.10 Collective Response #9: Air Quality Analysis and Project Impacts

Comments on the Draft EIR express concerns about the project's potential impacts upon existing air quality in the region and potential to increase certain health risks. Some commenters raise concerns specifically about the project's air quality impacts associated with blasting and rock debris.

An *Air Quality, Health Risk, and Climate Change Impact Assessment* (Sespe Consulting 2019) was prepared for the proposed project and included as Appendix D-1 of the Draft EIR and the results of the analysis were presented in Section 4.3, "Air Quality," of the Draft EIR (2019 Air Report). In consideration of comments on the Draft EIR, the analysis has been updated for the Final EIR. A revised *Air Quality, Health Risk, and Climate Change Impact Assessment* (Sespe Consulting 2026) is included as Appendix D-3. The 2026 Air Report replaces the 2019 Air Report in its entirety. Revisions to Draft EIR Section 4.3 and Section 4.8, "Greenhouse Gas Emissions," to incorporate the revised analysis are included as Appendix D-4, "Revised Section 4.3, Air Quality," and Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions," respectively. The updated analysis does not identify new or more severe environmental impacts from the analysis presented in the Draft EIR.

As it relates to commenters' general air quality concerns, the 2026 Air Report (Sespe 2026) refined the analysis of the project's particulate matter impacts and reaffirmed that the 2019 Air Report and Draft EIR's determination that impacts associated with particulate matter would be less than significant after mitigation. Specifically, with the implementation of Mitigation Measure 4.3-2b as included in the Final EIR (see Final EIR Appendix D-4), the Fugitive Dust Control Plan (see Appendix K of Appendix D-3), the proposed project's PM_{10} and $PM_{2.5}$ emissions would be effectively reduced compared to existing levels (see Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," of Appendix D-4). Thus, the emissions from the proposed project would not "contribute to non-compliance with state and federal air quality standards." The 2026 Air Report affirms the Draft EIR's conclusion that the Fugitive Dust Control

Plan would sufficiently reduce the project's potential to exceed ambient air quality standards to less than significant (see Appendix D-4, page 4.3-68). Mitigation Measure 4.3-2b as presented in the Final EIR Air Quality section errata (Appendix D-4) requires immediate preparation of the Fugitive Dust Control Plan, rather than requiring its future preparation as specified in the original version of Draft EIR Mitigation Measure 4.3-2. A Fugitive Dust Control Plan consistent with this requirement has been prepared and is included as Appendix K of the 2026 Air Report (Appendix D-3). The Fugitive Dust Control Plan would still be subject to the SJVAPCD's approval, and thus subject to additional modification.

Appendix D-4 presents the unmitigated and mitigated health risk in Tables 4.3-24, "Unmitigated Project Health Risk Impacts," and 4.3-25, "Mitigated Project Health Risk Impacts," respectively, at locations where applicable guidance requires the maximum risk level to be reported. Chronic cancer and non-cancer risks are reported at structures where an individual or worker could reasonably spend a year or more. Acute risk is reported at the fence line because there is the possibility of public access at that location for a period of one hour. Results for each receptor, including those on the fence line, are included in Appendix D-4 and Appendix D-3. Mitigation Measure 4.3-2a and Mitigation Measure 4.3-2b, which are required to reduce the project's potential to result in a cumulatively considerable net increase of any criteria air pollutant for which the project region is in non-attainment under applicable federal or state ambient air quality standards, would also have the effect of reducing health risks to less than significant levels as shown in Appendix D-4 Table 4.3-25. Thus, additional mitigation is unwarranted. Furthermore, the air modeling estimated impacts at the fence line receptors represent the worst-case air impacts from the proposed project. Potential impacts on the adjacent properties located further from the project sites were determined to be less than those potential air impacts reported in the Draft EIR and Final EIR errata for the fence line receptors. Potential impacts at the fence line, at the closest residences and workplaces, and at adjacent properties is included in the newly prepared Air Quality, Health Risk and Climate Change Technical Report, revised March 13, 2026 (see Appendix D-3). Because the proposed project's air impacts were all below applicable significance thresholds for the fence line receptors, the potential impacts at the surrounding communities further from the proposed project's modeled fence line receptors would be less than significant. See Collective Response #11 for additional discussion of cancer burden.

Although blasting emissions were discussed generally in the Draft EIR, blasting emissions are more fully analyzed in the 2026 Air Report and revisions to amplify the discussion of blasting emissions have been made to Draft EIR Section 4.3 as presented in the Final EIR Air Quality errata (Appendix D-4). Blasting emissions are quantified in the

2026 Air Report using representative quarrying drill-and-shoot and detonation emissions factors sources from the San Diego Air Pollution Control District (San Diego APCD). Dust emissions were calculated using the San Diego APCD quarrying drill-and-shoot emissions factor while explosives detonation emissions were calculated using factors from San Diego APCD Drilling-Blasting Ammonium Nitrate and Fuel Oil procedure. The 2026 Air Report concludes that emissions related to blasting would not exceed state or national ambient air quality standards and thus would not result in any new potentially significant impacts. (Appendix D-3). For further discussion of the blasting modeling and associated analysis, see Impact 4.3-2 of the Air Quality section errata included as Appendix D-4.

4.1.11 Collective Response #10: Air Quality Analysis Baseline

Comments on the Draft EIR suggest that the project's air quality analysis inappropriately compares the project's estimated emissions to existing conditions associated with ongoing operation of the Rockfield Quarry. Comments suggest that, instead of using the existing conditions baseline, the analysis should compare project emissions to a baseline that excludes existing emissions associated with ongoing operations.

As described in Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.3.3, "Air Quality," and Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions," Section 4.8.3.3, "Greenhouse Gases," as well as in the revised *Air Quality, Health Risk, and Climate Change Impact Assessment* (Sespe 2026) presented in Appendix D-3, the year 2005 was chosen as the baseline year for determining emissions related to air quality and greenhouse gases.

CEQA Guidelines Section 15125(a), "Environmental Setting," provides that the environmental setting based on the physical environmental conditions in the vicinity of the project will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. This CEQA Guidelines Section also explains that an EIR should describe physical environmental conditions as they exist at the time the notice of preparation is published or when the environmental analysis is commenced. CEQA Guidelines Section 15125(a) further provides that where existing conditions change or fluctuate over time a lead agency may define existing conditions by referencing historic conditions.

Neither the CEQA statute, regulations or relevant cases supports an approach where the analysis would assume zero emissions, including by assuming that any of the permits pursuant to which the mine operates had expired. The courts have consistently rejected this approach. See e.g., *Citizens for East Shore Parks v. State Lands Commission*, 202 Cal.

App.4th 549, 560 (2011), in which a court rejected an argument that the baseline for a lease renewal project must exclude current conditions because the approving agency could eliminate the emissions by refusing the renewal. "Neither the statute, nor any CEQA case, supports plaintiffs' revisionist approach to the baseline." *Id.* at 561.

Other comments on the Draft EIR suggested that the project chose an arbitrary CEQA baseline for the project's estimated emissions. CEQA Guidelines Section 15125(a) requires that an EIR include a description of the physical environmental conditions in the vicinity of the project. These environmental conditions normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.

CEQA allows the lead agency discretion in its determination of the baseline by stating that "generally" an EIR should describe physical environmental conditions as they exist at the time the NOP is published. However, CEQA Guidelines Section 15125(a) further provides that where necessary to provide the most accurate picture practically possible, a lead agency may define existing conditions by referencing historic conditions.

The California Supreme Court has additionally stated that, "[n]either CEQA nor the CEQA guidelines mandates a uniform, inflexible rule for determination of the existing conditions baseline. Rather, an agency enjoys the discretion to decide, in the first instance, exactly how the existing physical conditions without the project can most realistically be measured, subject to review, as with all CEQA factual determinations, for support by substantial evidence." *Communities for a Better Environment v. South Coast Air Quality Management Distr.,* 48 Cal. 4th 310, 328 (2010). "It is also appropriate to describe historical levels of operations, including variations in such historical levels, in developing a baseline that represents typical or ordinary operating conditions." 1 Kostka & Zischke, Practice under the Cal. Environmental Quality Act (Cont.Ed.Bar 2d ed. 2026) Section 12.22, page 12-39 (rel. 3/26).

Here, the use of the year 2005 to define the baseline emissions, (as described in Appendix D-4, Section 4.3.3.3, and Appendix D-5, Section 4.8.3.3, as well as in the revised *Air Quality, Health Risk, and Climate Change Impact Assessment* (Sespe 2026) presented in Appendix D-3), is not arbitrary and is supported by substantial evidence.

This project involves aggregate mining. Aggregate mining activity levels can fluctuate substantially depending on market demand and other factors. A California appellate court previously upheld a determination of a baseline for a mining project that was not the year the NOP was published. *See San Francisco Baykeeper, Inc. v. State Lands Com.*, 242 Cal. App. 4th 202 (2015). In *San Francisco Baykeeper*, the defendant sought to use the mining volumes in the years leading up to the publication of the NOP as a baseline for the mine

project's EIR. The Court found that the defendant's choice of baseline was proper as it was supported by substantial evidence. *Id.* at 218.

Like *San Francisco Baykeeper,* substantial evidence exists to show that 2005 is an appropriate baseline for the Rockfield project. The Rockfield mine production was heavily affected by the financial crisis of 2007-2009 (the Great Recession) causing production to slow. John Weinberg, *The Great Recession and Its Aftermath*, https://www.federalreservehistory.org/essays/great-recession-and-its-aftermath (2013) (a primary source of aggregate sales, residential construction, slowed during the Great Recession and "recovery in the years immediately following was by some measures unusually slow.")

Here, the Operator's production of aggregate in the years subsequent to 2005 fell heavily to a low in 2009 and subsequently has grown since that time as indicated in Appendix C, "Documentation Supporting the Baseline Condition," to Appendix D-1, although not fully to the levels produced prior to the Great Recession. Therefore, inclusion of the unusually low mining volumes in the years after 2005 during the Great Recession would distort the baseline by understating the overall levels of mining normally expected at the site.

Even in the period from 2013 to 2019 housing permitting remained 59 percent below the pre-Great Recession period that includes 2005. See *Office of Policy Development and Research, Comprehensive Housing Market Analysis Fresno, California (2023), U.S. Department of Housing and Urban Developmen*t:
https://www.huduser.gov/portal/publications/pdf/FresnoCA-CHMA-23.pdf, pages 13 through 17.

Also, as noted in Appendix D-3, and at Table 4.3-10, "Baseline Maximum Hourly Emissions," Table 4.3-11, "Baseline Maximum Daily Emissions," Table 4.3-12, "Baseline Maximum Annual Emissions," and 4.8-7, "Baseline GHG Emissions," of Appendix D-3 and Appendix D-4, baseline on-road and off-road emission estimates used 2005 production data. However, Year 2018 emission factors from EMFAC were applied for on-road sources, and Year 2012 emission factors from EMFAC were applied for off-road sources. This produces lower baseline values than if Year 2005 emissions from EMFAC were applied.

For these reasons, the County's choice of the year 2005 as a baseline for the project was not arbitrary. Instead, substantial evidence supports the conclusion that the year 2005 provides the most accurate picture practically possible for the physical environmental conditions in the vicinity of the project.

4.1.12 Collective Response #11: Analysis of Population-wide Cancer Burden

Comments on the Draft EIR asserted that the Draft EIR fails to provide an analysis of population-wide cancer burden and that such analysis is required for compliance with CEQA. In general, cancer burden is relevant because it characterizes the effect of low levels of individual cancer risk on a large number of people rather than the maximum cancer risk at an individual receptor (which is also reported). It accomplishes this through factoring in the number of people exposed and risks to all of those individuals. As further described below, and substantiated in the Final EIR, the project would decrease the incremental cancer burden between baseline and project conditions.

The project's potential air quality impacts are evaluated in Appendix D-4, "Revised Section 4.3, Air Quality." Population-wide cancer burden is discussed generally under the "Risk Characterization" subheading in Section 4.3.3.3, "Analysis Methodology," of Appendix D-4 and further discussed under Impact 4.3-3 (as supported by the technical appendices). As discussed under Risk Characterization, estimates of population-wide cancer burden are assessed if maximum incremental cancer risk is greater than zero for individual receptors. The project's incremental cancer risk was less than zero and therefore a cancer burden analysis was not required.

Nevertheless, in response to related comments on the Draft EIR, the technical analysis was reviewed and updated and reported in Section 3.5.3 of the *Air Quality, Health Risk and Climate Change Technical Report*, Revised May 13, 2026 (Appendix D-3). As presented in Appendix D-3, without the implementation of mitigation measures, the total cancer risk sum for the project would be -0.258 and with implementation of Mitigation Measures 4.3-2a and 4.3-2b the total cancer risk sum would be -0.259. Both mitigated and unmitigated cancer risk sums represent a decrease from the baseline condition. Because the updated analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR, the Draft EIR analysis is sufficient.

4.1.13 Collective Response #12: Effects on San Joaquin River and Chinook Salmon Restoration Efforts

Multiple comment letters suggest that the Draft EIR provides inadequate analysis of impacts to Chinook salmon and other native fish species in the San Joaquin River (SJR). Concerns focus primarily on blasting vibrations, habitat degradation, sedimentation, and similar water quality effects. Commenters also frequently reference the San Joaquin River Restoration Project (SJRRP) and ongoing work with salmon restoration. Commenters were generally concerned that project impacts, especially blasting and altered hydrology, could undermine recovery efforts of the SJRRP.

The biological resources setting section has been revised to include further description of Central Valley chinook salmon and the regulatory setting section has been revised to provide further description of the SJRRP. See Chapter 3, "Draft EIR Errata," of this Final EIR, to view these proposed revisions to the Draft EIR. The Draft EIR provides an analysis of blasting as it relates to salmonids and fish under Impact 4.4-6, "Interfere with Native Resident or Migratory fish or Wildlife Species Movement, Corridors, or Nursery Sites," citing the best available standards provided by the Alaska Department of Fish and Game (ADF&G 2013) as well as site specific analysis. See Collective Response #16 regarding the use of the ADF&G best available standards in the Draft EIR. Site-specific analysis of blasting is included in Draft EIR Appendices H-1 through H-5, and the proposed Blasting Protocols for the project are outlined in Appendix H-6, and updated in Appendix H-9. The results of these analyses showed that levels of effect from vibration and noise to the SJR would be below the levels established by the ADF&G, even in the case of eggs or larvae that are the most sensitive to such movement. Additionally, the blasting plan is included in Appendix H-6, which was peer reviewed in Appendix H-7 and found to be appropriate for the project. In the Blasting Protocols (Appendix H-9), a blast monitoring and control plan is included, along with reporting and adaptive management steps. Steps are detailed about how monitoring would occur within the site to ensure real-world measurements are in line with modeled expectations. Further, the plan and any annual monitoring would be submitted to the County, which can enforce corrective actions if identified thresholds in the Blasting Protocols are exceeded.

In addition to disruptions from sound and vibration that are discussed above, elements of habitat degradation that commenters were concerned with centered around sedimentation and subsequent effects to water quality. The project would maintain the existing 200-foot setback from the river's edge at the Quarry Site and would not disturb the easterly channel bank along the Quarry Site (nor any other portions of the channel); thus, ensuring that impacts from mining that could alter the existing conditions is reduced to less than significant levels.

As described in the "Erosion and Sedimentation" subsection of Section 4.10.1.5, "Hydraulic Analysis," the 100-year flow velocities under existing conditions are generally at or below 6 feet per second, which is a "permissible velocity" below which the natural channel will resist erosion. See also the discussion of Draft EIR Impact 4.7-4 and Impact 4.10-14, which addresses the project's potential to result in off-site erosion. While existing conditions would not be changed by adherence to the 200-ft buffer, and existing conditions are already within permissible velocities to allow the natural channel to resist erosion in most locations, the proposed project would also continue its program of BMPs and monitoring the easterly channel bank for evidence of erosion across the duration of Phase 1 and 2. If any erosion occurs following a large storm event, the

Operator would coordinate with the appropriate permitting agencies to determine if repair measures to the bank are necessary for the protection of both the river and the project (Draft EIR page 4.10-116). For these reasons, the proposed project is not expected to degrade habitat quality from sedimentation or erosion or degrade water quality from erosion and sedimentation in a way that could have a significant effect on salmonids.

4.1.14 Collective Response #13: Project Operational Effects on Offsite Wildlife

Commenters note that the San Joaquin River corridor and Little Dry Creek are repeatedly identified as highly important offsite habitat for wildlife. Some commenters are concerned that the 200-foot buffer between the quarry and the river is inadequate and that buffers of several hundred to over a thousand feet are needed for birds, amphibians, and turtles. CDFW specifically calls for focused surveys and expanded buffers for species such as bald eagle, or Swainson's hawk, which may nest or forage offsite but adjacent to quarry boundaries. Other commenters similarly point to burrowing owls, Swainson's hawks, and tricolored blackbirds using lands near the quarry and claim the Draft EIR underestimates risks to nesting and foraging areas offsite.

The project's operational effects on wildlife are evaluated in Draft EIR Section 4.4, "Biological Resources." See Impact 4.4-1 beginning on Draft EIR page 4.4-48 related to wildlife on the project sites and Impact 4.4-2 beginning on page 4.4-52 related to wildlife within riparian habitat surrounding the project sites. After reviewing the comments and potential effects of the project, the Draft EIR was revised to reflect a more rigorous survey requirement for nesting birds and other wildlife in the vicinity of the project sites. Surveys for nesting raptors, specifically Swainson's hawk and bald eagle, or other large raptors required by Mitigation Measure 4.4-1c, were expanded to a buffer of 0.25 mile prior to the initial blasting event once operations begin following approval. Mitigation Measure 4.4-1c was further revised to increase the number of surveys to be conducted before the initial blasting event from one to three once operations begin following approval. Expansion of the survey buffer area, and increased rigor of surveying or monitoring would help ensure that effects are minimized to the extent feasible given site-specific criteria. See Chapter 3, "Draft EIR Errata," of this Final EIR, to view these revisions to the Draft EIR.

4.1.15 Collective Response #14: Analysis of Impacts on Swainson's Hawk

Multiple commenters were concerned about various aspects of potential impacts to Swainson's hawk (SWHA) stemming from a lack of focused surveys, and insufficient assessment for the presence of the species in off-site areas. Concerns follow a similar theme that blasting would be the primary source of disturbance, which could cause acoustic and vibratory disturbance to Swainson's hawks that may nest or forage nearby.

Commenters also note that while much of the area within the project sites is already disturbed, adjacent open fields and fallow areas may provide potential foraging habitat for SWHA. Commenters suggest that project implementation could convert or reduce off-site habitat value, warranting avoidance or mitigation measures to minimize indirect impacts.

The Draft EIR analyzes SWHA potential in the area, concluding that the species may be present, and may be affected by project activities (see Draft EIR page 4.4-49, second paragraph). Mitigation Measure 4.4-1c (Draft EIR page 4.4-50) was included in the Draft EIR to address this potential impact and reduce potential impacts to a less than significant level. In response to public and agency comments, Mitigation Measure 4.4-1c was revised to expand the number of surveys and distance surveyed to reflect current survey ranges and methods outlined in the CDFW SWHA survey protocol. During the nesting season, three surveys would be conducted with at least one week between surveys. The survey area would be expanded to 0.25 mile from the blast site and the on-going mining operations footprint. If a SWHA nest is located, a buffer of 0.25 mile would be enacted around the nest, and blasting and mining and reclamation activities would not occur within the buffer area.

4.1.16 Collective Response #15: Impacts to Non-Nesting Birds and Birds Outside of Nesting Season

Commenters noted that the Draft EIR focused on the analysis of the effects of the proposed project on birds during the nesting season (February-August) but did not evaluate effects on birds outside of that nesting period. Commenters assert that migratory and resident bird species that use the area for foraging or stopovers could be affected by mining activities. Commenters emphasize that the San Joaquin River is part of the Pacific Flyway, supporting migratory movements and overwintering populations, and argue that blasting, dust, and noise during non-nesting months could still disrupt foraging, resting, and migration behaviors even when birds are not nesting.

Noise, dust, and similar mining-related disturbances have existed for decades at the project site due to ongoing mining operations. Similar to ongoing mining practices at the project site, new operations are proposed to occur year-round, during both nesting and non-nesting periods. In addition, because the existing mine has operated in this location for many decades, natural nesting or foraging substrates are largely absent within the Project Area. As such, the Project Area is unlikely to support nesting or non-nesting use by birds.

Prior to initial blasting, Mitigation Measure 4.4-1c would be implemented in its revised form: prior to the initiation of blasting at the Quarry Site, qualified biologists would

conduct at weekly intervals three distinct surveys for nesting birds within 0.25 mile of the blast site. The clarification of the surveys required prior to blasting, as described in revised Mitigation Measure 4.4-1c, would minimize potential effects to nesting or non-nesting birds. Please see Chapter 3, "Draft EIR Errata," for revisions to Section 4.4, "Biological Resources," and Mitigation Measure 4.4-1c.

4.1.17 Collective Response #16: Impacts to Salmon Spawning and Analysis Methods

Multiple commenters suggest that the Draft EIR provides inadequate analysis of project impacts on Chinook salmon in the San Joaquin River (SJR). Commenters note that the SJR supports reintroduced Central Valley spring-run Chinook salmon, a threatened species, and that blasting could disrupt spawning, rearing, and migration or cause behavioral avoidance that undermines the San Joaquin River Restoration Program (SJRRP). Concerns often focus on effects of blasting vibrations, leading to habitat degradation, or impacts to spawning. Several commenters object to reliance on the Alaska Department of Fish and Game (ADF&G) blasting standards, arguing they are not appropriate for California conditions and inadequately account for local species' sensitivity.

The ADF&G blasting standards represent the best available information on effects of blasting on salmonids. Commenters offer no substantial evidence why Chinook salmon in Alaska would be sufficiently different from Chinook salmon in California to warrant an alternative use of data. Nor do they offer alternative data that is more representative of blasting effects to Chinook salmon in rivers. Therefore, use of standards set by the ADF&G continues to be the best available for assessing effects of this project. Additionally, the analysis provided by Vibra-Tech Engineers (see Draft EIR Appendix H-4, "Blasting Effects on San Joaquin River Embankments") showed that blasting effects at the embankment (which is closer to the blast site than the actual river) would not surpass the vibration or movement standards set by the ADF&G for minimizing effects to embryos (i.e., eggs) in spawning gravels. Further, the standards set by the ADF&G are conservative and set acceptable levels well below any observed mortality or physical effects documented in the studies reviewed for their analysis. As noted, blasting standards also considered effects specifically when embryos (i.e., fertilized salmon eggs in redds [salmon nests built in streambed gravels]) are present. Therefore, the standards reflect protection even at this life stage.

The Blasting Protocols, provided in Appendix H-6 and updated in Appendix H-9, require the monitoring of blasting effects, including sites along the SJR embankment, to ensure that specified thresholds of significance for ground vibrations and air overpressures are not exceeded and inform potential Blasting Protocol updates. This approach ensures that (1) the best available data is used when creating standards to avoid impacts, (2) standards

set for blasting effects on salmonids are being adhered to, and (3) adaptive management is being implemented and results reported such that this project and future projects have more data to draw upon to ensure effects to salmonids are appropriately modeled and minimized.

4.1.18 Collective Response #17: Flooding and Bank Stability

As discussed in Draft EIR Section 4.10, "Hydrology and Water Quality," the Draft EIR includes a detailed Hydraulic Analysis prepared by Chang Consultants, which evaluated the potential for the 100-year flood to inundate the project sites. See Appendix G-1, "Hydraulic Analysis," of the Draft EIR. The modeling results demonstrate that the onsite berm elevations are higher than the 100-year flood water surface elevations and would therefore prevent overtopping or breaching during extreme flood events. The 1997 flood, which reached a flow rate of 60,300 cubic feet per second (cfs), was less severe than the 100-year flow rate of 71,000 cfs used in the project's 100-year flood analysis. As such, the analysis and information documented within the Draft EIR provide a conservative flood model and the potential for breaching of the quarry pit is not reasonably foreseeable. Furthermore, the Draft EIR explains that there are no signs of significant bank erosion, and during the historic January 1997 flood event, the easterly bank along the Quarry Site did not experience significant erosion, and the bank has never breached into the Quarry Site. (Draft EIR, page 4.10-7.) The 100-year flood analysis is sufficient to evaluate potential flooding impacts at the project sites, in accordance with CEQA.

Further, in response to certain comments on the Draft EIR raising concerns about the potential for extreme flooding events to inundate the quarry pit and in consideration of Fresno County General Plan Policy HS-C.12, which "encourage[s] the performance of appropriate investigations to determine the 200-year water surface elevations for the San Joaquin River," Chang Consultants evaluated the potential for the 200-year flood to enter the quarry pit (Chang 2026a; Final EIR Appendix G-7, "200-year Flood Hazard Analysis —Quarry Site"). The Fresno County General Plan previously only required the investigation of the 100-year water surface elevations for the San Joaquin River, but was revised in 2024 to require the investigation of the 200-year water surface elevation of the San Joaquin River. A 200-year event is a flood that statistically has a 0.5-percent chance of occurring in any given year, as compared to a 100-year flood event which is a flood that statistically has a 1-percent chance of occurring in any given year (Chang 2026a, page 1). The 200-year flood report estimated that the 200-year flow rate would be 95,000 cfs based upon FEMA's 2016 flood insurance study (Chang 2026a, page 2). As such, the 200-year hydraulic analysis provides an even more conservative evaluation of the potential for rare flood events to breach the quarry pit. Upon an initial evaluation, the modeled 200-year floodplain entered the quarry pit at stations 16, 19, and 20 by approximately two

feet. To proactively prevent the possibility of a 200-year flood event from entering the quarry pit, CEMEX raised the northerly portion of the berms separating the San Joaquin River and the Quarry Site up to approximately 4 feet with compacted fill. Topographic mapping was prepared to display the locations where the berms were raised and is included in the 200-year hydraulic analysis for the Quarry Site.

The 200-year hydraulic analysis for the Quarry Site was conducted based on existing conditions, accounting for the heightened berms. The 200-year hydraulic analysis demonstrates that the 200-year flood would not overtop the bank at the Quarry Site (Chang 2026a, page 3). As such, the project would be consistent with General Plan Policy HS-C.12 as it minimizes potential flood risks associated with a 200-year flood event and the Quarry Site would be further protected from potential severe flood events. Please refer to Appendix G-7 and Appendix G-8, "200-Year Flood Hazard Analysis—Plant Site," for the 200-year flood analyses conducted for the project. See also Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10 and Section 4.11, "Land Use and Planning."

Certain comments also expressed concerns pertaining to the project's blasting impacts upon the stability of the San Joaquin River bank. The project's potential impacts upon bank stability are addressed in Draft EIR Section 4.4, "Biological Resources," and Section 4.13, "Noise." As discussed in Impact 4.4-4 and 4.13-6, adherence to the Blasting Protocols, required by Mitigation Measure 4.10-1, provided in Appendix H-6 of the Draft EIR, and updated in Appendix H-9, would reduce potential impacts to the stability of the riverbank to less than significant. Blasting would be required "to begin at the center of the Quarry Site so that monitoring of groundborne vibration can occur and be used to verify that predicted maximum ground vibrations are consistent with actual ground vibration measurements and allow for adjustments in blasting design to occur based on the monitoring results" (Draft EIR page 4.4-58). The Blasting Protocols also require pre-blast and post-blast visual inspections of the portions of the San Joaquin embankment that are located within 1,000 feet of each blast to determine whether there are any visual signs of instability, such as slumping or cracking of the embankment. These visual inspections would be required to occur until blasts are at depths greater than 100 feet below the contact between alluvium and rock. Vibra-Tech Engineers determined that the appropriate San Joaquin River embankment vibration threshold is a variable particle velocity vs. frequency curve. At low frequencies (1-10 Hz) the vibration threshold is 0.50 in/sec, which is the most restrictive vibration amplitude shown in Draft EIR Figure 4.13-6, "San Joaquin River Embankment Vibration Threshold Curve." From 10 to 30 Hz, a variable particle velocity is allowed with an equivalent displacement of approximately 0.001 inch. From 30 to 40 Hz, a constant particle velocity of 2.0 in/sec should be maintained. From 40 to 60 Hz, a variable particle velocity is allowed with an equivalent

displacement of approximately 0.0095 inch. A ground vibration particle velocity of 4.0 in/sec should be maintained for frequencies above 60 Hz.

The annual blasting plan is required to demonstrate that the blasting design would not exceed the applicable vibration thresholds for the San Joaquin River embankment. Exceedances of this threshold would result in corrective actions, including notification to the County and development of a corrective action plan to avoid future exceedances. With the implementation of the Blasting Protocols, the potential for blasting to impact the San Joaquin River embankment would be less than significant.

4.1.19 Collective Response #18: Consistency with San Joaquin River Parkway Master Plan

Comments on the Draft EIR raise concerns about the project's consistency with the San Joaquin River Parkway Master Plan (Parkway Master Plan).

The Fresno County General Plan, Parkway Master Plan, and other County planning documents as they relate to the proposed project are described in Draft EIR Section 4.11, "Land Use and Planning." Project consistency with these plans is evaluated in Table 4.11-1, "Project Consistency with Local Planning Documents," beginning on Draft EIR page 4.11-10 and summarized under Impact 4.11-2 beginning on Draft EIR page 4.11-49. As shown in Table 4.11-1 of the Draft EIR, the project is consistent with all applicable goals and policies presented in these regional planning documents.

The Parkway Master Plan is a regional planning effort that envisions the expansion and conservation of open space and passive recreational uses within its plan boundaries. It identifies properties for future acquisition and provides policies, design standards, and best management practices to guide the development and management of the Parkway. However, it does not determine allowable land uses or zoning for any parcels. Land use authority remains with the municipalities located within the boundaries of the Parkway Master Plan (i.e., Fresno County, City of Fresno, and Madera County) (Parkway Master Plan page 2-5).

The proposed project would be implemented within the existing boundaries of the project sites and would not conflict with the applicable land use designations or zoning as identified by the Fresno County General Plan and Fresno County Zoning Ordinance. The project would not prohibit the use of adjacent properties envisioned in the Parkway Master Plan. Furthermore, Goal MR2 of the Parkway Master Plan states that the Conservancy will "design, construct, and manage the Parkway in a manner that will not conflict with sand and gravel mining operations." See also Collective Response #20

regarding potential encroachment onto an ecological preserve and Collective Response #27 regarding indirect operational effects on users of adjacent parks and trails.

The Draft EIR evaluates the consistency of the proposed project with the Parkway Master Plan in Table 4.11-1. To amplify and clarify the information contained in Table 4.11-1, a summary discussion of the project's consistency with the Parkway Master Plan has been added to the discussion under Impact 4.11-2. See Chapter 3, "Draft EIR Errata," of this Final EIR, to view this proposed revision to the Draft EIR.

As discussed in greater detail in Collective Response #21, the project would support future development of trail segments consistent with the Parkway Master Plan by proposing to dedicate easements within the project sites.

Comments also express concern over the potential for the project to conflict with growing public access to the San Joaquin River and nearby parks that is expected to occur as implementation of the Parkway Master Plan continues to bring more recreational amenities to the area. These comments indicate that this represents a conflict with the Parkway Master Plan. This potential conflict would not result in a physical impact to the environment. Therefore, this issue was not evaluated in the Draft EIR. However, these comments are noted for the consideration by the decision-makers. See also Collective Response #19 regarding the status of public parks in the vicinity of the project sites as well as Collective Response #21 regarding the project's effects on public access to the river.

4.1.20 Collective Response #19: Public Accessibility of Adjacent Parks

This Collective Response addresses comments on the Draft EIR related to the public accessibility of certain parks located adjacent to the project sites. The comments state that the Draft EIR is outdated and incorrectly describes multiple parks as private lands rather than publicly accessible. Comments specifically refer to Lost Lake Park, Ledger Island, and Sumner Peck Ranch.

In accordance with CEQA Guidelines Section 15125(a), the Draft EIR describes the existing conditions in the vicinity of the project sites as they existed at the time the NOP was published. The NOP for the proposed project was published in 2020. At that time, much of the land surrounding the project sites was under private ownership and did not provide regular public access (see Draft EIR Table 4.16-1, "Recreation Facilities Near the Project Sites," on page 4.16-1).

Since that time, some of the surrounding recreational uses have been opened for regular public access. The comment letters specifically reference changes to public access status

at Lost Lake Park, Ledger Island, and Sumner Peck Ranch. The Draft EIR properly describes and analyzes the existing conditions surrounding the project sites as they existed in 2020. However, to ensure full disclosure of the proposed project, Table 4.16-1 has been revised to reflect the current (2025) status of public accessibility at these facilities. See Chapter 3, "Draft EIR Errata," to view these proposed revisions to the Draft EIR.

While Table 4.16-1 has been updated, no revisions to the impact analyses presented in the Draft EIR are required to address these comments. The *Visual Impact Analysis* prepared for the project (see Draft EIR Appendix C) and summarized in the Draft EIR (see Section 4.1, "Aesthetics and Visual Resources") evaluates the surrounding recreational uses at publicly accessible locations and identifies Potentially Sensitive Viewpoints at these and other surrounding recreational facilities (see Draft EIR Figure 4.1-1, "Potentially Sensitive Viewpoint Locations ," Potentially Sensitive Viewpoints 2, 5, 6, 8, 9).

See also Collective Response #27 regarding the project's potential operational impacts on the users of nearby parks and trails.

4.1.21 Collective Response #20: Encroachment on an Ecological Preserve

Comments on the Draft EIR assert that the existing Plant Site operations encroach on an ecological preserve. The comments refer specifically to the Willow Unit Ecological Reserve that is owned by the California Department of Fish and Wildlife (CDFW), which is located immediately to the southwest of the Plant Site. At least one comment asserts that the Draft EIR fails to require an end to this unpermitted encroachment on state land.

The Draft EIR describes the Plant Site's history and relationship with the Willow Unit Ecological Reserve on page ES-2. The 138.5-acre Plant Site has historically operated on land leased from Ball Ranch. In 2000, the southern half of the Ball Ranch was acquired by CDFW, and approximately 126.6 acres remained under lease by the Operator with the Ball Family. The property acquired in 2010 included 11.9 acres of land used for Plant Site operations. In March 2019, the Operator acquired the remaining 126.6 acres of the Plant Site.

The continuation of operations on CDFW property is an existing condition. Per CEQA Guidelines Section 15125(a), an EIR is not required to evaluate existing conditions. Instead, the EIR need only evaluate how the proposed project would change this existing condition, if approved. Therefore, the Draft EIR appropriately evaluates the proposed continuation of operations on the entire 138.5 acres. The Operator is working with CDFW to continue operations pursuant to a lease agreement or alternatively to acquire those portions of the CDFW-owned parcel that are still utilized for Plant Site operations. See Draft EIR Appendix B-1, "Surface Mining and Reclamation Plan," page 26. However, if

CDFW does not approve the continuation of operations, operations on that portion of the Plant Site would cease and all associated direct and indirect impacts of operating on the 11.9-acre CDFW property would not occur.

The discussion of Plant Site operations on CDFW property on Draft EIR page ES-2 erroneously states that the CDFW-owned portion of the Plant Site totals 12.9 acres; the correct acreage is 11.9 acres (138.5 acres – 126.6 acres = 11.9 acres). Additional pages of the Draft EIR that erroneously state 12.9 acres are ES-3, 2-2, 2-3, and 2-7. Each instance of this incorrect number in the Draft EIR has been corrected accordingly. See Chapter 3, "Draft EIR Errata," of this Final EIR, to view these proposed revisions to the Draft EIR.

4.1.22 Collective Response #21: Public Access to San Joaquin River, Recreational Sites, and Future Uses of the Existing Project Sites

Comments on the Draft EIR expressed concern over the limited public access to the San Joaquin River in the general project area and suggested that the project be required to provide public river access at the project sites. Some comments suggest, without substantive analysis or support under CEQA, that the project should be denied, and the project sites converted to public parks with river access.

The project would continue operations within the existing boundaries of the project sites and thus would not encroach on or otherwise adversely affect existing public access points to the San Joaquin River or neighboring recreational locations. See Collective Response #19 regarding public accessibility at nearby parks. See also Collective Response #27 regarding potential operational effects to users of nearby parks and trails.

With regard to comments concerning the potential future recreational uses of the Plant and Quarry sites, both sites would be reclaimed pursuant to the proposed Reclamation Plan, which is contained in Appendix B-1 of the Draft EIR. The proposed Reclamation Plan is consistent with Fresno County and SMARA requirements, as analyzed in Section 4.11, "Land Use and Planning," of the Draft EIR. As described in Section 5.1.1 of the proposed Reclamation Plan, the project sites are each surrounded by open space parks and nature reserves; thus, the appropriate end-use compatible with the habitat on these adjoining properties was determined to be open space, riparian and open water wildlife habitat. The public may have access to portions of the Plant and Quarry sites if the proposed trail easement and trail construction envisioned by the San Joaquin River Parkway Master Plan Update (2018) takes place. Please refer to Collective Response #22 for further discussion of the proposed trail easement. Due to the formation of the quarry pit ponds that would cover the majority of both the Plant Site and Quarry Site, other future land uses, including recreation, would generally be precluded on the majority of the project sites (Draft EIR page 7-3). To protect public health and safety, the project sites

would be fenced in accordance with the provisions of the approved reclamation plan and gated and appropriate signage posted to specifically restrict public access to the project sites.

Consistent with CEQA Guidelines Section 15126.2(a), the Draft EIR focuses on the project as proposed by the applicant in the complete project application (see Draft EIR Appendices A-K) and defined in the project description (see Draft EIR Chapter 2, "Project Description"). Comments suggesting that the County should require the applicant to provide public river access on the project sites or that the project sites should be converted to public parks are noted for County decision-makers.

4.1.23 Collective Response #22: Trail Easements

Comments on the Draft EIR suggest that, in addition to the proposed trail easement dedications, the associated trails should be designed and constructed as part of the proposed project. Comments further suggest that trail construction should be funded by CEMEX and completed prior to initiation of the proposed mining-related activities.

As described in Draft EIR Section 2.5.8, "Trail Easements," and shown in Draft EIR Figures 2-7 through 2-10, the project includes dedication of a trail easement along the San Joaquin River corridor at the Quarry Site and a trail easement along North Friant Road at the Plant Site. These easements would be dedicated to the San Joaquin River Conservancy to allow for potential future development of one or more trail segments. The County's Regional Bicycle & Recreational Trails Master Plan and the San Joaquin River Parkway Master Plan envision a continuous, connected trail along the San Joaquin River from the San Joaquin Hatchery to the north, along the periphery of the project sites, and southwest to near Highway 99. The proposed trail easement at the Quarry Site generally aligns with the envisioned river corridor trail. The Plant Site is located further east of the river corridor; therefore, the trail easement is proposed for dedication along North Friant Road and does not geographically align with the trail corridor envisioned in the San Joaquin River Parkway Master Plan. While the Plant Site easement does not align with the mapped river corridor trail, dedication of trail easements at both sites is generally consistent with the overall intent and policy direction of the Parkway Master Plan to preserve future opportunities for trail connectivity, where feasible. The proposed easement dedications would ensure that project implementation would not preclude future connection of trails through the project area and would avoid conflict with these regional planning efforts.

Although the project would dedicate easements, the project does not propose the development of trails. Therefore, trail construction is not evaluated as part of the EIR

analysis of the proposed project. Should the San Joaquin River Conservancy seek to develop trails within the easements in the future, funding and construction would be the responsibility of the San Joaquin River Conservancy and a decision to proceed with trail development would be subject to separate CEQA review at that time.

4.1.24 Collective Response #23: Quality of Water Pumped to Onsite Ponds and Potential Impacts to San Joaquin River and Groundwater Quality if Pumped to Recharge Trenches

Comments on the Draft EIR expressed concerns over the quality of water that might be pumped from the mining excavations during dewatering, and the potential effects that might occur to the San Joaquin River and to groundwater if that water is pumped to recharge trenches around the perimeter of the Quarry Site area and the Plant Site.

Water that is currently pumped from the Quarry Site mining excavation is discharged both to onsite ponds, primarily the Northeast Pond, and to recharge trenches along the west side of the site. The pumped water is groundwater that is removed, or dewatered, from the excavation to allow continued mining. As part of the project, groundwater would continue to be pumped from the mining excavation and discharged to the Northeast Pond and the recharge trenches. Thus, pumping of groundwater from the mining excavation to both the Northeast Pond and the recharge trenches is part of the existing, baseline conditions at the Quarry Site.

At the Plant Site, dewatering does not currently occur. However, once mining progresses below the water table as part of the project, groundwater would be pumped from the mining excavation to recharge trenches around the perimeter of the Plant Site.

Quarry Site

Surface water quality is discussed in Section 4.10.1.6, "Surface Water Quality," of the Draft EIR while Table 4.10-4, "Quarry Site Surface Water Quality Data," on Draft EIR page 4.10-26 shows the water quality in the Northeast Pond at the Quarry Site (labeled as "Ponded Water Feature 2" in the table). Groundwater quality data at the Quarry Site is described in Section 4.10.1.8, "Groundwater Quality," and presented in Table 4.10-6, "Quarry Site Groundwater Quality Data," on page 4.10-45 of the Draft EIR. As mining progresses through the weathered rock, the quality of the water pumped to the Northeast Pond and the recharge trenches would be similar to the mid-depth wells completed in that geologic unit (i.e., MW-1M, MW-2M, MW-3M and MW-4M). As mining progresses deeper into the hard rock, the water quality would be comparable to that in the mid-depth and deep wells (i.e., those ending with an M or a D).

Table 11 of Appendix G-4, "Groundwater Conditions at the Quarry Site," of the Draft EIR presents the water budget for the Quarry Site. Footnote 4 of Table 11 states that the volume of water to be pumped to the recharge trenches would be as high as 380 acre-feet per year, with half that volume assumed to flow to the San Joaquin River through the subsurface (i.e., as groundwater in the alluvium) or to deeper groundwater beyond the Quarry Site. Thus, it is anticipated that up to 190 acre-feet per year of groundwater pumped from the Quarry excavation could potentially seep to the San Joaquin River. That rate of seepage (i.e., 190 acre-feet per year) is equivalent to 0.26 cubic feet per second (cfs). As described in Collective Response #26, the base flow in the San Joaquin River is approximately 400 cfs, while planned San Joaquin River Restoration Project (SJRRP) restoration flows may range from 2,500 cfs to 5,000 cfs. Based on these flow rates, the seepage from the recharge trenches at the Quarry Site to the river would be less than 0.07 percent of the base flow and 0.01 percent of the lowest SJRRP restoration flow rate. At these extremely low percentages, the water seeping from the recharge trenches to the San Joaquin River would have an imperceptible effect on water quality in the river.

The water pumped from the Quarry Site mining excavation into the Northeast Pond would recharge the same groundwater units from which the water was pumped. Therefore, there would be no difference in the quality of the water and no effect on groundwater quality adjacent to the Quarry Site.

Plant Site

Surface water quality is discussed in Section 4.10.1.6 of the Draft EIR while Table 4.10-3, "Plant Site Surface Water Quality Data," of the Draft EIR shows the existing water quality in the silt pond at the Plant Site. As described on page 4.10-25, and discussed further in Response 6-52, the total concentrations shown in Table 4.10-3 include the effects of the suspended silts and clays in the water within the silt pond, while the dissolved concentrations represent the concentrations in the water that may percolate to the subsurface. Groundwater quality data at the Plant Site is discussed in Section 4.10.1.8 and presented in Table 4.10-5, "Plant Site Groundwater Quality Data," of the Draft EIR. As mining progresses below the water table at the Plant Site, the groundwater pumped from the excavation to the recharge trenches would percolate back to the same groundwater aquifer from which it was pumped. Thus, there would be no effect on groundwater quality adjacent to the Plant Site.

Table 7 of Appendix G-3, "Groundwater Conditions at the Plant Site," of the Draft EIR presents the water budget for the Plant Site. Footnote 4 of Table 7 states that it is assumed that half of the groundwater pumped to the recharge trenches would flow to the San Joaquin River or local groundwater beyond the project site. The maximum volume of water to be pumped to the recharge trenches would be as high as 805 acre-feet per year

at the end of the mining period, with half that volume potentially flowing to the San Joaquin River through the subsurface (i.e., as groundwater in the alluvium) or to deeper groundwater beyond the project site. The other half is assumed to reenter the excavation. Thus, it is anticipated that up to 403 acre-feet per year of groundwater pumped from the Plant Site excavation could potentially seep to the San Joaquin River. That rate of seepage (i.e., 403 acre-feet per year) is equivalent to 0.55 cubic feet per second (cfs). As discussed above for the Quarry Site, and in Collective Response #26, the base flow in the San Joaquin River is approximately 400 cfs, while planned SJRRP restoration flows may range from 2,500 cfs to 5,000 cfs. Based on these flow rates, the seepage from the recharge trenches at the Plant Site to the river would be less than 0.14 percent of the base flow and 0.02 percent of the lowest SJRRP restoration flow rate. At these extremely low percentages, the water seeping from the recharge trenches to the San Joaquin River would have an imperceptible effect on water quality in the river.

In addition, the distance from the Plant Site to the San Joaquin River is three times further than the distance from the Quarry Site to the San Joaquin River. Therefore, significantly less flow from the Plant Site, if any, is likely to reach the San Joaquin River, especially because the depth to groundwater at the Plant Site is approximately 20 feet to 30 feet below the elevation of the river channel (see Collective Response #25). Furthermore, mining at the Plant Site is anticipated to occur for a much shorter duration (30 years) than at the Quarry Site. Thus, the period during which water is pumped from the Plant Site mining excavation to the recharge trenches would also be much shorter than that which would occur at the Quarry Site.

4.1.25 Collective Response #24: Groundwater Monitoring Program Changes and Funding

Comments on the Draft EIR suggest that Mitigation Measure 4.10-10a should be revised to expand and clarify the adaptive groundwater monitoring program required by the measure. Some commenters assert that monitoring should be conducted at each residential well near the project sites. Other commenters assert that a third-party should be conducting said monitoring and that all monitoring activities should be funded by CEMEX.

As discussed in Draft EIR Section 4.10, "Hydrology and Water Quality," Mitigation Measure 4.10-10a, provides for monitoring of the MW-3 well cluster to assess groundwater level conditions that might affect wells to the east and northeast of the Quarry Site, and of the MW-1 well cluster to assess groundwater level conditions that might affect the San Joaquin River and wells to the west of the Quarry Site (Draft EIR at pages 4.10-108 through 4.10-111). Each well cluster includes a separate well within the

alluvium, the weathered rock, and the hard rock. Electronic dataloggers have been present in these wells since August 2017 (except for MW-3S, which was installed in 2018, with datalogger recording beginning in September 2018). Therefore, an eight-to-nine-year baseline of groundwater elevation data already exists in each of these well clusters, as provided in Appendix G-6, "Addendum to Hydrology and Water Quality Analysis Report," of the Draft EIR (at the time five to six years). These wells would continue to be monitored throughout the project duration and as further discussed below, for at least 3 years after dewatering of the Quarry Site excavation stops.

Mitigation Measure 4.10-10a, as presented in the Draft EIR (pages 4.10-108 through 111) and as clarified and amplified through errata in Chapter 3, "Draft EIR Errata," of this Final EIR, describes the data analysis to be conducted and the changes in groundwater levels that would require further assessment. If the groundwater changes are confirmed, then specific mitigation actions would be required, including increasing the amount of water provided for groundwater recharge, either at the Northeast Pond or at the western recharge trenches, as appropriate. Mitigation Measure 4.10-10a also requires mining to cease if groundwater levels cannot be maintained above defined thresholds. The cessation of mining would also result in the halting of dewatering to allow groundwater levels to recover if they drop below the target criteria.

As proposed by some commenters, Mitigation Measure 4.10-10a includes monitoring of groundwater levels in up to five offsite private wells west of the Quarry Site if access to the wells can reasonably be gained with permission from the property owners. However, neither CEMEX nor Fresno County can require private well owners to allow monitoring at their individual residential wells. Similar programs have been implemented at other aggregate mining quarries throughout California, the nearest to the project site being at the Vulcan Austin Quarry in Madera County, approximately 5 miles northwest of the Quarry Site. For implementation of this component of Mitigation Measure 4.10-10a, the well owners would be provided with the opportunity to participate and enter into an access agreement to have their wells inspected, monitoring equipment installed, and the water levels in their wells monitored. Participation would be the prerogative of the owners of each of the five wells. For owners that elect not to participate, data would not be available to assess groundwater levels in their wells but would not affect the efficacy of Mitigation Measure 4.10-10a.

The monitoring and reporting work to be performed under Mitigation Measure 4.10-10a would be conducted by a California-licensed Professional Geologist or Certified Hydrogeologist that is approved by Fresno County. In addition, the data, analysis, and conclusions of the Professional Geologist or Certified Hydrogeologist must be reviewed and approved by Fresno County. The program would be funded by CEMEX as described

in Mitigation Measure 4.10-10b. To provide clarification of the funding obligation, Mitigation Measure 4.10-10b is modified in errata in Chapter 3 of this Final EIR specifying that the Operator would be required to fund the Groundwater Adaptive Management Program outlined in Mitigation Measure 4.10-10a and establish a post-reclamation funding mechanism to provide a secured funding source for monitoring the specified well clusters.

Individual well owners or private property owners would not be required or obligated to collect or analyze any data. The monitoring, data collection, data analysis, and development of conclusions and recommendations related to potential corrective actions would all be performed by an independent consultant under oversight from Fresno County and at the expense of the Operator. Thus, there would be no burden of proof placed upon the well or property owners to identify or confirm an impact that would trigger Mitigation Measure 4.10-10a.

Mitigation Measure 4.10-10a specifies that monitoring is to continue for at least 3 years after mining reaches the full approved mining depth and monitoring data demonstrates that any drawdown in the MW-1 and MW-3 monitoring well clusters is less than 15 percent of the previously established water level for the specified well. In other words, monitoring would occur for at least 3 years after dewatering of the Quarry Site excavation stops. During this same 3-year post-dewatering monitoring period, the water level within the Quarry Site excavation, and in the surrounding hard rock aquifer, would be recovering, or increasing, since dewatering would no longer be occurring. Thus, there is no reasonable potential that dewatering of the Quarry Site excavation would have any additional or future effects on nearby groundwater levels following mining since dewatering would have ceased and the groundwater level would be recovering or rising. As an additional protective requirement, the post-dewatering monitoring period would be a minimum of 3 years but must also include at least two below-normal rainfall years or one critically dry year, as defined by the California Department of Water Resources (DWR) (Draft EIR at page 4.10-111). Thus, if mining reaches the permitted depth during a period of wet years, the monitoring period and funding mechanism must remain in place for more than 3 years.

Mitigation Measure 4.10-10a also states that if the water level in any of the monitored wells has decreased by more than the defined criterion of 15 percent at the time mining is complete and dewatering stops, pumping to the Northeast Pond and/or recharge trenches must continue until the 15 percent criterion is met in the MW-1 and MW-3 well clusters (Draft EIR at page 4.10-111). To verify that the 15 percent criterion is met, the monitoring program and any necessary corrective actions would continue until all monitored wells meet that standard. Thus, the funding mechanism would also remain in

place until each of these requirements are met. In other words, the monitoring, data evaluation, and any corrective measures would continue at no expense to the County or to individual well owners.

As summarized above, the Draft EIR analysis is based on substantial evidence and concludes that with implementation of Mitigation Measures 4.10-10a and 4.10-10b, as clarified and amplified through errata in this Final EIR, project groundwater impacts associated with mining and reclaimed conditions at the Quarry Site would be less than significant and no additional mitigation measures are necessary.

See also, responses to letters from the U.S. Bureau of Reclamation (Letter #6), Center for Biological Diversity (Letter #65), San Joquin River Parkway & Conservation Trust, Inc. (Letter #58), the City of Fresno (Letter #12) and City of Fresno, Department of Public Works (Letter #12, Exhibit 1), among others, for detailed analysis and discussion of water quality issues and appropriate mitigation measures, as analyzed by the County's hydrology and water quality consultants.

4.1.26 Collective Response #25: Interconnected Surface Water, Groundwater Dependent Ecosystems, and Impacts on Flows in the San Joaquin River

Comments on the Draft EIR claim that seepage of surface water from the San Joaquin River into the Quarry Site excavation would reduce overall flows in the river and suggest that potential impacts to downstream water users should be evaluated. Similarly, comments on the Draft EIR also suggest that the inflow of groundwater from the surrounding aquifer would reduce groundwater levels and suggest that potential impacts to nearby wells should be evaluated.

Interconnected surface water (ISW) is defined in California Code of Regulations Title 23 (23 CCR), Section 351(o), which states that "Interconnected surface water refers to surface water that is hydraulically connected at any point by a continuous saturated zone to the underlying aquifer and the overlying surface water is not completely depleted." Groundwater dependent ecosystems (GDEs) are defined in 23 CCR, Section 351(m) as "ecological communities of species that depend on groundwater emerging from aquifers or on groundwater occurring near the ground surface." The definitions within Section 351 of 23 CCR apply specifically to the Sustainable Groundwater Management Act (SGMA) and relate to preparation of Groundwater Sustainability Plans (GSPs) under oversight from the California Department of Water Resources (DWR). These definitions do not relate to water rights and regulations of the Division of Water Rights under the California State Water Resources Control Board.

As explained in detail below, the Draft EIR, including its technical appendices, presents substantial evidence, in the form of data and analysis, to assess the potential occurrence of ISW, along with the presence of GDEs and any related impacts on flows within the San Joaquin River.

Interconnected Surface Water

DWR published a document entitled "Depletions of Interconnected Surface Water – An Introduction – Draft" in February 2024. In that document, DWR identified two conditions that result in, or are indicative of, ISW:

1. Groundwater elevations that are near or above the elevation of the riverbed; and
2. Similar trends in groundwater levels and stream stage.

DWR notes that distance from the river to a groundwater well may diminish the ability to identify changes to groundwater levels. However, if the groundwater level in a well shows the same trend as the stream stage, even if that trend is muted, it could indicate the presence of ISW.

Quarry Site Area

Charts comparing groundwater levels with rainfall and the stage of the San Joaquin River are provided in Section 4.10.1.9, "Groundwater-Surface Water Interaction at the Quarry Site," and within Appendix G-5, "Hydrology and Water Quality Analysis Report," of the Draft EIR. For example, Final EIR Figure 4-1, "Comparison of Pond Elevation at the Beck Ranch with Rainfall and San Joaquin River Stage," which is a reproduction of Figure 16 of Draft EIR Appendix G-5 provided here for easy reference, shows that water levels in ponds at the Beck Ranch property, just north of the Quarry Site, respond very quickly to major rainfall events, but do not have any correlation to changes in the river stage. The ponds on the Beck Ranch property are former mining excavations while the water surface within the ponds is a reflection of the local groundwater surface.

Figure 4.10-11, "Comparison of Groundwater Levels to Daily Rainfall and River Stage," of the Draft EIR (which is a reproduction of Figures 14 and 15 from Appendix G-5 of the Draft EIR) show a similar comparison for rainfall and river stage, respectively, and the groundwater levels measured in Quarry Site wells. These figures, and the related analysis within the Draft EIR, demonstrate that increases in groundwater levels occur primarily in response to significant rainfall events and not to increases in river stage.

Plant Site

For the Plant Site, the hydrographs for wells MW-1 through MW-4 included in Appendix G-6, "Addendum to Hydrology and Water Quality Analysis Report," of the Draft EIR show that the groundwater levels in these wells began to rise in early 2019 in response to rainfall and several months before any appreciable increase in the stage of the San Joaquin River. In fact, the water levels in three of the four Plant Site wells, including the two wells closest to the San Joaquin River (MW-2 and MW-3) were already declining prior to a major increase in river stage from May to July 2019, and continued to decline throughout the period of the elevated river stage.

Conclusion

Based on the discussion above, and the charts cited above from Draft EIR Section 4.10.1.9 and Appendices G-5 and G-6, there are no trends between groundwater levels and river stage at locations evaluated north of the Quarry Site (i.e., Beck Ranch), at the Quarry Site, or at the Plant Site. The absence of similar trends in groundwater levels and river stage show that conditions indicative of ISW are not present at the project sites.

Groundwater Dependent Ecosystems

As described in Section 3.2.8 of the North Kings GSP 2025 Update, potential GDEs along the San Joaquin River have been identified by The Nature Conservancy's (TNC's) Natural Communities Dataset Viewer Vegetative GDE and Wetland GDE map. TNC's dataset is a statewide database that compiles certain publicly available information (data not created by TNC) as then reviewed by the DWR, CDFW and TNC to create a macro analysis of potential GDEs. The data does not represent a determination of a GDE, but rather a starting point for further analysis. "Natural Communities Normally Associated with Groundwater" (CA Natural Resources Agency [2025 website] https://data.cnra.ca.gov/dataset/natural-communities-commonly-associated-with-groundwater). The data set itself conducts no site-specific work, rather it compiles work previously prepared from certain (but not all) sources. In contrast, the work conducted for the Draft EIR was based on site specific field surveys and analysis.

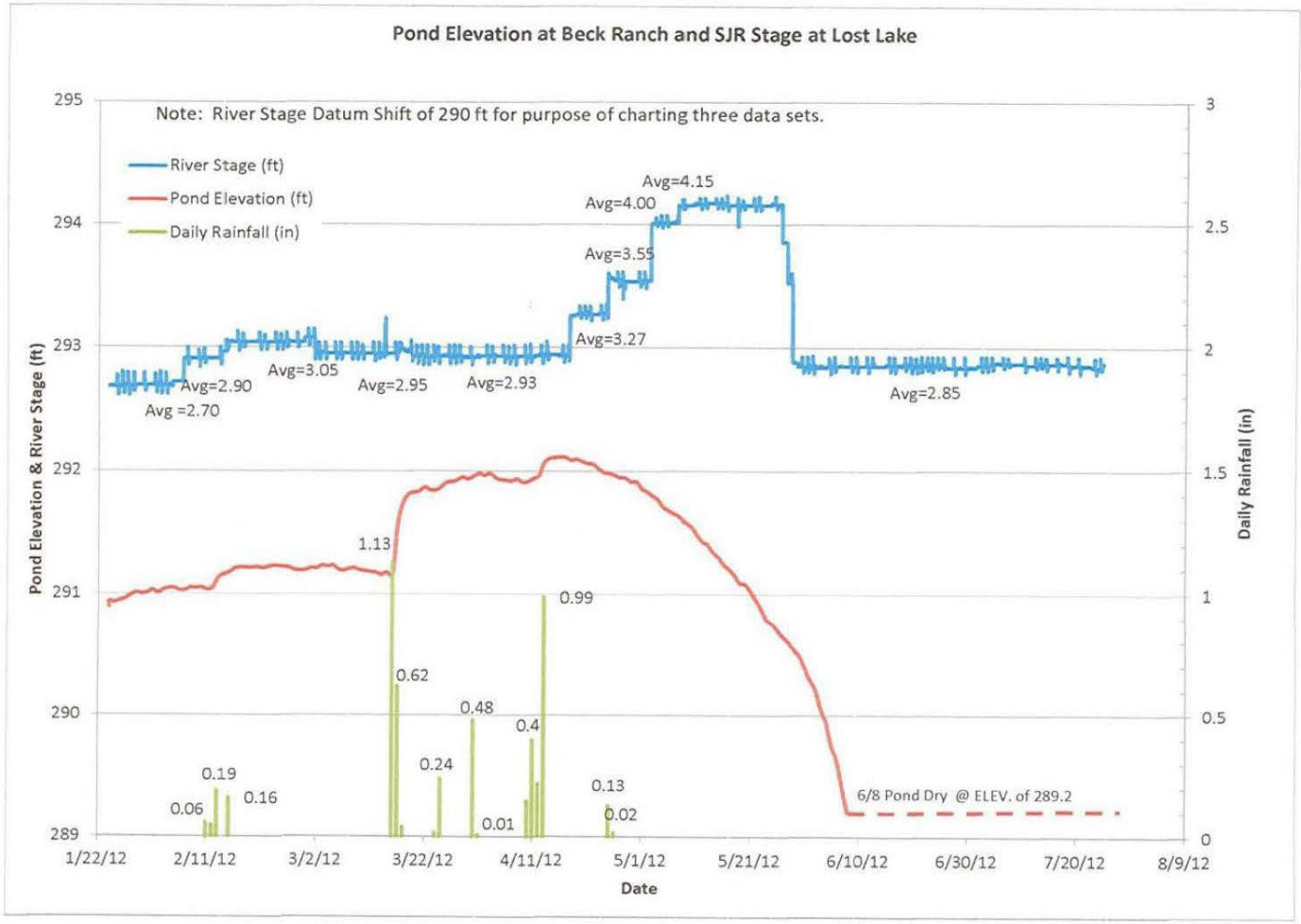


FIGURE 6-RELATION BETWEEN STAGES IN THE SAN JOAQUIN RIVER AND WATER LEVELS IN THE EXCAVATION

FIGURE 16. Comparison of Pond Elevation at the Beck Ranch with Rainfall and San Joaquin River Stage (from KDSA, 2012).

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The North Kings GSP recognizes that many areas depicted as GDEs on TNC's Dataset Viewer are in areas where the depth to groundwater is deeper than the deepest vegetative rooting depth for GDEs. As a result, the Groundwater Sustainability Agency has identified "Rejected GDEs" on Figure 3-52 of the North Kings GSP 2025 Update. Figure 3-52 from the GSP 2025 Update, with the Rockfield Modification project boundary overlaid, is reproduced as Final EIR Figure 4-2, "Kings Subbasin Groundwater Dependent Ecosystems."

Quarry Site Area

As shown in Figure 4-2, within the Quarry Site area, "Possible GDEs" are identified along the San Joaquin River and in several discrete areas to the east of the river. As discussed above in the discussion of ISW, the depth to groundwater in the Quarry Site area is deeper than that which would typically support GDEs. As noted in Appendix E-2, "Quarry Site Habitat Assessment," of the Draft EIR, vegetation along the San Joaquin River adjacent to the Quarry Site is riparian but not dependent on groundwater.

Review of aerial images in the areas of the "Possible GDEs" to the east of the river reveals that these features are mining excavations that currently or formerly contained ponded water. The TNC Dataset Viewer is based on information from 1984 to 2016 (ibid). In several cases, these features identified as "Possible GDEs" have been excavated and removed since the time that TNC developed its dataset viewer. These are mining excavations and industrial ponds that are neither waters of the U.S. nor waters of the state, as discussed in more detail in the Quarry Site Habitat Assessment in Appendix E-2 of the Draft EIR.

Plant Site Area

Within the Plant Site area, all of the potential GDEs identified on TNC's Dataset Viewer have been classified as "Rejected GDEs" (see Figure 4-2) due to the depth to groundwater.

Furthermore, ELMT Consulting conducted a survey of potential groundwater dependent vegetation on and within 500 feet of the Plant Site area (see Appendix E-5, "Groundwater Dependent Vegetation Survey," of the Draft EIR). While ELMT Consulting identified a number of potential groundwater dependent plant species in the survey, it concluded that due to the depth to groundwater these species were more likely dependent on rainfall, consistent with the conclusion in the North Kings GSP 2025 Update. ELMT also noted that, while there may be "Possible GDEs" within 100 feet of the San Joaquin River, those GDEs are approximately 2,500 feet from the Plant Site. ELMT concluded that:

At this distance, the decrease in groundwater levels as a result of the proposed project would be 0 to 1 foot. This level of drawdown is generally within normal seasonal fluctuations of groundwater and therefore would be unlikely to have an adverse effect on groundwater dependent ecosystems (Appendix G-3, "Groundwater Conditions at the Plant Site," of the Draft EIR).

Conclusion

Based on the data and analyses presented in and considered by the Draft EIR, as summarized above, there are no GDEs present that would be affected by the project in the Quarry Site area or the Plant Site area.

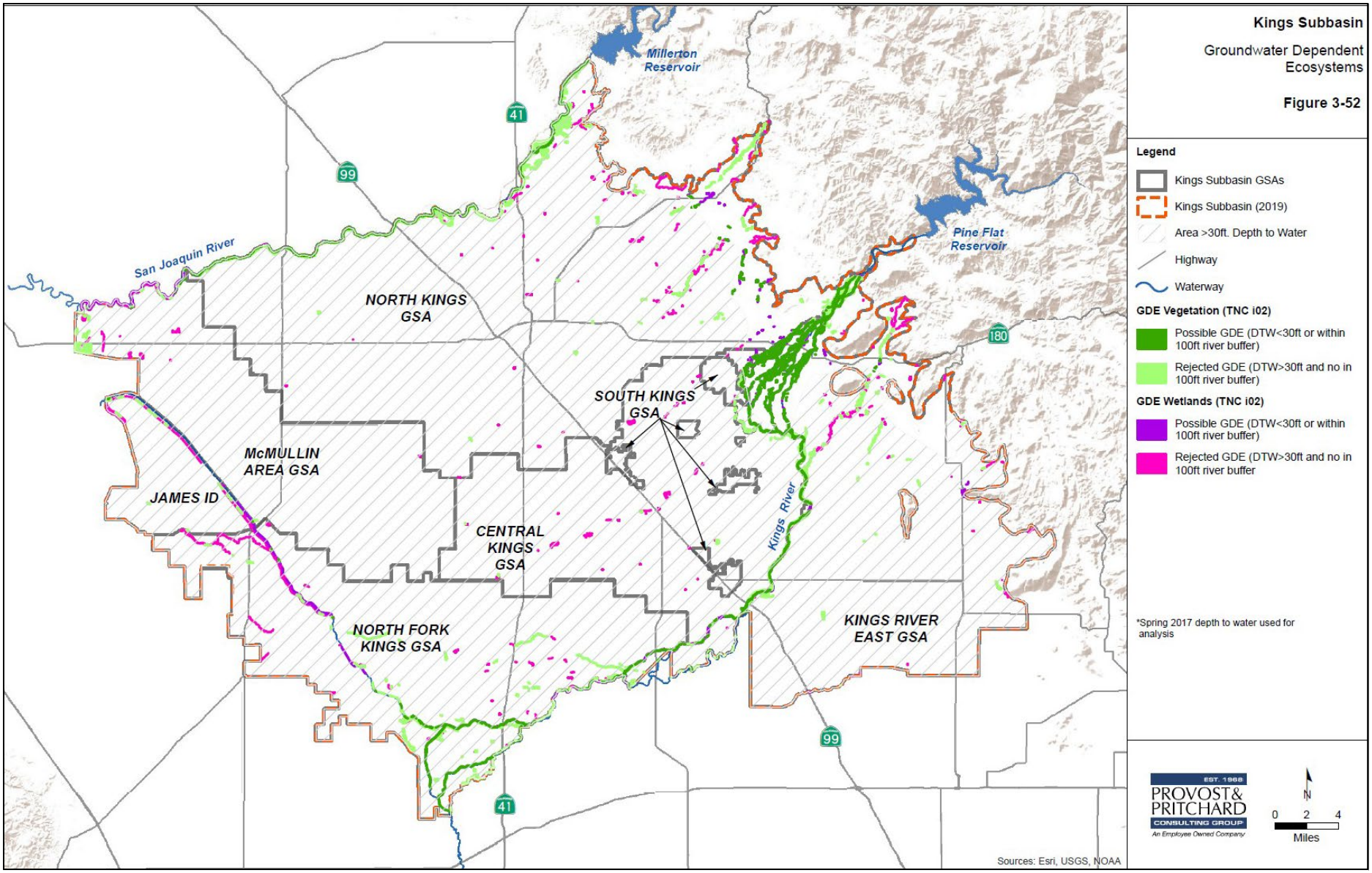
Impacts on Flows in the San Joaquin River

Section 4.10.1.9 of the Draft EIR acknowledges that the flow of water from the San Joaquin River to groundwater at the Quarry Site does occur but is limited and inconsistent due to several factors. Appendix G-3 of the Draft EIR also acknowledges that groundwater in the alluvium at the Plant Site primarily comes from the San Joaquin River.

Quarry Site

As discussed in the Draft EIR, the hydraulic conductivity (comparable to the permeability) of the alluvium is much higher than that in the underlying weathered rock and hard rock. Thus, appreciable recharge from the San Joaquin River to the Quarry Site is primarily dependent on periods when the stage of the river is above the bottom of the alluvium (equivalent to the top of the weathered rock). The Draft EIR analysis points out that from January 2014 to February 2023; the stage of the river was higher than the bottom elevation of the alluvium only 13 percent of the time.

This is the existing baseline condition. The alluvium at the Quarry Site has already been almost completely removed by mining, especially in the parts of the Quarry Site adjacent to the San Joaquin River. Thus, any future mining to greater depths would not alter the frequency and duration of potential inflow into the quarry from the river through the alluvium. Figure 4.10-13, "Comparison of Weekly Dewatering Rates with Daily Rainfall and River Stage," of the Draft EIR shows that the amount of water that is pumped, or dewatered, from the quarry is primarily related to local rainfall and shows no correlation to river stage. Furthermore, based on the groundwater contour maps and aquifer permeabilities (transmissivities) described in Appendices G-3 through G-5 of the Draft EIR, the rate of groundwater movement is approximately 550 feet per year in the alluvium. The distance from the edge of the Quarry excavation to the San Joaquin River is approximately 350 feet to 400 feet.



Kings Subbasin Groundwater Dependent Ecosystems (NKGSA GSP, 2025, Figure 3-52)

ROCKFIELD MODIFICATION PROJECT

FINAL EIR

Figure 4-2

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As shown in Final EIR Figure 4-3, "San Joaquin River Stage Below Friant Dam," which is a reproduction of Figure 11 of Appendix G-5 of the Draft EIR, periods of elevated river stage last from a few weeks to six months, depending on the rainfall and runoff for that year. Thus, when the river stage increases, the duration of the period when the stage is above the elevation of the bottom of the alluvium is likely too short for any appreciable quantity of water to move through the alluvium into the quarry excavation.

Table 4.10-7, "Comparison of San Joaquin River Water Quality to Quarry Site Groundwater Quality," of the Draft EIR shows little similarity between the water quality in the San Joaquin River and that measured in the weathered rock and hard rock monitoring wells closest to the river. Thus, while there may be some movement of water from the river into the bedrock aquifer units underlying the alluvium, the quantity is small because it is not reflected in the groundwater quality data. Furthermore, the groundwater contour maps presented in the Draft EIR and in Appendix G-4, "Groundwater Conditions at the Quarry Site," of the Draft EIR for the weathered rock and hard rock units demonstrate that groundwater is primarily flowing from the northeast to the southwest. In other words, groundwater in the deeper bedrock aquifer units is flowing toward the river through the Quarry Site area, not away from the river. Any water from the river that enters the weathered rock, and hard rock does not contribute significantly to the amount of water currently being dewatered from the existing Quarry.

This is demonstrated in the paragraph above in reference to Figure 4.10-13 of the Draft EIR, which shows no correlation between dewatering rates and river stage.

In addition, there is no evidence in the river stage and groundwater elevation data to suggest that there is ISW at the Quarry Site, and there are no GDEs at the Quarry Site.

Plant Site

As described above, groundwater within the alluvium at the Plant Site and surface water in the river are not interconnected. However, as acknowledged in Appendix G-3 of the Draft EIR, groundwater within the alluvium in the Plant Site area most likely comes from the river. This relationship is illustrated in Example E from Figure 6 of Appendix 3-C of the North Kings GSP 2025 Update, which is provided here as Figure 4-4. As this figure shows, water percolates through the base of the river channel downward toward the groundwater surface. However, because the groundwater surface and river are not interconnected, the water percolates through the base of channel based on the leakance properties of the sediment in the channel. Thus, the rate of percolation through the base of the river channel is not dependent on the depth

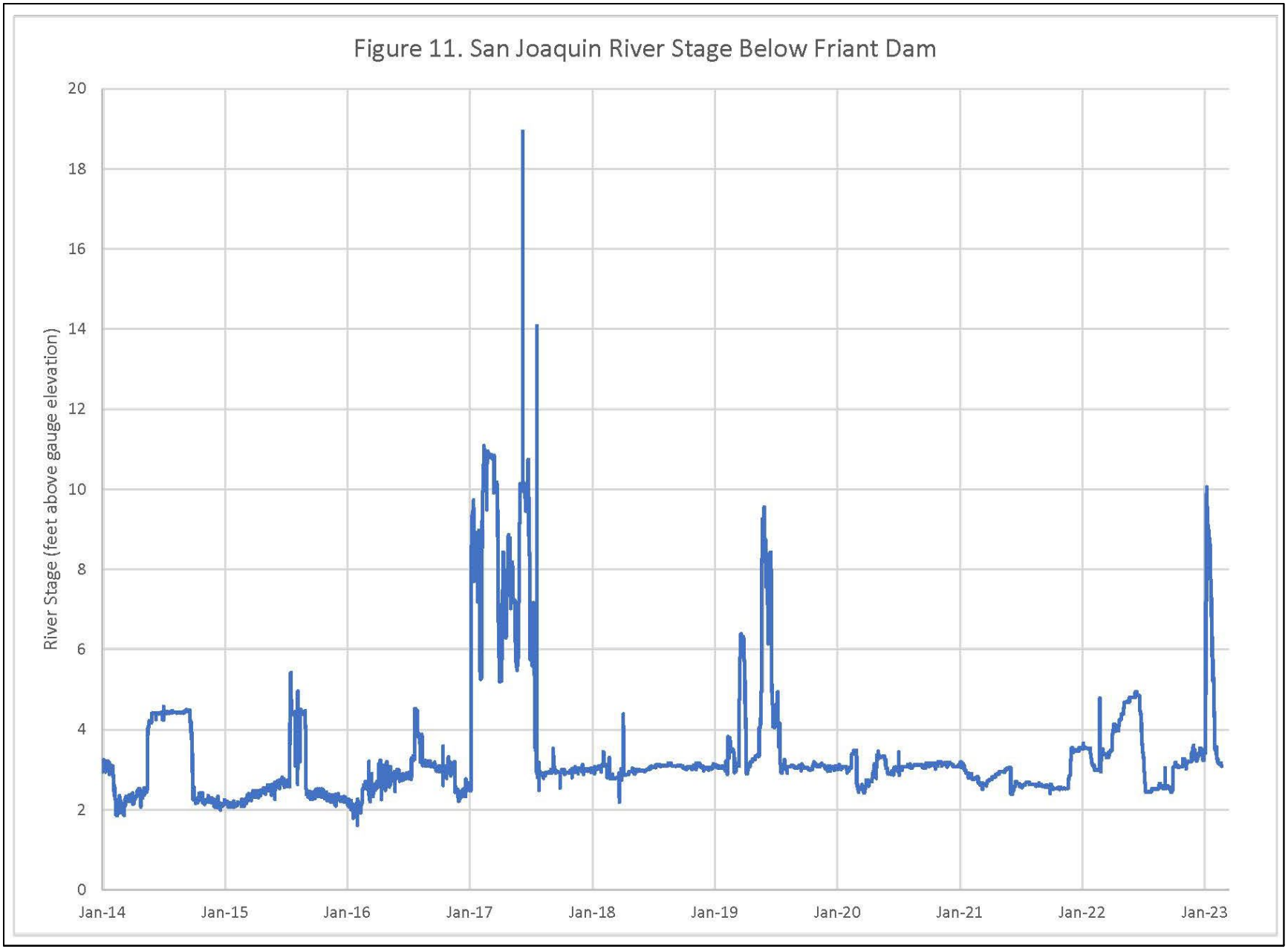
of the groundwater surface beneath the river. This situation is analogous to the rate that water might leak through the roof of a house. If a bucket is used to catch the water leaking into the house, the rate that water comes through the roof does not depend on how close the bucket is to the ceiling. In this analogy, the roof is equivalent to the base of the river channel, while the bucket is equivalent to the underlying, but not interconnected, groundwater surface.

Conclusion

The Draft EIR and its appendices contain substantial evidence, in the form of graphical comparisons, tabular data, and narrative analysis that show that:

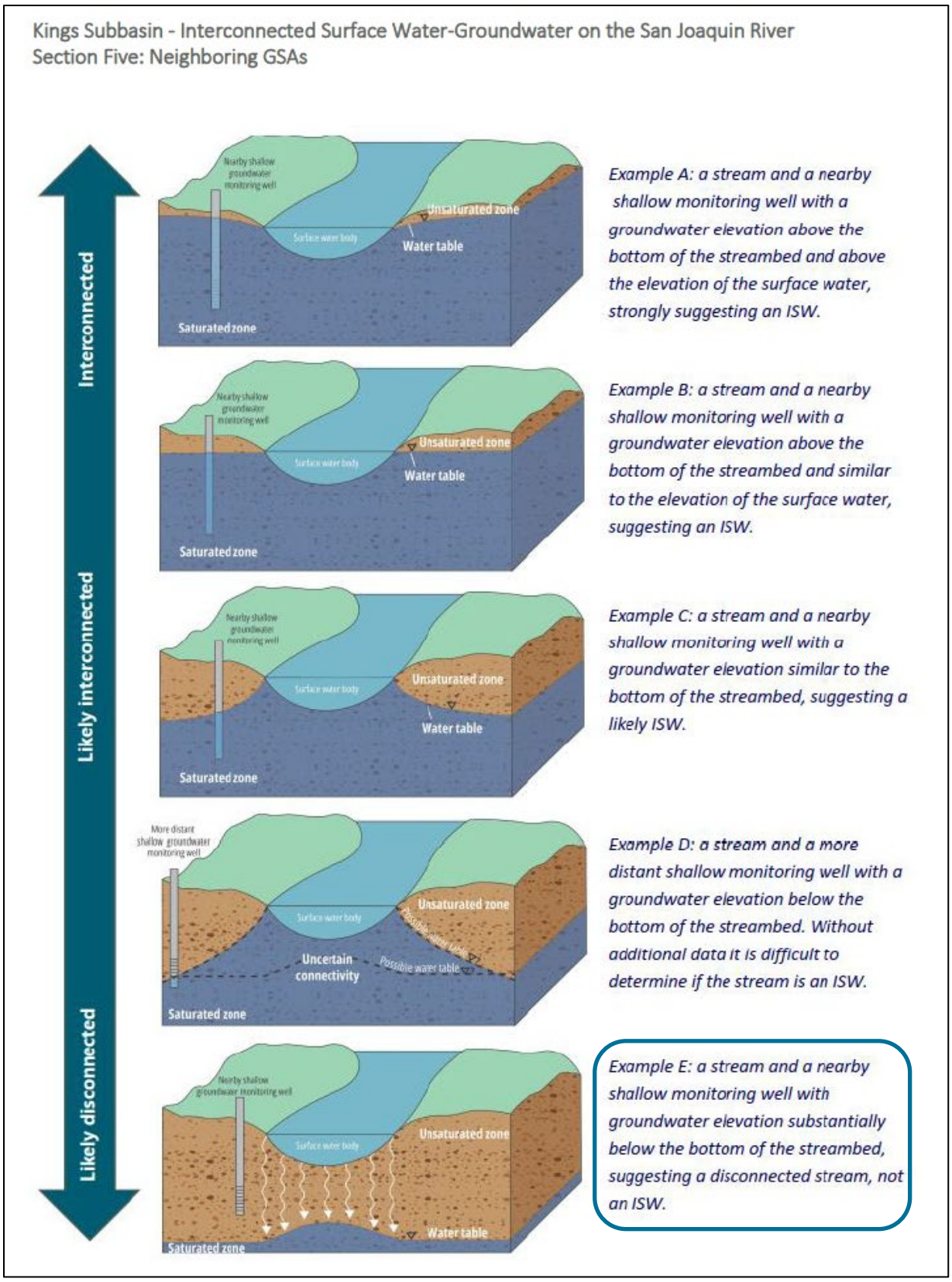
- surface water in the San Joaquin River and the groundwater at the project site are not interconnected,
- there are no GDEs at the project site, and
- future mining and dewatering at both the Quarry Site and Plant Site would not significantly alter the amount of water moving from the San Joaquin River into the groundwater.

Within the Quarry Site, the mining excavation already exists and has effectively removed most, or all, of the alluvium. Mining into the underlying weathered rock and hard rock zones would not cause substantial additional movement of water from the river into these geologic deposits, which given their hard rock nature, have very low permeability and limited fracturing.



San Joaquin River Stage Below Friant Dam (Draft EIR, Appendix G-5, Figure 11)

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Note: Emphasis added to highlight Example E.

Examples of ISW Status Based on Groundwater and Riverbed Elevations (NKGSA GSP, 2025, Appendix 3-C, Figure 6)

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4.1.27 Collective Response #26: Baseline Groundwater Data

Comments received on the Draft EIR raise concerns about the historical groundwater data utilized in the project's hydrology analyses. The comments suggest that data collected over a longer period of time representing differing hydraulic conditions should be used to determine baseline groundwater conditions.

Draft EIR Appendix G-6, "Addendum to Hydrology and Water Quality Analysis Report," provides groundwater level data that have been collected continually since 2017 at the Plant Site and since 2018 at the Quarry Site (except for Well MW-7D, where monitoring began in 2020, immediately after that well was installed). As shown in Figure 5 of Appendix G-6, this period covers both wet and dry years.

Figure 4.10-11, "Comparison of Groundwater Levels to Daily Rainfall and River Stage," of the Draft EIR provides a comparison of groundwater elevation data from wells at the Quarry Site with the river stage in the San Joaquin River from October 2018 through September 2019. During that period, the river stage exceeded six feet in mid- to late-March 2019 and exceeded eight feet in late May and mid-June 2019. These stage values are equivalent to river flows of approximately 3,200 cubic feet per second (cfs) to over 6,500 cfs, respectively (DWR 2025a). Base flows of approximately 400 cfs occurred before and after these periods. The data presented in Figure 4.10-11 of the Draft EIR demonstrates that groundwater level monitoring has occurred during periods of both low base flows and during periods of elevated river releases.

Appendix B of the "Funding Constrained Framework for Implementation," of the San Joaquin River Restoration Project (SJRRP) describes several flow scenarios to be implemented, with peak flow rates in the range of 2,500 cubic feet per second (cfs) for Stage 1 of the SJRRP. These flow scenarios have durations of 20, 40, or 60 days in the spring months (February to May). Full implementation of the SJRRP after Stage 1 could see flows during these short-duration periods of up to 5,000 cfs. As described in the paragraph above, flows on the San Joaquin River in mid-2019 exceeded both the Stage 1 peak restoration flow rate and the post-Stage 1 flow rate for comparable durations as those to be implemented as part of the SJRRP.

Figure 12 of Appendix G-5, "Hydrology and Water Quality Analysis Report," of the Draft EIR shows that during 2017, river stage levels, and thus the related flows, were substantially greater than those in 2019. Thus, the analysis presented Draft EIR Section 4.10, "Hydrology and Water Quality," and Appendices G-5 and G-6 of the Draft EIR are based on a wide range of river flows, including those that are greater than projected SJRRP flows.

Furthermore, Appendix E within Appendix G-4, "Groundwater Conditions at the Quarry Site," of the Draft EIR provides groundwater contour maps for multiple depth zones at the Quarry Site for May 2017, October 2018, December 2018, January 2019, March 2019, June 2019, and September 2019. As described above, these periods cover a wide range of river flow conditions. Comparable maps for the Plant Site area are provided in Appendix D within Appendix G-3, "Groundwater Conditions at the Plant Site," of the Draft EIR.

The groundwater monitoring data presented in the Draft EIR span multiple years and include both wet and dry conditions, as well as periods of low base flows and high river releases. These data encompass a reasonable range of hydrologic variability consistent with that described in the subject comments and provide an adequate and representative basis for establishing baseline groundwater conditions.

4.1.28 Collective Response #27: Operational Effects on Park/Trail Users

Comments on the Draft EIR express concerns about various potential effects on users of parks, trails, and other recreational facilities located near the project sites that could result from project operations, in particular blasting events. Comments expressed concerns with potential effects related to noise and vibration, safety hazards, and the inability to enjoy recreational uses.

As described under the subsection "Blasting," in Draft EIR Section 2.5.2.2, "Quarry Site Mine Plans," blasting would occur up to two times per week between 10 a.m. and 2 p.m. on weekdays. A typical blasting event would last approximately one to two seconds. See also Section 4.13, "Noise," of the Draft EIR for further information regarding the project's potential noise and vibration impacts. The project would be required to maintain specified blasting vibration and air overpressure thresholds intended to avoid structural damage, embankment destabilization, and substantial human disturbance. (See discussion of Impact 4.13-6 on page 4.13-64 of Draft EIR.) For further discussion of blasting vibration and air overpressure thresholds applicable to human response, including revised thresholds incorporated into the Blasting Protocols, please see Chapter 3, "Draft EIR Errata," of this Final EIR and Appendix H-9, "Revised Blasting Protocols."

As shown on Draft EIR Figure 4.13-2, "Nearest Sensitive Receptors to Quarry Site ," the Lost Lake Recreation Area was identified as sensitive receptor Q-5 for the noise and vibration analysis. Table 4.13-4, "Existing Ambient Noise Environment at Nearest Receptors to Quarry Site," on Draft EIR page 4.13-22 presents existing ambient noise levels at sensitive receptors while Table 4.13-17, "Estimated Quarry Site Noise Levels (dBA) at Nearest Receptors," on Draft EIR page 4.13-60 presents the estimated noise levels from proposed Quarry Site operations at sensitive receptors. As shown, neither

existing ambient nor predicted noise levels at receptor Q-5 exceed the County's significance thresholds. In other words, a significant noise impact would not occur at the Lost Lake Recreation Area due to project operations. Although blasting events may occasionally be perceptible to nearby recreational users during short-duration blasting events, implementation of the revised blasting thresholds and protocols would minimize potential disturbance and avoid significant blasting-related impacts.

Potential safety hazards to recreationists near the Quarry Site are addressed in the Draft EIR under Impact 4.7-7 (slope stability) beginning on page 4.7-32 and Impact 4.9-4 (flyrock) beginning on page 4.9-19.

4.1.29 Collective Response #28: Land Subsidence

The California Department of Water Resources (DWR) defines land subsidence as the sinking of the land surface due to changes in the soil or sediment in the subsurface (https://water.ca.gov/Programs/Groundwater-Management/Subsidence). DWR states that "[s]ubsidence due to groundwater pumping occurs when the water pressure in the subsurface sediments is reduced and the fine-grained sediment (such as silt and clay) compacts. As the water pressure is reduced by pumping, fine-grained soil particles reorganize and compress into a flatter structure." (Ibid.) On a more localized basis, Section 3.2.6 of the 2025 Update to the North Kings Groundwater Sustainability Plan states that "the compression of clay as a result of groundwater extraction from confined aquifers is the cause of the vast majority of subsidence documented in the San Joaquin Valley…Most of the permanent subsidence in the San Joaquin Valley has historically been correlated to overdraft in the confined aquifer below the Corcoran Clay." (https://provostandpritchard-my.sharepoint.com/:b:/g/personal/rquist_ppeng_com/EXPccPEPCtVIoECGOf5QzdYB5035-RctDoMV6elIaM3SEg?e=f6qjBw) Based on these statements from DWR and the North Kings Groundwater Sustainability Agency, the critical factors for land subsidence due to groundwater pumping are:

- The presence of fine-grained sediment, such as silt and clay; and
- Groundwater extraction from confined aquifers.

Section 4.7.1.2, "Soils, Geologic, and Seismic Hazards," of the Draft EIR, in a subsection entitled "Subsidence" (page 4.7-11 of the Draft EIR) describes the causes and potential effects of subsidence. This subsection of the Draft EIR concludes that "[b]elow the groundwater level, the subsurface soils at the Plant Site and Quarry Site generally consist of dense to very dense alluvial sands and gravels underlain by sedimentary and/or granitic rock, which have low potential for subsidence."

At the Plant Site, dewatering and groundwater pumping would occur in an unconfined aquifer zone, not from a confined aquifer. Specifically, there are no clay layers that overlie the alluvial aggregate deposits to be mined at the Plant Site. Thus, a confined aquifer is not present within the depths to be dewatered and mined. As noted on page 3-75 of the 2025 Update to the North Kings Groundwater Sustainability Plan, minimal subsidence has occurred in the North Kings Groundwater Sustainability Area (NKGSA), which includes both the Plant Site area and the Quarry Site area. More specifically, "[t]he greatest subsidence in the plan area has been located along the western edge of the NKGSA boundary…[which] seems to correlate with the presence of the Corcoran Clay" (2025 Update to the North Kings Groundwater Sustainability Plan, page 3-75, last paragraph). The lack of fine-grained confining layers such as the Corcoran Clay throughout the rest of the NKGSA is, therefore, the reason there has been only minimal subsidence within the NKGSA boundary. Thus, the critical factors for land subsidence due to groundwater pumping do not exist at the Plant Site.

Granitic bedrock formations such as the weathered rock and hard rock at the Quarry Site are not subject to subsidence due to the extraction of groundwater because such formations do not consist of or contain fine-grained sediments, such as silt and clays. Therefore, there are no sedimentary confining layers such that the critical factors for land subsidence due to groundwater pumping do not exist at the Quarry Site.

4.1.30 Collective Response #29: Traffic Impacts and Mitigation

Several commenters express concerns about the project's potential traffic impacts and the proposed traffic mitigation measures. Commenters suggest that the applicant/operator should be responsible for fully funding all pavement and transportation impacts.

See Draft EIR Section 4.17, "Transportation," discussing transportation and transportation impacts and for a detailed discussion of the Traffic Index analysis and the LOS and Queuing analysis. See also Draft EIR Section 5.3.17, "Transportation," discussing cumulative transportation impacts. The Traffic Impact Study conducted for the project includes an assessment of project-related truck trip distribution on study area roads. See Draft EIR Appendix I-1, "Traffic Impact Study," conducted for the proposed project. Draft EIR Appendix I-1, Figure 1.3 depicts the selected study areas of the traffic impact study.

The traffic impact analysis study area was determined through coordination with Fresno County and its expert consultant team and is considered appropriate for the purposes of documenting the project's traffic-related impacts.

The Draft EIR analyzes impacts to existing pavement conditions, as well as pavement conditions with the project in place. (Draft EIR page 4.17-29) The results of the Existing-Plus-Project road segment Traffic Index (TI) analyses performed in the Traffic Impact Study are summarized in in the Draft EIR, page 4.17-26, Table 4.17-10, "Traffic Index Summary—Existing-Plus-Project (3.0 MT Per Year)." Because the project would result in a significant increase in the traffic index on all analyzed pavement segments, the Draft EIR proposes equitable share contributions by the Operator to mitigate the impacts of an increased traffic index. Measures to reduce these traffic congestion effects are recommended in the Traffic Impact Study (Draft EIR Appendix I-1), are identified under Impact 4.17-1, and are required as Mitigation Measures 4.17-1a through 4.17-1r. These measures primarily consist of the payment of equitable share of costs of future roadway improvements in the County, and, if warranted, the installation of traffic signals at the intersection of North Friant Road with the Quarry Site and Plant Site entrances. For each intersection requiring equitable contribution for road improvements, these equitable shares are calculated for the increase above the baseline traffic index and are typically paid at one time at the initiation of the project or in installments as provided in a future agreement with the County. The equitable share would apply towards an ultimate future improvement, as specified in Mitigation Measures 4.17-1a through 4.17-1r. The percentage of contribution necessary for the specified intersections is provided in the Traffic Impact Study (see Draft EIR Appendix I-1, Table 12.2 at page 60). The traffic study's analysis indicates that LOS and queuing would be effectively reduced through the implementation of the recommended measures; however, traffic impacts, including impacts to pavement conditions, are considered significant and unavoidable because it is uncertain when the necessary road improvements would be constructed (Draft EIR page 4.17-29).

The County cannot legally require the project to fully fund the necessary road improvements and instead must limit the imposition of mitigation requirements to those that are roughly proportional to the project's impacts (Title 14 CCR Section 15126.4(a)(4); *Dolan v. City of Tigard*, 512 U.S. 374 (1994)). Therefore, the appropriate mitigation requirement for project impacts to traffic operations is for the applicant/operator to contribute the project's proportional share of funding toward the improvements, which is required through Mitigation Measures 4.17-1a through 4.17-1r in the Draft EIR and as revised for clarification through errata in this Final EIR as discussed further below. As discussed in the Draft EIR (see Draft EIR pages 4.17-29 and 4.17-30), even with the applicant/operator's contribution of the project's proportional share of funding for these improvements, the improvements necessary to achieve acceptable LOS and pavement conditions at these intersections may not occur before the project's introduction of additional vehicle trips because of, for example, a lack of funding for the other

proportional shares beyond the control of the applicant/operator. Therefore, the project's impact at 5 intersections (Friant Road and Willow Ave; Copper Ave and Willow Ave; SR 41 and Road 145; Road 206 and Road 145; and Friant Road and North Fork Intersection) under the following conditions is considered significant and unavoidable:

- Existing-Plus-Project Conditions (Stage 1—3.0 MT per year);
- Five-Year Cumulative Conditions with Project (Stage 1—2.0 MT per year);
- 15-Year Cumulative Conditions with Project (Stage 1—3.0 MT per year); and
- Cumulative (Year 2040) Conditions with Project (Stage 1—3.0 MT per year).

As provided in the Traffic Impact Study and clarified in the Chapter 3, "Draft EIR Errata," the Operator would fully fund the road improvements necessary for the Friant Road and Plant Site Access Intersection and the Friant Road and Quarry Site Access Intersection. Revisions to the Draft EIR Transportation section are provided and explained more fully in Chapter 3.

4.1.31 Collective Response #30: Road Safety

Several commenters suggest that the Draft EIR does not sufficiently address road safety impacts, particularly concerning the project's potential to increase loose gravel on public roads. The commenters also raise concerns about loose gravel harming bicyclists and causing windshield damage, as well as the increased potential for traffic accidents involving vehicles from the project sites. The Draft EIR addresses potential road safety impacts associated with the project in Impact 4.17-3.

The project would be subject to San Joaquin Valley Air Pollution Control District (SJVAPCD) rules that would reduce loose gravel on public roads, including SJVAPCD Rule 8041, "Carryout or Trackout." SJVAPCD Rule 8041 requires that affected facilities prevent and/or clean up carryout and trackout at the end of each workday. (Draft EIR page 4.3-28.) In complying with that requirement, the proposed project would reduce fugitive dust emissions by minimizing carryout or trackout (i.e., loose soil, debris and gravel) on paved public roads or paved shoulders of public roads. The project would also be subject to SJVAPCD Rule 8031, "Bulk Materials," which requires certain measures to limit the opacity of visible dust emissions. One of these measures includes maintaining haul trucks to prevent spillage or loss of bulk materials. (Draft EIR page 4.3-28.) Although these rules are aimed at reducing fugitive dust emissions and impacts to air quality, the measures would also reduce the potential for the project to increase the amount of gravel or debris on public roads. Compliance with SJVAPCD Rules 8041 and 8031 would also reduce potential road hazards to pedestrians, bicyclists, and motorists.

As discussed in the Draft EIR at Impact 4.17-3, all trucks and other motor vehicles associated with the proposed project are subject to the California Vehicle Code and local regulations intended to provide an appropriate degree of safety for motorists, bicyclists, and pedestrians. Furthermore, the existing site access/egress at the Plant Site and Quarry Site includes southbound acceleration lanes and northbound left-hand turn pockets for use by vehicles that facilitate safe access to the project sites, and these lanes and turn pockets would continue to be used under the proposed project. (Draft EIR page 4.17-41.)

As further addressed in Final EIR Chapter 3, "Draft EIR Errata," additional assessment of measures to address road conditions was performed by Peters Engineering Group and documented in the February 24, 2026, *Pavement Hazard Identification and Mitigation – CEMEX Rockfield Quarry Modification Project* memorandum (Pavement Memorandum) included as Appendix I-5 of this Final EIR. The Pavement Memorandum recommends that the project could mitigate the project's contribution to hazardous pavement conditions and safety concerns by repairing severe potholes on Friant Road between North Fork Road and Willow Avenue (inclusive of the area within the intersections) on request from the County of Fresno in response to substantiated reports from the public or as identified through County pavement condition surveys. The Pavement Memorandum recommends that with the application of such mitigation, the pavement hazard impact would be mitigated to below a level of significance. In consideration of the additional analysis and recommendations in the Pavement Memorandum, Mitigation Measure 4.17-3 is incorporated to the EIR through errata in Final EIR Chapter 3 and would require the Operator to fund and repair severe potholes in the travel lanes "on Friant Road between North Fork Road and Willow Avenue (inclusive of the area within the intersections) as requested by the County of Fresno in response to substantiated reports from the public or as identified through County pavement condition surveys," with the limitation that such costs would be reduced by future cost-sharing agreements if they ever occur between the County of Fresno and other parties, which would further reduce road safety hazards to motorists and bicyclists. With the addition of Mitigation Measure 4.17-3, the project's potential to increase roadway hazards would be less than significant. For further information, please refer Final EIR Chapter 3 for revisions to Draft EIR Impact 4.17-3 and the full text of Mitigation Measure 4.17-3.

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4.2—PUBLIC AGENCIES COMMENTS AND RESPONSES

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4.2 PUBLIC AGENCIES COMMENTS AND RESPONSES

Letter #1 January, 28, 2025, Larry Brown, Fresno County Fire Protection District

Comment 1-1

Fresno County Fire Protection District (FCFDP) has received notice of this project, and has not identified any significant concerns. FCFPD has no comment for this project at this time. If future development is sought, your project/development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. Your project/development may be required to annex into the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.

Response 1-1

The comment is noted. The County would require a condition of approval that would ensure that the proposed project would comply with all applicable requirements of the current Fire Code and Building Code.

Letter #2a February 24, 2025, Keyomi Jones, California Department of Transportation

Comment 2a-1

The Rockfield Quarry Modification Project EIR No. 7763 and Unclassified CUP Application Nos. 3666 and 3667 Summary document describes the proposed continuation and modification of the aggregate mining and possessing operations; however, the documents provided are from original proposed operation. The CEMEX Rockfield Modification Project Traffic Impact Study (2019), VMT Letter Addendum to Traffic Impact Study (2020), Scoping Meeting Agenda (2020) are all out of date. The documents concerning this modification should be forwarded for review.

Response 2a-1

The documents referenced in this comment are current documents that pertain to the proposed project. See Appendix I, "Transportation," of the Draft EIR. The project application was submitted in 2019, and the Draft EIR and supporting technical documents were prepared between 2019 and 2025. No substantive comments are provided.

Letter #2b February 10, 2026, Dave Padilla, California Department of Transportation

Comment 2b-1

Dear Mr. Mtunga:

Caltrans has completed the review of the Draft Environmental Impact Report No. 7763 for Conditional Use Permit Nos. 3666 and 3667. CUP Application No. 3666 proposes to amend the approval of the Plant Site, previously approved under CUP Nos. 2235, 3034, and 3094. CUP Application No. 3667 proposes to amend the approval of the Quarry Site, previously approved CUP Nos. 367, 2032, 3063, and 3093.

The project site is located north of State Route (SR) 41/Friant Road interchange.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) process reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

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

Response 2b-1

The comment is introductory in nature and no response is required. The comment is noted for the benefit of the decision-makers.

Comment 2b-2

1. The CEMEX Rockfield Modification Project Traffic Impact Study (2019) is outdated and no longer reflective of current or future conditions. The study neglects the intersections of Friant Road with the State Route 41 interchange ramps despite their proximity to and functional relationship with the project (Comment documented in the Technical Memorandum - Response to Comments on Traffic Impact Study, dated December 17, 2020, with a cost per trip table).

   Vehicle queues are not properly addressed at or near this interchange. Queues from the local road intersections (Fresno

> Street and Nees Avenue) along Friant Road that extend to the ramp intersections are a concern. These conditions, along with potential off-ramp queues spillback, should be analyzed to assess operational and safety impacts.

Response 2b-2

Regarding the commenter's assertion that the Traffic Impact Study (TIS) is outdated, the TIS was prepared near the time of the Notice of Preparation, given that traffic impacts typically inform other areas of the analyses in a Draft EIR. While the traffic volumes may have increased since the time of the TIS, the TIS still provides a sufficient analysis of the project's transportation impacts in accordance with CEQA standards. CEQA does not require lead agencies to perpetually update the analyses forming the basis of impacts analysis.

As explained in the Final EIR Chapter 3, "Draft EIR Errata," the SR 41 / Friant Road Interchange was not previously analyzed in the Draft EIR, expecting that any project trip-related effects at the interchange would be addressed through the payment of any applicable per-trip fees for use by Caltrans at its discretion in making improvements at this interchange, in accordance with past practices. However, in consideration of the comment and to more fully evaluate the potential for project trips to affect traffic operations at the SR 41 / Friant Road Interchange, Peters Engineering Group prepared a technical memorandum documenting the observed conditions at and near the SR 41 / Friant Road Interchange at peak AM and PM periods, and evaluating potential effects associated with the project's net change in vehicle trips at the interchange in the "Interchange Analysis—State Route 41 and Friant Road" (Peters Engineering Group 2026b), provided in Appendix I-6, "State Route 41/Friant Road Interchange Analysis Technical Memorandum."

As presented in the Interchange Analysis memo and added to the Transportation section of the Draft EIR through errata in Chapter 3 of the Final EIR, the net project trips at the Friant Road / SR 41 interchange represent a very small fraction of the total traffic volumes, and are considered operationally negligible with respect to the total volumes and overall traffic operations (Peters Engineering Group 2026b). Considering the daily fluctuations in traffic volumes typically expected in urban areas, the trips generated by the project would be within the normal variations that would occur under existing conditions without the project and are not expected to cause a significant change in operations or measurably affect average queue lengths, traffic signal operations, or ramp operations (Peters Engineering Group 2026b).

Comment 2b-3

2. The Traffic Impact Study recommends improvements to the SR 41 / SR 145 intersection. Given the extent of the modifications recommended, an Intersection Safety and Operational Assessment Process (ISOAP) would be required prior to Caltrans' consideration of intersection modifications within State right-of-way.

   The ISOAP Guide provides a data-driven, performance-based framework incorporating the Safe System Approach to screen intersection strategies and identify optimal solutions for new or improved intersections. ISOAP objectively helps select intersection control and geometric designs for the expected users within the context of an intersection's location.

If you have any other questions, please call or email: Keyomi Jones, Associate Transportation Planner at (559) 981-7284 or keyomi.jones@dot.ca.gov.

Response 2b-3

The comment is noted for the benefit of the decision-makers.

Letter #3 February 28, 2025, Jennifer Laird, City of Fresno

Comment 3-1

Good Afternoon:

The City of Fresno is preparing comments regarding the Draft EIR for the CEMEX Rockfield Quarry. At this time, we are requesting copies of the Unclassified Conditional Use Permit Application Nos. 3666 & 3667.

I am unable to locate them.

Response 3-1

County staff provided the requested documents to commenter on March 4, 2026. See Comment Letter #11 for the City of Fresno's comments on the Draft EIR.

Letter #4 February 28, 2025, Jamie Silva, Central Valley Flood Protection Board

Comment 4-1

The Central Valley Flood Protection Board (Board) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Proposed Modification to the Existing CEMEX

Rockfield Quarry (EIR No. 7763 and Unclassified Conditional Use Permit Application Nos. 3666 and 3667) Project (proposed project).

The proposed project involves the continuation and modification of its current aggregate (rock, sand, and gravel) mining and processing operation in two project stages that are estimated to span 100 years. The proposed project is located along the San Joaquin River, a regulated stream and designated floodway that is within the Board's permitting authority, therefore an encroachment permit may be required. Board permit information is available on the Permitting page at the Central Valley Flood Protection Board website.

Please include the Central Valley Flood Protection Board encroachment permit regulatory setting under heading 4.10.2.2 State.

California Code of Regulations, Title 23 provides standards that govern the design and construction of projects that affect the flood control works and floodways. Board staff recommends that you review Title 23 Standards, including Sections 112 (Streams Regulated and Nonpermissible Work Periods), 116 (Borrow and Excavation Activities – Land and Channel), and 130 (Patrol Roads and Access Ramps). Any deviation or variation from these standards will require approval from the Board.

Responsibility of the Central Valley Flood Protection Board

The Board is the State's regulatory agency responsible for enforcing appropriate standards for the construction, maintenance, and operation of the flood control system that protects life, property, and habitat in California's Central Valley. The Board operates under authorities as described in California Water Code (Water Code), which requires the Board to oversee future modifications or additions to facilities of the State Plan of Flood Control (SPFC).

Encroachment Permit

Per California Code of Regulations, Title 23, Waters, Division 1 (Title 23), Section 6, approval by the Board is required for all proposed work or uses, including the alteration of levees within any area for which there is an Adopted Plan of Flood Control within the Board's jurisdiction. In addition, Board approval is required for all proposed encroachments within a floodway, on adjacent levees, and within any Regulated Stream identified in Title 23, Table 8.1. Specifically, Board jurisdiction includes the levee

section, the waterward area between project levees, a minimum 10-foot-wide strip adjacent to the landward levee toe, the area within 30 feet from the top of bank(s) of Regulated Streams, and inside Board's Designated Floodways. Activities outside of these limits which could adversely affect Federal-State flood control facilities, as determined by Board staff, are also under the Board's jurisdiction. Permits may also be required for existing unpermitted encroachments or where it is necessary to establish the conditions normally imposed by permitting, including where responsibility for the encroachment has not been clearly established or ownership or uses have been changed.

Flood Impacts Analysis

Pursuant to Section 15 of Title 23, the Board may deny an encroachment permit if the proposed project could:

- Jeopardize directly or indirectly the physical integrity of levees or other works • Obstruct, divert, redirect, or raise the surface level of design floods or flows, or the lesser flows for which protection is provided
- Cause significant adverse changes in water velocity or flow regimen
- Impair the inspection of floodways or project works
- Interfere with the maintenance of floodways or project works
- Interfere with the ability to engage in flood fighting, patrolling, or other flood emergency activities
- Increase the damaging effects of flood flows
- Be injurious to, or interfere with, the successful execution, functioning, or operation of any adopted plan of flood control
- Adversely affect the State Plan of Flood Control, as defined in the California Water Code

The Board, as a Responsible Agency under the California Environmental Quality Act (CEQA), will review and consider the environmental effects of the proposed project identified in the DEIR, and will reach its own conclusions on whether and how to approve the project involved (14 CCR 15096, subd. (a)). This includes direct impacts to facilities under construction, as well as indirect impacts from the proposed project to surrounding facilities. Accordingly, the comments herein are intended to

assist in the development of a robust CEQA document capable of supporting the Board's permitting process.

Closing

The potential risks to public safety, including increased flood risks, need to be considered when developing proposed projects that seek to modify flood control works or the hydrology of the water ways. Board staff is available to discuss any questions you have regarding the above comments. Please contact Jordan Robbins at (916) 524-3454, or via email at Jordan.Robbins@CVFlood.ca.gov if you have any questions.

Response 4-1

The project's potential impacts related to flooding hazards are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Impact 4.10-16 beginning on page 4.10-117. The Draft EIR has been revised to add a discussion of California Code of Regulations (CCR) Title 23 standards related to projects that affect floodways including the Central Valley Flood Protection Board's encroachment permit and flood impacts analysis process. This discussion was added to Draft EIR Section 4.10.2.2, "State," which begins on page 4.10-66. See Chapter 3, "Draft EIR Errata," of this Final EIR, to view this and other proposed revisions to Draft EIR Section 4.10.

Letter #5 March 7, 2025, Bryan Rock, Central Valley Flood Protection Board

Comment 5-1

Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff has reviewed Draft Environmental Impact Report (DEIR) No. 7763 for the RMC Pacific Materials, LLC (CEMEX) Rockfield Quarry Modification Project. According to the DEIR's description, CEMEX plans to modify and expand its current aggregate mining and processing operations along the San Joaquin River near Friant in Fresno County (Project). The proposed Project will affect operations at two existing locations identified as the Quarry site and the Plant site.

The proposed Project will be implemented in two stages. During Stage One, CEMEX proposes to extend mining operations at the Quarry site to mine the hard rock deposit.

The mining, which will include drilling and blasting, will extend to a final depth of approximately 600 feet. In addition, CEMEX will construct a new aggregate processing plant at the Quarry site to wash, screen, crush, and sort the mined hard rock. At the Plant site, mining operations will be extended to a final depth of

approximately 85 feet before the area is reclaimed as open space and riparian habitat. Aggregate processing operations will continue at the Plant site during this period. In addition, CEMEX will replace the existing asphalt plant at the Plant site with a new hot-mix asphalt plant. Stage One is estimated to span 30 years and increase annual aggregate production from the current 1.4 million tons per year to eventually 3.0 million tons per year.

Stage Two is proposed to span an additional 70 years. During Stage Two, aggregate production will continue only at the Quarry site with a sustained volume of about 3.0 million tons per year. Also, during Stage Two, the ready-mix concrete plant and hot-mix asphalt plant will be relocated to the Quarry site, near the new aggregate processing plant, and all processing operations will take place at the Quarry site.

Response 5-1

The comment accurately describes the proposed project.

Comment 5-2

The Central Valley Water Board is responsible for protecting the quality of surface waters and ground waters of the State; therefore, our comments will address issues related to water quality matters only. The following sections discuss various programs and/or requirements applicable to the proposed Project.

Waste Discharge Requirements (WDRs)

The Central Valley Water Board originally commented on the Notice of Preparation for the proposed Project in a letter dated 3 July 2020 (attached). In our letter we identified that the discharge of process wastewater from the existing aggregate processing plant at the Plant site is subject to regulation under individual waste discharge requirements (WDRs). WDRs Order 90-083 currently regulates the discharge of wastewater from the aggregate processing plant to onsite settling ponds at the Plant site. As discussed in our previous comment letter, WDRs Order 90-083 will need to be updated to reflect the changes outlined in the proposed Project.

In accordance with Water Code section 13260, CEMEX is required to submit a complete Report of Waste Discharge (RWD) to the Central Valley Water Board at least 140 days prior any material change or increase in the discharge as a result of the proposed Project. The RWD must characterize and evaluate all discharges of waste that may occur at the properties, including the discharge of aggregate

wash water, ready-mix concrete wash water, and any wastewater generated at the hot-mix asphalt facility. The DEIR should clearly specify that that applicant will need to submit a RWD to the Central Valley Water Board to address changes in its operation before the proposed Project can proceed.

At a minimum the RWD should include:

1) A Form 200 signed and certified by a duly authorized person at CEMEX

2) A Technical Report that identifies all waste handling and storage areas for both solid and liquid wastes from all processing operations (i.e., aggregate processing plant, ready-mix concrete plant, and hot-mix asphalt plant) at both locations, and describes the treatment process and characterizes the discharge from the new aggregate processing plant at the Quarry site.

3) Discuss how the proposed Project's expanded operations will comply with the Salt and Nitrate Control Programs. Information on the Salt and Nitrate Control Programs can be found on the website at:

https://waterboards.ca.gov/centralvalley/water_issues/salinity/

Note that the Nitrate Control Program is a prioritized program. The proposed Project is within Groundwater Basin 5-22.08 (San Joaquin Valley – Kings), and in a Priority 2 portion of the basin/sub-basin. Dischargers in Priority 2 basins were issued Notices to Comply in December 2023. Some sand and gravel facilities within the Central Valley have been determined to be exempt from the Nitrate Control Program because the typical washing process at aggregate processing plants does not appear to result in increased nitrogen concentrations in the discharge. However, the proposed Project will include hard-rock blasting at the Quarry site, which may introduce materials such as ammonium nitrate fuel oil and other nitrogen containing compounds as blasting agents, which could potentially impact groundwater through the storage and handling of wastewater from aggregate processing operations. Therefore, the RWD should include a Nitrogen Source Evaluation to identify known or potential sources of nitrogen in the proposed discharge from the aggregate processing plants and dewatering water from the Quarry Site mine pits and evaluate the potential impact on underlying groundwater.

The Technical Report and Nitrogen Evaluation accompanying the RWD must be prepared and certified by a person registered to practice in California pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1.

Response 5-2

WDRs Order 90-083 is described in Section 4.10, "Hydrology and Water Quality," on Draft EIR page 4.10-67, second paragraph. The state's Salt and Nitrate Control Program is described on Draft EIR page 4.10-72. The discussion of Impact 4.10-1, beginning on Draft EIR page 4.10-88, acknowledges that the Operator would be required to update the operation's existing Stormwater Pollution Prevention Plan (SWPPP) and WDRs Order 90-083 based on the proposed project and describes the update process consistent with this comment and the Central Valley Board's 2020 NOP comment letter (see Comment Letter #5 enclosure).

The project's NOP comment letters were not included in the Draft EIR appendices. As such, Appendix A-3, "NOP Comment Letters," has been added. See Chapter 3, "Draft EIR Errata," of this Final EIR, to view this proposed revision to the Draft EIR.

Comment 5-3

Construction and Industrial Storm Water General Permits

Dischargers whose project disturbs one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs more than one acre, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit Order No. 2022-0057-DWQ). Construction activity subject to this permit includes cleaning, grading, grubbing, and disturbances to ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line grade or capacity of the facility. The Construction General Permit requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

Storm water discharges associated with specific industrial activities, including some mining and mineral processing activities, must comply with the regulations contained in the Industrial Storm Water General Permit Order 2014-0057-DWQ.

Information on the Construction Storm Water General Permit and the Industrial Storm Water General Permit can be found on the State Water Resources Control Board website at:

https://waterboards.ca.gov/water_issues/programs/stormwater/construction.html

https://waterboards.ca.gov/water_issues/programs/stormwater/industrial.html

Response 5-3

A summary of the requirements of the National Pollutant Discharge Elimination System (NPDES) Construction General Permit and Industrial General Permit is provided on Draft EIR pages 4.10-67 to 4.10-70. The discussion of Impact 4.10-1, beginning on Draft EIR page 4.10-88, acknowledges that the proposed project activity would require coverage under the NPDES and describes which project activities would be covered under which permit.

Comment 5-4

Dredge and Fill Permitting for Discharges to Waters of the United States and/or Waters of the State

If the Project includes the discharge of dredge and/or fill material to wetlands and/or to non-wetland waters (e.g., creek, river, pond, etc.), CEMEX must submit an application to the Central Valley Water Quality Board for such discharges. The State Water Resources Control Board and Central Valley Water Board (collectively, Water Boards) have the authority to regulate the discharge of dredged or fill material under section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act. Dischargers that obtain a federal permit or license that authorizes impacts to waters of the United States (i.e., waters that are within federal jurisdiction), such as section 404 of the Clean Water Act and section 10 of the Safe Rivers and Harbors Act, must obtain certification from the Water Boards to ensure that the discharge does not violate state water quality standards or any other appropriate requirements of State law. When a discharge is proposed to waters outside of federal jurisdiction, the Water Boards regulate the discharge under Porter-Cologne Water Quality Control Act through the issuance of WDRs.

Response 5-4

A description of the existing Wetlands and Waters of the State identified on the project sites is provided at Draft EIR Section 4.4.1.7, "Wetlands and Waters of the State," beginning on page 4.4-19. Discussion of the Porter-Cologne Water Quality Control Act and the 401 Water Quality Certification and Wetlands Program is provided in Section 4.4.2.2, beginning on page 4.4-39 and also in Section 4.10.2.2, "State," beginning on page

4.10-66. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response.

Comment 5-5

The State Water Resources Control Board adopted the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (Procedures), which became effective on 28 May 2020. Applications for dredge/fill activity and the processing of applications must comply with the Procedures. The Procedures require, among other things, a project applicant to conduct a delineation of waters, including wetlands, in an aquatic resource delineation report. The delineation must be performed as specified in the Procedures. The Procedures also require, in some instances, an alternatives analysis to identify the Least Environmentally Damaging Practicable Alternative. Even if a project is determined to be exempt from the Procedures' alternatives analysis requirement, the applicant must, at a minimum, demonstrate a sequence of actions has been taken to first avoid, then to minimize, and lastly compensate for adverse impacts that cannot be practicably avoided or minimized to waters of the state.

Information supporting the Procedures including an implementation guidance document can be found here:

https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html.

Other resources for applicants, including the application form and fee information can be obtained here:

https://www.waterboards.ca.gov/water_issues/programs/cwa401/

Thank you for the opportunity to comment on this Project. For questions related to waste discharge requirements and submittal of the RWD, please contact Katie

Carpenter at (559) 445-5551 or by email at Katie.Carpenter@waterboards.ca.gov. For questions related to storm water permits or dredge/fill permitting please contact Matt Scroggins at (559) 445-6042 or by email at Matt.Scroggins@waterboards.ca.gov.

(see Appendix M, "Draft EIR Comment Letters," for a copy of the July 3, 2020, letter referenced).

Response 5-5

The comment is a copy of the Central Valley Board's 2020 comment letter submitted during the Notice of Preparation public comment period for the proposed project. This letter was considered during preparation of the Draft EIR and information about each of the referenced regulatory programs is addressed in the Draft EIR as discussed in previous responses.

Letter #6 March 7, 2025, Karl Stock, Regional Director U.S. Bureau of Reclamation, Department of the Interior

Comment 6-1

Dear Mr. Randall,

The U.S. Bureau of Reclamation (Reclamation) is submitting this comment letter regarding the County of Fresno's Draft Environmental Impact Report (DEIR) 7763 for the CEMEX Rockfield Quarry: Rockfield Modification Project (proposed project).

The mission of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public. Reclamation has extensive infrastructure that is operated in the San Joaquin Basin in support of this mission, including the Friant Division of the Central Valley Project (CVP), which could be impacted by this proposed project. In addition, Reclamation is implementing the San Joaquin River Restoration Program (SJRRP) in accordance with the San Joaquin River Restoration Settlement and the San Joaquin River Restoration Settlement Act (Act), included in Public Law 111-11. The proposed project is located within the SJRRP Restoration Area and has the potential to impact Reclamation's successful implementation of the SJRRP.

With these responsibilities and interests in mind, Reclamation appreciates the County of Fresno's (County's) efforts on the proposed project and consideration of the agency's comments. General comments are provided herein, and specific comments are provided in the attached technical comment spreadsheet.

Response 6-1

This introductory comment describes Reclamation's mission, its role in implementing the San Joaquin River Restoration Program (SJRRP), and its interest in the proposed project due to the project's location within the SJRRP Restoration Area and potential to affect program implementation. This comment does not raise specific issues regarding the adequacy of the Draft EIR. Specific comments are addressed in the responses that follow.

Comment 6-2

Existing Conditions

Reclamation is concerned that the environmental setting does not adequately describe the physical environmental conditions in the vicinity of the proposed project, as required by Section 15125(a) of the California Environmental Quality Act (CEQA), and requests a complete description of the following resources be included in the description of the environmental setting:

a. Terrestrial and aquatic wildlife, including species listed in accordance with the Endangered Species Act, that may be present in the vicinity of the proposed project

Response 6-2

The commenter does not state what is missing from the description to meet the CEQA requirements. Terrestrial species are described under Draft EIR Section 4.4.1.3, "Vegetation," which covers vegetation and onsite habitats, while Section 4.4.1.4, "Wildlife," describes wildlife, fish and other species. Further details are provided in the Draft EIR Appendix E-1, "Plant Site Habitat Assessment," and Appendix E-2, "Quarry Site Habitat Assessment," with habitat assessments for both the Plant Site and Quarry Site. As no specific shortfalls are noted, no updates are recommended.

Comment 6-3

b. The existing impacted hydrology of the San Joaquin River (SJR)

Response 6-3

The environmental setting of the project sites is discussed in Draft EIR Section 4.10, "Hydrology and Water Quality," and provides sufficient contextual information about the project sites to meet the requirements of CEQA Guidelines Section 15125. The general project description provided in Draft EIR Chapter 2, "Project Description," details the proximity of the San Joaquin River several times, sufficiently disclosing the project site's regional setting (see Sections 2.4.1 and 2.4.5 of the Draft EIR).

Draft EIR Section 4.10.1, "Environmental Setting," which discusses the environmental setting for the hydrological resources of the project area, provides the following information: climate and precipitation within the region, topography of the project sites, surface water drainage, an image of current regulatory floodways and floodplains, the current level of erosion and sedimentation along the San Joaquin River adjacent to the project sites, flood hazards, surface water quality, groundwater conditions, and groundwater-surface water interaction. The information provided in Draft EIR Section

4.10 is based upon detailed hydraulic analyses (Draft EIR Appendix G-1, "Hydraulic Analysis"), the *Surface Runoff and Drainage Plan* (Draft EIR Appendix G-2, "Surface Runoff and Drainage Plan"), groundwater conditions reports (Draft EIR Appendix G-3, "Groundwater Conditions at the Plant Site," and Appendix G-4, "Groundwater Conditions at the Quarry Site"), and Appendix G-5, "Hydrology and Water Quality Analysis Report," and the Appendix G-6, "Addendum to: Revised Hydrology and Water Quality Analysis Report," of the Draft EIR. See Final EIR Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10 and associated technical appendices. The discussion of the proximity of the river to the project sites in the Project Description and the detailed environmental setting provided for the hydrological resources section of the Draft EIR include sufficient details for the purposes of CEQA Guidelines Section 15125. It should also be noted that the Draft EIR analyzes potential impacts to water quality, including the San Joaquin River, and concludes that the project would not significantly impact the San Joaquin River (See Section 4.10.4, "Project Impacts and Mitigation Measures," of the Draft EIR).

Comment 6-4

c. Actions being taken to implement the SJRRP, including:
   1) Reintroduction of Central Valley (CV) spring-run Chinook salmon (Oncorhynchus tshawytscha)
   2) SJRRP flows that offset existing impacts to the river and CV spring-run Chinook salmon

Response 6-4

Draft EIR Table 4.4-1, "U.S. Bureau of Land Management Visual Quality Inventory and Evaluation Chart," describes those species that are known to occur in the project area. Central Valley (CV) spring-run Chinook salmon is described in Impact 4.4-6, beginning on Draft EIR page 4.4-62, and a blasting specific analysis is provided to determine if blasting would potentially cause impacts to the various life stages of salmon (see Appendix E-4, "Effects of Blasting on Fish"). However, the species was inadvertently omitted from Table 4.4-1. As shown in Final EIR Chapter 3, "Draft EIR Errata," a detailed description of Central Valley Chinook salmon has been added to the setting description of Section 4.4, "Biological Resources," and both fall-run and spring-run chinook salmon were added to Table 4.4-1.

Comment 6-5

d. The Plant Site river water delivery ditch (delivery ditch) and its connection to Little Dry Creek

Response 6-5

See Response 67-18, which concludes that Little Dry Creek is a tributary of the San Joaquin River (Draft EIR page 2-23) and that the project does not propose expansions or alterations in the existing water system (i.e., there are no changes in the baseline conditions surrounding surface water usage) (see information most relevant to the baseline on pages 4.10-23 through 4.10-49 of the Draft EIR), which includes a description of Little Dry Creek and the water conveyance system.

Comment 6-6

Reclamation also requests that a projected future conditions baseline be included in addition to existing conditions for hydrologic impact analyses, as provided for in CEQA Section 15125(a)(1). The DEIR groundwater section and adaptive management plan assume future groundwater conditions will be similar to existing conditions. However, the ongoing implementation of the SJRRP involves increased flows down the SJR, which will elevate the river stage, increase the river's connectivity with adjacent groundwater, and increase groundwater levels in some locations. Because current conditions are the only baseline used in the analysis of impacts and as a measure of future impact in the adaptive management program, the hydrologic impacts of the proposed project are likely underestimated and would be involuntarily subsidized by SJRRP flows, negatively impacting the implementation of the SJRRP and Reclamation's water rights. The analysis should include impacts based on future SJRRP flows and the adaptive management program should be designed in a way that future SJRRP flows are not impacted by operation of the proposed project.

Response 6-6

See Collective Response #25, which concludes that connectivity conditions with the San Joaquin River indicate that interconnected surface water is not present at the project sites.

Comment 6-7

Holding Contracts and Water Rights

Reclamation is concerned with the applicant's described use of the Holding Contract for this project. Reclamation provides the following comments solely to inform the applicant's environmental review. Reclamation reserves all rights, claims and defenses available to the U.S. under the Holding Contracts.

a. The DEIR improperly points to Holding Contract #15 as a water right; a Holding Contract does not purport to be a water right

nor is it a water supply contract for CVP water. Reclamation could not locate any water right associated with any CEMEX parcel and no water use reports could be located in the State electronic Water Rights Information Management System database. The State of California has required all water right claimants to have claims on file and submittals of annual use since 2006. The applicant should provide evidence that it may lawfully divert water as described in the DEIR.

b. In addition, and assuming the applicant can demonstrate authorization to divert water as described in the DEIR, Holding Contract #15 obligates the water user to return any water used for specified industrial purposes to the river free of pollution and/or contamination. The applicant should provide evidence that they are able to return the water to the river free of pollution and/or contamination. It appears the applicant is proposing to capture river flows in the Quarry Site that contain hazardous materials as a flood reduction strategy. This approach would create unnecessary pollution risk and divert water supplies into the quarry that would otherwise be available for other water users. All flood flows should be routed away from the site. The project proponent should also confirm with the State Water Resources Control Board that this action would conform with the Governor's order regarding the use of flood flows for groundwater recharge.

Response 6-7

The Draft EIR evaluates the potential impacts of the proposed project on the environment, per CEQA requirements. The nature of an almost 80-year-old federal Holding Contract and the status of water rights, including long-existing riparian rights, are not environmental impacts that are addressed under CEQA. EIRs are not intended to adjudicate water rights.

Further, the Draft EIR provides that no polluted or contaminated water is returned to the San Joaquin River, as once the water that is delivered from the river water delivery ditch is utilized, the wash water would continue to be sent to silt ponds, which would be recycled back to the plant as process water (see Draft EIR Section 4.10.3.2, "Analysis Methodology," page 4.10-86).

Finally, the comment incorrectly alleges that all flood flows should be routed away from the project sites. Impact 4.10-16 (Draft EIR pages 4.10-117 through 4.10-118) determined that the project would not alter drainage patterns in a manner which would impede or redirect flood flows. Impact 4.10-17 (Draft EIR pages 4.10-118 through 4.10-119)

determined that the enlarged mining excavation could help contain and minimize downstream flooding, which would reduce the overall potential for release of pollutants, including sediment. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10, "Hydrology and Water Quality." This comment does not provide substantial evidence that the Draft EIR's evaluation of these potential impacts are inadequate.

Comment 6-8

Floodplain Analysis

Reclamation has serious concerns about the use of an alternative floodplain map in the hydrologic impact analysis. The current Federal Emergency Management Agency (FEMA) map shows portions of both the Quarry Site and the Plant Site to be located within the 100-year floodplain. Given the proposed project's 100-year life, that would mean the project sites have a 63% chance of flooding within the project lifetime and a 38% chance of experiencing a 200-year flood during the proposed project's 100-year life (NOAA's National Weather Service, n.d.). The DEIR uses an alternative floodplain map, which does not show the Quarry Site to be located within the floodplain, as the basis for the analysis of impacts of the proposed project. Reclamation has several concerns with this approach:

a. The alternative map does not appear to have been peer reviewed or accepted by FEMA as an official amendment to the currently effective Flood Insurance Rate Map through a Letter of Map Revision (LOMR). Use of an alternate floodplain map that has not been approved through FEMA floodplain mapping is insufficient evidence to demonstrate that the Quarry Site would not be impacted by a 100-year flood event.
b. The 2022 public draft of the Central Valley Flood Prevention Plan Technical Analyses Summary Report (2022 CVFPPT draft technical analyses) (Department of Water Resources, 2022) includes climate change flood frequency analyses for low, medium, and high climate change impact scenarios in 2072. As a part of the analyses, it identifies the change in peak flows for the 1997 flood under the respective climate change conditions. It found that at the Gravelly Ford gage, the projected change in peak flows would increase 132% under the low scenario, 162% under the medium scenario, and 208% under the high scenario (Table 5.6). This data strongly suggests flood forecasts will increase in magnitude over the life of the proposed project.

Response 6-8

As stated in Response 65-22, Figure 4.10-1, "Current and Regulatory Floodways and Floodplains," of the Draft EIR depicts the current and regulatory floodways and floodplains for the project sites. As explained in the Draft EIR, because the FEMA studies underlying the Flood Maps dated from 1981 to 1998, an updated hydraulic analysis was completed (see Draft EIR Appendix G-1). The updated analysis used the 2009 FEMA Flood Insurance Rate Maps and estimated floodplain changes resulting from physical changes within and surrounding the project sites, "particularly changes that occurred as a result of the development of berms along the project sites' boundaries" (Draft EIR pages 4.10-15 through 4.10-16; see also Draft EIR Appendix G-1, page 2). An updated hydraulic analysis (in Appendix G-1) was completed to estimate floodplain changes that have occurred as a result of physical changes within and surrounding the project sites, "particularly changes that occurred as a result of the development of berms along the project site's boundaries" (Draft EIR page 4.10-16). In other words, the FEMA studies had to be updated to reflect the development of berms and other features. The analysis methodology is summarized in the Draft EIR in Section 4.10.3.2 and is set out in detail in Appendix G-1. The comment does not cite to or provide any analysis as to why Draft EIR Appendix G-1 and the summary contained in the Draft EIR in Section 4.10.3.2 are inaccurate. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10 and Appendix G.

According to FEMA's Flood Insurance Study Fresno County and Flood Insurance Study Madera County, the San Joaquin River floodplain between State Highway 99 and Friant Dam was determined from a 1999 California Department of Water Resources study. The cross-section data was from 1989 aerial photography at a 4-foot contour interval. Therefore, the FEMA study is based on 36-year-old topography with moderate resolution.

More up-to-date hydraulic analyses were performed for the project based on 2018 mapping at a 2-foot contour interval. The analyses are included in a Hydraulic Analyses report that was peer reviewed by the County. The project analyses yield more accurate results than the older FEMA data.

As provided in Response 58-25, the impacts of climate change to the floodplain are not required to be analyzed in an EIR. Specifically, the California Supreme Court held that the purpose of an EIR is "to analyze the 'environmental effects' of a project … not … the environment's effects on a project" (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 392; Citing PRC Sections 21002 and 21002.1(c)). In response to comments and in accordance with the Fresno County General Plan (2024), Chang Consultants conducted hydraulic analyses evaluating the 200-year

flood event, a more rare and severe flood event, which demonstrate that the 200-year flood would neither enter the Quarry Site nor the Plant Site (see Appendix G-7, "200-Year Hydraulic Analysis for CEMEX Rockfield Modification Project—Quarry Site," and Appendix G-8, "200-Year Hydraulic Analysis for CEMEX Rockfield Modification Project—Plant Site").

Comment 6-9

The applicant's less conservative approach increases the risk that flood water will enter the proposed project sites without impact assessments or mitigation measures. Until FEMA has accepted the applicant's alternative floodplain map through a LOMR, the official FEMA map should be used for all hydrologic analyses in the DEIR. Should the County move forward with the applicant's HEC-RAS model approach, Reclamation recommends running larger flood events, such as those anticipated in the 2022 CVFPPT draft technical analyses, to understand the risk of large flood events affecting the proposed project by connecting the river to the Quarry Pit and potentially polluting the SJR.

Response 6-9

As explained in Response 6-8, since the FEMA studies on which the Flood Maps were based were from 1981 to 1998, an updated hydraulic analysis was completed (see Draft EIR Appendix G-1; see also Final EIR Chapter 3, "Draft EIR Errata," for revisions to this technical appendix) to determine floodplain changes, which also utilized the 2009 FEMA Flood Insurance Rate Maps that delineated the areas of known special flood hazards and associated applicable risks to the community near the project sites (Draft EIR pages 4.10-15 through 4.10-16; see also Draft EIR, Appendix G-1, page 2). Specifically, more up-to-date hydraulic analyses were performed for the project based on 2018 mapping at a 2-foot contour interval. The analyses were included in a Hydraulic Analyses report that was peer reviewed by the County. The project analyses would yield more accurate results than the older FEMA data.

Finally, with regard to "larger flooding events," which the commenter does not define, "[w]hile a lead agency must use its 'best efforts' to evaluate environmental effects, including the use of reasonable forecasting, 'foreseeing the unforeseeable' is not required, nor is predicting the unpredictable or quantifying the unquantifiable" (see *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1060–1061; citing Guidelines, Section 15064, subd. (d)(3)).

Comment 6-10

In either case, the current analysis based on the alternative map does not include an analysis of direct or indirect impacts from overland flooding into the Quarry Site. Since the proposed project is within the FEMA 100-yr floodplain and is highly likely to experience a large flood during the proposed project life, an analysis of effects of overland flooding to the Quarry Site should be included in the DEIR.

Response 6-10

As explained in Response 6-8, the current hydraulic analysis contains a detailed analysis of the San Joaquin River floodplain based on up-to-date data. The results show that the 100-year floodplain would not enter the quarry, so associated overland flooding would not occur. Accordingly, the Draft EIR addresses the issues raised by the comment, and the comment does not provide any evidence that these conclusions are inaccurate.

Comment 6-11

Impact Analyses

Reclamation is concerned the DEIR provides an incomplete impact analysis for several resource categories as further described below.

Response 6-11

This introductory comment expresses concern that the Draft EIR provides incomplete impact analyses for certain resource areas. This comment does not raise specific issues regarding the adequacy of the Draft EIR. Specific comments are addressed in the responses that follow.

Comment 6-12

Geology and Hydrology

Reclamation is concerned that the analysis presented in the DEIR has an antiquated understanding of SJR hydrology and understates the current and future connectivity between the SJR and the Quarry Pit. The analysis presented provides limited data comparing the river stage and groundwater levels and does not evaluate the river at higher stages as are expected with continued implementation of the SJRRP. In addition, connectivity may be greater than anticipated due to local variation in rock fracturing not characterized in the exploratory borings. Supplemental analysis should be completed to better understand the connectivity between

the river and the Quarry Site so that appropriate mitigation can be developed and implemented.

Response 6-12

In addition to the discussion below, see also Response 62-2 and Collective Response #25.

Appendix B of the "Funding Constrained Framework for Implementation," of the SJRRP (https://www.restoresjr.net/?wpfb_dl=2159) describes several flow scenarios to be implemented with peak flow rates in the range of 2,500 cubic feet per second (cfs) for Stage 1 of the SJRRP. These flow scenarios have durations of 20, 40, or 60 days in the spring months (February to May). Full implementation of the SJRRP after Stage 1 could see flows during these short-duration periods of up to 5,000 cfs. However, it is important to note that appreciable additional work would be required to allow flows of that magnitude to consistently pass through certain reaches of the river.

Figure 12 of Appendix G-5 of the Draft EIR shows that during 2017 and 2019, flows equal to or greater than 2,500 cfs occurred for durations comparable to or longer than the SJRRP Stage 1 flow scenarios described in the above paragraph. The analysis presented in Section 4.10 and Appendices G-5 and G-6 of the Draft EIR demonstrate that flows of those magnitudes and durations did not have any significant effect on groundwater levels at the Quarry Site and Plant Site areas. As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the project area.

Comment 6-13

It does not appear that an analysis was conducted of impacts of Plant Site pumping on the SJR. The SJR is approximately 800 feet from the Plant Site. Little Dry Creek, which provides tributary flows to the SJR, is within 200 feet of the Plant Site. Please provide an analysis as to how the lowering of the groundwater table around the Plant Site will impact flows in the surface tributaries and include this additional impact determination in the DEIR.

Response 6-13

In addition to the discussion below, see also Collective Response #25.

Comment 6-13 substantially misrepresents the distance from the Plant Site to both the San Joaquin River and Little Dry Creek. At its nearest point, the Plant Site area is more than 2,500 feet from the San Joaquin River, while Little Dry Creek is no closer than 500 feet to the Plant Site (see Google Earth screen capture images below).

As described in Collective Response #25, consistent with the findings in the 2025 Update to the North Kings Groundwater Sustainability Plan, there are no surface water bodies interconnected with groundwater, and no groundwater dependent ecosystems, in the Plant Site vicinity due to the depth to groundwater in the area. Thus, lowering of the groundwater surface during dewatering at the Plant Site would not alter the flows in the San Joaquin River and Little Dry Creek.

Comment 6-14

In the analysis it is stated that the Friant-Kern Canal (FKC) is the primary contributor of groundwater in the area and compares maximum canal flows that only take place in wet years to median river flows in support of this claim. The FKC is lined and over a mile away from this location, while the river is only 200 feet from the site. Comparing maximum canal flows that only take place in wet years to median river flows does not account for temporal, hydrologic, or geographic factors. Please provide a supplemental analysis to verify this assumption or otherwise amend it.

Response 6-14

There are several factors that support the conclusion that most of the groundwater flow in the underlying hard rock may come from leakage from the Friant Kern Canal. As discussed in Appendix G-5 of the Draft EIR, the groundwater contours show that there is a significant component of flow from the northeast (Draft EIR, Appendix G-5, page 32). In addition, groundwater data from offsite wells and Quarry Site wells, and Quarry dewatering data, show that percolation of rainfall on and upgradient of the Quarry Site has a substantially greater effect than flows in the river, indicating that the primary source of recharge is located upgradient away from the river (Draft EIR, Appendix G-5, pages 21 through 26). In addition, the Water Budget presented in Table 11 of Appendix G-4 of the Draft EIR shows that over the life of the project, groundwater inflow into the Quarry Site would range from 170 acre-feet per year to 255 acre-feet per year. These inflow rates are equivalent to 0.23 cubic feet per second (cfs) to 0.35 cfs. These values are miniscule compared to the rate of canal flows and to river flows. Since the groundwater contours indicate that much of the groundwater flowing under the Quarry Site area comes from the northeast, the canal is the most likely source.

Comment 6-15

Water Quality

As currently proposed, water pumped from the sites would either directly, or after other uses, be placed into recharge pits and trenches adjacent to the site. However, there is no water quality

treatment proposed to take place prior to placement in settling and recharge vessels. If water that exceeds water quality standards for surface or groundwater is placed in the trenches, it has the potential to contaminate existing groundwater supplies and percolate into the SJR, impacting aquatic species such as CV spring-run Chinook salmon. An analysis should be conducted on the proposed project's potential to contaminate river water from recharge operations.

To the extent long-term recharge operations at the Quarry Site would be generated from pumping of the pond, pond water quality should be analyzed in greater detail to disclose what constituents would be put into the recharge trenches from the pond. The Quarry Site Pond should be monitored for water quality concerns in a similar fashion to the Plant Site Pond and, if water quality standards are exceeded, mitigation measures should be implemented, including but not limited to, installation of an aeration or oxygenation system in the Quarry Site Pond.

Response 6-15

In addition to the discussion below, see Response 65-28, which explains that the Draft EIR provides adequate analyses and support for its contention that the groundwater pumped into ponds and trenches, and later reclaimed ponds, would not impact water quality in the San Joaquin River. Additionally, Impacts 4.10-1 and 4.10-4 through 4.10-6 provide analyses for both surface water and groundwater conductivity levels/impacts (see Draft EIR pages 4.10-88 and 4.10-93 through 4.10-100). Furthermore, Mitigation Measure 4.10-5a commits to a detailed plan for monitoring groundwater quality (Draft EIR pages ES-34 through ES-35 and 4.10-95 through 4.10-96).

The project's potential effects related to groundwater and surface water quality were evaluated in Draft EIR Section 4.10 as well as in the *Revised Hydrology and Water Quality Analysis Report* and the *Addendum to: Revised Hydrology and Water Quality Analysis Report* prepared by EMKO Environmental, Inc., and included in Draft EIR Appendix G-5 and G-6, respectively. The following excerpts from the Draft EIR and EMKO Environmental, Inc. reports are provided in response to the United States Bureau of Reclamation's comments.

Based on Draft EIR Section 4.7.1.1, "Geologic Conditions," the project is located within the San Joaquin River basin, characterized by alluvial basin fill that overlies older igneous rocks. More specifically, in the project sites, the surficial geology comprises alluvial sediments, which are derived principally from Sierran granite and granodioritic rocks. These rock types are mapped within the immediate vicinity of the project sites and are the primary resource that would be mined and processed to produce aggregate products.

Because the alluvial basin fill is compositionally derived principally from these plutonic rocks, the mineralogic assemblage of the underlying crystalline rock and the alluvium is compositionally similar and thus can be expected to exhibit common geochemical characteristics, though minor differences in mineral assemblages may be present in the weathered plutonic bedrock. When these types of plutonic rocks weather and undergo alteration, the resultant mineral assemblage is typically iron-rich and aluminosilicate clays and quartz, which are generally considered to be geochemically stable in subsurface hydrogeologic environments under typical pH and alkalinity levels.

Moreover, while the San Joaquin River and alluvial aquifer may be hydraulically connected, some interaction between these waters and groundwater in the bedrock fractures is likely, despite differences in conductivities and transmissivities (see Response 65-32; see also Collective Response #25). The variation in flow conditions is attributed to differences in the head elevations of the alluvium aquifer versus the surface water elevations of the San Joaquin River, and the potentiometric surfaces in the underlying bedrock aquifer, which are controlled principally by the spatial distribution, intensity, and apertures of the fractures in the weathered rock and competent crystalline rock (see Draft EIR, page 4.10-112; see also Draft EIR Appendix G-5, Section 3.2.1, pages 45 through 46). Thus, even where flow interaction among the river, alluvial aquifer and the bedrock differ, the connectivity would be expected to result in baseline conditions of similar water quality characteristics. See Collective Response #25.

Given the geochemical similarities between the San Joaquin River, alluvial aquifer, and groundwater within the fractured bedrock, the water quality would therefore be similar in terms of the existing conditions. With project implementation, recharge of pumped groundwater during mining, as well as storage of process water in the designed basins, is therefore unlikely to have any appreciable effect on background water quality with regard to naturally occurring constituent concentrations, given the proposed water management proposed with this project.

Further, as discussed in the EMKO Environmental, Inc. report, both the Quarry Site and the Plant Site are managed and designed as zero-discharge facilities with respect to offsite discharges (see Draft EIR, Impact 4.10-1 beginning on page 4.10-88). Therefore, the proposed project would not significantly impact surface water quality.

However, as precaution, with respect to the Plant Site, the Draft EIR acknowledges the potential impacts to groundwater quality. As such, Mitigation Measure 4.10-5a includes an adaptive management plan for the Plant Site that requires ongoing sampling and monitoring of conditions within any reclaimed pond that forms after mining or once the

Plant Site is completed, and water is allowed to fill all or part of the excavation (Draft EIR, pages 4.10-96 through 4.10-98).

See Final EIR Chapter 3, "Draft EIR Errata," to view proposed revisions to Draft EIR Section 4.10 and associated technical appendices.

Comment 6-16

Biological Resources

Due to incomplete descriptions of existing conditions and incomplete hydrology, water quality, and other resource impact analyses, there is not currently enough information to complete a biological resources impact assessment since impacts to many of these resources, especially aquatic species, are dependent on other resource impacts. The biological resources analysis should be revised based on inclusion of the information requested above.

Response 6-16

The Draft EIR analyzes the project's impacts to hydrology in Section 4.10. See also Response 6-114, which addresses the cumulative hydrology impacts and Collective Response #25, which addresses the Quarry Site groundwater drawdown in the weathered and hard rock, and Collective Responses #23 and #25, both of which address water quality issues. The Draft EIR, together with the errata and Final EIR, contain sufficient descriptions of existing conditions concerning hydrology, water quality, and all other resources affecting aquatic species.

The commenter does not provide substantial evidence indicating that blasting associated with the project would result in impacts to aquatic species. As explained in Impact 4.4-6, the predicted blasting levels would be well below the applicable thresholds established by the Alaska Department of Fish and Game (ADF&G).

The evaluation and analysis in the Draft EIR concluded that ground vibrations at the crest of the embankment, which is closer than the river's edge, are limited to 0.5 in/sec that is consistent with the ADF&G standard for the protection of embryos in spawning gravels. The Vibra-Tech evaluation also determined the resulting overpressures in the waters of the San Joaquin River due to adjacent blasting would be less than 1 psi. This is significantly below the 2.7 psi limit established for the safety of salmon in the current ADF&G blasting standard.

To more clearly describe the analysis performed and parameters under which blasting would have no effect, the discussion under Impact 4.4-6 on Draft EIR page 4.4-6 is revised in this Final EIR through errata presented in Final EIR Chapter 3, "Draft EIR Errata."

Comment 6-17

Blasting Impacts

The river adjacent to the Quarry Site is a rearing site for juvenile CV spring-run Chinook salmon and an over-summer holding and spawning site for adult CV spring-run Chinook salmon. Although the project proponent's analysis concludes the blasting protocols will have significantly less impacts than those that may "cause harm" such as mortality, it is not possible to verify the field accuracy of the analysis. Blasting impacts greater than those stated in the report may impact fish behavior at various life stages (i.e., juveniles displaced from cover in rearing habitat, adults displaced from holding and spawning habitat) and therefore impact the success of SJRRP. Blasting impacts should be monitored to verify the level of impact.

Response 6-17

The commenter does not offer substantial evidence to support why impacts might occur to fish when the project impacts are below the levels of blasting and impact described in Impact 4.4-6 set a threshold for the project well below those permissible levels set by the Alaska Department of Fish and Game (ADF&G).

The analysis in the Draft EIR concluded that ground vibrations at the crest of the embankment, which is closer than the river's edge, are limited to 0.5 in/sec that is consistent with the ADF&G standard for the protection of embryos in spawning gravels. Vibra-Tech Engineer's evaluation of blasting impacts to fish, provided in Draft EIR Appendix E-4, also determined that the resulting overpressures in the waters of the San Joaquin River due to adjacent blasting would be less than 1 psi. This is significantly below the 2.7 psi limit established for the safety of salmon in the current ADF&G blasting standard. The Blasting Protocols, provided in Appendix H-6 of the Draft EIR, and updated in Appendix H-9 of the Final EIR, outline the blasting thresholds and monitoring requirements for the San Joaquin River embankment.

To more clearly describe the analysis performed and parameters under which blasting would have no effect, the discussion under Impact 4.4-6 on Draft EIR page 4.4-6 is revised in this Final EIR through errata presented in Final EIR Chapter 3, "Draft EIR Errata."

See Collective Response #16 for a further response addressing this topic.

Comment 6-18

Invasive Species

Reclamation is concerned with the potential for invasive aquatic fish species entering the river from the Plant Site Pond, especially should the existing delivery ditch remain in place. The applicant should screen the ditch and ensure the ditch is in no way connected to the Plant Site, even in the event of flooding, to prevent invasive species introduction to the SJR.

Response 6-18

As described in Section 4.4, "Biological Resources," of the Draft EIR, fish species known to occur in the San Joaquin River are the same as those within the Plant Site. Therefore, should any fish from the Plant Site enter the river, it would not constitute a "novel" or new species introduction to the system. Further, levees and berms at the site preclude movement of water off-site except in catastrophic floods that are not reasonably foreseeable and speculative in nature. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.4.

Comment 6-19

Cumulative Impacts

Reclamation is concerned about the cumulative impacts analysis. The SJR has significant cumulative impacts to its hydrology due to existing diversions, as demonstrated by the need for the SJRRP. Therefore, for the purposes of analyzing cumulative impacts to the hydrology of the SJR, cumulative impacts of this proposed project should be determined based on whether the project is cumulatively considerable, not on whether the impact itself is determined to be significant or if the project substantially draws down groundwater. Please revise this analysis.

Response 6-19

The Draft EIR analyzes the project's impacts to hydrology in Section 4.10. Otherwise, see Response 6-114, which addresses the cumulative hydrology impacts and Collective Response #25, which addresses the Quarry Site groundwater drawdown in the weathered and hard rock. See also Final EIR Chapter 3, "Draft EIR Errata," to view revisions to Draft EIR Section 4.10 and supporting appendices.

Comment 6-20

Mitigation Measures

Floodplain Management

Reclamation requests the proposed project develop additional mitigation measures such as enhanced berms, overland flooding hazardous management plans for the site, and plans to put flood waters back into the river free of pollution or other water quality constituents from the sites to avoid and minimize impacts to the SJR in the event of a flood event.

Response 6-20

As explained in Response 6-21, BMPs would be implemented to minimize impacts to the San Joaquin River. The project would also continue to implement the NPDES Permit and SWPPP applicable to the project sites (Draft EIR, Section 4.10.2.2, "State," pages 4.10-69 through 4.10-70). See also Final EIR Chapter 3, "Draft EIR Errata," to view revisions to Draft EIR Section 4.10.

Comment 6-21

Sediment Management

In reviewing Google Earth (n.d.) aerial photography, sediment deposition from the Plant Site into the delivery ditch is visible at times. The delivery ditch is directly connected to Little Dry Creek and the SJR. Plant Site flood protections should be increased as a part of project mitigation measures to maintain the natural channel and prevent the introduction of sediment into the river from the project site.

Response 6-21

Impact 4.20-4 (Draft EIR, Impact 4.20-4, page 4.20-16) analyzes impacts to existing riparian areas; Impact 4.10-15 (Draft EIR, page 4.10-117) indicates that the project would not alter drainage patterns in a manner that would result in on- or off-site flooding or exceed the capacity of the existing storm drainage system. Impact 4.10-16 (Draft EIR pages 4.10-117 through 4.10-118) determined that the project would not alter drainage patterns in a manner which would impede or redirect flood flows. Impact 4.10-17 (Draft EIR, pages 4.10-118 through 4.10-119) determined that the enlarged mining excavation could help contain and minimize downstream flooding, which would reduce the overall potential for release of pollutants, including sediment. Additionally, sediment would continue to be controlled via the project sites' NPDES Permit, SWPPP, and implementation of BMPs (Draft EIR, Section 4.10.2.2, pages 4.10-68 through 4.10-70). The

comment does not provide evidence or argument that the Draft EIR's evaluation of these potential impacts are inadequate.

Comment 6-22

Blasting

The 2013 State of Alaska Department of Fish and Game Blasting Standard (Alaska Blasting Standard) cited by the applicant identifies mitigation monitoring (hydrophones) that should be conducted in conjunction with blasting (Timothy, 2013). Reclamation requests that the applicant adaptively manage blasting for impacts to aquatic life. Reclamation has provided a recommended mitigation approach for consideration:

Year 1 of blasting: Monitor blasting impacts at the river adjacent to the Quarry Site. Depending on monitoring results, implement the following actions:

(1) Below 0.6 pounds per square inch and 0.5 inches per second: no action.
(2) Between 0.6 pounds per square inch-6 pounds per square inch or 0.6 inches per second-2.0 inches per second: implement avoidance and minimization measures outlined in the Alaska Blasting Standard and continue monitoring.
(3) Above 7.3 pounds per square inch or 2.0 inches per second: implement avoidance, minimization, and mitigation measures outlined in the Alaska Blasting Standard and continue monitoring.

At the end of one year of monitoring, re-evaluate the need for monitoring using the following parameters:

(4) If after 1 year, river impacts stay below 0.6 pounds per square inch and 0.5 inches per second, no additional monitoring is needed so long as future blasting techniques don't create additional pressure or other river impacts.
(5) If after 1 year, river impacts have been between 0.6 pounds per square inch-6 pounds per square inch or 0.5 inches per second-2.0 inches per second, continue monitoring and implementing avoidance and minimization measures until 1 year of 0.6 pounds per square inch and 0.5 inches per second measurements.
(6) If after 1 year, river impacts exceeded above 7.3 pounds per square inch or 2.0 inches per second, continue to implement monitoring and avoidance, minimization, and mitigation measures until 1 year of lesser pounds per square inch

measurements are experienced, at which point follow guidance for the range of pounds per square inch and inches per second measurements experienced.

If at any point blasting technique changes so that blasts have the potential to be more impactful to the surrounding land than they were during a 1-year monitoring period where blasts registered below 0.6 pounds per square inch and 0.5 inches per second at the river, river monitoring should take place for the period of higher impact blasting to verify that the new blasting technique does not create additional impacts to the river. So long as impacts of the new blasting technique remain below 0.6 pounds per square inch and 0.5 inches per second at the river, no additional monitoring is necessary for that blasting technique. If the blasting technique creates impacts, either cease the technique or re-enter monitoring, avoidance, minimization, and mitigation measures described above.

As a part of this adaptive management measure, the applicant is encouraged to work with Reclamation to understand when and where various life stages may be present to efficiently apply avoidance, minimization, and mitigation measures.

Response 6-22

Response 6-17 above addressed the same concerns of this comment.

Comment 6-23

Groundwater Monitoring

Reclamation requests the applicant use the MW-2 monitoring well cluster in addition to MW-1 monitoring well cluster in the adaptive management plan for the Quarry Site. This would likely provide additional benefit to the mitigation measure by providing spatial coverage representing the southern portion of the Quarry Site. Infiltration from the river into the excavated site will be highly influenced by localized fracture characteristics, as demonstrated by the airlift permeability testing in hard rock at MW-2; the well's test results were 10 times greater than at MW-1.

Reclamation also requests that baseline conditions for all groundwater monitoring programs be developed so that they can adapt to expected increased baseflow conditions in the SJR associated with the SJRRP. Reclamation requests the opportunity to review and comment on the baseline proposals and to review the annual reports and any impact evaluations produced.

As currently proposed, the adaptive management plan states that if, upon additional assessment it is confirmed "that a decrease in groundwater levels greater than 15 percent is exclusively attributable to mine dewatering, then corrective measures would be implemented" (4.10-109). The burden of proof is inappropriately placed in this circumstance. The applicant should bear the responsibility to prove that their project does not contribute to impacts above 15 percent and, to the extent impacts may be attributable to them, appropriate corrective measures should be implemented. Reclamation recommends amending this in the adaptive management plan.

Response 6-23

The current approach properly allocates responsibility: corrective measures are triggered where project-related dewatering is demonstrated to exceed the 15 percent threshold. Expanding the plan to include non-representative wells or unbounded obligations would not necessarily improve protection of groundwater resources but would instead undermine the scientific rigor and enforceability of the adaptive management framework.

Comment 6-24

200-foot Setback

Reclamation is concerned about using a 200-foot setback from the river for the Quarry Site. There is no justification provided for the applicability of this setback other than preceding permits. The last time the Conditional Use Permits (CUPs) were updated was in 2004 (from the early 1980s), which was prior to the Settlement and Settlement Act that resulted in the SJRRP. Therefore, the 200-foot setback did not consider the SJRRP restoration activities and reintroduction of CV spring-run Chinook salmon. To avoid adversely impacting the implementation of the SJRRP, this buffer should be revised for any subsequent CUPs, including the proposed project. Reclamation recommends that, based on the sensitive special status resources present near the site, the maximum feasible setback be considered.

Response 6-24

The buffer zone suggested in the comment is not feasible given the location of the long existing Quarry Site and the location of the granite deposit which would be mined. Additionally, the Quarry Site's currently permitted buffer zone of 200-feet from the San Joaquin River is a part of the CEQA baseline. While the depth of the pit would be increased, the perimeter of the disturbed areas would not increase.

Comment 6-25

In conclusion, Reclamation does not have enough information to adequately analyze the impacts of the proposed project to the resources the agency manages. Reclamation requests additional information be provided in the DEIR regarding baseline conditions, impact analyses, and mitigation measures, as described above and in the attached technical comment spreadsheet.

Reclamation appreciates the opportunity to comment on this proposed project and the County's consideration of our comments. Please contact Ms. Becky Victorine at rvictorine@usbr.gov with any questions or if there is a need for discussion of these comments in more detail.

Response 6-25

This comment summarizes Reclamation's concerns regarding baseline conditions, impact analyses, and mitigation measures and requests additional information, as described in prior comments and the attached technical comment spreadsheet. The Draft EIR includes descriptions of environmental baseline conditions, impact analyses, and mitigation measures (see, for example, Draft EIR pages 4.10-23 through 4.10-49, page 4.10-85, Table 4.10-3, "Plant Site Surface Water Quality Data," and Mitigation Measure 4.10-10a). Specific comments regarding these topics are addressed in Responses 6-1 through 6-24 above and Responses 6-26 through 6-117 below.

Comment 6-26

[Table Item #1, DEIR PDF Pg. 29, 98]

Comment: The Draft Environmental Impact Report (DEIR) does not include adequate information to determine the effects of the proposed project on all species listed under the Endangered Species Act (ESA) that have the potential to occur in the action area. The Regulatory Setting Section of Chapter 4.4 mentions the ESA but does not provide information on the applicability to this proposed project (i.e. whether consultation with the United States Fish and Wildlife Service (FWS) is required in accordance with Section 7 or Section 10 and if not, why). Recommend the project proponent request an official species list from the FWS and provide information in the analysis on the potential effects of the proposed project on all listed species potentially occurring in the action area and include project-specific information on the applicability of the ESA to the proposed project. Recommend the project proponent provide further information on what coordination is planned with FWS regarding an incidental take statement.

Response 6-26

Section 4.4 of the Draft EIR, "Biological Resources," and supporting studies (Appendix E-1 and E-2), of the Draft EIR provide a detailed analysis of the potential for species listed under the Federal Endangered Species Act (ESA) to occur on the site and/or be impacted by the project. No listed species were determined to have potential to occur within the project sites or be affected by the proposed project. This analysis considered the documented occurrences on and/or adjacent to the sites, habitat within and adjacent to the sites, and the habitat conditions within the sites. Because no species listed under the ESA were found to have the potential to occur on the sites nor be impacted by the project, no consultation pursuant to the ESA is required.

Comment 6-27

[Table Item #2, DEIR PDF Pg. 29, 98]

Comment: Please provide further analysis regarding the baseline conditions of the San Joaquin River (SJR) in the action area and the effects of the proposed project on the Central Valley (CV) spring-run Chinook salmon (Oncorhynchus tshawytscha) being reintroduced to the SJR by the San Joaquin River Restoration Program (SJRRP), as it is not adequately described in the DEIR. The United States Bureau of Reclamation (Reclamation) recommends the project proponents coordinate with all the SJRRP Implementing Agencies, including National Marine Fisheries Service (NMFS), to ensure that the analysis captures the environmental setting accurately and adequately, and that compliance with all applicable environmental laws and regulations are being documented for the proposed project.

Response 6-27

See Collective Response #16. See also Response 58-31 regarding the Draft EIR's description of the existing biological setting at the project site.

As described in Section 4.4 of the Draft EIR and supporting technical studies (Appendices E-1 and E-2), the baseline conditions of the San Joaquin River corridor and adjacent areas were evaluated in detail. As described in the Draft EIR, the project sites are already highly disturbed by ongoing mining activities. The duration of this ongoing disturbance ranges from 30 to more than 100 years. Given this baseline, the proposed project would not have a significant increase in activity and is therefore unlikely to result in significant effects on biological resources. The analysis considered the documented occurrences on and/or adjacent to the sites, habitat values within and adjacent to the sites, as is standard practice

under CEQA. See also Final EIR Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.4.

Comment 6-28

[Table Item #3, DEIR PDF Pg. 35, Impact Table]

Existing Text: Impact 4.1-1 Rock Staining

Comment: If the walls are stained adjacent to the SJR's edge, there is a potential for the stain to seep or spill into the river. Recommend no staining of pit walls unless the project proponent can prevent impacts to the river through product selection and/or application precautions.

Response 6-28

See Collective Response #8 regarding visual impacts and proposed mitigation. As described there and presented in Final EIR Chapter 3, "Draft EIR Errata," Mitigation Measure 4.1-1 has been revised to provide more specific detail. As discussed in Collective Response #8, products commonly used for rock staining in mining applications are not pigments or paints that could erode off the rock surface and enter drainages. Instead, these products chemically react with minerals in the rock, resulting in a permanent, integral color. According to manufacturer specifications, these products are non-toxic and designed for use in natural settings without causing environmental impacts.

In addition, as described in Responses 6-15, 6-51, 6-55, 65-23, and 459-2, the project does not discharge to the San Joaquin River. Potential impacts associated with staining materials reaching the river would therefore be speculative and are not required to be analyzed or mitigated (CEQA Guidelines Section 15064(d)(3)).

Comment 6-29

[Table Item #4, DEIR PDF Pg. 47, Impact Table]

Existing Text: Impact 4.7-7 Result in slope instability.

Comment: The mitigation measures are good efforts to prevent a potential slope failure from occurring but do not address mitigation in the event a failure occurs. There is particular concern over the potential for failure adjacent to the SJR given the constant seepage and groundwater exchange occurring at the riverbanks. A mitigation plan should be included for the instance there is a slope failure in the quarry or the adjacent riverbank.

Response 6-29

As explained in Response 65-37, Mitigation Measures 4.7-6, 4.7-7a, and 4.10-1 adequately address the potential of pit failure and provides for ongoing slope stability analyses. Additionally, Mitigation Measure 4.10-1 which addresses potential impacts to the San Joaquin River embankment, requires continuous pre-blast and post-blast visual inspections of the portions of the San Joaquin River embankment that are located within 1,000 feet of each blast. In the case of a potential effect, all blasting must cease until the County approves a Corrective Action Plan. See Final EIR Chapter 3, "Draft EIR Errata," to view proposed revisions to the Draft EIR sections, appendices, and mitigation measures referenced in this response. See also Response 53C-3 for further discussion of the proposed Blasting Protocols (see Draft EIR, pages 4.4-57 through 4.4-58; Mitigation Measure 4.10-1; and Appendix H-9, Section E, page 5).

Comment 6-30

[Table Item #5, DEIR PDF Pg. 118, Section 2.4.2.1]

Existing Text: The San Joaquin River is located approximately 0.5 miles to the west of the Plant Site. The project proponent has water rights to use river water for industrial purposes in connection with the processing of rock, sand, and gravel. Water is diverted from the river to the Plant Site via a ditch and the water is then used to wash the aggregate.

Comment: The DEIR improperly points to Holding Contract #15 as a water right; a Holding Contract does not purport to be a water right nor is it a water supply contract for Central Valley Project (CVP) water. Reclamation could not locate any water right associated with any CEMEX parcel and no water use reports could be located in the State electronic Water Rights Information Management System database. The project proponent should provide evidence that it may lawfully divert water as described in the DEIR.

Response 6-30

See Response 6-7 above. The nature of an almost 80-year-old Holding Contract and the status of water rights are not environmental impacts that are addressed under CEQA.

Comment 6-31

[Table Item #6, DEIR PDF Pg. 118, Section 2.4.2.1]

Existing Text: The San Joaquin River is located approximately 0.5 miles to the west of the Plant Site. The project proponent has water rights to use river water for industrial purposes in

connection with the processing of rock, sand, and gravel. Water is diverted from the river to the Plant Site via a ditch and the water is then used to wash the aggregate.

Comment: Holding Contract #15 obligates the water user to return any water used for specified industrial purposes to the river free of pollution and/or contamination. The project proponent should provide evidence that they are able to return the water to the river free of pollution and/or contamination.

Response 6-31

Water that is diverted from the San Joaquin River for industrial uses at the Plant Site is not returned to the river. It flows from the aggregate processing equipment into settling ponds and is subsequently re-used in the onsite material processing (Draft EIR, Section 4.10.3.2, page 4.10-86). Therefore, there is no purpose in providing evidence that it could be returned to the river free of pollution and/or contaminants, since such an action is not a part of the existing conditions nor the proposed project.

Comment 6-32

[Table Item #7, DEIR PDF Pg. 118, Section 2.4.2.1]

Existing Text: [Plant site] Approximately 35 acre feet/year of groundwater from onsite wells is consumed by the ready-mix concrete operations with a small amount of groundwater (approximately 1 acre-feet/year) also used for domestic purposes (e.g., toilets, handwashing, etc.).

Comment: With groundwater levels from 21 to 34 ft below ground surface (bgs), "groundwater" at the Plant Site from shallow wells is more likely interconnected with surface waters, predominantly the SJR. If so, the shallow well use at the Plant Site would then be considered a use of surface waters and would require associated water rights, only deep wells would truly be "groundwater."

Response 6-32

All existing water use at the Plant Site is part of the CEQA baseline and not an impact of this project. California Water Code Section 10752(a) defines “groundwater” as “all water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels,” and thus, groundwater does not consist of only deep wells as Comment 6-32 incorrectly alleges. California Code of Regulations Title 23 (23 CCR), Section 351(o) states that "Interconnected surface water refers to surface water that is hydraulically connected at any point by a continuous saturated zone to the underlying

aquifer and the overlying surface water is not completely depleted." The definitions within Section 351 of 23 CCR are specifically for the Sustainable Groundwater Management Act and relate to preparation of Groundwater Sustainability Plans under the Department of Water Resources. These definitions do not relate to water rights and regulations of the California Division of Water Rights under the California State Water Resources Control Board. Comment 6-32 provides no evidence that groundwater from the two production wells are "interconnected" with the surface waters of the San Joaquin River.

Identification of a potential interconnected surface water does not change the designation of the groundwater to surface water for the purposes of water rights. The potential interconnected surface water only establishes certain requirements under the Sustainable Groundwater Management Act for the Groundwater Sustainability Plan for the respective groundwater basin, as addressed in 23 CCR. The potential for the proposed project to impede sustainable management of the groundwater basin is addressed in the Draft EIR in Impacts 4.10-9, 4.10-11, and 4.10-13.

Furthermore, the comment is speculative and provides no data or other substantial evidence to support the conjecture that the shallow groundwater zone beneath the Plant Site is connected to the San Joaquin River or any other surface water body by a continuous saturated zone. The Groundwater Sustainability Plan 2025 Update prepared for the North Kings Groundwater Sustainability Agency (available at: https://northkingsgsa.org/groundwater-sustainability-plan/) identifies two conditions that may result in interconnected surface water, based on Department of Water Resources guidance. These conditions are: 1) groundwater elevations near or above the riverbed, and/or 2) similar trends in groundwater levels and stream stage. Neither of these conditions exist at the Plant Site, as described in the following two paragraphs.

Regarding the first criterion, aerial images of the San Joaquin River channel to the west of the Plant Site show the presence of many very shallow sections with riffles, small rapids, and exposed gravel bars. These visual features are inconsistent with the river channel extending to the saturated zone 21 to 34 feet below ground surface. In addition, the discussion in Section 3.2.7.1 of the Groundwater Sustainability Plan 2025 Update (as cited above) states that the San Joaquin River appears to meet the first interconnected surface water criterion in areas to the west of Highway 41, not to the east. While groundwater dependent ecosystems are not the same as interconnected surface water, they are closely related. Section 3.2.8 and Figure 3-40 of the Groundwater Sustainability Plan 2025 Update (as cited above) demonstrate that the wetlands in the vicinity of the Plant Site are not dependent on, or connected to, groundwater because of the depth to

groundwater, as noted in this comment (i.e., 21 to 34 feet below ground surface). Thus, there is substantial evidence that the first criterion is not met at the Plant Site.

With respect to the second criterion, Figure 4.10-10, "Comparison of San Joaquin River Stage and Daily Rainfall," of the Draft EIR shows the stream stage for the San Joaquin River from October 2018 through September 2019 (i.e., the 2019 water year, as described in the Draft EIR). The stream stage increases briefly in late March 2019 and again in May through June 2019. Otherwise, the stream stage is at baseflow levels throughout the 2019 water year. Appendix G-6 of the Draft EIR provides water level hydrographs for the four Plant Site groundwater monitoring wells. These hydrographs show that the groundwater levels rise steeply beginning in January 2018 and reach a peak by May 2019. Thus, the groundwater level increases in the 2019 water year began many months prior to any increase in the stage of the San Joaquin River. Thus, the groundwater levels and the stream stage do not have similar trends, and the second criterion is not met at the Plant Site.

Comment 6-33

[Table Item #8, DEIR PDF Pg. 120, Current CUP permits]

Comment: The last time the Conditional Use Permits (CUPs) were updated was in 2004, which is prior to the SJR Settlement that resulted in the SJRRP. Therefore, the 200-foot setback from the river did not consider the SJRRP, the restoration goals and the reintroduction of CV spring-run Chinook salmon. To avoid adversely impacting implementation of the SJRRP and salmon, this buffer should be revisited for any subsequent CUPs, including the bedrock quarry proposal.

Response 6-33

See Response 6-24, which addresses this comment's concern regarding the 200-foot CEQA baseline setback. Furthermore, this comment provides no evidence that the existing 200-foot setback adversely impacts implementation of the SJRRP.

Comment 6-34

[Table Item #9, Appendix 2 of 2, PDF Pg. 131, Well Diagram and Logs]

Existing Text: Well Log MW-2

Comment: Mitigation measures identified in the DEIR propose consistent monitoring of wells to ensure no impact to groundwater during operations, but it does not appear the monitoring wells are sufficiently deep to monitor deep aquifer impacts. Please clarify

how monitoring efforts will be implemented and adapted to reflect conditions of the deep aquifer and ensure adequate mitigation.

Response 6-34

There is no evidence for the existence of a deep alluvial aquifer at the Plant Site. The geologic cross sections in Figure 3, 4 and 5 of Appendix G-3 of the Draft EIR show that the depth to the base of the alluvial deposits ranges from approximately 150 feet to 225 feet below ground surface at the location of the Plant Site mining excavation, with the alluvial units beneath the base of the excavation being predominantly clay. Thus, there is no deeper aquifer zone to monitor beneath the base of the Plant Site excavation.

As for the Quarry Site, the comment incorrectly asserts that the Draft EIR does not have monitoring wells sufficiently deep to monitor deep aquifer impacts associated with the mining operations. As the Draft EIR provides:

> groundwater conditions at the Quarry Site have been investigated by the installation of four alluvial monitoring wells, four weathered rock monitoring wells, and seven hard rock monitoring wells. Pressure transducers with dataloggers were installed in these monitoring wells to monitor fluctuations in groundwater elevation. The locations of these wells are shown in Figure 4.10-4 (Draft EIR, Section 4.10.1.7, "Local Geologic and Groundwater Conditions," page 4.10-37).

Mitigation Measure 4.10-10a requires the monitoring of the groundwater levels within the alluvium, weathered rock, and hard rock, and which requires that if at any point the mining operation causes groundwater levels to decrease by more than 15 percent from the existing CEQA baseline, all dewatering operations must cease (Draft EIR, pages 4.10-108 through 4.10-111). See Final EIR Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10 and associated technical appendices.

Comment 6-35

[Table Item #10, DEIR PDF Pg. 331, Section 4.4.1.3)

Existing Text: River Water Delivery Ditch

Comment: Please describe how the surface water diversion operates in greater detail. For example, is this waterway screened? What species exist in the diversion? How does water move from the diversion to the Plant Site, and how does it interact with the Plant Site at various flow levels? Is the ditch grade maintained by dredging?

Response 6-35

The river water delivery ditch is part of the existing baseline conditions for the project, where water is conveyed to the Plant Site via an existing river conveyance system (Draft EIR, Impact 4.10-4, pages 4.10-93 through 4.10-94). The project does not propose expansions or alterations of this system (i.e., there are no changes in the baseline conditions surrounding surface water usage) (see information most relevant to the baseline on page 4.10-23 through 4.10-49 of the Draft EIR). The nature of an ongoing use that is not increasing beyond the CEQA baseline is not an environmental impact that must be addressed under CEQA.

Comment 6-36

[Table Item #11, DEIR PDF Pg. 335, Section 4.4.1.4)

Existing Text: Plant Site Wildlife

Comment: With the connection of the Plant Site to the SJR through a delivery ditch, are there any potential mitigation measures that could be implemented to prevent non-native species from entering the SJR? Reclamation recommends incorporating some mitigation measure to prevent fish species from using the ditch as a corridor between the Plant Site and the SJR.

Response 6-36

The delivery ditch as shown in Figure 2-3, "Plant Site Existing Conditions," is an existing condition; the project does not involve any change to ditch operations and usage, or water demand, at the Plant Site. Therefore, there is no cognizable impact that would require a mitigation measure, as proposed by the commenter.

Comment 6-37

[Table Item #12, DEIR PDF Pg. 341, Section 4.4.1.4)

Existing Text: Quarry Site Wildlife

Comment: Please clarify the methods used for the Quarry Site assessment of aquatic species. Also, please provide information regarding how native species arrived in the ponded pits and whether those conditions would allow fish from the SJR to get into the pits. Reclamation recommends a more thorough investigation of the aquatic species near the proposed project site, especially in the ponded pits.

Response 6-37

The Quarry Site assessment of aquatic species was conducted through visual inspection of the ponded pits and surrounding water features during site assessments by ELMT Consulting. No native fish species are expected to occur within the pits due to their general isolation from the San Joaquin River (SJR), the absence of suitable habitat, and the presence of physical barriers such as levees and berms that limit connectivity. While extreme flood events could theoretically create temporary connections with the SJR, such occurrences are rare and unlikely to result in the establishment of native fish populations. In the absence of a natural connection to the SJR, management of ponds in a manner to promote use of water features for mining and lack of suitable habitats, native species would have to be introduced to occur in the onsite ponds.

Comment 6-38

[Table Item #13, DEIR PDF Pg. 385, Section 4.4-5)

Existing Text: ...do not fall under the regulatory authority of the Army Corps, SWRCB, or CDFW

Comment: The delivery ditch identified at the Plant Site is directly connected to Little Dry Creek (LDC), which flows into the SJR. However, there is no discussion of this existing condition. In reviewing aerial imagery, there are visible sediment depositions that appear to have originated from the Plant Site and were released into the delivery ditch. This sediment disposition causes turbidity issues and impacts to water quality within LDC and the SJR. Please describe the hydrologic connectivity of the delivery ditch to the Plant Site, how sediment and water quality have been managed to date, and the potential impacts of sediment and water quality concerns to riparian areas along LDC and the SJR.

Response 6-38

Comment 6-38 inaccurately states that the Operator is taking water from Little Dry Creek, which is a tributary of the San Joaquin River (Draft EIR page 2-23). The Applicant has water rights to use water from the San Joaquin River for industrial purposes in connection with processing rock, sand, and gravel (see Draft EIR page 4.10-8). As also noted in the Draft EIR, water is conveyed to the Plant Site via an existing river conveyance system (Draft EIR, Impact 4.10-4, pages 4.10-93 through 4.10-94). Furthermore, the project does not propose expansions or alterations in the existing water system (i.e., there are no changes in the baseline conditions surrounding surface water usage) (see information most relevant to the baseline at pages 4.10-23 through 4.10-49 of the Draft EIR).

Further, see Response 6-21, which concludes that sediment would continue to be controlled via the project sites' NPDES Permit and SWPPP (Draft EIR, Section 4.10.2.2, pages 4.10-69 through 4.10-70). The comment does not provide evidence that the Draft EIR's evaluation of these potential impacts are inadequate.

Comment 6-39

[Table Item #14, DEIR PDF Pg. 385, Section 4.4-5)

Existing Text: result of dewatering would not adversely affect streamflow in either the San Joaquin River or Little Dry Creek because as described above dewatering of these deeper geologic units would not affect the quantity of water in the river.

Comment: This discussion in not consistent with the discussion of Impact 4.10-12, which states there is potential for significant impact; Mitigation Measure 4.10-10a is needed to protect the SJR adjacent to the Quarry Site due to this impact. Impact 4.4-5 describes reduced issues as compared to those described in 4.10-12, by stating that the SJR and LDC are usually losing streams without recognizing connectivity. Please provide a more thorough, consistent analysis and discussion of Impact 4.4-5, particularly LDC during all hydrologic conditions.

Response 6-39

See Collective Response #25, which concludes that evidence shows that groundwater is primarily flowing from the northeast to the southwest, and thus in deeper bedrock aquifer units is flowing toward the river through the Quarry Site area, not away from the river. There is no evidence of the occurrence of interconnected surface water in the Plant Site area.

Moreover, "[w]hile a lead agency must use its 'best efforts' to evaluate environmental effects, including the use of reasonable forecasting, 'foreseeing the unforeseeable' is not required, nor is predicting the unpredictable or quantifying the unquantifiable." (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1060–1061; citing Guidelines, Section 15064, subd. (d)(3)). Here, the County uses its best efforts in the Draft EIR to evaluate the impacts to groundwater flow utilizing hydrologic experts with doctoral degrees and years of experience in their fields. Further, as discussed in Response 12-77, to ensure that there is a less than significant impact, Mitigation Measures 4.10-10a and 4.10-10b would be implemented, which would mitigate any groundwater depletion caused by the mine greater than 15 percent as compared to the CEQA baseline.

Comment 6-40

[Table Item #15, DEIR PDF Pg. 385, Section 4.4.4)

Existing Text: ...together demonstrate that the San Joaquin River is not in direct hydraulic communication with the weathered rock and hard rock at the Quarry Site.

Comment: While the connection in weathered rock and bedrock is more limited, it is inaccurate to state that there is no hydraulic connection. Please revise this statement and any related analyses and impact determinations accordingly.

Response 6-40

See Collective Response #25, which provides further analyses regarding the connection in weathered rock and bed rock.

Comment 6-41

[Table Item #16, DEIR PDF Pg. 386, Section 4.4.4)

Existing Text: Fish species that occur in the San…

Comment: This is an inadequate description of fish species in the SJR. Reclamation suggests investigating resources on the SJRRP website(restoresjr.net) and from other resource agencies to better describe the aquatic resources in the SJR and consider potential effects and mitigation relevant to the proposed project.

Response 6-41

Those species described in the referenced paragraph include the most common and most notable special-status species such as the spring-run Chinook salmon. In response to this comment, additional, less common fish species were added to Draft EIR Table 4.1-1 to provide a more complete description of the aquatic resources in the San Joaquin River. These species include Sacramento splittail, steelhead/rainbow trout, hardhead, and fall-run chinook salmon. These species were determined to be absent from the project area or to have low potential to occur there. Potential effects to the movement and spawning of these species would be similar to those effects described under Impact 4.4-6 for spring-run Chinook salmon. Thus, the evaluation provided in the Draft EIR is sufficient and no further response is needed.

Comment 6-42

[Table Item #17, DEIR PDF Pg. 387, Section 4.4.4)

Existing Text: In 2013, the Alaska Department of Fish and Game…

Comment: Please clarify if this blasting standard is the common industry standard, or only the standard for Alaska?

Response 6-42

The blasting standard for blasting in areas adjacent to occupied salmonid habitat referenced is an ADF&G recommendation and standard. It is not considered a common industry standard. However, it has a direct correlation to salmon occurring in the SJR. It provides useful guidance, for developing the analysis for this project as no "industry standards" are readily known. Thus, the best available science and guidance is used from areas where salmon and mining cooccur. See also Collective Response #16.

Comment 6-43

[Table Item #18, DEIR PDF Pg. 387, Section 4.4.4)

Existing Text: This level of ground vibration is significantly…

Comment: The SJR adjacent to the Quarry Site is a spawning site for CV spring-run Chinook salmon. Although the project proponent's analysis concludes the blasting protocols will have significantly less impacts than those that may "cause harm" such as mortality, it is not possible to verify the field accuracy of the analysis. Blasting impacts greater than those stated in the DEIR may impact fish behavior at various life stages (i.e., juveniles displaced from cover in rearing habitat, adults displaced from spawning habitat) and therefore impact the success of the SJRRP. Reclamation requests the monitoring and avoidance, minimization, and mitigation measures outlined in the Alaska blasting standards be implemented as necessary for blasting impacts.

Response 6-43

See Response 6-17 for inclusion of monitoring during blasting to document and adaptively minimize effects to fish.

Comment 6-44

[Table Item #19, DEIR PDF Pg. 554, Section 4.9)

Comment: Based on the language in the DEIR, it does not appear that the hazardous materials plan accounts for overland flooding

of the Quarry Site. Please provide a hazardous materials plan that accounts for the possibility of overland flooding.

Response 6-44

Please see the discussion of potential water quality effects associated with site flooding and inundation in the Draft EIR under Impact 4.10-17 (Draft EIR, pages 4.10-118 through 4.10-119). As discussed there, during unforeseen events, the release of water into the San Joaquin River at rates that could exceed channel capacity could result in flooding of the Quarry Site and/or Plant Site. However, such inundation would occur under conditions that are not reasonably foreseeable and therefore are not required to be analyzed under CEQA (CEQA Guidelines Section 15064(d)(3)).

The Draft EIR also describes existing regulatory requirements applicable to hazardous materials management at the site, including Waste Discharge Requirements, the Industrial General Permit Stormwater Pollution Prevention Plan (SWPPP), the Hazardous Materials Business Plan (HMBP), and the Spill Prevention, Control, and Countermeasure (SPCC) Plan (Draft EIR, pages 4.10-68, 4.10-89, and 4.10-90). These plans are required to be updated to reflect the proposed project and include measures to prevent the release of pollutants. In addition, site design features, including berms and levees, separate onsite and offsite drainage.

Upon completion of reclamation, the project sites would consist primarily of open space and open water uses and would not involve the storage of hazardous materials. Based on these regulatory requirements and site conditions, the potential for flooding to result in a release of hazardous materials would be less than significant.

Comment 6-45

[Table Item #20, DEIR PDF Pg. 567, Figure 4.10-1)

Comment: It appears the Quarry Site is within the Federal Emergency Management Agency (FEMA) 100-year Zone AE floodplain, as is a portion of the Plant Site. How will the project proponent prevent flood water from entering the Quarry Site in a 100-year or greater event?

Response 6-45

The FEMA floodplain was prepared based on 36-year-old data. A hydraulic analysis based on recent data shows that the 100-year floodplain would not enter the Quarry. The hydraulic analysis prepared for the Draft EIR is attached as Appendix G-1 to the Draft EIR. The 100-year flow is contained within the easterly San Joaquin River channel bank.

See Figure 4.10-1, "Current 100-Year Floodplain," on page 4.10-3 of the Draft EIR. See also Collective Response #17.

Comment 6-46

[Table Item #21, DEIR PDF Pg. 569)

Existing Text: The easterly bank slope is generally flatter than 2:1 (horizontal: vertical). There are no signs of significant bank erosion. During historic flow events, including the January 1997 flood event of approximately 60,300 cubic feet per second (cfs), the easterly bank along the Quarry Site did not experience significant erosion and the bank has never breached into the Quarry Site.

Comment: Reclamation recommends conducting a bank stability model that incorporates recharge operations and flooding events to ensure the risks of bank erosion will not increase due to recharge operations.

Response 6-46

See Responses 6-52, 6-71, 6-72, and 65-27, which adequately address the commenter's statement that the Draft EIR needs to analyze water quality impacts associated with the Plant Site's silt pond water and recharge trenches percolating into the groundwater aquifer. Specifically, Response 6-52, 6-71, 6-72, and 65-27 provide that the surface water and groundwater concentrations reported in Draft EIR represent existing baseline conditions at the Plant Site and thus are not indicative of potential project effects. Additionally, Responses 6-52, 6-71, 6-72, and 65-27 provide in pertinent part that the water in the silt pond typically is very turbid and contains a high level of suspended solids due to the aggregate washing process. The suspended solids are clays that consist of natural earth materials and minerals. For the metals, both unfiltered and filtered samples (shown as "total" and "dissolved," respectively in Draft EIR, Table 4.10-3) were analyzed. The unfiltered samples contain the suspended mineral solids and represent the total concentration of the metals in the water and the suspended solids. The filtered samples contain only metals dissolved in the water. The total concentrations of arsenic, iron, lead, and manganese from the unfiltered samples exceed their respective water quality standards, but the dissolved concentrations from the filtered samples do not. Further, as provided in the Draft EIR in Section 4.10.1.8, "Groundwater Quality," page 4.10-42, the occasional elevated levels of iron and manganese identified in Table 4.10-5, "Plant Site Groundwater Quality Data," most likely represent naturally occurring concentrations in the suspended solids within the samples and may be the result of variability in sampling procedures. Additionally, as noted in Response 6-52, Table 4.10-3

of the Draft EIR presents data related to existing baseline conditions at the Plant Site silt pond, and as explained in Impact 4.10-1, the limits established by Table 4.10-3 are intended to regulate water quality standards, in the event that there was ever water that discharges to the San Joaquin River, which would not occur (see Draft EIR, Impact 4.10-1, page 4.10-88). See Final EIR Chapter 3, "Draft EIR Errata," to view revisions to Draft EIR Section 4.10 and supporting appendices.

Comment 6-47

[Table Item #22, DEIR PDF Pg. 569)

Comment: As currently documented and designed, the sites do not contemplate mitigation of overland flow events greater than a 100-year flood. It appears there is notable risk of capturing river flows and contaminating river water and groundwater in an event greater than a 100-year flood. Reclamation recommends that larger events should also be considered in the analysis; County Policy HS-C.14 suggests a 200-year floodplain should be considered. Consider constructing larger levees that can protect the Plant and Quarry Sites from events greater than a 100-year flood.

Response 6-47

See Responses 12-76, 12-97, and 12-100, which discuss the requirements of Mitigation Measure 4.10-5a. There is substantial evidence that Mitigation Measure 4.10-5a would be effective and commits to a detailed plan for monitoring groundwater quality by sampling every six months until manganese levels have fallen to within the water quality parameters for a five-year period and commits the applicant to complying with regulations relating to groundwater quality thresholds which may change (see Draft EIR pages ES-34 through ES-35 and 4.10-95 through 4.10-96). Additionally, as provided in Response 12-100, the County would require additional measures to be added to Mitigation Measure 4.10-5a. The comment does not provide any substantial evidence that Mitigation Measure 4.10-5a would not mitigate impacts to the groundwater quality at the Plant Site and provides no justification for requiring monthly monitoring.

In consideration of commenters' concerns pertaining to severe flooding events and in light of County Policy HS-C.12, Chang Consultants evaluated the potential for the 200-year flood to enter the Quarry Site and Plant Site. Upon an initial evaluation, the modeled 200-year floodplain entered the quarry pit at stations 16, 19, and 20 by approximately two feet. To proactively prevent the possibility of a 200-year flood event from entering the quarry pit, CEMEX raised the northerly portion of the berms separating the San Joaquin River and Quarry Site up to approximately 4 feet with compacted fill. A topographic mapping was prepared to display the locations where the berms were raised and is

included in the 200-year hydraulic analysis for the Quarry Site. Please see Collective Response #17 for further discussion of the 200-year flood analysis conducted for the Quarry Site.

The 2026 hydraulic analysis also demonstrated that the existing berms and topography of the Plant Site would prevent both the San Joaquin River 200-year flood and the Little Dry Creek 200-year flood from entering the Plant Site (Chang 2026b, Appendix G-8). As such, the project sites are sufficiently protected from flood risks, including from the 200-year flood.

Comment 6-48

[Table Item #23, DEIR PDF Pg. 577, Section 4.10.1.5)

Existing Text: San Joaquin River floodway generally does not encroach onto the Plant Site or Quarry Site, but the floodplain encroaches on the west side of both sites

Comment: The description of Figure 4.10-1 (on page 4.10-15) incorrectly characterizes encroachment as potentially occurring by the floodway or floodplain onto the Plant or Quarry Site, instead of the other way around. Please revise the text to characterize the sites' encroachment (or not) into the floodway or floodplain.

Response 6-48

As stated in Comment 12-18, Figure 4.10-1 does depict the current and regulatory floodways and floodplains for the project sites. See also Response 65-22, which provides that the FEMA studies had to be updated to reflect the development of berms and other features. The Draft EIR has been revised to clarify the discussion in the "Localized and Riverine Flooding" subsection of the Draft EIR (Draft EIR pages 4.10-15 through 4.10-16). The clarifications do not alter the conclusions of the Draft EIR. See Final EIR Chapter 3, "Draft EIR Errata," to view this revision to the Draft EIR.

Comment 6-49

[Table Item #24, DEIR PDF Pg. 578, Section 4.10.1.5)

Existing Text: Controlled Release from Dam

Comment: Operations of Friant Dam have changed greatly in the last decade and should be described here.

Response 6-49

Friant Dam and Millerton Lake, including operations at the dam, are described extensively throughout the Draft EIR. See Draft EIR pages 4.10-16, -18, -50, -56, and -119.

Comment 6-50

[Table Item #25, DEIR PDF Pg. 579, Section 4.10-5)

Comment: It appears the Quarry Site equipment will be placed below the groundwater table and the Quarry Site may need to be continuously pumped to not flood the aggregate plant, asphalt plant, ready-mix concrete plant, and office. What happens if a pump goes down and these structures start to flood? Please include appropriate mitigation measrues to address this possibility.

Response 6-50

Impact 4.10-6 of the Draft EIR provides that "[t]he project proposes to use and discharge groundwater to the … recharge trenches within the Quarry Site" which groundwater "is generally within established water quality standards, … [and] there are no known sources of potentially hazardous materials contamination of the groundwater at the Quarry Site or its vicinity; therefore, pumping of dewatered groundwater to the … into proposed groundwater recharge trenches along the western boundary of the [Quarry] [S]ite would not have the potential to substantially degrade groundwater quality relative to existing conditions" (Draft EIR, Impact 4.10-6, page 4.10-99). The comment provides no support that the testing of the groundwater prior to discharging it to the recharge trenches is needed.

Comment 6-51

[Table Item #26, DEIR PDF Pg. 585)

Comment: It appears that some of the ponded water on the sites exceed water quality standards. The project proponent claims water quality exceedances are acceptable because the proposed project does not discharge directly to the SJR, however at the Quarry Site the proposed project discharges within 100 feet of the river and leaves minimal opportunity for filtration. Additional water treatment should be conducted before recharging water collected from the Quarry or plant Sites.

Response 6-51

The project is designed as a zero-discharge facility with respect to offsite discharges, and, therefore, discharge to the San Joaquin River or other surface water bodies would not occur and is not proposed as part of the project. Water at the Quarry Site is stored in

designated recharge trenches and ponds and would not be discharged to surface waters. See Responses 6-52, 6-71, 6-72, and 65-27.

Comment 6-52

[Table Item #27, DEIR PDF Pg. 585, Plant Site Surface Water Quality)

Comment: The water quality analysis of the Plant Site's silt pond shows high exceedances for metals. Please analyze and disclose the potential for those metals to leach into the soils and surrounding groundwater.

Response 6-52

In addition to the response provided below, see Responses 6-52, 6-71, 6-72, and 65-27, which adequately analyze and disclose the potential metals to leach into the soils and surrounding groundwater.

Table 4.10-3 of the Draft EIR presents data related to existing baseline conditions at the Plant Site silt pond. As stated on page 4.10-25 of the Draft EIR:

The water in the silt pond typically is very turbid and contains a high level of suspended solids due to the aggregate washing process. The suspended solids are clays that consist of natural earth materials and minerals. For the metals, both unfiltered and filtered samples (shown as "total" and "dissolved," respectively in Table 4.10-3) were analyzed. The unfiltered samples contain the suspended mineral solids and represent the total concentration of the metals in the water and the suspended solids. The filtered samples contain only metals dissolved in the water. The total concentrations of arsenic, iron, lead, and manganese from the unfiltered samples exceed their respective water quality standards, but the dissolved concentrations from the filtered samples do not.

As stated in the Draft EIR, the elevated metals concentrations are due to the presence of suspended silts and sediment within the silt pond. Since elevated metals concentrations were not present in the filtered sample, which represents the dissolved concentrations within the water, the detected metals levels in the unfiltered sample are simply a reflection of the naturally occurring metals in the natural soils and earth materials in the aggregate being processed at the Plant Site. The lack of elevated metals in the filtered samples demonstrates that the metals are not leaching from the silt into the natural soils beneath the silt pond and to groundwater.

Comment 6-53

[Table Item #28, DEIR PDF Pg. 585, Table 4.10-4)

Comment: It appears the water quality parameters sampled for at the Plant Site were not repeated at the Quarry Site. For instance, arsenic and lead were not sampled; these constituents should be sampled at both sites. Please provide congruent sample information as a part of any analysis.

Response 6-53

Draft EIR Table 4.10-4, "Quarry Site Surface Water Quality Data," presents data from several ponded water features at the Quarry Site. Only Ponded Water Feature 3, the Northeast Pond, is still present at the Quarry Site and is the only ponded water feature that would remain as part of the proposed project. The water within the ponded water features at the time of sampling consisted primarily of groundwater seepage prior to dewatering of those areas for subsequent mining (Ponded Water Features 1 and 2 on Figure 4.10-4, "Quarry Site Surface Water Features and Wells," of the Draft EIR) or groundwater that was pumped to the Northeast Pond during dewatering of other areas of the Quarry Site.

Table 4.10-6, "Quarry Site Groundwater Quality Data," of the Draft EIR presents groundwater quality data from the Quarry Site wells, which includes the same parameters analyzed at the Plant Site. Thus, the potential presence of arsenic, lead, and other parameters in the groundwater pumped to the ponded water features would be indicated in the groundwater quality in Table 4.10-6. Thus, consistent, or congruent, information is available for both the Plant Site and the Quarry Site.

Comment 6-54

[Table Item #29, DEIR PDF Pg. 600, Table 4.10-37)

Comment: Please clarify if trenches and pumps are sized to move and recharge Quarry Site groundwater and rainwater during wet years, or if pump and/or trench capacity will be exceeded in wet years. If capacity will be exceeded, please clarify how site flooding will be mitigated.

Response 6-54

As explained in Response 65-28, Impact 4.10-6, "[t]he project proposes to use and discharge groundwater to the … recharge trenches within the Quarry Site" which groundwater "is generally within established water quality standards, … [and] there are no known sources of potentially hazardous materials contamination of the groundwater

at the Quarry Site or its vicinity; therefore, pumping of dewatered groundwater to the … into proposed groundwater recharge trenches along the western boundary of the [Quarry] [S]ite would not have the potential to substantially degrade groundwater quality relative to existing conditions" (Draft EIR, Impact 4.10-6, page 4.10-99). Further, the groundwater sampling results are summarized in Table 4.10-6 (Draft EIR, page 4.10-43). The MW-3 well cluster has individual wells within the alluvium, weathered rock, and hard rock.

Comment 6-55

[Table Item #30, DEIR PDF Pg. 605, Table 4.10-37)

Comment: To complete a meaningful review of the water quality of the SJR compared to the Quarry Site, the river should be analyzed upstream of any potential groundwater seepage or other impacts from the mining operation. Please include a SJR sample site both upstream and downstream of the proposed project and revise the analysis accordingly.

Response 6-55

The proposed project's potential effects related to water quality were evaluated in Draft EIR Section 4.10 as well as in the *Revised Hydrology and Water Quality Analysis Report* (2023) and the *Addendum to: Revised Hydrology and Water Quality Analysis Report* (2024), prepared by EMKO Environmental, Inc. and included as Draft EIR Appendices G-5 and G-6, respectively. The following excerpts from the Draft EIR and EMKO Environmental, Inc. reports are provided in response to this comment.

A surface water sample was collected from the San Joaquin River, adjacent to the Quarry Site. The water quality constituent concentrations were within typical ranges for natural surface waters. These conditions are considered representative of the project's existing setting, i.e. the CEQA baseline.

As discussed in the Draft EIR, the proposed project is designed as a zero-discharge facility with respect to offsite discharges, and, therefore, the proposed project would continue to not discharge to the San Joaquin River. Therefore, there would be no impacts to surface water quality offsite, and consequently additional analysis of the San Joaquin River water quality is not necessary to evaluate the proposed project's effects to surface water quality.

See Final EIR Chapter 3, "Draft EIR Errata," to view proposed revisions to Draft EIR Section 4.10 and Appendix G.

Comment 6-56

[Table Item #31, DEIR PDF Pg. 610, San Joaquin River Connection to the Quarry Site)

Comment: Please discuss lagged depletions from the SJR to the Quarry Site through weathered rock and bedrock in the DEIR.

Response 6-56

See Collective Response #25, which demonstrates that there is no interconnected surface water at the Quarry Site area. While water may percolate from the river to groundwater, it is not interconnected as defined by DWR. Thus, deeper mining and dewatering would not draw additional water from the river.

Comment 6-57

[Table Item #32, DEIR PDF Pg. 611)

Existing Text: The water level data for well MW-2S, screened only in the alluvium, shows that the well does not contain water except during periods when the San Joaquin River stage is greater than 4 feet. A review of river stage data from January 2014 to February 2023 indicates that the San Joaquin River stage measurements exceeded 4 feet for approximately 13 percent of the January 2014 to February 2023 time period.

Comment: SJRRP flows will increase the river stage in the coming years. How are future conditions with the proposed project analyzed to account for SJRRP flows in the SJR? How will the project proponent ensure SJRRP flows are not taken by proposed project pumping?

Response 6-57

See Response 6-12 and Collective Response #25. The data and analyses presented in the Draft EIR demonstrate that there is no measurable connection between river flows and groundwater conditions. Furthermore, flows equal to or greater than Stage 1 SJRRP restoration flows have occurred during the baseline monitoring period, as discussed in detail in Sections 2.2.1, 2.2.3, and 3.2.2 of Appendix G-5 of the Draft EIR.

Additionally, as noted in Response 58-27, recharge trenches and ponds for groundwater recharge have been used for decades at the Quarry Site, and at numerous other aggregate mining sites in the San Joaquin Valley. Those sites have been reviewed and are within the personal knowledge of two of the hydrology experts who worked on the Draft EIR hydrology reports. Furthermore, Draft EIR Appendix G-6, *Addendum to: Revised*

Hydrology and Water Quality Analysis Report, provides a quantitative assessment of the efficacy of the use of recharge trenches to mitigate effects on groundwater levels, which in turn would alleviate the groundwater recharge from an elevated river stage (see Draft EIR, Appendix G-6, page 3). See also Final EIR Chapter 3, "Draft EIR Errata," to view revisions to Draft EIR Section 4.10 and supporting appendices.

Comment 6-58

[Table Item #33, DEIR PDF Pg. 611)

Existing Text: Thus, for water to flow from the river and into the alluvium any appreciable distance, the San Joaquin River stage needs to be somewhat higher than 2.5 feet to create a sufficient hydraulic gradient, or slope, away from the river and toward the well location.

Comment: This conclusion appears overly broad. It does not address connectivity between weathered rock and bedrock, and it does not address changes to the hydraulic gradient caused by factors such as pumping adjacent to the SJR (as is proposed by the proposed project) or the impacts of recharge trenches. It is unclear if water could be pulled away from the SJR through alluvial material at low stages in these circumstances. Supplemental analysis should be conducted to address these scenarios.

Response 6-58

See Collective Response #25 and Response 6-12. Surface water and groundwater are not interconnected. Additionally, even with increased hydraulic gradients, the rate of groundwater flow is relatively slow compared to the distance between the river and the edge of the Quarry, especially given that increased flows under the SJRRP would only occur from 20 to 60 days per year.

Comment 6-59

[Table Item #34, DEIR PDF Pg. 611, Section 4.10.1.9)

Existing Text: Thus, when the stage of the river is high enough that the water surface is above the base of the alluvium, there is a higher potential for seepage of water from the river into the Quarry Site... As a result, the San Joaquin River flows are always in contact with the alluvium (which overlies the weathered rock) in this segment of the river.

Comment: Will recharge trenches in the NW corner of the Quarry Site provide water that will travel toward the SJR, or will the water move toward the quarry due to location and the hydraulic

grade created by continued pumping? How will the hydraulic grade created by recharge trenches and pumping be impacted by varying hydrologic conditions? The analysis presented suggests there is not a strong correlation between the SJR and Quarry Site groundwater. However, as described, the analysis is insufficient to reach this conclusion. Please expand the discussion on this topic and provide a supplemental analysis.

Response 6-59

The text cited for this comment is simply noting that based on available elevation data, base flows in the San Joaquin River are in contact with the alluvium in the segment of the river near the MW-1 well cluster.

As noted in Response 58-27, recharge trenches and ponds for groundwater recharge have been used for decades at the Quarry Site, and at numerous other aggregate mining sites in the San Joaquin Valley. Those sites have been reviewed and are within the personal knowledge of two of the hydrology experts who worked on the Draft EIR hydrology reports. Furthermore, Draft EIR Appendix G-6, *Addendum to: Revised Hydrology and Water Quality Analysis Report*, provides a quantitative assessment of the efficacy of the use of recharge trenches to mitigate effects on groundwater levels (see Draft EIR, Appendix G-6, page 3). In addition, as noted in Response 12-77, Mitigation Measure 4.10-10a requires mining operations to cease if groundwater recharge cannot be maintained within 85 percent of the CEQA Baseline groundwater levels. Finally, as noted in Appendix G-4 of the Draft EIR, it is assumed that 50 percent of the water released to the trenches flows toward the San Joaquin River and the other half flows back to the Quarry through the alluvium.

Comment 6-60

[Table Item #35, DEIR PDF Pg. 617)

Existing Text: Charts 1 and 2 of Figure 4.10-11 also show relatively minor fluctuations in water levels at the monitoring wells, with the difference between minimum and maximum elevations measured being approximately 10 feet or less... The data from the longer period of record for the offsite wells corroborates the conclusion that, while local rainfall and increased river flows or stages may have short-term effects on the groundwater levels in the weathered rock and hard rock at the Quarry Site and its vicinity, such effects are minor and do not persist.

Comment: Comparing recent data to data from 50 years ago is not an appropriate analysis to verify the validity of the project proponent's claim about consistent groundwater levels in the area

or that local rainfall and river flow has short term, minor effects on groundwater levels in the weathered rock and hard rock at the Quarry Site. Comparison of monitoring well data to offsite wells should have overlapping periods of record and long-term trends should be evaluated based on recent conditions, not conditions from 50 years ago. Please remove this comparison and any conclusions supported by it, or otherwise provide supplemental, local data to provide relevant trend comparisons.

Response 6-60

The comparison is presented to demonstrate that the available historical record reveals conditions that are comparable to current conditions, which provides historical context to the baseline. Otherwise, the comment provides no support for the removal of historical data, which is only utilized to compare existing baseline data with historic data.

Comment 6-61

[Table Item #36, DEIR PDF Pg. 617, Section 4.10-55)

Existing Text: The data from the longer period of record for the offsite wells corroborates the conclusion that, while local rainfall and increased river flows or stages may have short-term effects on the groundwater levels in the weathered rock and hard rock at the Quarry Site and its vicinity, such effects are minor and do not persist.

Comment: These conclusions should be separated to address rainfall and river stage separately, since the two appear to have different levels of correlation with groundwater levels. The charts demonstrate a close correlation between river stage and groundwater levels. This correlation demonstrates a significant risk of future river dewatering through Quarry Site dewatering. This impact should be addressed in the document and adequately avoided, minimized, or otherwise mitigated in the project plans.

Response 6-61

See Collective Response #25, which addresses the river stage effect on groundwater. Further, as noted in Appendix G-5 of the Draft EIR, groundwater levels typically begin to increase before the river stage increases. Thus, while there may appear to be some temporal correlation between groundwater levels and river stage, the change in groundwater levels prior to changes in river stage indicates the correlation is not indicative of causation.

See also Responses 6-14 and 6-56. The volume of groundwater flowing under the Quarry Site and the volume estimated to be dewatered as part of the project are miniscule compared to the flow rates in the river, especially the future SJRRP restoration flows. Thus, even if there was some interconnection between the river and the deeper weathered rock and hard rock units, any effect on the river would be immeasurable.

Comment 6-62

[Table Item #37, DEIR PDF Pg. 617, Section 4.10.1.9)

Existing Text: conclusion that, while local rainfall and increased river flows or stages may have short-term effects on the groundwater levels…such effects are minor and do not persist.

Comment: The bottom of page 4.10-55 makes the conclusion that "increased river flows or stages may have short-term effects on the groundwater levels" at the Quarry Site but "such effects are minor and do not persist." This conclusion ignores the hydraulic connection between groundwater and the SJR that can be observed during periods of higher river stages (Figure 4.10-11) and contributes to stable groundwater elevations in the monitoring wells from generally stable river flows the rest of the year. This hydraulic connection in all three groundwater zones at MW-1 and MW-2 on the west side of the Quarry Site near the river is described in Appendix G-4 (page 35 and 50) but is absent from the text of the DEIR. Please incorporate this data into the DEIR analysis and revise the DEIR impact conclusions to incorporate this information.

Response 6-62

Comment 6-62 incorrectly alleges that the Draft EIR ignores the hydraulic connection between the groundwater and the San Joaquin River. See Responses 6-14, 6-56, and 6-61, and Collective Response #25. The analysis in the Draft EIR (including its supporting appendices) shows that there is no significant hydraulic connection between the river and groundwater, and this comment does not provide any substantial evidence to support an alternative conclusion with respect to such connections. Furthermore, as noted in the responses to the comments cited in the first sentence of this response, even if such a connection did exist, any effect would be miniscule and effectively immeasurable related to the flow in the river.

Comment 6-63

[Table Item #38, DEIR PDF Pg. 618)

Existing Text: Based on pumping records provided by the project proponent, during the 2018-2019 water year, a total of 330 acre-feet were pumped from the existing mining excavation... This indicates that, while there is some hydraulic connectivity between the San Joaquin River and the Quarry Site, water from San Joaquin River is currently not a substantial source of the groundwater inflow into excavations within the Quarry Site.

Comment: The previous section states that connection to the SJR is not significant until the SJR reaches a stage 2.5 ft or higher. This analysis makes conclusions about connectivity to the SJR without verifying the stage was high enough to analyze connectivity when, as claimed by the project proponent, connectivity would be possible. In addition, this analysis was completed without a full year's worth of data; the spring runoff period is when the SJR is most likely to have a higher stage, as discussed in previous sections, and is not included in this analysis. Without this data, there is no way to understand how groundwater and groundwater pumping are related to river flows. The existing analysis should be supplemented with an analysis that includes seasons when the SJR stage is above the start of the alluvial material. In addition, this analysis does not consider impacts of pumping and its effects on hydraulic gradient or lagged impacts of pumping on river flows and vice versa. These influences should be considered in a supplemental analysis.

Response 6-63

The river stage data evaluated as part of the Draft EIR is shown on Figure 11 of Appendix G-5 of the Draft EIR. As can be seen on that figure, the stage of the San Joaquin River was above 2.5 feet for all of the 2018-2019 water year.

See also Responses 6-14, 6-56, and 6-61, and Collective Response #25. Otherwise, the comment does not provide substantial evidence that the Draft EIR fails to adequately analyze the San Joaquin River stage effect on groundwater.

Comment 6-64

[Table Item #39, DEIR PDF Pg. 618)

Existing Text: The Hydrology and Water Quality Analysis Report (Appendix G-5) notes that the median flow in the San Joaquin River is 394 cfs, while diversions to the canal are in the range of 4,200 cfs. Thus, leakage from the canal flows, which flow year-round,

are likely an important source of groundwater recharge to the areas in the vicinity of the Friant-Kern Canal, including the Quarry Site. This is consistent with the Groundwater Sustainability Plan for the North Kings GSA, which identifies both the San Joaquin River and the Friant- Kern Canal as significant sources of groundwater recharge to the North Kings GSA (North Kings GSA 2022).

Comment: The Friant-Kern Canal (FKC) is lined and over a mile away from this location, while the river is only 200 feet from the site. Comparing maximum canal flows that only take place in wet years to median river flows does not account for temporal, hydrologic, or geographic factors that influence groundwater availability. Please provide a supplemental analysis to verify this assumption or otherwise amend this statement.

Response 6-64

See Responses 6-13 and 6-14, which adequately address the commenter's suggestion that the Draft EIR does not account for temporal, hydrologic, or geographic factors that influence groundwater availability.

Comment 6-65

[Table Item #40, DEIR PDF Pg. 621, Figure 4.10-13)

Comment: This figure does not account for any lagged depletion that might exist between the SJR and groundwater due to pumping. A supplemental analysis should be completed that considers lagged impacts to the river.

Response 6-65

See Response 6-56 regarding depletion and impacts to flows in the river. Otherwise, Comment 6-65 does not provide substantial evidence that the Draft EIR fails to provide adequate evidence of depletion that may occur between the San Joaquin River and groundwater due to dewatering operations.

Comment 6-66

[Table Item #41, DEIR PDF Pg. 623, Table 4.10-7)

Existing Text: implies not any significant or consistent flow of water from the river to the GW at the Quarry Site

Comment: Comparing SJR water levels from spring 2017 (wet year) to monitoring levels in fall 2021 (critical-high year) is not an appropriate comparison. Also note that the recharge trenches are right next to the monitoring wells, so they would influence water

levels and quality. Any analysis used to support an impact conclusion should use data from a single analysis time period where there is data available at all monitoring locations. Further, this data should be taken at varying hydrologic regimes to reflect varying conditions, and artificial recharge should either not be taking place or otherwise appropriately addressed in any analysis to ensure the results are not artificially swayed by recharge operations.

Response 6-66

Comment 6-66 improperly alleges that Draft EIR Table 4.10-7, "Comparison of San Joaquin River Water Quality to Quarry Site Groundwater Quality," beginning on page 4.10-61, compares SJR water levels and monitoring levels, whereas Table 4.10-7 shows water quality data, not water levels. See Responses 58-27 and 65-35, with regards to water levels and recharge.

Comment 6-67

[Table Item #42, DEIR PDF Pg. 629)

Comment: It appears that Waste Discharge Requirement Order 90-083 for the Plant Site expired in 2020. Is there a subsequent order permitting discharge? Please provide or reference any subsequent permits with the DEIR materials.

Response 6-67

The basis for the U.S. Bureau of Reclamation to assume that Order 90-083 has expired is unclear. CEMEX has been subject to that Order since 1990 and continues to conduct monitoring and reporting at this time. The most recent Annual Report of Contact Information was submitted to the Regional Water Quality Control Board on January 16, 2025, while the most recent Quarterly Monitoring Report was submitted to the same agency on July 10, 2025.

Comment 6-68

[Table Item #43, DEIR PDF Pg. 633)

Existing Text: The Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code [PRC], Sections 2710–2796) and its implementing regulations (California Code of Regulations [CCR], Title 14, Section 3500 et seq.).....SMARA 14 CCR Section 3706 applies to the discussion of the project's potential for hydrology and water quality impacts:.....f) When stream diversions are required, they shall be constructed in accordance with: (1) the stream and lake alteration agreement between the operator and the

Department of Fish and Game; and (2) the requirements of the Federal CWA, Sections 301 (33 U.S.C. 1311) and Section 404 (33 U.S.C. 1344) and/or Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Comment: Does the SJR diversion conform to Surface Mining and Reclamation Act standards? This should be reassessed as a part of this permit application to ensure that the proposed project does not contaminate the SJR and impact Reclamation water interests.

Response 6-68

The existing water diversion system is part of the existing baseline. The requirements described above would apply if the project implemented a new diversion system, which it does not. Moreover, the comment does not provide any remarks as to the adequacy of the Draft EIR.

Comment 6-69

[Table Item #44, DEIR PDF Pg. 646)

Existing Text: The analysis assumes that the operator of the Rockfield Quarry (Operator) would comply with the requirements of the California Surface Mining and Reclamation Act, Fresno County Ordinance Code, and NPDES requirements.

Comment: Aerial photos indicate there have likely been previous breaches at the Quarry Site. Given the existing conditions, mitigation measures should be incorporated into the proposed project to reduce the risk of future surface water contamination events.

Response 6-69

Comment 6-44 alleges without providing any support or evidence that there has been a breach at the Quarry Site and fails to define what is meant by breach. The Draft EIR explains that there are no signs of significant bank erosion, and during the historic January 1997 flood event of approximately 60,300 cubic feet per second, the easterly bank along the Quarry Site did not experience significant erosion, and the bank has never breached into the Quarry Site (Draft EIR, page 4.10-7). Regardless, in the event of major flooding or a levee breach, see Response 65-28, which adequately analyzes the unforeseen event of the release of water from the Friant Dam or Millerton Lake Reservoir in an amount that exceeds the River's channel capacity, and concludes that the project sites' enlarged mining excavations would actually help contain and minimize downstream flooding (Draft EIR, page 4.10-119), and the stormwater would be managed in accordance with all applicable requirements of the NPDES program, including site-specific SPPPs

prepared in accordance with Industrial General Permit Requirements and updated Waste Discharge Requirements (Draft EIR, page 4.7-29). Thus, as provided in Appendix G-1 to the Draft EIR, the risk of erosion of the riverbank causing a breach of the easterly bank of the Quarry Site, and the risk of the release of pollutants due to project inundation at the Quarry Site or the Plant Site are less than significant (Draft EIR, Appendix G-1, page 7).

Additionally, relevant aerial photographs were not provided to support the assertions in this comment. It is noted that the August 1998 aerial image available on Google Earth indicates the potential presence of splays to the east of the river channel, potentially from the 1997 floods. It is important to note that mining at that time was only occurring in a relatively small area in the northeast corner of the Quarry Site, more than 1,500 feet east of the San Joaquin River, and well away from the potential splays noted above. Prior to mining closer to the river, CEMEX installed berms that are approximately 15 feet high along the west side of the Quarry Site to prevent a breach or other flooding from the river. CEMEX reports that no breaches have ever occurred between the San Joaquin River and the Quarry Site mining excavation.

Comment 6-70

[Table Item #45, DEIR PDF Pg. 654)

Existing Text: Mitigation Measure 4.10-1: Blasting Protocols - The operator of the Rockfield Quarry shall at all times implement the requirements of the "Blasting Protocols" developed October 27, 2020, and updated September 8, 2021, by Vibra-Tech Engineers, Inc. The Blasting Protocols shall be appended to the Mitigation Monitoring and Reporting Program and shall be incorporated into the conditions of approval for the project.

Comment: Reclamation is concerned that until blasting impact significance can be verified through monitoring, there continues to be the potential for significant blasting impacts. Please see Reclamation's letter for a proposed monitoring and mitigation plan.

Response 6-70

As explained in Response 65-37, Mitigation Measures 4.7-6, 4.7-7a, and 4.10-1 adequately address the potential of pit failure and provides for ongoing slope stability analyses. Additionally, Mitigation Measure 4.10-1, which addresses potential impacts to the San Joaquin River embankment, requires continuous pre-blast and post-blast visual inspections of the portions of the San Joaquin River embankment that are located within 1,000 feet of each blast. In the case of a potential effect, all blasting must cease until the

County approves a Corrective Action Plan (see Draft EIR, pages 4.4-57 through 4.4-58; Mitigation Measure 4.10-1; and Appendix H-9, Section E, page 5).

Comment 6-71

[Table Item #46, DEIR PDF Pg. 655, Impact 4.10-4)

Comment: The impact to the Plant Site is currently being assessed based on groundwater quality, but recharge trenches will put surface water into the groundwater. Therefore, existing groundwater and surface water conditions should be evaluated when determining the proposed project's impact to groundwater quality. According to Table 4.10-3, surface water on the site exceeds water quality standards for manganese, iron, lead, arsenic, and conductivity. All these parameters should be considered in the analysis.

Response 6-71

See Responses 6-15, 6-52, 6-71, 6-72, 12-97, and 65-27, which address groundwater quality in the recharge trenches, which conclude that the elevated metals concentrations are due to the presence of suspended silts and sediment within the silt pond. Since elevated metals concentrations were not present in the filtered sample, which represents the dissolved concentrations within the water, the detected metals levels in the unfiltered sample are simply a reflection of the naturally occurring metals in the natural soils and earth materials in the aggregate being processed at the Plant Site. The lack of elevated metals in the filtered samples demonstrates that the metals are not leaching from the silt into the natural soils beneath the silt pond and to groundwater.

Furthermore, the surface water and groundwater concentrations reported in the 2023 EMKO report represent existing baseline conditions at the Plant Site.

The conductivity exceedance in the Plant Site silt pond would only be applicable if water from the pond were being discharged to the San Joaquin River, which is not the case. The proposed project is designed as a zero-discharge facility and thus, surface water in the pond would not discharge outside of the site's boundaries.

Comment 6-72

[Table Item #47, DEIR PDF Pg. 658, Impact 4.10-4)

Existing Text: The adaptive management program would be responsive to changing water quality conditions in the reclaimed pond over time... If the iron and/or manganese levels persist above their respective water quality standards, then the mitigation measure

recommends feasible actions that can be taken to address reducing conditions in the pond.

Comment: Table 4.10-3 indicates that more than just manganese and iron exceed water quality standards. All parameters that exceed water quality standards should be included in any monitoring and adaptive management plan. Monitoring should be conducted monthly. Iron, manganese, lead, and arsenic monitoring should take place at least every six months or immediately upon determination that there have been two exceedances of one of the action parameters, whichever is more frequent. Once iron, manganese, lead, and arsenic monitoring has begun, it should continue monthly until exceedances have resolved for at least two measurement cycles. Monitoring results should be provided to the County of Fresno and stakeholders yearly unless there is an exceedance event, at which point parties should be notified within 30 days of testing.

Response 6-72

See Response 6-47 above, which adequately addresses the commenter's improper assertion that monitoring should continue monthly. Otherwise, the comment fails to provide any substantial evidence supporting a monthly monitoring requirement.

Comment 6-73

[Table Item #48, DEIR PDF Pg. 658, Impact 4.10-4)

Comment: The 5-year clock on this monitoring should not start until the Plant Site Pond has completely filled and any vegetation present has an opportunity to degrade, creating a hydrologically stable pond elevation and low dissolved oxygen (DO) conditions, at least one year after the pond is filled. Monitoring should also take place as the pond fills.

Response 6-73

As explained in Responses 12-76, 12-97, and 12-100, Mitigation Measure 4.10-5a's monitoring of groundwater quality by sampling every six months as part of a comprehensive adaptive management program – including defined monitoring parameters, action levels, reporting requirements, and County oversight – is supported by substantial evidence (see Draft EIR pages ES-34 through ES-35, 4.10-95 and 4.10-96). As revised in this Final EIR (see Final EIR Chapter 3, "Draft EIR Errata"), Mitigation Measure 4.10-5a further clarifies monitoring implementation, timing, and enforcement. The commenter provides no support or evidence supporting a delay in the monitoring period or adaptive management framework or for monitoring to begin a year after the pond is filled.

Comment 6-74

[Table Item #49, DEIR PDF Pg. 662, Impact 4.10-6)

Existing Text: The Operator would be required to update the existing HMBP and SPCC Plan for both the Plant Site and Quarry Site and in accordance with hazardous material regulations.

Comment: The proposed project poses significant risk of flooding at the Quarry Site. The project proponent should clarify that the updated Hazardous Materials Business Plan and Spill Prevention, Control, and Countermeasure Plan will include a specific plan for Quarry Site flooding, or otherwise this plan should be added as a mitigation measure to prevent significant water quality impacts to the SJR and groundwater in the event of a flood.

Response 6-74

The requirement to update the existing HMBP and SPCC Plan ensures ongoing compliance with applicable federal, state, and local hazardous materials regulations. The project design prevents offsite discharge, and existing regulatory requirements ensure adequate spill prevention and response planning. Accordingly, the potential for significant water quality impacts is less than significant. See also Response 6-44.

Comment 6-75

[Table Item #50, DEIR PDF Pg. 662, Impact 4.10-6)

Existing Text: As described in the "Groundwater Quality at the Quarry Site" subsection of Section 4.10.1.7, above, groundwater sampling of monitoring wells at the Quarry Site indicates that all constituents were generally within water quality standards, except for nitrate, manganese, and gross alpha activity, which exceeded thresholds in some of the wells sampled.

Comment: The impact to the Quarry Site is currently being assessed based on groundwater quality, but recharge trenches will put surface water into the groundwater. Therefore, existing groundwater and surface water conditions should be evaluated when determining the proposed project's impact to groundwater quality. According to Table 4.10-3-4, surface water on the site exceeds water quality standards for manganese, iron, lead, arsenic, and conductivity. All of these parameters should be considered.

Response 6-75

The commenter offers a comment regarding the water quality at the Quarry Site, but references Draft EIR Tables 4.10-3 and 4.10-4, which shows the surface water quality at both the Plant Site and Quarry Site. As such, water quality at both sites is addressed below.

The project's potential effects related to groundwater and surface water quality were evaluated within Draft EIR Section 4.10 as well as within the 2023 *Revised Hydrology and Water Quality Analysis Report* and the 2024 *Addendum to: Revised Hydrology and Water Quality Analysis Report*, prepared by EMKO Environmental, Inc. and included as Draft EIR Appendices G-5 and G-6, respectively. See Final EIR Chapter 3, "Draft EIR Errata," to view proposed revisions to Draft EIR Section 4.10 and Appendix G. The following excerpts from the Draft EIR and EMKO Environmental, Inc. reports are provided in response to the United States Bureau of Reclamation's comments.

With the exception of the Basin Plan limit for conductivity, specifically for discharge to the San Joaquin River, which does not occur in this case, and two pH measurements, likely due to uptake of carbon dioxide and release of oxygen by aquatic plant growth in the pond, the surface water in the ponds at the Quarry Site meets applicable water quality standards. Additionally, the elevated metal concentrations mentioned in the comment are due to the presence of suspended silts and sediment within the silt pond. Since elevated metal concentrations were not present in the filtered sample, which represents the dissolved concentrations within the water, the detected metal levels in the unfiltered sample are simply a reflection of the naturally occurring metals in the natural soils and earth materials in the aggregate being processed at the Plant Site. The lack of elevated metals in the filtered samples demonstrates that the metals are not leaching from the silt into the natural soils beneath the silt pond and to the groundwater.

As noted in Draft EIR on page 4.10-98 through 4.10-99, the elevated nitrates are a regional issue that is being addressed by the RWQCB through the Salt and Nitrate Management Plan. The exceedances of manganese in some wells only exceed the Basin Plan standards, which do not apply here, and secondary MCL standards, which are in place to avoid undesirable tastes, odors, staining, or scaling but do not pose a threat to human health. It is also of note that manganese is a naturally occurring mineral component within the geologic materials at the Quarry Site. These water quality constituents therefore represent existing baseline conditions for the proposed project. The gross alpha activity concentrations found at well MW-2M appear to be an outlier as it differs significantly from the other samples collected at the Quarry Site and may not be representative of the site conditions.

The water quality of the groundwater and surface water described above is representative of conditions that already exist within the project sites. As concluded in Draft EIR Impact 4.10-6, the proposed project would not result in a significant impact to groundwater quality as it would not exceed groundwater quality standards nor substantially degrade groundwater quality at the Quarry Site.

Comment 6-76

[Table Item #51, DEIR PDF Pg. 663, Impact 4.10-6)

Existing Text: However, since the rate of inflow of 455 acre-feet per year exceeds the evaporation rate of 380 acre-feet per year, dissolved solids would not accumulate over time because they would be continually diluted by the inflow of water with an average TDS of 100 mg/L... Therefore, the potential for the quarry pit lake to accumulate concentrations of constituents that would violate water quality standards or waste discharge requirements, or otherwise degrade water quality, would be less than significant.

Comment: Dilution of existing pond water with water that also has dissolved solids will not prevent accumulation of dissolved solids and other water quality constituents such as minerals and metals; accumulation will take place over time because evaporation will not remove dissolved solids from the pond. This analysis should be revised.

Response 6-76

In addition to the response below, see Responses 6-75 and 65-27, which provide that the detected metal levels in the unfiltered sample are simply a reflection of the naturally occurring metals in the natural soils and earth materials in the fines from the aggregate being processed at the Plant Site (*Id.* at page 4.10-25).

The local runoff and direct rainfall into the quarry pit would contain little, if any, dissolved solids, especially metals. As noted in the Quarry Site water budget for reclaimed conditions, the amount of groundwater that flows into the reclaimed Quarry (195 acre-feet per year) is thirteen times greater than any groundwater outflow (15 acre-feet per year). Thus, there could be no impact on groundwater quality from water leaving the Quarry, so revising the analysis would not change the conclusions of this impact analysis.

Comment 6-77

[Table Item #52, DEIR PDF Pg. 663, Impact 4.10-6)

Existing Text: Violate Groundwater Quality Standards or Otherwise Substantially Degrade Groundwater Quality at the Quarry Site Due to the Ponding of Water in the Excavation

Comment: At this point, there is insufficient analysis to determine that this impact is not significant. Additional analysis should be conducted, and this determination should be reconsidered accordingly, including the potential incorporation of mitigation measures and adaptive management actions to address potentially significant impacts.

Response 6-77

As provided in Response 12-74, the Draft EIR explains and analyzes the presence of manganese and iron at Impacts 4.10-5 through 4.10-7 (see Draft EIR pages 4.10-95 through 4.10-101) and provides Mitigation Measure 4.10-5a and 4.10-5b to address potential increased levels caused by the project to reduce the levels to a less than significant level. See also Responses 6-52, 6-71, 6-72, and 65-27, which address water quality impacts associated with the Plant Site's silt pond water percolating into the groundwater aquifer.

Both the groundwater and surface water at the Quarry Site were assessed to establish existing baseline conditions and are represented in Tables 4.10-4 and 4.10-6 of the Draft EIR. It is important to note that the data shown are baseline conditions that are not indicative of past or future effects from the project.

The analysis conducted for assessing the proposed project's potential impacts to groundwater quality at the Quarry Site due to ponding of water in the excavation pit is sufficient to determine the impact to be less than significant (Draft EIR page 4.10-101).

Under CEQA, mitigation is only required for potentially significant impacts caused by the project. No potentially significant impacts were identified with respect to the degradation of water quality standards at the Quarry Site due to the ponding of water in the excavation pit, so no mitigation measures are required.

See Final EIR Chapter 3, "Draft EIR Errata," to view proposed revisions to Draft EIR Section 4.10.

Comment 6-78

[Table Item #53, DEIR PDF Pg. 663, Impact 4.10-6)

Comment: Reclamation requests that the Quarry Site Pond be monitored for water quality concerns in a similar fashion to the Plant Site Pond. If water quality standards are exceeded at the Quarry Site Pond, mitigation of impacts should be implemented, including but not limited to the installation of an aeration or oxygenation system.

Response 6-78

Draft EIR Table 4.10-4 presents data from several ponded water features at the Quarry Site. Only Ponded Water Feature 3, the Northeast Pond, is still present at the site and is the only ponded water feature that would remain as part of the proposed project. Draft EIR Impact 4.10-6 concludes that compliance with existing regulations and implementation of Mitigation Measure 4.10-1 would reduce the potential to violate groundwater quality standards or substantially degrade groundwater quality on the Quarry Site to less than significant. As such, implementation of the same mitigation measures as provided for the Plant Site Pond is not necessary. Additionally, as explained in Response 65-28, the Impact 4.10-6 of the Draft EIR provides that "[t]he project proposes to use and discharge groundwater … recharge trenches within the Quarry Site" which groundwater "is generally within established water quality standards, … [and] there are no known sources of potentially hazardous materials contamination of the groundwater at the Quarry Site or its vicinity; therefore, pumping of dewatered groundwater … into proposed groundwater recharge trenches along the western boundary of the [Quarry] [S]ite would not have the potential to substantially degrade groundwater quality relative to existing conditions" (Draft EIR, Impact 4.10-6, page 4.10-99).

Comment 6-79

[Table Item #54, DEIR PDF Pg. 663, Impact 4.10-6)

Comment: The project proponent has not provided any information on what types of metals or minerals may be naturally present in bedrock and deeper groundwater sources that may impact water quality at the Quarry Site. Without a clear understanding of what parameters may exceed water quality standards, it is not possible to know exactly what constituents should be monitored. Therefore, during mining and reclamation a wide suite of water quality constituents should be monitored to ensure an appropriate long-term monitoring and adaptive management plan is developed and implemented.

Response 6-79

In addition to the response below, see Response 6-78 above, which provides that "[t]he project proposes to use and discharge groundwater to the … recharge trenches within the Quarry Site" which groundwater "is generally within established water quality standards, … [and] there are no known sources of potentially hazardous materials contamination of the groundwater at the Quarry Site or its vicinity. Therefore, pumping of dewatered groundwater … into proposed groundwater recharge trenches along the western boundary of the [Quarry] [S]ite would not have the potential to substantially degrade groundwater quality relative to existing conditions" (Draft EIR, Impact 4.10-6, page 4.10-99).

Further, Table 4.10-6 presents water quality data from the twelve monitoring wells installed to provide groundwater data for the environmental analysis. The seven deep wells (MW-1D, MW-2D, MW-3D, MW-4D, MW-5D, MW-6D, and MW-7D) were drilled to depths ranging from 570 feet below ground surface to 600 feet below ground surface, as shown in Table 1 of the Kenneth D. Schmidt & Associates, *Groundwater Conditions at the Quarry Site of the CEMEX Rockfield Quarry Modification Project*. This report is included in the Draft EIR as Appendix G-4.

The data for the deep wells in Table 4.10-6 of the Draft EIR, therefore, represent the groundwater quality related to naturally occurring metals and minerals that are present in bedrock and deeper groundwater. It should be noted that the water quality conditions shown in Table 4.10-6 for the deep wells represent the existing or baseline conditions in the bedrock and deeper groundwater. They do not represent impacts that may be caused by the proposed project.

Comment 6-80

[Table Item #55, DEIR PDF Pg. 663, Impact 4.10-6)

Comment: At 100 feet deep, the Quarry Site Pond will likely experience low dissolved oxygen (DO) conditions near the bottom. This will make any accumulated metals soluble, increasing the chances of exceeding water quality standards and contaminating adjacent groundwater or alluvial groundwater that is receiving pumped pond water to recharge pits. Should the Quarry Site, during mining, reclamation, or after pond inundation show high levels of metals or trend toward increased metal loads that could contaminate local groundwater supply or the SJR through groundwater recharge, appropriate mitigation measures should be implemented including stopping excavation or installing and maintaining an appropriate system to increase DO in the pond.

Response 6-80

The commenter attributes their comment to the analysis for Impact 4.10-6 in the Draft EIR. However, the cited text in the comment is from Draft EIR Impact 4.10-7.

Assuming that the dissolved oxygen concentration would be low at the bottom of the reclaimed Quarry Site pond is speculative and not consistent with site conditions and the water budget for the reclaimed Quarry. Specifically, the water budget shows that the Quarry Site pond would receive 195 acre-feet per year of groundwater inflow and 260 acre-feet per year of direct rainfall and local runoff. The lack of any appreciable elevated metals concentrations in the deep monitoring wells (see Response 6-79, above, and Table 4.10-6 of the Draft EIR) indicates that the deep groundwater contains adequate dissolved oxygen and the naturally occurring metals in the bedrock are not soluble under the geochemical conditions in the deep groundwater. Local runoff, flowing down the reclaimed Quarry slopes, and direct rainfall into the Quarry, would contain dissolved oxygen at or near saturation levels. Therefore, there is no basis to presume that the water within the Quarry Site pond would have low dissolved oxygen concentrations that would result in increased solubility of metals.

Comment 6-81

[Table Item #56, DEIR PDF Pg. 663, Impact 4.10-6)

Existing Text: Upon the completion of Phase 1 and Phase 2 mining operations at the Quarry Site, the entire quarry pit excavation would have a bottom depth of approximately 290 feet below msl and would fill with groundwater and rainfall to form a 100-foot-deep lake with a surface elevation of about 190 feet below msl, which is about 500 feet below the surrounding grade (shown in Figure 2-10). Once the quarry pit fills to that level, approximately 195 acre feet of groundwater and 260 acre-feet of rainfall and local runoff would enter the Quarry on an annual basis.

Comment: Why does this analysis assume the water level in the Quarry Site Pond will stay 500 ft below ground surface (bgs) when current groundwater elevations are less than 50 feet bgs? One would assume the water level would attempt to rise to reach equilibrium with the level of the existing groundwater table. Please provide evidence to support this assumption.

Response 6-81

The water budget presented in Appendix G-4 of the Draft EIR indicates that at an elevation of -190 ft msl (190 feet below msl), the pond would have a surface area from which the rate of evaporation, plus the rate of other water losses, would match the rate

of water inflows from rainfall, stormwater runoff, and groundwater. Thus, the water level in the pond could not rise to substantially higher elevations because the pond surface would be even larger, which would result in the amount of evaporation exceeding the rate of water inflows. Stated another way, at an elevation of -190 ft msl, a water balance is achieved between the rate of inflow and the rate of outflow.

Comment 6-82

[Table Item #57, DEIR PDF Pg. 664, Impact 4.10-8)

Existing Text: The use of the recharge trenches would limit the amount of drawdown of the water table in the unconfined alluvial aquifer to six to eight feet at a distance of 500 feet from the excavation (KDSA 2021). As shown in Table 4.10-8, there are no supply wells within 500 feet of the excavation. At a distance of 500 feet to 1,000 feet from the excavation, within which there are three wells, the drawdown would be approximately three to five feet (KDSA 2021).

Comment: The SJR is approximately 800 feet from the Plant Site. LDC, which provides tributary flows to the SJR, is within 200 feet of the Plant Site. Please provide a detailed analysis as to how the lowering of the groundwater table around the Plant Site will impact flows in the surface tributaries and describe the outcome of this analysis in a new impact determination within the DEIR. Any impacts to the SJR should be mitigated to avoid impacts to biological resources and other water users.

Response 6-82

Identical to Comment 6-13. Please see response to that comment. See also Collective Response #25.

Comment 6-83

[Table Item #58, DEIR PDF Pg. 670, Mitigation Measure 4.10-10a)

Existing Text: For the San Joaquin River, the impact must be specific to both the alluvium and weathered rock aquifer zones.

Comment: These zones could deplete and replenish at different rates. This is not an appropriate measure of impact and should be revised.

Response 6-83

The intent of the evaluation described in Mitigation Measure 4.10-10a is consistent with the comment. Specifically, the analysis would look at impacts in both the alluvium and in the weathered rock aquifer zones. The impact does not need to occur in both zones and does not need to be identical in both zones. The reason for this statement in the mitigation measure is that the head above the weathered rock and against the alluvium would vary over time, depending on the river stage, so both need to be considered in the analysis.

Comment 6-84

[Table Item #59, DEIR PDF Pg. 670, Mitigation Measure 4.10-10a)

Existing Text: If mining progresses to the full approved depth without causing a potentially significant impact to nearby wells or flows in the San Joaquin River, then monitoring in the MW-1 and MW-3 well clusters will continue for at least 3 years, to include at least two below-normal rainfall years or one critically dry year, as defined by DWR.

Comment: Monitoring at the well clusters should continue for at least 10 years after mining has ceased and include at least one wet year, as defined by the California Department of Water Resources.

Response 6-84

The comment alleges that the groundwater systems should be monitored for at least 10 years after mining has ceased, instead of the three-year period proposed by Mitigation Measure 4.10-10a. The comment fails to acknowledge that the three-year post-mining monitoring period would occur in approximately 100 years, once mining at the Quarry Site has ceased; thus, impacts that would have occurred during the life of the mining operation would have already been analyzed. As a reminder, dewatering of the alluvium at the Quarry Site has been occurring for many decades and mining of the alluvium is effectively completed (see Draft EIR, Impact 4.10-10, page 4.10-105). All future dewatering as part of the proposed project would occur within the weathered rock and hard rock zones (*Ibid*.) These zones have effectively no primary porosity and very limited secondary fracture porosity (see Draft EIR, Impact 4.10-11, page 4.10-112). Thus, dewatering of the deeper bedrock zones would have little or no effect on water levels in the overlying alluvium (Draft EIR, Impact 4.10-11, pages 4.10-112 through 4.10-113). The comment further provides no support for why its recommendation is necessary.

Comment 6-85

[Table Item #60, DEIR PDF Pg. 670, Mitigation Measure 4.10-10a)

Existing Text: If the additional assessment confirms that a decrease in water levels greater than 15% is exclusively attributable to mine dewatering, then corrective measures would be implemented.

Comment: As currently proposed, the adaptive management plan states that if, upon additional assessment it is confirmed that a decrease in groundwater levels greater than 15 percent is exclusively attributable to mine dewatering, then corrective measures would be implemented (4.10-109). The burden of proof is inappropriately placed in this circumstance. The applicant should bear the responsibility to prove that their project does not contribute to impacts above 15 percent and, to the extent impacts may be attributable to them, appropriate corrective measures should be implemented. Reclamation recommends amending this in the adaptive management plan.

Response 6-85

Mitigation Measure 4.10-10a provides sets out a systematic process to determine the groundwater baseline, including:

> The first annual report shall be completed at the end of the first quarter of the year after the use permit becomes active and shall describe the baseline water level ranges at the MW-3 cluster for the alluvium, weathered rock, and hard rock, specifically identifying conditions during drought periods, wet periods, and seasonal fluctuations (Draft EIR, pages 4.10-108 through 4.10-109).

Upon establishing the baseline, groundwater monitoring would continue, whereas if the monitored wells drop by more than 15 percent of the baseline, this data would then be analyzed to evaluate whether the impact is specific to the weathered rock and/or hard rock and is not due to other unrelated factors, such as drought, a reduction in regional groundwater recharge, or use of groundwater by future developments located upgradient to the north and northeast of the Quarry Site and CSA 44C wells. If during this assessment, it is determined that the drop in groundwater was exclusively attributable to mine dewatering, then the corrective measures would be implemented, which may include ceasing all dewatering activities (Draft EIR, pages 4.10-108 through 4.10-111).

Comment 6-86

[Table Item #61, DEIR PDF Pg. 670, Mitigation Measure 4.10-10a)

Existing Text: If the monitoring data indicate that groundwater levels in any of the monitored wells drop such that the available water column decreases by more than 15%, then a significant impact to available groundwater supply will have occurred.

Comment: Any measured change should be based on the change at any given point compared to what groundwater levels would be without the proposed project, not a percentage from current conditions. Groundwater levels will continue to fluctuate in dry and wet years and with the increased SJRRP Restoration Flows down the SJR in the future. Increases in groundwater levels due to other factors such as SJRRP flows could mask impacts of the proposed project. Reclamation requests the applicant use the MW-2 monitoring well cluster in addition to the MW-1 monitoring well cluster in the adaptive management plan for the Quarry Site. This would likely provide additional benefit to the mitigation measure by providing spatial coverage representing the southern portion of the Quarry Site. Infiltration from the river into the excavated site will be highly influenced by localized fracture characteristics, as demonstrated by the airlift permeability testing in hard rock at MW-2; the well's test results were 10 times greater than at MW-1. Reclamation also requests that baseline conditions for all groundwater monitoring programs be developed so that they can adapt to expected increased baseflow conditions in the SJR associated with the SJRRP. Reclamation requests the opportunity to review and comment on the baseline proposals and to review the annual reports and any impact evaluations produced.

Response 6-86

See Collective Response #24 pertaining to groundwater monitoring.

Comment 6-87

[Table Item #62, DEIR PDF Pg. 670, Mitigation Measure 4.10-10a)

Existing Text: If, during mining, all available water from dewatering is being pumped to the recharge trench and the water column in the MW-1 well cluster remains below 85% of baseline elevations, then mining could not progress to greater depths in the quarry.

Comment: If recharge operations cannot recover the water column in the MW-1 well to within 85% of baseline elevations, ceasing mining to greater depths prevents further impact, but it does not mitigate

for the impact that has already occurred. How would the mitigation plan ensure impacts are corrected even after mining ceases?

Response 6-87

Mitigation Measure 4.10-10b requires adequate funding in the case that the Northeast Pond and recharge trenches would be utilized indefinitely post-reclamation (Draft EIR, page 4.10-111). Thus, the Draft EIR provides for mitigation to ensure impacts are corrected even after mining ceases. Moreover, as Mitigation Measure 4.10-10a provides, "[d]ewatering will cease once mining is completed, so groundwater levels will begin to recover" (Draft EIR, page 4.10-111).

Comment 6-88

[Table Item #63, DEIR PDF Pg. 670, Mitigation Measure 4.10-10a)

Existing Text: The dataloggers shall be programmed to record water levels at least once every six hours such that a range of static and pumping water level effects would be captured. The data shall be downloaded every six months for review and subsequent inclusion in annual mitigation monitoring reports.

Comment: Dataloggers should receive more regular downloads to ensure proper function and to be able to provide any impact threshold data more regularly than every 6 months. Sufficient baseline data should be collected from the dataloggers prior to work starting on the Quarry Site to ensure an understanding of existing hydrologic conditions and to validate and calibrate any groundwater models that may be required. This data set should include wet, dry, and average year hydrology.

Response 6-88

The comment's recommended additions to the groundwater well sampling program are noted. See Responses 6-75, 6-85, and 493-3 (for the Quarry Site), which provides information regarding the project's site groundwater well sampling protocols and measures. The Draft EIR analyses are adequate on groundwater well sampling, thus, adoption of the comment's recommended additions to the groundwater well sampling program is unnecessary (see *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 880). The comment does not provide any substantial evidence that Mitigation Measure 4.10-10a would not mitigate impacts to the groundwater quality at the Quarry Site.

Comment 6-89

[Table Item #64, DEIR PDF Pg. 670, Mitigation Measure 4.10-10a)

Existing Text: The rate of pumping into the recharge trench would be increased until the water column in the MW-1 well cluster and any monitored private wells west of the Quarry Site recover to within 85% or more of baseline levels.

Comment: What is considered "baseline level" for these wells? These terms should be dynamic based on hydrologic conditions, including increases in SJRRP flows, and the definitions should be approved by impacted stakeholders. Reclamation requests the opportunity to review the proposed baseline levels and have its comments considered in the development of baseline levels.

Response 6-89

As explained in Mitigation Measure 4.10-10a:

> The water levels recorded in the MW-1 well cluster from 2017 until the time that mining and dewatering in the weathered rock begins after approval of the project will be used to define the baseline groundwater level conditions. Baseline water level ranges will be identified for the alluvium, weathered rock, and hard rock, specifically identifying conditions during drought periods, wet periods, and seasonal fluctuations, and, similar to the MW-3 well cluster, these baseline conditions shall be documented in the first annual report (Draft EIR, page 4.10-110).

The commenter's request to review the proposed baseline levels are noted.

Comment 6-90

[Table Item #65, DEIR PDF Pg. 670, Mitigation Measure 4.10-10a)

Comment: The Quarry Site Groundwater Adaptive Management Program should be designed to assess any potential effect, and avoid, minimize, or otherwise mitigate the effect, to the SJR and alluvial groundwater system surrounding it, not only the CSA 44C wells, as is listed now.

Response 6-90

Comment 6-90 incorrectly asserts that the Quarry Site Groundwater Adaptive Management program only assesses the CSA 44C wells. The Quarry Site Groundwater Adaptive Management Program, as presented in Mitigation Measure 4.10-10a of the Draft EIR addresses the five wells to the west of the San Joaquin River, as listed in Table

4.10-9, Estimated Drawdown of Groundwater Levels in Wells Near the Quarry Site," in addition to effects on the river itself, as stated in the discussion in Draft EIR page 4.10-110, in the three-paragraph discussion of the monitoring and evaluation of data from the MW-1 well cluster.

Comment 6-91

[Table Item #66, DEIR PDF Pg. 670, Mitigation Measure 4.10-10a)

Comment: Any discharged water must be of sufficient quality to keep CV spring-run Chinook salmon in "good" condition to be consistent with the Restoration Goal of the SJR Settlement.

Response 6-91

It is anticipated that the water quality would be equivalent to that already being pumped to the existing recharge trenches along the west side of the Quarry Site. In addition, as noted in Collective Response #25 and Responses 6-14 and 6-56, the rates of groundwater flow and dewatering are miniscule fractions of the baseline and SJRRP restoration flows and would not have any measurable effect on the water quality within the river. Additionally, the project is designed as a zero-discharge facility with respect to offsite discharges, and, therefore, discharge to the San Joaquin River or other surface water bodies would not occur and is not proposed as part of the project. Water at the Quarry Site is stored in designated recharge trenches and ponds and would not be discharged to surface waters. See Responses 6-52, 6-71, 6-72, and 65-27.

Comment 6-92

[Table Item #67, DEIR PDF Pg. 670, Mitigation Measure 4.10-10a)

Comment: Please provide a map of the well sites referenced in Mitigation Measure 4.10-10a.

Response 6-92

See Figure 2 of Appendix G-4 of the Draft EIR.

Comment 6-93

[Table Item #68, DEIR PDF Pg. 675, Impact 4.10-12)

Existing Text: The base flows within the San Joaquin River are typically at or below the elevation of the base of the alluvium on the Quarry Site. Thus, flows from the San Joaquin River toward the Quarry Site within the alluvium can only occur during the infrequent and relatively short-term high flow periods. Due to the recharge trenches along the west side of the Quarry Site,

groundwater levels in the alluvium and the weathered rock would be maintained consistent with existing conditions. As a result, there would be no significant change in the volume of potential inflow from the river into the quarry during high flow events through the alluvium and weathered rock as a result of the project.

Comment: This assumption should be verified through a robust monitoring program that is adapted to consider future baseline conditions and, should impacts to the SJR occur, appropriate mitigation should be implemented.

Response 6-93

As described in the Draft EIR, mining of the alluvium, especially near the San Joaquin River, has already occurred (see Draft EIR, Impact 4.10-10, page 4.10-105). Thus, the conditions referenced in this comment from Impact 4.10-12 related to the alluvium are part of the existing baseline for the project, as noted in the second paragraph of the impact analysis (Draft EIR page 4.10-113). The comment does not provide substantial evidence that conditions referenced from Impact 4.10-12 are an inadequate representation of the existing baseline for the project. See also Collective Response #25.

Comment 6-94

[Table Item #69, DEIR PDF Pg. 675, Impact 4.10-12)

Existing Text: Increases in the San Joaquin River stage of three to six feet may increase the groundwater level in the band of alluvium between the river and the existing quarry by six inches up to three feet for periods of a few weeks to a month.

Comment: How will this be impacted by changes to the hydraulic gradient due to pumping? Please complete a supplemental analysis that includes this information, incorporate mitigation measures, and revise impact determinations, as applicable.

Response 6-94

As noted in Response 6-93, mining of the alluvium has already occurred throughout most of the Quarry Site, especially near the river. In addition, the Quarry Site is currently dewatered to the existing depths of mining, including the full thickness of the alluvium. Subsequent dewatering under the project would occur within the weathered rock and the hard rock and not affect the existing conditions within the alluvium (see Draft EIR, Impact 4.10-10, page 4.10-105). Thus, future dewatering would not alter the existing conditions within the alluvium.

Comment 6-95

[Table Item #70, DEIR PDF Pg. 679, Impact 4.10-14)

Existing Text: As described in the "Erosion and Sedimentation" subsection of Section 4.10.1.5, above, results of the Hydraulic Analysis indicate that the 100-year flow velocities along the Quarry Site river bank under existing conditions are generally at or below the 6 fps "permissible velocity" below which the natural channel will resist erosion, at all cross-sections shown in Figure 4.10-1 except at cross-sections 8, 15, and 16. The proposed SMRP would maintain the existing 200-foot setback from the river edge at the Quarry Site and would not disturb the easterly channel bank along the Quarry Site (nor any other portions of the channel).

Comment: While the excavation will take place more than 200 feet from the bank, recharge trenches will be located between the bank and the Quarry Site. Recharge operations should be considered in the bank stability analysis and appropriate mitigation should be implemented. Further, this impact should be re-assessed using the FEMA flood map and considering a 100-year flood that considers the impacts of climate variability. In addition, as recommended in county code, the 200-year event should also be considered.

Response 6-95

As noted in Responses 6-54, 6-59, and 6-101, recharge trenches have been present along the west and south sides of the Quarry Site for many years and are part of the existing baseline conditions for the CEQA analysis. The presence of the recharge trenches was considered as part of the bank stability analysis, as described in Section 4.7, "Geology and Soils," of the Draft EIR and Appendix F-1, "Stability Assessment Perimeter Mining Slopes," and Appendix F-3, "Response to Peer Review Comment, Geological and Geotechnical Assessment Report Memorandum." See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.7 and supporting appendices.

As discussed in Response 6-45, the FEMA floodplain was prepared based on 36-year-old data. As such, the Hydraulic Analysis based on recent data shows that the 100-year floodplain would not enter the Quarry. Specifically, the 100-year flow would be contained within the easterly San Joaquin River channel bank. Further, as detailed in Response 6-8, more up-to-date hydraulic analyses were performed for the project based on 2018 mapping at a 2-foot contour interval. The analyses are included in a Hydraulic Analyses report that was peer reviewed by a County-retained technical expert. The project analyses would yield more accurate results than the older FEMA data. A Letter of Map Revision (LOMR) would be prepared, if required. Under California CEQA case law, the effect of climate change on the project does not need to be assessed. In response to

comments and in accordance with the Fresno County General Plan (2024), Chang Consultants conducted hydraulic analyses evaluating the 200-year flood event, a more rare and severe flood event, which demonstrate that the 200-year flood would neither enter the Quarry Site nor the Plant Site (see Appendix G-7 and Appendix G-8).

Please see Collective Response #17, which provides a discussion of the 200-year hydraulic analysis conducted for the project.

Comment 6-96

[Table Item #71, DEIR PDF Pg. 679, Impact 4.10-16)

Existing Text: As described in Section 4.10.1.4, above, the Hydraulic Analysis (Appendix G-1) shows that the San Joaquin River floodplain does not enter into the Quarry Site and therefore the river would not overtop its banks and flow into the quarry.

Comment: This impact should be re-assessed using the FEMA floodplain map and climate variability that is expected over the life of the proposed project. In addition, as recommended in county code, the 200-year event should also be considered in this analysis.

Response 6-96

Analyzing the potential future floodplains or flood flows as a result of 200-year event caused by climate change is not reasonably foreseeable, is too speculative, and is not required to be analyzed under CEQA because that would require analyzing the impacts of the environment on the project. Additionally, the commenter incorrectly asserts that the Fresno County Code requires the consideration of the 200-year event, as no such requirement exists. For further discussion of potential flood impacts, please see Collective Response #17, which provides a discussion of the 200-year hydraulic analysis conducted for the Quarry Site.

Regarding the use of the FEMA floodplain map, see Responses 6-8 and 6-9.

As explained in Responses 65-20 and 65-22, potentially significant effects or indirect physical changes, for example, related to extreme flooding, are not required to be analyzed or mitigated if those effects would be speculative (CEQA Guidelines Section 15064(d)(3)). "While a lead agency must use its 'best efforts' to evaluate environmental effects, including the use of reasonable forecasting, 'foreseeing the unforeseeable' is not required, nor is predicting the unpredictable or quantifying the unquantifiable" (see *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1060–1061; citing Guidelines, Section 15064, subd. (d)(3)).

Comment 6-97

[Table Item #72, DEIR PDF Pg. 679, Impact 4.10-15 and 16)

Comment: How would the project proponent handle flood water from the SJR or LDC in the event of a big storm and localized flooding, including potential flooding of site equipment? Water that enters either site that would normally go to the river should be removed from the site promptly and without pollution from on-site hazardous materials.

Response 6-97

The hydraulic analyses indicate that the San Joaquin 100-year floodplain does not enter the Quarry Site nor the Plant Site. Berms have been raised along Little Dry Creek to prevent inundation of the Plant Site. Regardless, in the unforeseen event of an extreme flood event in an amount that exceeds the river's channel capacity, the Draft EIR provides that the project sites' enlarged mining excavations could help contain and minimize downstream flooding (Draft EIR, page 4.10-119), that the on-site storm runoff, wash water, and sediment would be retained within the project sites' pits and ponds (which would include the recharge trenches), and that the stormwater would be managed in accordance with all applicable requirements of the NPDES program, including site-specific SWPPPs prepared in accordance with Industrial General Permit Requirements and updated Waste Discharge Requirements (Draft EIR, page 4.7-29). In addition, The SWPPP provides that both the Plant and Quarry sites are surrounded by berms/levees that separate onsite drainage from offsite drainage (Draft EIR, page 4.10-68).

Comment 6-98

[Table Item #73, DEIR PDF Pg. 680, Impact 4.10-16]

Existing Text: The analysis also concludes that the San Joaquin River floodplain does not enter into the Plant Site, and existing topography and berms along the north edge of the Plant Site prevent the Little Dry Creek floodplain from entering the Plant Site, with the exception of a small portion of the northwest corner of the Plant Site (as shown in Figure 4.10-1). This portion of the Plant Site is currently used as a stockpile area, and this use would continue during Phase 1 mining operations. Upon completion of Phase 1 mining, the stockpiles would be removed, and the area would be graded to drain to the reclaimed pond to the east, as it does under existing conditions, which would improve conditions relative to flood flows... Although minor changes to the drainage patterns of the portion of the Plant Site in the Little Dry Creek floodplain would occur under the proposed project, ultimately, the area would drain towards the reclaimed Plant Site mining excavation, similar

to existing conditions, and flood flows would not be impeded or redirected.

Comment: The text states that flood flows would be directed toward the reclaimed pond to the east and then goes on to state that flood flows would not be impeded or redirected. These two statements contradict each other - please clarify and revise so that the text is consistent. Also, during flooding of LDC, the berm walls could be breached and/or silt leave the Plant Site, travel down to the delivery ditch, and enter the SJR. Aerial photography supports that this could occur and potentially has in the past. Existing conditions that create the risk of sediment entering the river should be remediated prior to any further improvements to the site.

Response 6-98

Upon Phase 1 mining completion, the flood flows would be directed east to the reclamation pond. The project facilities and stockpiles would be removed. As a result, the minor changes to drainage patterns due to the project would be eliminated and the flows would not be impeded or redirected by the mining operations. The berms have been raised to prevent breaching from flood flows. Further, stormwater would be managed in accordance with all applicable requirements of the NPDES program, including site-specific SWPPPs prepared in accordance with Industrial General Permit Requirements and updated Waste Discharge Requirements (Draft EIR, page 4.7-29).

Comment 6-99

[Table Item #74, DEIR PDF Pg. 681, Impact 4.10-17)

Existing Text: The enlarged mining excavation could help contain and minimize downstream flooding, which would reduce the overall potential for release of pollutants, including sediment.

Comment: It appears the project proponent is proposing to capture river flows in the Quarry Site, which contains hazardous materials, as a flood reduction strategy. This approach would create unnecessary pollution risk and divert water supplies into the Quarry Site intended for downstream water users. All flood flows should be routed away from the Quarry Site.

Response 6-99

Comment 6-99 incorrectly asserts that the project proposes to capture river water flows in the Quarry Site, as the capture of flood waters at the Quarry Site is not being proposed as part of the project. The referenced discussion from Impact 4.10-17 is specifically related to unforeseen events that would result in dam releases or flows in the river that exceed

the river channel capacity, resulting in flooding and inundation beyond the defined floodplain and floodway. Examples of such events include flooding greater than that observed in the historical record, uncontrolled dam releases due to some type of mechanical issue with the flood gates, or dam failure. These types of unforeseen releases would not provide water supplies intended for downstream users. This unforeseeable event would result in an impact of the environment or other infrastructure (e.g., dam failure) on the project, not an impact of the project on the environment. Notably, the easterly bank along the Quarry Site did not experience significant erosion, and the bank has never breached into the Quarry Site (Draft EIR, page 4.10-7). Therefore, the effects of such unforeseen circumstances do not require further analysis under CEQA.

Comment 6-100

[Table Item #75, DEIR PDF Pg. 707)

Existing Text:

> *Policy OS-A.14:* The County shall require the protection of floodplain lands and, where appropriate, acquire public easements for purposes of flood protection, public safety, wildlife preservation, groundwater recharge, access, and recreation.
>
> *Consistent:* The project would not result in any development within a floodplain. The northwest corner of the Plant Site is within the floodplain of Little Dry Creek. However, this portion of the site is and would continue to be used for stockpile storage. When the site is reclaimed, the stockpiles would be removed, and the site graded to drain to an existing pond.

Comment: While the proposed project might not create development within the floodplain, it does not protect it, as called for in the policy. There continue to be questions regarding the boundaries of the floodplain relative to the proposed project area that should be addressed before an impact determination is made. In addition, it states here that the Plant Site will divert flood waters into a pond where removal is not possible. This is not how a protected floodplain is intended to function and is not an acceptable long-term plan to address floodwaters on the Plant Site.

Response 6-100

The project's potential effects related to groundwater and surface water quality were evaluated within Draft EIR Section 4.10 as well as within the *Revised Hydrology and Water Quality Analysis Report* and the *Addendum to: Revised Hydrology and Water Quality Analysis Report* prepared by EMKO Environmental, Inc., and included within Draft EIR

Appendices G-5 and G-6, respectively. The commenter asserts that the project would not "protect" the floodplain. Not adding development to the floodplain area is a form of protection.

Further, the floodplain is determined by FEMA studies and updated hydraulic analysis prepared to estimate floodplain changes (see Draft EIR, Appendix G-1). The results of the analysis are shown in Draft EIR Figure 4.10-1, "Current 100-Year Floodplain." The analysis indicates that the current San Joaquin River 100-year floodplain does not encroach onto the Quarry or Plant sites. Chang Consultants conducted additional hydraulic analyses evaluating the San Joaquin River 200-year flood, and concluded that the 200-year flood would neither enter the Quarry Site nor the Plant Site. (Chang 2026a and 2026b, see Appendix G-7 and Appendix G-8). The Plant Site is not within the floodplain of Little Dry Creek. Existing topography and ground elevations protects the Plant Site from the San Joaquin River and Little Dry Creek 200-year flood. Please see Final EIR Chapter 3, "Draft EIR Errata," for revisions to Section 4.10 and Section 4.11, "Land Use and Planning."

Comment 6-101

[Table Item #76, DEIR PDF Pg. 707)

Existing Text:

> *Policy OS-A.5:* The County shall encourage, where economically, environmentally, and technically feasible, efforts aimed at directly or indirectly recharging the county's groundwater.
>
> *Consistent:* Project operations include recharge of the underlying aquifer through direct pumping of water pumped from the excavations into unlined ponds and recharge trenches.

Comment: It is Reclamation's understanding that pumping of water into unlined ponds and recharge trenches is being proposed to mitigate for some of the impacts of the proposed project on the local groundwater table and the SJR and would not creatie [sic] a net gain to groundwater supply. The response to this policy statement is misleading and should be removed; the proposed project would have a negative impact on local groundwater and surface water supply and water users.

Response 6-101

As explained in Response 12-77, recharge of groundwater using perimeter recharge trenches and the Northeast Pond have been occurring at the Quarry Site for decades and are part of the existing baseline conditions to reduce or eliminate the effects of dewatering

outside of the Quarry Site boundary (Draft EIR, Section 2.4.2.2, "Quarry Site Existing Conditions," page 2-21, and Section 2.5.2.2, "Quarry Site Mine Plans," page 2-39). Because the pumped water is recharged back to groundwater, as opposed to being discharged to surface water (e.g., the San Joaquin River), the project is consistent with this Fresno County policy. Otherwise, the commenter does not provide substantial evidence that the proposed project would have a negative impact on local groundwater and surface water supply and water users.

Comment 6-102

[Table Item #77, DEIR PDF Pg. 707, Policy OS-A.14)

Existing Text:

> *Consistent:* The project would not result in any development within a floodplain….

Comment: The applicant appears to be claiming the policy is related only to developing within the floodplain. However, this policy also appears to be related to not constraining floodplains (for wildlife and public safety), promoting groundwater recharge, wildlife preservation, and recreation. The use of a portion of the LDC floodplain for stockpile/storage does not appear to be consistent with this policy. Reclamation recommends that the LDC floodplain be left in or restored to a natural condition and that stockpiling be limited to areas outside of the LDC 100-year floodplain. Reclamation notes that flow contributions from LDC help maintain flows and support water diversions downstream.

Response 6-102

See Response 6-101 above. The project's potential effects related to groundwater and surface water quality were evaluated within Draft EIR Section 4.10 as well as within the *Revised Hydrology and Water Quality Analysis Report* and the *Addendum to: Revised Hydrology and Water Quality Analysis Report* prepared by EMKO Environmental, Inc., and included within Draft EIR Appendices G-5 and G-6. Based on the hydraulic studies prepared by Chang Consultants as provided in Appendix G of the Draft EIR, neither the San Joaquin River 100-year floodplain nor the Little Dry Creek floodplain enter the Plant Site. Further, the project would not result in development within the floodplain. The project would continue to use stockpiling, which is part of the CEQA baseline. See Final EIR Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10 and supporting technical appendices.

Additionally, the hydraulic report indicates that the Little Dry Creek floodplain would not impact the Plant Site. Existing berms and ground elevations prevent both the 100-year and 200-year Little Dry Creek floodplains from entering the Plant Site.

For these reasons, as supported by Draft EIR Section 4.10 and Appendix G, and the revisions presented in Final EIR Chapter 3, the flood plain analysis was complete, and no further analysis is needed.

Comment 6-103

[Table Item #78, DEIR PDF Pg. 709, Policy OS-A.24)

Comment: The project proponent's water quality analysis does not address the water quality of recharge waters, which show water quality exceedances. For instance, DEIR pdf page 656 states "Basin Plan limits for conductivity, iron, and manganese were exceeded, but Basin Plan limits would only apply to groundwater pumped from the Plant Site if the water was to be discharged directly to the San Joaquin River." It appears the project proponent is not intending to mitigate potetnial [sic] water quality impacts from pumped recharge water with known Basin Plan exceedances because it is not being discharged to a live stream. However, recharge water being placed in these shallow recharge structures has a strong potential to introduce pollutants and water quality constituents into the shallow groundwater table, which would degrade groundwater and impact the adjacent water bodies. This impact should be addressed before any determination is made regarding consistency with this policy.

Response 6-103

With regard to the potential for interaction between the surface recharge trenches and the shallow groundwater table it should be noted that while the San Joaquin River and alluvial aquifer are hydraulically connected, and some connectivity between these and groundwater in the bedrock fractures is likely, despite differences in conductivities and transmissivities, the mineralogic continuity of the alluvium and the underlying granitic target resource for the project indicate that the water-rock interactions would be geochemically similar.

Recognizing the geochemical similarities between the San Joaquin River, alluvial aquifer, and groundwater within the fractured bedrock, the water quality characteristics are similar in terms of the existing conditions. With project implementation, recharge of pumped groundwater during mining, as well as storage of process water in the designed basins, is therefore unlikely to have any appreciable effect on background water quality with regard to naturally occurring constituent concentrations, given the proposed water

management for this project. The Draft EIR sufficiently analyzed groundwater quality impacts and correctly concluded that the proposed project would be consistent with Fresno County Policy OS-A.24.

Furthermore, the surface water and groundwater concentrations reported in the 2023 EMKO report represent already existing conditions at the Quarry Site and are not indicative of potential project effects or past practices (see Draft EIR Appendix G-5).

However, Mitigation Measure 4.10-5a is in place and to be implemented as an adaptive management strategy to assess whether the proposed project could cause a water quality impairment, specifically for iron and manganese in the reclaimed Plant Site pond within the former mining excavation, and actions to be undertaken in the event of a verified impact. The monitoring would begin once mining is completed and water starts filling the excavation, since there would be no appreciable water-rock interaction under pumping condition. With this mitigation implemented, water quality would be monitored via direct measurement every six months. If iron or manganese levels exceed regulatory limits during two consecutive monitoring periods, further lab testing and seasonal assessment would follow. Persistent exceedances would trigger mitigation measures, such as aeration, vegetation control, or other methods to reduce iron and manganese concentrations. Monitoring would continue until five years pass without exceedances, at which point it may end. Annual reports would be submitted to the County, detailing monitoring results and any corrective actions taken.

Additionally, Mitigation Measure 4.10-1 and 4.13-6 requires implementation of Blasting Protocols which reduces the potential for the proposed project to contaminate the groundwater by explosives at the Quarry Site (Draft EIR page 4.11-25).

See also Response 65-28 and Collective Response #25.

Comment 6-104

[Table Item #79, DEIR PDF Pg. 711, Goal OS-D, OSD.4)

Existing Text: To conserve the function and value...related riparian areas...

Comment: The DEIR states these goals are "not applicable" and "consistent", respectively. The delivery ditch at the Plant Site is directly connected to Little Dry Creek, which flows into the SJR. In reviewing aerial imagery, there are visible sediment depositions that appear to have originated from the Plant Site and been released into the delivery ditch. There is riparian vegetation along LCD and the SJR that could be impacted by this sediment.

However, there is no discussion of this existing condition or potential impacts. Impact 4.4-4 only discusses dust control and blasting and does not address the other potential impacts. As requested for Impact 4.4-5, baseline conditions should be accurately described, and potential impacts disclosed. The determination for this goal should be reconsidered with this additional information included in the analysis.

Response 6-104

Impact 4.20-4 (Draft EIR, Impact 4.20-4, page 4.20-16) analyzes impacts to existing riparian areas; Impact 4.10-15 (Draft EIR, page 4.10-117) indicates that the project would not alter drainage patterns in a manner that would result in on- or off-site flooding or exceed the capacity of the existing storm drainage system. Impact 4.10-16 (Draft EIR pages 4.10-117 through 4.10-118) determined that the project would not alter drainage patterns in a manner which would impede or redirect flood flows. Impact 4.10-17 (Draft EIR, pages 4.10-118 through 4.10-119) determined that the enlarged mining excavation could help contain and minimize downstream flooding, which would reduce the overall potential for release of pollutants, including sediment. Additionally, sediment would continue to be controlled via the project sites' NPDES Permit, SWPPP, and implementation of BMPs (Draft EIR, Section 4.10.2.2, pages 4.10-68 through 4.10-70). The comment does not provide evidence or argument that the Draft EIR's evaluation of these potential impacts are inadequate.

Comment 6-105

[Table Item #80, DEIR PDF Pg. 728-729, Policy Habitat 7,9, 16)

Comment: The DEIR lacks sufficient detail for addressing long-term ecological restoration of the proposed project sites. No definition of open water habitat and no plan to remove aquatic vegetation is provided. What are the criteria for success and what is the monitoring plan? How will the project proponent ensure the plan does not impact the SJRRP? Please expand here.

Response 6-105

Site-specific restoration details would be further developed in coordination with resource agencies as project design advances. Criteria for success would be based on measurable performance standards such as establishment of desired vegetation communities, water quality targets, hydrologic function, and habitat use by target wildlife species. A monitoring plan would be implemented to evaluate progress toward these standards through periodic field surveys, vegetation mapping, and photo documentation.

To ensure the plan does not adversely affect the SJRRP, project activities would be coordinated with the Division of Mine Reclamation and other responsible agencies. The restoration plan would be designed to complement, rather than conflict with, the goals of the SJRRP, including avoiding adverse alterations to river flows, fish passage, water quality, and other favorable habitat conditions.

Comment 6-106

[Table Item #81, DEIR PDF Pg. 926)

Existing Text:

> *List Method:* A list of past, present, and reasonably foreseeable future projects producing related or cumulative impacts, including those projects outside the control of the agency.

Comment: The DEIR states that a List Method or Regional Growth Projections Method will be used and will be identified at the beginning of each section but does not actually appear to state the method in each section. Please state which approach was used for each resource analyzed.

Response 6-106

The methodology for assessing cumulative impacts for each resource topic is described within the respective sections of Chapter 5, "Cumulative Impacts," of the Draft EIR (e.g., Section 5.3.1, "Aesthetics;" Section 5.3.2, "Agricultural and Forestry Resources"). These sections identify the geographic scope of analysis and the relevant cumulative projects and/or regional growth assumptions, as appropriate to each resource topic. As described in these sections, the cumulative impact analysis uses a combination of the list of related projects (List Method) and regional growth projections, depending on what is most appropriate for the resource topic. In addition, Table 5-1, "List of Nearby Projects" (Draft EIR, pages 5-4 through 5-5) provides a list of nearby cumulative projects, and Figure 5-1, "Cumulative Projects," provides a map of these projects.

Comment 6-107

[Table Item #82, DEIR PDF Pg. 937)

Existing Text: The proposed project would not affect water from Millerton Reservoir, Friant-Kern Canal, and Tule River; therefore, there would not be potential cumulative impacts of the proposed project and the Friant Ranch Specific Plan project on riparian communities, waters of the state, wetlands, or groundwater dependent ecosystems in the vicinity of the project sites.

Comment: Any increase in Reach 1 losses, such as those that would occur from operation of the proposed project, would reduce the amount of available water supply to the Friant Division water users and therefore, negatively impact the Friant-Kern Canal. This conclusion should be revised.

Response 6-107

First, the commenter fails to define what is meant by Reach 1 losses, and the Draft EIR makes no mention to Reach 1 losses. Regardless, the commenter fails to acknowledge the analyses of impacts to the Friant-Kern Canal, which were adequately analyzed in Responses 6-8, 6-14, 6-49, and 58-25. Otherwise, the commenter does not provide substantial evidence that the proposed project would reduce the amount of available water supply or impact the Friant-Kern Canal.

Comment 6-108

[Table Item #83, DEIR PDF Pg. 946)

Existing Text: Regarding cumulative impacts to surface water quality (Impacts 4.10-1, 4.10-2, and 4.10- 3), stormwater runoff is contained within the project sites by the existing berms, and the project would not impact surface water quality outside of the project sites.

Comment: The proposed project does have the potential to impact surface water quality of the SJR if recharge water that is not of a similar quality to SJR water is placed immediately adjacent to the SJR. This statement should be revised to disclose this potential impact and any related analyses should be revisited.

Response 6-108

The commenter asserts without factual basis that the proposed project has the potential to impact the surface water quality of the SJR. The proposed project is designed as a zero-discharge facility with respect to offsite discharges and therefore does not discharge to the San Joaquin River or any other offsite surface water (see Draft EIR, Impact 4.10-1, page 4.10-88). Both the Quarry Site and the Plant Site are managed such that stormwater and groundwater are not discharged from the site boundaries. Therefore, there would be no impacts to surface water quality off-site, including the SJR.

The Draft EIR identified a potentially significant impact related to groundwater quality at the Plant Site pond for iron and manganese (see discussion of Impact 4.10-5 on page 4.10-95 of the Draft EIR). With the implementation of Mitigation Measure 4.10-5a, further

described below, the potential impact to groundwater quality would be reduced to less than significant (Draft EIR page 4.10-98).

Mitigation Measure 4.10-5a provides an adaptive management strategy to assess whether the proposed project would cause a violation of water quality standards for iron and manganese in the reclaimed Plant Site pond within the former mining excavation and indicates actions to take if an impact is verified. The monitoring would begin once mining is completed and water starts filling the excavation, with measurements taken every six months. If iron or manganese levels exceed regulatory limits during two consecutive monitoring periods, further lab testing and seasonal assessment would follow. Persistent exceedances would trigger mitigation measures, such as aeration, vegetation control, or other methods to reduce iron and manganese concentrations. Monitoring would continue until five years pass without exceedances, at which point it may end. Annual reports would be submitted to the County, detailing monitoring results and any corrective actions taken (Draft EIR pages 4.10-96 through 4.10-98).

See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10, including Mitigation Measure 4.10-5a, and supporting appendices.

Comment 6-109

[Table Item #84, DEIR PDF Pg. 947)

Existing Text: Furthermore, as described in Impacts 4.10-10 and 4.10-11, during both mining operations and after final reclamation, the estimated increase in groundwater consumption at the Plant Site and Quarry Site are several orders of magnitude smaller than the fluctuations in the water balance of the North Kings GSA area. For these reasons, the project's contribution to the significant cumulative impacts related to the depletion of groundwater and conflict/obstruction with the North Kings GSA Groundwater Sustainability Plan would be less than cumulatively considerable.

Comment: As stated on Page 5-1, "For purposes of this Draft EIR, the proposed project would be considered to have a significant cumulative effect if... the cumulative effects of other past, present, and reasonably foreseeable future projects without the proposed project are already significant and the project contributes measurably to the effect. The standards used herein to determine measurability are that either the impact must be noticeable or must exceed an established threshold of significance." The measure of significant cumulative effect used for this analysis is a noticeable impact or an impact that exceeds an established threshold of significance. As currently analyzed,

the project proponent has indicated the impact is "less than cumulatively considerable," but has not analyzed the impact against the measures outlined in the document. Please analyze this impact to the standards required and amend the section accordingly.

Response 6-109

As quoted in this comment, the project must contribute measurably to the effect, and the impact must be noticeable. As the impact analysis notes, the estimated increase in groundwater consumption at the Plant Site and Quarry Site are several orders of magnitude smaller than the fluctuations in the water balance of the North Kings GSA area (see Draft EIR, Impact 4.10-11, page 4.10-112 through 4.10-113). In other words, increased groundwater consumption under the project would not contribute measurably to the effect and would not be noticeable in any of the wells identified in the Groundwater Sustainability Plan used to evaluate changes in groundwater levels.

It is also important to note that increased consumption at the Quarry Site area would occur from the crystalline bedrock units, the weathered rock and the hard rock, which are below the bottom of the identified groundwater basin.

See also Response 65-38 and Collective Response #25.

Comment 6-110

[Table Item #85, DEIR PDF Pg. 947)

Existing Text: The proposed project and cumulative projects could have a significant impact on the hydrology of the San Joaquin River should the projects substantially drawdown groundwater and thereby result in a decrease of flows in the river (Impact 4.10-12).

Comment: The SJR already has significant cumulative impacts to its hydrology due to existing diversions, as demonstrated by the need for the SJRRP. Therefore, for the purposes of analyzing cumulative impacts to the hydrology of the SJR, cumulative impacts of this proposed project should be determined based on whether the project is cumulatively considerable, not on whether the impact itself is determined to be significant or if the project substantially draws down groundwater. Please revise this analysis.

Response 6-110

See Responses 6-14 and 6-56 and Collective Response #25. The analysis presented in the Draft EIR and its supporting appendices indicate that groundwater is not interconnected with surface water at the project site. Therefore, groundwater use for the project would have no significant individual or cumulative effect on flows in the San Joaquin River.

Furthermore, the groundwater flow volume under the Quarry Site area and the estimated dewatering rates are miniscule fractions of the baseflow and SJRRP restoration flows in the river, such that even if there was a direct connection between the groundwater under the Quarry Site and the river, any decrease in river flows would be less than that which could be accurately measured or observed.

Comment 6-111

[Table Item #86, DEIR PDF Pg. 947)

Comment: The referenced Groundwater Sustainability Plan (GSP) provided by the North Kings Groundwater Sustainability Agency (GSA) to the State of California Department of Water Resources (DWR) included corrective actions identified by DWR as necessary for GSP approval. The corrective actions include an interconnected surface water (ISW) analysis to better understand the interaction between surface water flows and groundwater. As such, the North Kings GSA entered a Memorandum of Understanding with other GSAs, the SJRRP, Friant Water Authority, and the SJRRP Restoration Administrator to initiate a Technical Committee analyzing ISW. The project proponent should engage the North Kings GSA to ensure consistent understanding of ISW and water budget impacts.

Response 6-111

The Reclamation's suggested engagement of the project proponent with the North Kings GSA is noted. The County agrees that engagement with the North Kings Groundwater Sustainability Agency (North Kings GSA) is necessary for project review. The North Kings GSA reviewed and provided comments on the Draft EIR (North Kings GSA, March 10, 2025). Please see Responses 10-1 through 10-19, below, for comments received by the North Kings GSA and the County's responses to the comments, including consideration of corrective actions and water budget issues. The commenter recommends engagement with North Kings GSA but does not discuss the adequacy of the Draft EIR and no further response here is required.

Comment 6-112

[Table Item #87, DEIR PDF Pg. 948)

Existing Text: The Quarry Site is not located in a flood plain, and only a small portion of the northwest corner of the Plant Site (as shown in Figure 4.10-1, "Current and Regulatory Floodways and Floodplains,") is located within the Little Dry Creek floodplain.

Comment: Please revise this language to reflect the FEMA floodplain map and assess the cumulative impact recognizing that the project

proponent's alternate floodplain map does not represent the complete data set regarding flood risk for this project.

Response 6-112

As explained in Response 6-8, the FEMA floodplain map is out of date. The floodplain mapping prepared for the project is up to date. The analysis methodology is summarized in the Draft EIR in Section 4.10.3.2 and is set out in detail in Appendix G-1. Comment 6-112 does not cite to or provide any analysis as to why Draft EIR Appendix G-1 and the summary contained in the Draft EIR in Section 4.10.3.2 are inaccurate. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10 and supporting appendices.

Comment 6-113

[Table Item #88, DEIR PDF Pg. 956)

Existing Text: The project's contribution to the cumulative increase in groundwater use in Fresno County would be cumulatively considerable.

Comment: Please clarify that there have been significant cumulative impacts to groundwater in the region, as evidenced by the need for the North Kings GSA and GSP. Analyzing water availability during wet hydrology does not provide a complete picture; groundwater availability in times of drought is at a deficit. Over the course of the proposed project's 100-year life, pumping will undoubtedly take place during times of drought. Please provide a proposed mitigation plan to offset this cumulative impact, especially during times of drought.

Response 6-113

The cumulative impacts being assessed in the section of the Draft EIR cited in this comment (Section 5.3.19, "Utilities and Service Systems") are related to Utilities and Service Systems. Cumulative impacts related to groundwater are addressed in Section 5.3.10, "Hydrology and Water Quality," of the Draft EIR, which discusses conditions in the groundwater subbasin managed by the North Kings Groundwater Sustainability Agency (GSA) through the Groundwater Sustainability Plan (GSP). Additionally, the above cited sentence related to ground water is incorrect and has been deleted via an Errata.

Comment 6-114

[Table Item #89, DEIR PDF Pg. 957)

Existing Text: As discussed in the preceding sections, the proposed project would not make cumulatively considerable contributions to any significant cumulative impacts except related to transportation. Impact 4.17-1 would remain a significant and unavoidable impact even with mitigation and would contribute significantly to cumulative transportation impacts in the region. See Section 5.3.17, above, for details.

Comment: This statement does not address the proposed project's impact to groundwater in times of drought or its impact to the SJR when analyzed for cumulative impact. Please revise to reflect these areas of significant cumulative impacts.

Response 6-114

Impacts to groundwater are addressed in Section 4.10 of the Draft EIR, and cumulative impacts to groundwater are addressed in Section 5.3.10 of the Draft EIR. See Response 6-110 with respect to potential cumulative impacts to the San Joaquin River. Additionally, the above cited sentence related to ground water is incorrect and has been deleted from the Draft EIR via an erratum as shown in Final EIR Chapter 3, "Draft EIR Errata."

Comment 6-115

[Table Item #90, DEIR PDF Pg. 1005, Alternative 4)

Comment: Please add a risk analysis of bank stabilization and flood protection with and without an additional 100-foot setback. This appears to be a significant consideration with the 100-foot setback that should be considered in the analysis.

Response 6-115

See Response 65-44, which provides that the Reduced Mining Depth (300 Feet) with Additional Setbacks Alternative would also be inconsistent with Goal OS-C of the Fresno County General Plan Mineral Resources Section of the Open Space and Conservation Element to conserve areas identified as containing significant mineral deposits for potential future use, because it would not promote operation of mining and extraction activities within areas designated for such use (Draft EIR page 6-39). The comment provides no support for why Alternative 4 should be analyzed in the suggested manner.

Comment 6-116

[Table Item #91, Appendix 1 of 2, Appendix 2 of 2, PDF Pg. 1798-3, Hydraulic Analysis]

Existing Text: [Use of 100-year flow velocities] Comment: The use of 100-year flow velocities, equating to a 71,000 cfs flow, is not adequate given the lifetime of the proposed project (i.e. 100 years). There is a 63% chance of a 100-year flood or larger during a 100-year project lifespan. Since the 100-year flow velocity estimates are close to the erosion threshold, higher flows could endanger the integrity of the natural berms and levees around the proposed project sites. Breaching of the proposed project sites by high flows could cause long-term impact to fisheries, the ability for Reclamation to provide water to Holding Contracts below the proposed project site, the ability of Reclamation to meet environmental flow requirements, and potentially the ability of Reclamation to deliver water to Mendota Pool for the Exchange Contract.

Response 6-116

As explained in Response 65-37, which provides the adaptive approaches in Mitigation Measures 4.7-6, 4.7-7a, and 4.10-1 adequately address the potential of pit failure and slope stability analyses. Additionally, Mitigation Measure 4.10-1, which addresses any potential impacts to the San Joaquin River embankment, requires continuous pre-blast and post-blast visual inspections of the portions of the San Joaquin River embankment that are located within 1,000 feet of each blast would be completed, and that in the case of an impact, all blasting must cease until the County approves a Corrective Action Plan (see Draft EIR, pages 4.4-57 through 4.4-58; Mitigation Measure 4.10-1; and Final EIR Appendix H-9, Section E, page 5). Regardless, this unforeseeable event situation would result in an impact of the environment or other infrastructure (e.g., dam failure) on the project, not an impact of the project on the environment. Notably, the easterly bank along the Quarry Site did not experience significant erosion, and the bank has never breached into the Quarry Site (Draft EIR, page 4.10-7). Therefore, the effects of such unforeseen circumstances do not require further analysis under CEQA. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10 and supporting appendices.

Comment 6-117

[Table Item #92, Appendix 1 of 2, PDF Pg. 49, 3.4)

Existing Text: "The San Joaquin River is located approx. 0.6 miles to the west of the Plant Site... In addition, the silt ponds, serve as a source of recharge to the groundwater.

Comment: This section describes in detail how water is being consumed, not returned to the river, which would be inconsistent with Holding Contract #15. Furthermore, this section describes that the project proponent is claiming their Holding Contract as evidence of a water right, which Reclamation does not support. Reclamation recommends revising this language.

Response 6-117

An EIR is not the proper forum to discuss complex water rights issues, as that is not the purpose of CEQA analysis. The comment addresses statements within Appendix B-1 of the Draft EIR, which is the Surface Mining and Reclamation Plan. The Draft EIR evaluates the potential impacts of the proposed project on the environment, per CEQA requirements. The nature of an almost 80-year-old Holding Contract and the status of water rights are not environmental impacts that are addressed under CEQA.

Letter #7 March 10, 2025, Jonathan Ambrose, National Marine Fisheries Service

Comment 7-1

The National Marine Fisheries Service (NMFS) is the federal agency responsible for managing, conserving, and protecting marine resources for inland, coastal, and offshore waters of the United States. We derive mandates from several statues, including the Federal Endangered Species Act (ESA) and the Magnuson-Stevens Fishery Conservation and Management Act1 (MSA). The purpose of ESA is to conserve threatened and endangered species and their ecosystems, while the MSA aims to protect habitat for species important for commercial and recreational fisheries. NMFS's technical assistance in this letter pertains to the Draft Environmental Impact Report (EIR) for the Rockfield Quarry Modification Project (Project), near Fresno, California.

Response 7-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See responses below that address specific issues raised in this comment letter.

Comment 7-2

The Project location is approximately 0.5 miles east of the mainstem San Joaquin River, within an alluvial floodplain deposit. The proximity of the Project location to the San Joaquin River, in addition to the proposed mining depth (i.e., over 300 feet), should take into consideration how surface water and groundwater are hydraulically linked. There is no ESA-designated critical habitat in the San Joaquin River near the Project area, however the hydraulic linkage is critically important in creating and

maintaining habitat for federally threatened California Central Valley (CCV)steelhead (*Oncorhynchus mykiss*), Central Valley (CV) spring-run Chinook salmon (*O. tshawytscha*), and the southern Distinct Population Segment (sDPS) of North American green sturgeon (*Acipenser medirostris*) listed under the ESA. The current analysis is inadequate to understand the full breadth of potential impacts the Project will have on the ESA- listed and MSA-managed species in the San Joaquin River.

Response 7-2

The Draft EIR provides a comprehensive, site-specific analysis of groundwater and surface water interactions and their potential effects on aquatic resources (Draft EIR Section 4.10.1.9, "Groundwater- Surface Water Interaction at the Quarry Site," pages 4.10-48 through 4.10-61). The hydraulic connection between the Quarry Site and the San Joaquin River (SJR) was evaluated using conservative assumptions, modeling, and monitoring data, which demonstrate that the proposed mining depth and operations are not expected to cause significant impacts to federally listed California Central Valley steelhead, Central Valley spring-run Chinook salmon, or southern Distinct Population Segment green sturgeon.

The Draft EIR analyzes the proposed project's potential to interfere with native resident or migratory fish or wildlife species movement, corridors, or nursery sites. In this discussion of Impact 4.4-6, the Draft EIR provides that the San Joaquin River serves as a migratory corridor for certain fish species, including Chinook salmon. The Draft EIR concludes that this impact would be less than significant, with no mitigation required (Draft EIR pages 4.4-62 through 4.4-63).

The hydraulic analysis in the Draft EIR incorporates protective measures and monitoring programs designed to detect and address potential effects, ensuring that the proposed project would not adversely affect ESA-listed species or MSA-managed species. Therefore, the commenter's assertion that the Draft EIR's analysis of impacts to the SJR and additional impacts to the stated fish species is inadequate is not supported.

The surface waters of the San Joaquin River in proximity to the Quarry Site are regulated primarily by releases of water from the Millerton Reservoir, not groundwater or precipitation. As such, habitat for fish, including the species highlighted by the comment, is substantially dependent on factors unrelated to the subject project. Draft EIR Section 4.10, "Hydrology and Water Quality," provides adequate analysis to determine that the project would not have a substantial impact on the fish species highlighted by the commenter. The comment does not provide substantial evidence that a significant

adverse impact to these species would be a reasonably expected outcome from the project.

See Final EIR Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections and supporting appendices referenced in this response.

Comment 7-3

A more robust analysis considering future impacts under a fully implemented San Joaquin River Restoration Program (SJRRP) and expected future hydrologic conditions should be included in your Draft EIR.

Response 7-3

Pursuant to the California Public Resources Code and CEQA Guidelines, the Draft EIR properly analyzes the proposed project's impacts as compared to existing baseline conditions at the time of the Notice of Preparation. The analysis of impacts is not required to assume conditions where the San Joaquin River Restoration Program is fully implemented.

Comment 7-4

In addition, CV fall-run Chinook salmon are an important commercial and recreational sportfish under the MSA. Where groundwater aquifer supplements streamflow, the influx of cold, clean water is important for maintaining surface water temperature and flow volume. The mainstem San Joaquin River, up to Friant Dam, is designated Essential Fish Habitat (EFH) for federally managed Chinook salmon species within the Pacific Coast Salmon Fishery Management Plan2, pursuant to the MSA. For the purposes of the MSA, EFH means "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity", and includes the associated physical, chemical, and biological properties that are used by fish (50 CFR 600.10).

The Project location is hydraulically linked to habitat in the San Joaquin River where ESA-listed CCV steelhead and sDPS green sturgeon, and MSA-managed CV fall-run Chinook salmon, have the potential to occur over the next 100 years during implementation of the Project. Additionally, CV spring-run Chinook salmon3 currently spawn, rear, and migrate, in the San Joaquin River in the proximity of the Project location. This reintroduced population of CV spring-run Chinook salmon are part of the long-term reintroduction efforts by the San Joaquin River Restoration Program4. The SJRRP also includes volitional fish passage infrastructure projects that are expected to increase the presence

and population of CCV steelhead, sDPS green sturgeon, and Chinook salmon (both fall-run and spring-run) in the hydraulically-linked Project area of the San Joaquin River.

Response 7-4

The commenter provides information regarding Essential Fish Habitat (EFH), the San Joaquin River Restoration Program (SJRRP), and the potential presence of ESA-listed and MSA-managed fish species in the San Joaquin River in the vicinity of the project. This information is noted.

Pursuant to the California Public Resources Code and CEQA Guidelines, the Draft EIR evaluates the proposed project's impacts based on existing baseline conditions at the time of the Notice of Preparation and is not required to assume future conditions associated with full implementation of the SJRRP. The Draft EIR evaluates the hydraulic connection between the project sites and the San Joaquin River and concludes that the project would not adversely affect ESA-listed or MSA-managed species. Protective measures and monitoring are included to detect and address any potential effects, ensuring that river conditions supporting fish populations are maintained. See also Response 7-2 and Collective Response #12 for further discussion of the San Joaquin River Restoration Program and Chinook salmon.

Letter #8 March 10, 2025, Joaquin Arambula, California Assemblymember, 31st District

Comment 8-1

I write in response to the Draft Environmental Impact Report regarding the CEMEX company's proposal to expand its operations on the San Joaquin River, which include plans to blast and drill a 600-foot pit to extract rock for the purpose of making gravel, northeast of the City of Fresno.

Response 8-1

The comment is introductory and does not address the adequacy of the Draft EIR. Please see below for responses to specific comments.

Comment 8-2

The CEMEX proposal is unnecessary, unjustifiable, and unwanted by many concerned area residents, community members, and environmental protection advocates. At its core, the CEMEX plan would permanently disfigure and devastate a prized natural resource in Fresno County – the San Joaquin River and the long-standing goal to restore a 22-mile segment into a scenic parkway.

Response 8-2

With regard to project necessity, please see Collective Response #3 pertaining to regional aggregate demand and supply. With regard to restoration of the San Joaquin River, please see Collective Response #12 pertaining to San Joaquin River restoration efforts and please see Collective Response #18 pertaining to the project's consistency with San Joaquin River Parkway Master Plan. The County received comments during the Draft EIR review period from area residents, community members, and environmental protection advocates, and has considered comments pertaining to the adequacy of the Draft EIR in preparing this Final EIR. County decision-makers will consider all public comments and input in deciding whether to approve the project. The commenter's concern that the project may disfigure and devastate a prized natural resource is noted and will also be considered by County decision-makers. The comment does not address the adequacy of the Draft EIR, and no further response is warranted.

Comment 8-3

There are a number of alarming aspects to CEMEX's plan: the company's request to extend its mining at this location for a stunning 100 years;

Response 8-3

Please see Collective Response #5 pertaining to the requested use permit duration.

Comment 8-4

the pit's size would be deeper than the height of the Washington Monument;

Response 8-4

Draft EIR Chapter 2, "Project Description," provides a detailed description of the project, including the proposed Quarry Site mine pit depth and area and the Draft EIR environmental analyses appropriately consider impacts associated with the full extent of the proposed mine pit. The comment does not address the adequacy of the Draft EIR project description or analyses, and no further response is warranted.

Comment 8-5

the lack of clarity regarding mitigation measures for this project that involves dynamiting;

Response 8-5

Mitigation measures in the Draft EIR, some of which are further amplified and clarified through errata presented in Final EIR Chapter 3, "Draft EIR Errata," of this Final EIR,

provide clearly defined requirements and performance standards as necessary to ensure their efficacy. As discussed in Draft EIR Section 3.3, "Mitigation Measures," on page 3-4, as a condition of project approval, the Operator for the proposed project would be required to implement all of the mitigation measures adopted by the County. In accordance with PRC Section 21081.6(a), the County would adopt a Mitigation Monitoring and Reporting Program (MMRP) at the time it certifies the EIR. The purpose of the MMRP is to ensure that the Applicant would comply with the adopted mitigation measures when the project is implemented. The MMRP would identify each of the mitigation measures and describe the party responsible for monitoring, the time frame for implementation, and the program for monitoring compliance. The comment does not identify or provide evidence of any mitigation measures in the Draft EIR for which the commenter believes there is a lack of clarity, and no further response is warranted.

Comment 8-6

and the probability of increased traffic congestion and its repercussions. And, the list goes on.

Response 8-6

Draft EIR Section 4.17, "Transportation," presents a detailed evaluation of potential transportation-related impacts of the project and includes evaluation of anticipated traffic operations under conditions with the project. For additional discussion, please see Collective Response #29 pertaining to project traffic. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.17.

Comment 8-7

First, the deep pit will be created by using dynamite to blast rock and crush it into gravel. This pit will be in close proximity to the river – so the potential for contamination and harm to the water, fish, and wildlife is extremely high. This risky situation poses a critical threat to efforts to restore the river and its habitat…

Response 8-7

The commenter expresses concern regarding the potential for blasting activities associated with the proposed quarry pit to result in contamination of groundwater and surface water, including the San Joaquin River, and associated effects on fish and wildlife. These concerns are noted.

The Draft EIR evaluates the project's potential effects on water quality and groundwater levels in Section 4.10, "Hydrology and Water Quality," and Section 4.9, "Hazards and Hazardous Materials." As discussed under Impacts 4.10-1 through 4.10-7 and Impact 4.9-

2, the project's potential to affect surface water and groundwater quality, including through blasting activities, is addressed. With implementation of mitigation measures, these impacts would be less than significant.

The Draft EIR describes that impacts to groundwater quality are not expected to occur as a result of blasting activities, based on available research (Bond 1975; Berger 1980; Beaver 1984) (Draft EIR, page 4.10-100). In addition, Blasting Protocols required by Mitigation Measures 4.10-1 and 4.13-6 specify practices to prevent contamination of groundwater and surface water, including the use of appropriate explosive materials, controlled loading and detonation procedures, and management of blasted materials to prevent contact with stormwater. These measures minimize the potential for water quality degradation.

The Draft EIR also includes mitigation measures to address potential groundwater level changes, including Mitigation Measure 4.10-10a, which requires ongoing monitoring, adaptive management, and, if necessary, modification or cessation of mining and dewatering activities to protect groundwater resources (Draft EIR, pages 4.10-108 through 4.10-111).

Potential effects on biological resources, including fish and wildlife, are evaluated in Section 4.4, "Biological Resources," including Impacts 4.4-4 and 4.4-6. Blasting Protocols include measures such as setback distances from the San Joaquin River, timing restrictions, and monitoring to protect riparian habitat and aquatic species. With implementation of these measures, the project would not have a substantial adverse effect on riparian habitat or other sensitive natural communities (Draft EIR, page 4.4-58).

See also Impact 4.10-1 and Impact 4.10-3 for further discussion of water quality, and Collective Responses #12, 13, 14, 15, 16, 23, 24, and 25 regarding groundwater, surface water, and biological resources, including salmon and San Joaquin River restoration efforts.

Comment 8-8

…as well as to residential wells that could go dry because of a shrinking water table.

Response 8-8

See Response 8-7 above. The commenter expresses concern regarding the potential for the proposed project to affect groundwater levels and nearby residential wells.

The Draft EIR includes detailed analysis of potential effects on groundwater levels in Section 4.10, based on the *Revised Hydrology and Water Quality Analysis Report* (Appendix

G-5), which incorporates groundwater studies (Appendix G-3, "Groundwater Conditions at the Plant Site," and Appendix G-4, "Groundwater Conditions at the Quarry Site") and site-specific monitoring data. These analyses evaluate existing groundwater conditions and potential impacts associated with the proposed project.

As discussed in Draft EIR Section 4.10, mitigation measures are identified to protect groundwater resources, including Mitigation Measures 4.10-1, 4.10-5a, 4.10-5b, and 4.10-10a/4.10-10b. In particular, Mitigation Measure 4.10-10a requires ongoing monitoring of groundwater levels, implementation of additional recharge if groundwater levels fall below specified thresholds, and, if necessary, modification or cessation of mining and dewatering activities to ensure protection of groundwater resources and nearby wells (Draft EIR, pages 4.10-108 through 4.10-111). The mitigation includes conservative criteria designed to protect shallow wells and wells with limited water columns (Draft EIR, page 4.10-109).

The Draft EIR also concludes that blasting activities would not result in groundwater quality impacts based on available research (Bond 1975; Berger 1980; Beaver 1984), and Blasting Protocols required by Mitigation Measure 4.10-1 include measures to prevent contamination of groundwater and surface water (Draft EIR, page 4.10-100).

Comment 8-9

Second, the crux of this proposal comes down to the need for it. According to state records cited by a recent report in *Fresnoland*, the "Fresno metro area currently has nearly 200% more gravel than is needed for the next 50 years coming from local mines. The Kings River has roughly 2 billion tons of easily available surface gravel – enough for 500 years at Fresno's current 4 million-ton annual rate."

Response 8-9

Please see Collective Response #3 pertaining to regional aggregate demand and supply.

Comment 8-10

In short, there simply is no need for this operation. The *Fresnoland* report described the river this way: "The San Joaquin River, one of California's most beleaguered waterways, has endured over a century of exploitation."

The San Joaquin River deserves protection – not further destruction – to preserve and nurture a river that provides significant health, recreational, and environmental benefits to our community and the Central Valley region.

Response 8-10

The comment does not address the adequacy of the Draft EIR. The commenter's concerns and opinions regarding the San Joaquin River are noted and will be considered by County decision-makers.

Letter #9 March 10, 2025, Ian Buck-MacLeod, Friant Water Authority

Comment 9-1

Background

The Friant Water Authority (FWA) is a public agency formed by its members under California law to operate and maintain the Friant-Kern Canal and to represent our members in federal or state policy, political, and operational decisions that could affect the water supply of the Central Valley Project's Friant Division. FWA also operates and maintains the Friant-Kern Canal on behalf of the U.S. Bureau of Reclamation.

Response 9-1

The Friant Water Authority (FWA) public agency formation and responsibilities are noted. The comment does not address the adequacy of the Draft EIR. Please see below for responses to specific comments.

Comment 9-2

FWA is a party to the litigation entitled *NRDC et al. v. Kirk Rodgers et al*. In 1988, a coalition of environmental groups filed a lawsuit challenging the renewal of long-term water service contracts between the United States and California's Central Valley Project Friant Division contractors. After more than 18 years of litigation, the Settling Parties reached a Stipulation of Settlement Agreement (Settlement). Besides FWA, the Settling Parties include the U.S. Bureau of Reclamation (Reclamation), which operates and maintains Friant Dam, immediately upstream of the CEMEX Rockfield Quarry Modification Project. To implement the Settlement, Reclamation established the San Joaquin River Restoration Program (SJRRP) and invited the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State of California's departments of Water Resources and Fish and Wildlife to join as implementing agencies.

The Settlement provides for, among other things, the release of water from Friant Dam and Millerton Lake into the San Joaquin River to restore and maintain fish populations (including naturally reproducing and self-sustaining populations of salmon and other

fish) in good condition in the mainstem San Joaquin River downstream of Friant Dam to the confluence with the Merced River. The water released, called Restoration Flows, is protected from diversion pursuant to State Water Code Section 1707 and is over and above the water historically released to comply with the so-called Holding Contracts. The Holding Contracts are agreements between Reclamation and certain landowners downstream from Friant Dam under which water is released to maintain a 5 cubic feet per second (cfs) flow requirement past those landowners' property. The most downstream landowner is approximately 40 miles downstream of Friant Dam. Before the Settlement, sufficient water was released from Friant Dam to provide a flow of 5 cfs to that landowner. The San Joaquin River was dry beyond that point, except when flood control releases were required from Friant Dam.

Response 9-2

The commenter's summary of the referenced settlement agreement and input regarding release of water from Friant Dam and Millerton Lake into the San Joaquin River are noted. The comment does not address the adequacy of the Draft EIR. Please see below for responses to specific comments.

Comment 9-3

Comments

FWA has the following specific comments on the subject EIR:

Page 2.16: The text states: "*applicant has water rights to use river water for industrial purposes in connection with the processing of rock, sand, and gravel.*" FWA is unaware of such a water right. The document should be revised to include documentation supporting the claim of water rights, including copies of reports of diversion that the Applicant has made to the State Water Resources Control Board. If the water for the applicant is diverted in accordance with Holding Contract No. 15, it is FWA's understanding that Reclamation does not consider Holding Contracts to confer a water right. Holding Contracts are merely a commitment by Reclamation to provide 5 cfs past the Applicant's property adjacent to the San Joaquin River.

Furthermore, Holding Contract No. 15 states the following:

- Article 12 ("*How the Owner May Divert Water*") states: "*The United Staes does not and willnot…object to any reasonable beneficial use of the water of the River for irrigation and/ordomestic purposes exclusively upon the said land…*"

- Article 28(a) states: "…*the United States agrees, notwithstanding any provision to thecontrary in this contract contained, particularly Article 24 [*"Adverse Interests Conveyed orReconveyed*"], that it will not object to the use by PACIFIC COAST AGGREGATES, INC., [sic]of the water of the San Joaquin River for industrial purposes in connection with theprocessing of rock, sand, and gravel, provided the water used is returned to the River freeof pollution and/or contamination.*"

Therefore, any water diverted under Holding Contract 15 must either be used for "for irrigation and/or domestic purposes" or returned to the San Joaquin River "free of pollution and/or contamination."

Response 9-3

The Draft EIR evaluates the potential impacts of the proposed project on the environment, per CEQA requirements. The nature of an almost 80-year-old federal Holding Contract and the status of water rights are not environmental impacts that are addressed under CEQA. Please see Response 6-7.

Comment 9-4

Page 2.16: The text states: "Water is diverted from the river to the Plant Site via a ditch and the water then is used to wash the aggregate." The document should state if the diversion is screened to prevent fish from entering the ditch.

Response 9-4

As described in Section 2, "Project Description," of the Draft EIR, the Applicant currently has water rights to use river water for industrial purposes in connection with the processing of rock, sand, and gravel. Under existing conditions, water is diverted from the river to the Plant Site via a ditch and the water is then used to wash the aggregate. This diversion process is not being modified as part of the project. Therefore, no change in the physical configuration or operation of the diversion is proposed that would result in a new or increased potential for fish entrainment.

Comment 9-5

Page 4.4-62 to -63: The text states: "*Fish species that occur in the San Joaquin River include largemouth bass, bluegill (Lepomis macrochirus), catfish, and common carp (Cyprinus carpio). Rainbow trout (Oncorhynchus mykiss) that are triploid (fish that is sterile) are planted for recreation. A Central Valley spring-run reintroduction effort for juvenile spring- and fall-run Chinook salmon (Oncorhynchus tshawytscha) is being undertaken on the San*

Joaquin River by the Bureau of Reclamation and others as part of the San Joaquin River Restoration Program. The river contains seasonal habitat for rearing and holding of juvenile spring- and fall-run Chinook salmon and are potential breeding habitat for spring- and fall-run Chinook salmon." The San Joaquin River Restoration Program is undertaking a significant fishery restoration effort. While the description given is accurate, it is insufficient given the magnitude of the effort and the importance of the work. Suggest additional information be provided. The Applicant should review the information available on the San Joaquin River Restoration Program's website (https://www.restoresjr.net/), on the US Fish & Wildlife Service's website (https://www.fws.gov/project/san-joaquin-river-restoration-program), the National Marine Fisheries Service's website (https://www.fisheries.noaa.gov/west-coast/habitat-conservation/san-joaquin-river-restoration), and the California Department of Fish and Wildlife's website (https://wildlife.ca.gov/Regions/4/San-Joaquin-River).

Response 9-5

Please see Collective Response #12 pertaining to San Joaquin River restoration efforts.

Comment 9-6

Page 4.10-7: The text states: "*During historic flow events, including the January 1997 flood event of approximately 60,300 cubic feet per second (cfs), the easterly bank along the Quarry Site did not experience significant erosion and the bank has never breached into the Quarry Site*." The Corps of Engineers estimated the January 1997 flood to have a 60-to-80-year recurrence interval in their "Sacramento and San Joaquin River Basins, California Post Flood Assessment" (https://babel.hathitrust.org/cgi/pt?id=uc1.31210025006170&seq=322 at Table 6-2, page 6-10). The Applicant should analyze the impact from up to a 200-year flood.

Response 9-6

In response to comments and in accordance with the Fresno County General Plan (2024), Chang Consultants conducted hydraulic analyses evaluating the 200-year flood event, a more rare and severe flood event, which demonstrate that the 200-year flood would neither enter the Quarry Site nor the Plant Site (see Appendix G-7 and Appendix G-8). Please also see Collective Response #17 for a discussion of flooding at the Quarry Site, including evaluation of the 200-year flood. CEMEX recently elevated the berm at the Quarry Site to provide additional flood protection.

Comment 9-7

Page 4.10-16: The text states: "*…during unforeseen events, may be required to release water into the San Joaquin River at rates that could exceed the river channel capacity (Fresno County 2018a).*" It should be noted that such releases from Friant Dam may be required during foreseen events as well as unforseen.

Response 9-7

Comment noted. The statement in the Draft EIR that is referenced in this comment is based on the May 2018 Fresno County Multi-Jurisdictional Hazards Mitigation Plan (Draft EIR page 4.10-16). The May 2018 Fresno County Multi-Jurisdictional Hazards Mitigation Plan does not describe a scenario where releases into the San Joaquin River would exceed river capacity during foreseen events.

Comment 9-8

Page 4.10-49: The text states: "*The water level data for well MW-2S, screened only in the alluvium, shows that the well does not contain water except during periods when the San Joaquin River stage is greater than 4 feet. A review of river stage data from January 2014 to February 2023 indicates that the San Joaquin River stage measurements exceeded 4 feet for approximately 13 percent of the January 2014 to February 2023 time period.*" Once full implementation of the SJRRP is completed, there will be times when flows in the San Joaquin River will exceed 2,500 cfs for 2 weeks followed by 4,000 cfs for 2 weeks. The EIR should analyze San Joaquin River stages under these flows. The Restoration Flow hydrographs can be found in Exhibit B of the Settlement (https://www.restoresjr.net/?wpfb_dl=9).

Response 9-8

See Response 6-12.

Figure 12 of Appendix G-5, "Hydrology and Water Quality Analysis Report," of the Draft EIR shows that during 2017 and 2019, flows equal to or greater than 2,500 cfs occurred for durations comparable to or longer than the SJRRP Stage 1 flow scenarios described in the SJRRP Settlement, as summarized in Comment 6-12. The analyses presented in Draft EIR Section 4.10, "Hydrology and Water Quality," and Appendices G-5 and G-6 of the Draft EIR demonstrate that flows of those magnitudes and durations did not have any significant effect on groundwater levels at the Quarry Site and Plant Site. Further, Collective Response #25 explains that the relatively low permeabilities of the underlying weathered rock and hard rock units prevent short-term intermittent flows from resulting in substantial additional movement of surface water to groundwater in the project area.

Comment 9-9

Page 4.10-56: The text states: "…leakage from the canal flows, which flow year-round, are likely an important source of groundwater recharge to the areas in the vicinity of the Friant-Kern Canal, including the Quarry Site." As noted above, FWA operates and maintains the Friant-Kern Canal. We are unaware of the occurrence of significant seepage from the Friant-Kern Canal in the vicinity of the Quarry Modification Project, and the Friant-Kern Canal is about 2 miles from the Quarry Site. The text references the North Kings GSA's 2022 Groundwater Sustainability Plan as a source of the information contained in this section. The specific page number should be provided, using the updated 2025 GSP https://northkingsgsa.org/groundwater-sustainability-plan/

Response 9-9

See Response 6-14.

There are several factors that support the conclusion that most of the groundwater flow in the underlying hard rock may come from leakage from the Friant Kern Canal. As discussed in Appendix G-5 of the Draft EIR, the groundwater contours show that there is a significant component of flow from the northeast. In addition, groundwater data from offsite wells and Quarry Site wells, and Quarry dewatering data, show that percolation of rainfall on and upgradient of the Quarry Site has a substantially greater effect than flows in the river, indicating that the primary source of recharge is located upgradient away from the river. In addition, the Water Budget presented in Table 11 of Appendix G-4, "Groundwater Conditions at the Quarry Site," of the Draft EIR shows that over the life of the project, groundwater inflow into the Quarry Site would range from 170 acre-feet per year to 255 acre-feet per year. These inflow rates are equivalent to 0.23 cubic feet per second (cfs) to 0.35 cfs. These values are miniscule compared to the rate of canal flows and to river flows. Since the groundwater contours indicate that much of the groundwater flowing under the Quarry Site area comes from the northeast, the canal is the most likely source.

It should also be noted that the technical analyses presented in the Draft EIR were completed prior to 2025 and the issuance of the 2025 Update to the North Kings GSP. Thus, it would not have been possible to cite information from the 2025 Update in the Draft EIR. That timing notwithstanding, page 3-96 of the 2025 Update to the North Kings GSP states: "The Friant-Kern Canal, found on the eastern edge of the NKGSA, is estimated to leak about 4,400 AF/year with all of the water flowing into NKGSA." As noted in the above paragraph, the estimated groundwater flow in the bedrock units into the Quarry Site area are a very small percentage of both the canal flows and the stated

leakage from the canal. Thus, while most of the canal leakage may occur above other areas of the groundwater subbasin, only minor leakage along the canal in the area upgradient of the project sites is sufficient to provide the flow rates and volumes identified in the groundwater.

Comment 9-10

Page 4.10-104: The text states: "*Additionally, diversion of up to 295 acre-feet per year from the San Joaquin River would cease, making that water available for groundwater recharge through the riverbed or for use in lieu of groundwater within the North Kings GSA management area.*" If the diversion of San Joaquin River water is done under a Holding Contract, that water cannot be used outside of the Holding, so the water would NOT be available for use "in lieu of groundwater within the North Kings GSA management area" outside of the boundaries specified in the Holding Contract.

Response 9-10

The commenter misrepresents Impact 4.10-9's statement that the diverted water may be available for use in lieu of groundwater within the North Kings GSA management area. While the Contracting Owner (CEMEX in this case) would not be selling, attempting to sell or convey any of the water rights obtained under *Holding Contract #15* (*Holding Contract #15*, Section 16, page 210), the water currently used under *Holding Contract #15* would no longer be used, thus, additional water would not be available within the River. However, it must be noted that the *Holding Contract #15* would still allow for "any reasonable beneficial use of the water of the River for irrigation and/or domestic purposes exclusively upon the said land…" (*Holding Contract #15*, Section 12, page 210). Otherwise, Comment 9-10 provides no support that the water currently used from the river conveyance channel cannot later remain in the River for groundwater recharge through the riverbed or use by other uses in lieu of groundwater. The statement in the Draft EIR cited in Comment 9-10 is presented in the context of CEQA and the potential impacts of the proposed project on the environment. The Draft EIR does not evaluate the legal conditions of the Holding Contract or any other water rights. If water is no longer being diverted to the Plant Site for industrial use, that water would remain in the river.

Comment 9-11

Page 4.11-36: Policy HS-C.12 discusses determination of the 200-year water surface elevations and states that "*new project development...shall not be allowed along the river until the risk of flooding at the site has been determined and appropriate flood risk reduction measures identified.*" But the consistency analysis only addresses the 100-year flood. The consistency analysis should be redone.

Response 9-11

In response to comments and in accordance with the Fresno County General Plan (2024), Chang Consultants conducted hydraulic analyses evaluating the 200-year flood event, a more rare and severe flood event, which demonstrate that the 200-year flood would neither enter the Quarry Site nor the Plant Site (see Appendix G-7 and Appendix G-8). Please see Collective Response #17 for a discussion of flooding at the Quarry Site, including evaluation of the 200-year flood. CEMEX recently elevated the berm at the Quarry Site to provide additional flood protection. See also Chapter 3, "Draft EIR Errata," for revisions to Section 4.11, "Land Use and Planning," including an updated consistency analysis with Fresno County General Plan Policy HS-C.12.

Comment 9-12

Page 4.11-37: Policy HS-C.14 states the County shall promote flood control measures that maintain natural conditions within the 200-year floodplain, but there is no mention of the 200-year floodplain in the consistency analysis. Again, the consistency analysis should be redone.

Response 9-12

The Draft EIR properly concluded that Policy HS-C.14 would not be applicable because the project would be located outside of the floodplain and no flood control measures are required (see Draft EIR page 4.11-37).

Comment 9-13

Page 5-13: The text states: "*The proposed project would not affect water from Millerton Reservoir, Friant-Kern Canal, and Tule River; therefore, there would not be potential cumulative impacts of the proposed project and the Friant Ranch Specific Plan project on riparian communities, waters of the state, wetlands, or groundwater dependent ecosystems in the vicinity of the project sites.*" The San Joaquin River is declared to be a "fully appropriated stream system" by the California State Water Resources Control Board. Any increase in water seepage from the San Joaquin River directly impacts the water supply of the water users of the Friant Division, which get water from the San Joaquin River, the Friant-Kern Canal, and from Millerton Reservoir. The text and impact analyses should be revised.

Response 9-13

Please see Collective Response #25 pertaining to the proposed project's relationship and potential effects associated with surface water and groundwater interconnectivity.

Comment 9-14

On March 7, 2025, Reclamation also provided comments on the subject EIR, which FWA concurs with and are incorporated here by reference. Thank you for the opportunity to comment.

Response 9-14

The commenter's concurrence and incorporation by reference of the U.S. Bureau of Reclamation (USBR) March 7, 2025, comments is noted. USBR's March 7, 2025, comments are designated as Comment Letter 6 in this Final EIR. Please see responses to Comment Letter #6 for responses to USBR's comments. Those responses are incorporated herein reference.

Letter #10 March 10, 2025, Kassey Chauhan, North Kings Groundwater Sustainability Agency

Comment 10-1

On behalf of the North Kings Groundwater Sustainability Agency (North Kings GSA), the following comments are provided in response to the draft environmental impact report (DEIR) for the CEMEX Rockfield Quarry Modification Project (Project). The Project, both the Plant Site and the Quarry Site, are located within the North Kings GSA as indicated in the DEIR. As such, the scope of the comments provided is limited to potential concerns for water quality, water quantity and ability to reach groundwater sustainability, recharge and potential impacts, and interconnected surface water from the San Joaquin River (SJR) and the groundwater. Specifically, the DEIR should be modified to address the following:

Response 10-1

The scope and concerns raised in the North Kings Groundwater Sustainability Agency (North Kings GSA) comments are noted. Please see below for responses to specific comments.

Comment 10-2

1. The DEIR evaluates several alternatives including one alternative (Alternative 4) that reduces the mining depth and the setbacks from the SJR from current 200-foot setback by another 100-feet creating a 300-foot setback from the SJR. One of the current efforts being undertaken by the North Kings GSA along with Madera County GSA, United States Bureau of Reclamation (USBR), Friant Water Authority (FWA) and the McMullin Area GSA is an investigation related to interconnected surface water in Reaches 1 and 2 of the SJR.

> This evaluation and setting of management criteria is required by the Sustainable Groundwater Management Act of 2014 (SGMA) and is in its infancy. Data is being collected to evaluate the interconnectivity and it is unknown whether 300 feet is adequate to address interconnectivity between the SJR and the groundwater at the Quarry Site. The DEIR must consider an investigation that establishes the adequate setback distance needed to address interconnectivity between the SJR and the groundwater at the Quarry Site.

Response 10-2

See Collective Response #25.

One of the California Department of Water Resources criteria for interconnected surface water is the presence of similar trends in groundwater levels and stream stage. Charts comparing groundwater levels with rainfall and the stage of the San Joaquin River are provided in Section 4.10.1.9, "Groundwater-Surface Water Interaction at the Quarry Site," of the Draft EIR and within Appendix G-5, "Hydrology and Water Quality Analysis Report," of the Draft EIR. For example, Figure 16 within Appendix G-5 shows that water levels in ponds at the Beck Ranch property, just north of the Quarry Site, respond very quickly to major rainfall events, but do not have any correlation to changes in the river stage. The ponds on the Beck Ranch property are former mining excavations while the water surface within the ponds is a reflection of the local groundwater surface.

Figure 4.10-11, "Comparison of Groundwater Levels to Daily Rainfall and River Stage," of the Draft EIR (which is a reproduction of Figures 14 and 15 from Appendix G-5 of the Draft EIR) shows a similar comparison for rainfall and river stage, respectively, and the groundwater levels measured in Quarry Site wells. These figures, and the related analysis within the Draft EIR, demonstrate that increases in groundwater levels occur primarily in response to significant rainfall events and not to increases in river stage.

Thus, the lack of similar trends between groundwater levels and stream stage indicate that the groundwater within the weathered rock and hard rock units (which is below the defined bottom of the North Kings groundwater subbasin) is not interconnected with the surface water in the San Joaquin River.

Comment 10-3

> Additionally, there are several monitoring wells identified at both the Quarry Site and the Plant Site that provide valuable information. CEMEX should ensure the data is shared with Fresno County and the North Kings GSA to be able to monitor potential impacts from the operations and

interconnectivity between the SJR and the groundwater in the Project area.

Response 10-3

See Collective Response #24 regarding groundwater monitoring during project implementation. Draft EIR Section 4.10.1.9 discusses Groundwater-Surface Water Interaction at the Quarry Site. There is some hydraulic connectivity between the San Joaquin River and Quarry Site; however, water from the San Joaquin River is not currently a substantial source of groundwater inflow into excavations within the Quarry Site (Draft EIR page 4.10-56). The potential for the proposed project to impede sustainable management of the groundwater basin is analyzed in the Draft EIR in Impacts 4.10-9, 4.10-11, and 4.10-13 and determined to be less than significant with the implementation of mitigation measures.

In accordance with Mitigation Measures 4.10-5a, 4.10-5b, 4.10-10a and 4.10-10b, the project's potential effects to surrounding groundwater would be monitored throughout the life of the operations through the implementation of a groundwater adaptive management program. This program would require the preparation of mitigation monitoring reports to be submitted to Fresno County annually (Draft EIR page 4.10-108). The groundwater monitoring information contained in the annual reports would be shared with the County and could be made available to the North Kings GSA upon request.

Comment 10-4

2. The DEIR discusses the overdraft conditions in the Kings Subbasin as presented in the original groundwater sustainability plan (GSP) submitted for the North Kings GSA. The California Department of Water Resources approved the GSP with corrective actions needing to be addressed prior to the resubmittal of the revised GSP and periodic evaluation in January 2025. As such, the North Kings GSA GSP has been revised to address the corrective actions. The base period used in the past, present and future water budgets has been updated to capture more recent years including the most recent drought periods of 2012 to 2016 and 2020 to 2022. The revised GSP and periodic evaluation are available on the North Kings GSA websites at www.northkingsgsa.org and the DEIR should be updated to reflect the most current information related to reaching sustainability in the North Kings GSA.

Response 10-4

See Response 65-25 and 65-38 regarding the project's consistency with the North Kings GSP.

Comment 10-5

3. The joint powers authority (JPA) agreement stipulates that each agency in the North Kings GSA is responsible for mitigating for their portion of the total overdraft within the North Kings GSA boundary. As such, Fresno County is responsible for mitigating for the overdraft conditions in the Fresno County white areas (those with no surface water access). The mitigation target for Fresno County across all the white areas is estimated to be between 1000 acre-feet and 3,000 acre-feet average annual. While the Project indicated it has minimal groundwater demand, an analysis of existing and future with project conditions should be completed. These two conditions should be presented side by side to allow for a straight-forward comparison. The analysis should include all sources of water including precipitation, surface water, groundwater, recharge for the current condition and compare that to the future conditions at various phases with the Project. While the total groundwater demand for the Project appears to be minimal according to the numbers cited in Section 4.10, the County and the North Kings GSA need assurances that the project will not result in additional overdraft in the North Kings GSA Any use or loss of water above allowable amounts will need to be mitigated and a plan presented on how that will occur.

Response 10-5

The project's potential impacts to groundwater supply are addressed in Section 4.10, "Hydrology and Water Quality," of the Draft EIR. Groundwater conditions at the Plant and Quarry sites are presented in Appendix G-3, "Groundwater Conditions at the Plant Site," and Appendix G-4, "Groundwater Conditions at the Quarry Site," of the Draft EIR. The Draft EIR provides a summary of the existing groundwater conditions at the Plant Site and Quarry Site on pages 4.10-33 through 4.10-42. See also Draft EIR Appendix G-5, "Hydrology and Water Quality Analysis Report," and Appendix G-6, "Addendum to: Revised Hydrology and Water Quality Analysis Report."

The Draft EIR provides that the North Kings Groundwater Sustainability Agency's groundwater management area is not experiencing critical overdraft conditions and that the Quarry Site and Plant Site would:

(a) Not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management of the basin, and

(b) Not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management

(see Draft EIR, Appendix G-5, Section 2.2.1, pages 10 through 12 and Section 5.0, pages 55 through 57).

Further, Impact 4.10-11 determined that the project would not substantially decrease groundwater supplies during mining operations and after completion of reclamation at the Quarry Site, and thus the project would not impede sustainable groundwater management of the Basin (Draft EIR, page 4.10-112 through 4.10-113). In addition, Impact 4.10-13 analyzed and determined that the Plant Site and Quarry Site would not impede sustainable groundwater management of the Basin, nor substantially interfere with groundwater recharge (Draft EIR, page 4.10-114 through 4.10-115). See also Responses 65-38, 6-109, and Collective Response #25.

Comment 10-6

4. The DEIR indicates that the Project relies on riparian water rights for industrial uses at the Plant Site and no surface water rights at the Quarry Site. The DEIR should better document the riparian rights at the Plant Site and address other sources of water for the Quarry Site to demonstrate there is no net demand on the groundwater aquifer to support the Project activities.

Response 10-6

The Draft EIR includes sufficient discussion of the water rights at the Plant Site, which is briefly discussed here. The Applicant has riparian water rights to use river water for industrial purposes in connection with the processing of rock, sand and gravel at the Plant Site (Draft EIR 4.10-8). Water from the San Joaquin River (SJR) is delivered to the Plant Site through a river water delivery ditch that terminates at the Plant Site. After the aggregate is processed, water from the silt ponds is recycled onsite and used for additional aggregate processing, cleaning, and dust control. The Plant Site also has two groundwater production wells to provide water for the ready-mix concrete plant and water for domestic uses.

With regard to the water sources available at the Quarry Site, the project water sources as summarized below are well documented throughout Section 4.10 of the Draft EIR. There is a permanent pond located in the northeastern portion of the Quarry Site that is

used for groundwater recharge and several additional temporary ponds that have formed over the years during project operations. These temporary ponds mainly contain surface runoff from rainfall and/or groundwater and this water is pumped and used for operational activities (see Figure 4.10-3, "Plant Site Existing and Proposed Water Flow Diagram," and Figure 4.10-5, "Quarry Site Existing and Proposed Water Flow Diagram").

Under current conditions at the Quarry Site, as assessed in the Draft EIR from the Operator's pumping record data, there was a total of 330 acre-feet pumped from the existing Quarry Site from 2018-2019. 95 percent of the water pumped from the mining excavation was sent to recharge trenches along the west side of the quarry and the SJR and the remaining five percent was used for dust control and discharged into the permanent pond to support groundwater recharge.

As noted in the Draft EIR (see Impact 4.10-11), while consumption of groundwater at the Quarry Site is estimated to increase by approximately 145 acre-feet per year, this increase in dewatering is several orders of magnitude smaller than the natural fluctuations in water balance of the North Kings GSA area. Furthermore, the North Kings GSA area GSP defines the vertical extent of the eastern one-quarter of the North Kings GSA aquifer system, where the Plant Site and Quarry Site are located, as the top of the plutonic bedrock. The top of the hard rock unit at the Quarry Site is the top of plutonic bedrock. Therefore, the hard rock unit and the groundwater within it are not a part of the North Kings GSA area groundwater basin and are not addressed by the Groundwater Sustainability Plan. As a result, the use of groundwater at the Quarry Site would not have the potential to substantially impede the sustainable groundwater management of the North Kings subbasin.

Similarly, while the Draft EIR noted that after the completion of mining and reclamation, the net consumption of groundwater at the Plant Site would increase by approximately 110 acre-feet per year relative to existing conditions (i.e., 440 acre-feet after reclamation minus 330 acre-feet existing), the North Kings GSA is not experiencing critical overdraft conditions, and this increase in groundwater consumption is also several orders of magnitude smaller than the fluctuations in the water balance of the North Kings GSA. Therefore, groundwater consumption at the Plant Site would also not have the potential to substantially decrease groundwater supplies such that the reclaimed condition of the Plant Site would impede the sustainable groundwater management of the North Kings subbasin.

Comment 10-7

5. The North Kings GSA has an obligation to address water quality concerns caused by increased pumping and groundwater level declines per SGMA. The DEIR, Section 4.10) addresses existing water quality conditions at the Plant Site and Quarry Sites. There are some constituents of concern as identified on Tables 4.10.5 and 4.10.6 which are in exceedance of existing primary and secondary drinking water standards. With the number of wells located near the Plant Site and Quarry Site, the DEIR must identify how future water contamination issues at these locations will be addressed due to the potential for the water stored in the on-site ponds migrating beyond the project site causing impacts to neighboring wells.

Response 10-7

The existing groundwater conditions at the project sites were within compliance of groundwater standards with the exception of manganese, iron, nitrate, conductivity, and gross alpha activity (Draft EIR page 4.10-93 through 4.10-94). These elevated constituents are representative of baseline conditions, that do not indicate past or future effects from the proposed project. However, these elevated constituents are further addressed below.

With the exception of the Basin Plan limit for conductivity, specifically for discharge to the San Joaquin River, which does not occur in this case, and two pH measurements, likely due to uptake of carbon dioxide and release of oxygen by aquatic plant growth in the pond, the surface water in the ponds at the Quarry Site meets applicable water quality standards.

As mentioned on the Draft EIR pages 4.10-98 to 4.10-99, the elevated nitrates are a regional issue that is being addressed by the RWQCB through the SNMP. The exceedances of manganese in some wells only exceed the Basin Plan standards, which do not apply here, and secondary Maximum Contaminant Level (MCL) standards, which are in place to avoid undesirable tastes, odors, staining, or scaling but do not pose a threat to human health. Manganese is a naturally occurring mineral component within the geologic materials at the Quarry Site. Finally, the gross alpha activity concentrations found at well MW-2M appear to be an outlier as it differs significantly from the other samples collected at the Quarry Site and may not be representative of the site conditions. The concentrations of nitrate, manganese, and gross alpha activity are not associated with the mining operations and are a part of baseline groundwater conditions.

Under CEQA, mitigation is only required for potentially significant impacts caused by the project. No significant impacts were identified with respect to the degradation of

water quality standards at the Quarry Site. Please also see Response 65-28 regarding groundwater quality at the Quarry Site.

The proposed project includes a water quality mitigation measure for the Plant Site (Mitigation Measures 4.10-5a and 4.10-5b), which would reduce the potential impacts of groundwater degradation to less than significant.

Mitigation Measure 4.10-5a is in place and to be implemented as an adaptive management strategy to assess whether the project would cause a violation of water quality standards for iron and manganese in the reclaimed Plant Site pond within the former mining excavation, and actions to take if an impact is verified. The monitoring would begin once mining is completed and water starts filling the excavation, with measurements taken every six months. If iron or manganese levels exceed regulatory limits during two consecutive monitoring periods, further lab testing and seasonal assessment would follow. Persistent exceedances would trigger mitigation measures, such as aeration, vegetation control, or other methods to reduce iron and manganese concentrations. Monitoring would continue for five years without exceedances. Annual reports would be submitted to the County, detailing monitoring results and any corrective actions taken. See also, Collective Response #24.

Comment 10-8

6. Upon Project Completion, the site will be used for habitat and other water recreation activities as there will be a massive hole (up to 600 feet deep) that will be allowed to fill with water. The water budget analysis requested above in Comment No. 4 must address the losses that will occur from evaporation and mitigation measures must be implemented.

Response 10-8

A water budget for the Plant Site is provided in Appendix G-3, "Groundwater Conditions at the Plant Site," of the Draft EIR. Appendix G-3 of the Draft EIR addresses the amount of evaporation that is projected to occur at the Plant Site as a result of the former pit once it becomes a lake. Specifically, page 46 of Appendix G-3 says that "[the lake] would consume 401 acre-feet per year (400 rounded) of groundwater due to evaporation." A water budget for the Quarry Site is presented in Appendix G-4, "Groundwater Conditions at the Quarry Site," of the Draft EIR. Appendix G-4 of the Draft EIR addresses the amount of evaporation that is projected to occur at the Quarry Site as a result of the lake that would form at the former Quarry Site. Specifically, pages 103 through 104 of Appendix G-4 say that "the evaporation would be 890 acre-feet per year."

Comment 10-9

7. The North Kings GSA requests that monitor well data collected on the site be made available to the North Kings GSA, and a data sharing agreement be entered into to allow that to occur. North Kings GSA will request in the data sharing agreement that any monitor wells remain in place even after decommissioning of the Plant Site or Quarry Site to allow for continued monitoring for water levels and water quality.

Response 10-9

See Collective Response #24 regarding groundwater monitoring during project implementation as well as Response 10-3 above. In accordance with Mitigation Measures 4.10-5a, 4.10-5b, 4.10-10a and 4.10-10b, the project's potential effects to surrounding groundwater would be monitored throughout the life of the operations through the implementation of a groundwater adaptive management program. Mitigation Measures 4.10-5a and 4.10-10a would require annual submission of mitigation monitoring reports to Fresno County, and this information could be shared with the North Kings GSA at the discretion of the County.

Letter #11 March 10, 2025, Kari Kyler Daniska, San Joaquin River Conservancy

Comment 11-1

The San Joaquin River Conservancy (Conservancy) received a Notice of Availability of a Draft Environmental Impact Report (DEIR) from the County of Fresno Department of Public Works and Planning for the Cemex Rockfield Modification Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines[1] (*Footnote 1: CEQA is codified in the California Public Resources Code in section 2100 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.*)

We appreciate the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect the implementation of the Conservancy's mission and updated San Joaquin River Master Plan (Parkway Master Plan).

San Joaquin River Conservancy Background

The San Joaquin River Conservancy is an agency of the State of California created by the Legislature to create the San Joaquin River Parkway by: acquiring 5,900 acres from willing sellers for Parkway purposes; enhancing and restoring riparian, floodplain, and other habitats, and conserving natural and cultural resources on its lands; and developing and managing its lands for public

recreational and educational uses compatible with resource protection. The Conservancy also assists other entities in conserving and improving their lands for the Parkway. The Conservancy works to facilitate the development of the Parkway, cultivate public support, and secure its future.

The Conservancy Governing Board adopted the Parkway Master Plan and certified its programmatic Environmental Impact Report in 1997 and updated the document in 2018. The updated Parkway Master Plan provides goals, objectives, and design standards for appropriate public recreational uses, trail corridors, habitat restoration, fishing and boating access, etc. on public Parkway lands. Goals, objectives, and policies consistent with the Parkway Master Plan have been adopted in the County of Fresno General Plan.

Response 11-1

The comment is introductory. See Responses 11-3 through 11-36 for discussion of the specific comments made by the San Joaquin River Conservancy.

Comment 11-2

Project Description Summary

As presented in the DEIR, the Project will continue and modify its current aggregate (rock, sand and gravel) mining and processing operations located on two properties (Plant Site and Quarry Site) between North Friant Road and the San Joaquin River, in Fresno County. The current mining and processing operations have been continuous at the two sites for 108 years.

The Project would be implemented in two stages:

Stage 1: continue current operations at both the Quarry Site and the Plant Site for up to 30 years. Upon completion of mining at the Plant Site, operations at the Plant Site would cease and the site would be reclaimed as 138.5 acres of open space, riparian, and open water wildlife habitat. At this time, operations at the Quarry Site would then be modified, upon approval of the Modification project permit, to include hard rock (granite) excavation (drilling and blasting).

Upon approval of the project, the combined annual sales of aggregate from both sites are estimated to increase from the 1.4 MT/year allowed under the current permits to 2.0 MT/year within approximately five years of project approval and up to 3.0 MT/year within approximately 10 years of project approval.

Stage 2: continue hard rock mining and processing operations only at the Quarry Site for approximately 70 more years. Upon completion of mining at the Quarry Site, operations at the Quarry Site would cease and the site would be reclaimed as 352.4 acres of open space, riparian, and open water wildlife habitat.

Stage 2 operations are estimated to have annual aggregate sales of 3.0 MT/year.

The total Project life of the combined Stages (1&2) is estimated to be up to 100 years.

Response 11-2

The comment is introductory. See Responses 11-3 through 11-36 for discussion of the specific comments made by the San Joaquin River Conservancy.

Comment 11-3

Comments and Recommendations

As presented in the DEIR, the Project appears to be consistent with several of the goals and policies included within the Parkway Master Plan. For example, the Parkway Master Plan encourages recreational fishing at off-stream excavated ponds (from gravel mining) and specifically supports the development of a multi-use Parkway trail, secondary trails, and a trail system on Parkway properties for a connected recreational system and connect open spaces, provide loop routes and nature trails, provide river access, and secondary trails to link to adjacent bikeways. However, the Project proposes a new activity, hard rock (granite) excavation (drilling and blasting) within the Parkway that was never previously evaluated by the Parkway Master Plan. Therefore, as sand and gravel mining operations were the only mining activity evaluated, hard rock excavation may be an incompatible activity and conflict with existing or planned Parkway land uses near the Project.

Response 11-3

Please see Response 58-5, which explains that hard rock quarries can be surface mined, as would be the case for the proposed project. Drilling and blasting would constitute a small fraction of the overall mineral extraction activities that would occur if the project is approved. Because the proposed project is a surface mining operation that would maintain its existing footprint and setbacks from the San Joaquin River, and is consistent with the applicable policies and objectives presented in the Parkway Master Plan, it

would be a compatible activity and would be consistent with the land uses near the project.

Comment 11-4

In accordance with the goals and policies of the Parkway Master Plan, the Conservancy offers the comments and recommendations below to assist the County of Fresno in the appropriate application of Parkway policies and identification and/or mitigation of the Project's significant, or potentially significant, direct and indirect impacts within the San Joaquin River Parkway. Editorial comments or other suggestions may also be included to improve the accuracy and consistency of the DEIR.

Response 11-4

Comment 11-4 is introductory. See Responses 11-5 through 11-36 for discussion of the specific comments made by the San Joaquin River Conservancy.

Comment 11-5

General Comments

The DEIR does not identify the State Lands Commission as a State Agency with jurisdiction over sovereign lands adjacent to the San Joaquin River or describe any current or potential lease for mining operations.

Response 11-5

As noted in various other comments, the Quarry Site is set back by 200 feet from the San Joaquin River (SJR) at the Quarry Site and 0.6 miles from the Plant Site. The western boundary of the Quarry Site, the closest area to the SJR, is specifically required to maintain a 200-foot setback from the San Joaquin River, and thus does not encroach on areas with potential State Lands Commission (SLC) jurisdiction. Further, as the Operator does not intend to mine in areas of SLC jurisdiction, no lease is required from the SLC.

Comment 11-6

Project Description

During the Conservancy's review of the submitted materials, it was noticed that the project description/operational statement and the project description within the DEIR contain conflicting information. Specifically, it was noted that the project description/operational statement identifies that Stage 1 will reclaim 122 acres of open space, riparian and open water wildlife habitat and Stage 2 would create approximately 349 acres of open

space, riparian and open water wildlife habitat. However, in the project description of the DEIR, Stage 1 is identified as reclaiming 138.5 acres of open space, riparian, and open water wildlife habitat with Stage 2 creating 352.4 acres of open space, riparian, and open water wildlife habitat.

Response 11-6

The Plant Site consists of 138.5 acres, which would be reclaimed upon the completion of mining. To the extent that the Draft EIR and the Project/Operational Statement (attached as Draft EIR Appendix B-2, "Project Description/Operational Statement") differ with regard to the acreage of the Plant Site, the total acreage analyzed for the purposes of the Draft EIR value is 138.5 acres. To the extent that the Draft EIR and the Project Description/Operational Statement differ with regard to the acreage of the Quarry Site, the total acreage analyzed for the purposes of the Draft EIR is 352.4 acres. Draft EIR Appendix B-2, page 1-16, accurately details the total acreage of the Plant and Quarry sites as 138.5 and 352.4, respectively. Draft EIR, Chapter 2, "Project Description," also accurately provides the total acreage of the Plant and Quarry sites as 138.5 and 352.4, respectively. See Final EIR Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR to correct the stated Plant Site acreages in four locations in the document.

Comment 11-7

In Section 2.4.2.2 Quarry Site Existing Conditions, under the Screening, Parking, Lighting and Fencing sub-section, it is mentioned that there is perimeter fencing surrounding the Quarry Site and does not mention fencing at the Conservancy owned property known as Beck Ranch. Presence or absence of fencing should be identified.

Response 11-7

The property line between Lost Lake Park and the Quarry Site is currently fenced with six-foot high chain-link fencing (Draft EIR page 2-21, 4.15-2). There is currently no fencing along the northern border of the Quarry Site along the SJRC/Beck Ranch property boundary.

Comment 11-8

In Section 2.5.2.2 Quarry Site Mine Plans, under the Screening, Parking, Lighting and Fencing sub-section, it is mentioned that the remainder of the north property line would be fenced with minimum four-foot high, ranch fencing consisting of metal T-posts and at least three strands of barbed wire. The Conservancy owns Beck Ranch, which is adjacent to the north property line and is managed as a conservation area. For fencing the boundary between

the north property line and Beck Ranch, 5-strand barbed wire with a wildlife friendly, smooth top and bottom wire is preferred and recommended.

Response 11-8

The SJRC's suggestion to fence the northern boundary of the Quarry Site adjacent to the SJRC-owned Beck Ranch property with 5-strand barbed wire with a wildlife friendly, smooth top and bottom wire is noted.

Comment 11-9

In Section 2.5.8 Trail Easements, it is mentioned that the applicant is in discussions with the Conservancy's Executive Officer towards providing potential easements at the Plant Site and Quarry Site. This statement is misleading. It would be more appropriate to say that discussions are being reinitiated, as there has been no recent communication on proposed easements, until March 6, 2025, after the DEIR was released.

Response 11-9

The SJRC's clarification regarding the discussions pertaining to easement dedications is noted.

Comment 11-10

4.1 Aesthetics and Visual Resources

The DEIR provides a substantial amount of information on impacts to aesthetics and visual resources; however, the DEIR does not adequately address the effects of the Project on adjacent, Conservancy owned properties. Therefore, it appears that the Project is inconsistent with the Parkway Master Plan goals and policies by omitting analysis for Conservancy owned properties and/or negatively impacting quality scenery, aesthetics, and viewsheds.

In Section 4.1.1.4 Identification of Potentially Sensitive Viewpoints, under the Public Parks/Recreation Facilities sub-section, there is no mention of the Conservancy's owned property, known as Ball Ranch, which is adjacent to the Plant Site. Ball Ranch is open to the public 7-days a week for recreation and public access.

Response 11-10

The commenter is incorrect; the Draft EIR identifies a potentially sensitive viewpoint from within the Ball Ranch property. Please refer to Table 4.1-2, "Summary of Potentially Sensitive Viewpoint Locations," on pages 4.1-15 through 4.1-16 of the Draft EIR. Viewpoint #8 is located within the Ball Ranch area 250-ft northwest of the Plant Site. Draft EIR Figure 4.1-9, "Plant Site Public Viewpoint—Location #8," depicts the existing/baseline view, Stage 1 and Stage 2 operation views, and the reclaimed site view from Viewpoint #8 (Draft EIR page 4.1-35). Viewpoint #6 is located directly adjacent to the Ball Ranch area along North Friant Road. Draft EIR Figure 4.1-7, "Plant Site Public Viewpoint—Location #6," depicts the depicts the existing/baseline view, Stage 1 and Stage 2 operation views, and the reclaimed site view from Viewpoint #6. The Draft EIR concluded that the project would not significantly impact the views from these selected locations, and would have a beneficial impact to both viewpoints upon the completion of reclamation of the Plant Site (Draft EIR page 4.1-53).

Draft EIR Section 4.1.1.4, "Identification of Potentially Sensitive Viewpoints," subsection "Public Parks/Recreational Facilities," is revised in this Final EIR through errata presented in Final EIR Chapter 3, "Draft EIR Errata," to clarify that the Ball Ranch property was included as a potentially sensitive viewpoint.

See also Collective Response #19 regarding the updated information pertaining to recreational facilities adjacent to the project sites.

Comment 11-11

Table 4.1-2, Summary of Potentially Sensitive Viewpoint Locations, does not include the Conservancy owned property, known as Beck Ranch, which is a viewpoint located adjacent to Lost Lake Regional Park, north/northwest of the Quarry Site. The table also provides inaccurate information on both Ball Ranch and Ledger Island, stating that they are not currently accessible to the public. Both Conservancy owned properties have been open to the public 7-days a week for recreation and public access.

Response 11-11

The viewpoints analyzed within the EIR were chosen to be representative of the various public viewpoints surrounding the project sites, based on those areas that were publicly accessible at the time the photos were collected circa 2018. During their 2018 field photo survey, Sespe collected photos from locations adjacent to Beck Ranch; however, it was determined that the nearby photos taken from Lost Lake Park (see photo Location #2) and North Friant Road (see photo Locations #4 and #10) were more conservatively representative of potential views of the Quarry Site from the north. Therefore, the

simulations and analysis from these nearby viewpoints (Lake Park and North Friant Road) are conservatively representative of the project's potential visual impacts from Beck Ranch.

Although Ball Ranch and Ledger Island are publicly accessible today, these properties were not yet open to the public in 2018 when the field photo survey was conducted (press releases indicated that these areas opened to the public in 2021). The table notes at the end of Table 4.1-2 have been revised through errata in this Final EIR to note that these areas "were not accessible to the public at the time the field photo survey was completed." See Final EIR Chapter 3, "Draft EIR Errata."

Comment 11-12

Table 4.1-3, U.S. Bureau of Land Management Visual Project Impact Ratings at Nearby Viewpoints, does not include the Conservancy owned property, known as Beck Ranch, which is a viewpoint located adjacent to Lost Lake Regional Park, north/northwest of the Quarry Site. Beck Ranch is also omitted in the following discussion and analysis.

Response 11-12

Please see Response 11-11, above.

Comment 11-13

To minimize impacts to adjacent, Conservancy owned properties, the Conservancy recommends the following avoidance and minimization measures:

- Revegetation, habitat enhancement, and amenity plantings should be implemented in such away to screen views between the Project and surrounding land uses.

The Conservancy requests that the County of Fresno requires the applicant to implement the above recommendations, at a minimum, to minimize impacts to adjacent, Conservancy owned properties.

Response 11-13

The commenter's request for revegetation, habitat enhancement, and amenity plantings is noted. The Plant Site has landscape screening along North Friant Road, consistent with existing CUP conditions. This screening would remain for the duration of the proposed project (Draft EIR page 2-35). The Quarry Site would add landscape screening consistent with these standards. The Draft EIR provides the following with regard to proposed screening and fencing at the Quarry Site:

> Under the proposed project, the remainder of the north property line would be fenced with minimum four-foot—high, ranch fencing consisting of metal T-posts and at least three strands of barbed wire. Additionally, the existing berm along the north Friant Road would be landscaped with trees that will grow at least 15 feet high in two staggered rows, with one row on top of the berm. Irrigation would be provided. An architecturally designed gate would be added at the site entrance when the landscaping is added to the existing berm along North Friant Road.

Comment 11-14

The Conservancy supports and encourages the conservation of habitat on private lands and recommends planting native vegetation on pond berms and controlling/removing non-native/invasive plant species from the Project as a feasible mitigation measure.

Response 11-14

The comment is noted for the decision-makers.

Comment 11-15

The Conservancy supports and encourages minimizing lighting associated with Parkway development and encourages land use policies that minimize light impacts in the floodplain. Apart from safety, preclude lighting in the vicinity of the wildlife corridor or a natural reserve, to the greatest extent possible.

Response 11-15

The comment is noted for the decision-makers. The new lighting proposed would occur at the Quarry Site would confine illumination to the Quarry Site and/or areas that do not include light-sensitive uses (Draft EIR page 2-41).

Comment 11-16

4.3 Air Quality and 4.8 Greenhouse Gas Emissions

The DEIR provides a substantial amount of information on impacts to air quality; however, the DEIR does not adequately address the effects of the Project on adjacent Conservancy owned properties.

As stated in the DEIR, the Project can provide a potential source of odor due to the hydrocarbons that are emitted from asphaltic concrete at elevated temperatures. The Conservancy owned properties known as Ball Ranch, Ledger Island and Beck Ranch were not considered as potential model receptor locations. Significant

odor impact could occur at the adjacent, Conservancy owned properties and additional analysis should be undertaken to determine the extent of the impacts and appropriate mitigation measures. It appears that the Project is inconsistent with the Parkway Master Plan goals and policies by omitting analysis for Conservancy owned properties and/or negatively impacting regional air quality and greenhouse gas emissions.

Response 11-16

Air modeling included estimating impacts at the fence line of the proposed project facilities; the modeled emissions (including criteria air pollutants, and health risks) at the fence line receptors represent the worst-case air impacts from the proposed project. Potential impacts at the adjacent Conservancy owned properties would be less than those potential air impacts reported in the Draft EIR as updated in the Final EIR for the fence line receptors. Because the proposed project air impacts were each less than the significance thresholds for the fence line receptors, the potential impacts at the Conservancy owned properties known as Ball Ranch, Ledger Island and Beck Ranch, which are further from the proposed project's modeled fence line receptors, would be less than significant.

The odor analysis in the Draft EIR as updated in the Final EIR closely followed SJVAPCD's "Guidance to Conduct Detailed Analysis for Assessing Odor Impacts to Sensitive Receptors" in its Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) (SJVAPCD, 2016). The significance of odor impact was determined based on empirical evidence that the former asphalt plant, which operated until 2009, did not receive complaints from residences or the Conservancy. Moreover, the prior asphalt plant lacked blue smoke control technology whereas the proposed asphalt plant would have these controls as required by Mitigation Measure 4.3-4 (see Appendix D-4, "Revised Section 4.3, Air Quality"), and therefore emit less odorous compounds.

In response to air comments on the Draft EIR, the technical analysis was reviewed, and the analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"). The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the Draft EIR analysis was sufficient.

The commenter does not provide the basis for the statement that the project is inconsistent with the goals of the Parkway Master Plan, particularly given that the potential impacts were analyzed for all fence line receptors.

Comment 11-17

The Conservancy supports and encourages the applicant to use alternative fueled construction equipment, minimize idling time, and required that equipment is properly maintained and tuned to prevent or minimize impacts to air quality and reduce greenhouse gas emissions.

Response 11-17

The comment is noted. The commenter's suggestions are also compliance goals and policies of the SJVAPCD.

Comment 11-18

4.4 Biological Resources

The Conservancy supports and encourages coordination with federal and State environmental regulatory and permitting agencies, including, but not limited to, the California Department of Fish and Wildlife, the California Department of Water Resources, and the Regional Water Quality Control Board to develop adequate avoidance and minimization measures to impacts on biological resources within the Projects area of impact.

To minimize impacts to adjacent, Conservancy owned properties, the Conservancy recommends implementation of the following buffers:

- Provide native vegetation for screening wildlife from human activity as necessary to accommodate less width for a buffer zone.

- Provide a 700-foot buffer between any Parkway improvement and sensitive habitat. (Sensitive habitat includes areas of special biological significance that provide habitat for locally unique biotic species/communities; that are adjacent to essential habitats of rare, endangered or threatened species; or any natural community vulnerable to environmental effects of projects).

- Avoid more intensive recreational or other uses within 1500 feet of rookeries where feasible.

- From the river wildlife corridor, encourage 100-foot buffers from agriculture/pasture; 150-foot buffers from rural residences (less than .05 unit per acre); 300-foot buffers from medium density rural residences (.05 units per acre to less than 1 unit per acre); 600-foot buffers from business/industry or urban density development (more than 1

unit per acre); and 700-foot buffers for any development from sensitive habitat.

Response 11-18

The buffers recommended in the comment are noted. Please see Draft EIR Appendix B-1, "Surface Mining and Reclamation Plan," for further discussion of the setbacks that are currently required under existing CUPs and which would remain the same for the proposed project (Draft EIR Appendix B-1 pages 27 and 28). A 700-foot buffer or setback from SJRC "[improvements] and sensitive habitat" would not be feasible given the plan to continue mining operations within the existing footprints of the Plant and Quarry sites.

Comment 11-19

To minimize impacts to adjacent, Conservancy owned properties, the Conservancy recommends the following avoidance and minimization measures:

- Avoid, minimize, and ensure pollution prevention and compliance in the use of herbicides.
- Incorporate construction best management practices for stormwater quality management, including erosion and sedimentation controls and spill prevention and control, into all applicable permits and as part of Project implementation.
- Properly maintain stormwater quality management post-construction controls.

The Conservancy requests that the County of Fresno requires the applicant to implement the above buffers and recommendations, at a minimum, to minimize impacts to adjacent, Conservancy owned properties.

Response 11-19

The Applicant/Operator would be required obtain an Industrial General Permit, which requires the preparation and implementation of a site-specific stormwater pollution prevention plan (SWPPP) (Draft EIR page 4.9-18). One of the purposes of the Industrial SWPPP is to develop best management practices to reduce or prevent storm water pollutants associated with industrial activities (Draft EIR page 4.10-68). Please see the discussion of Impact 4.10-1 of the Draft EIR, which discusses the project's compliance with applicable local, state, and federal water quality and hazardous materials management requirements (Draft EIR page 4.10-89).

Comment 11-20

4.5 Cultural and 4.18 Tribal Resources

The Conservancy supports and encourages the protection of cultural resources within the Project impact area and recommends additional tribal consultation or outreach prior to completion of the Final EIR based on the known and likely cultural and archaeological resources, including human remains.

The Conservancy recommends the following best management practices:

- If any cultural resources, such as structural features, unusual amounts of bone or shell, flaked orground stone artifacts, historic-era artifacts, human remains, or architectural remains areencountered during any project construction activities, work shall be suspended immediately at the location of the find and within an appropriate radius of at least 50 feet. A qualified archaeologist shall conduct a field investigation of the specific site and recommend mitigation necessary for the protection or recovery of any cultural resource concluded by the archaeologist to represent a historical resource or unique archaeological resource.

Response 11-20

The commenter's suggestions are already reflected in the existing mitigation measures. See discussion of Draft EIR Impact 4.5-2. Mitigation Measure 4.5-2, provides, in part, that if "prehistoric or historic-era cultural resources are encountered during project activities, all ground-disturbing activities within 50 feet of the find shall cease. The qualified archaeologist shall evaluate the significance of the resources and recommend appropriate treatment measures." See also discussion of Draft EIR Impact 4.5-3. Mitigation Measure 4.5-3, provides, in part, that "if human remains are uncovered during project activities, the project Operator shall immediately halt work within 50 feet of the find, contact the Fresno County Coroner to evaluate the remains, and follow the procedures and protocols set forth in CEQA Guidelines Section 15064.4 (e)(1)" (Draft EIR page 4.5-32). Mitigation Measures 4.5-2 and 4.5-3 are sufficient to reduce potential impacts to archaeological and cultural resources to less than significant.

Comment 11-21

- If human remains are accidentally discovered during the proposed Project's constructionactivities, the requirements of California Health and Human Safety Code section 7050.5 must befollowed. Potentially damaging excavation must halt in

the area of the remains, with a minimumradius of 50 feet, and the local County Coroner must be notified. The Coroner is required toexamine all discoveries of human remains within 48 hours of receiving notice of a discovery onprivate or state lands (Health and Safety Code section 7050.50(b).) If the Coroner determinesthat the remains are those of a Native American, he or she must contact the Native AmericanHeritage Commission (NAHC) by phone within 24 hours of making that determination (Healthand Safety Code section 7050 (c)). Pursuant to the provisions of the PRC section 5097.98, theNAHC shall identify a Most Likely Descendant (MLD). The MLD designated by the NAHC shallhave at least 48 hours to inspect the site and propose treatment and disposition of the remainsand any associated grave goods.

Response 11-21

Draft EIR Mitigation Measure 4.5-3 incorporates the requirements stated in Comment 11-21.

Comment 11-22

4.9 Hazards and Hazardous Materials and 4.20 Wildfire

To minimize the risk of loss of life, injury, and damage to property and natural resources resulting from fire hazards, the Conservancy recommends the following avoidance and minimization measures:

- Perform fire prevention measures including thinning or mowing, reducing ladder fuels, and weed abatement on property boundaries, access roads, and around parking areas and/or structures.

- Provide 600-foot buffers between business/industry or urban density development (more than 1unit per acre) and Conservancy owned properties.

The Conservancy requests that the County of Fresno requires the applicant to implement the above recommendations, at a minimum, to minimize impacts to adjacent, Conservancy owned properties.

Response 11-22

See discussion of Draft EIR Impact 4.20-2. The use and handling of flammable materials would be required to comply with all relevant state and local regulations including the California Fire Code, Cal/OSHA Mine Safety Orders, and all applicable CUPA programs related to hazardous materials storage and handling (Draft EIR page 4.20-13). The

Blasting Protocols prohibit the storage of explosive materials on the Quarry Site and outline additional best management practices for blasting. See Appendix H-9, "Revised Blasting Protocols," of the Final EIR. The potential for the project to exacerbate fire risk at both the Plant and Quarry sites is less than significant.

Comment 11-23

4.10 Hydrology and Water Quality

The Conservancy supports and encourages coordination with federal and State environmental regulatory and permitting agencies, including, but not limited to, the California Department of Fish and Wildlife, Department of Water Resources, and the Regional Water Quality Control Board to develop adequate avoidance and minimization measures to impacts on hydrology and water quality resources within the Projects area of impact.

To minimize impacts to adjacent, Conservancy owned properties, the Conservancy recommends the following avoidance and minimization measures:

- Provide erosion control and slope stabilization measures in any area where erosion could lead to sedimentation of a waterbody.
- Perform major vehicle maintenance, repair jobs, and equipment washing at appropriate off-site locations.
- Regularly maintain equipment to prevent fluid leaks. Any leaks shall be captured in containers until the equipment is moved or repaired.
- Prepare a spill prevention and response plan prior to construction.
- Designate one area, well away from streams or storm drain inlets, for auto and equipment parking and routine vehicle and equipment maintenance;
- Clean-up spilled dry materials immediately and dispose appropriately.
- Use the minimum amount of water necessary for dust control.
- Clean-up liquid spills on paved or impermeable surfaces using "dry" cleanup methods (e.g. absorbent materials such as cat litter, and/or rags).

- Clean-up spills on dirt areas by removing and properly disposing of the contaminated soil.

- Store stockpiled materials, wastes, containers and dumpsters under a temporary roof or secured plastic sheeting where they cannot enter into or be washed by rainfall or runoff into waters of the U.S./State or aquatic habitat.

- Properly store containers of paints, chemicals, solvents, and other hazardous materials in garages or sheds with double containment during rainy periods.

- Avoid operating equipment in a live stream channel.

- Apply best management practices for treating, detaining, and percolating stormwater runoff, such as bioswales, bioretention areas and seasonal wetlands.

The Conservancy requests that the County of Fresno requires the applicant to implement the above recommendations, at a minimum, to minimize impacts to adjacent, Conservancy owned properties.

Response 11-23

The measures listed in the comment are largely incorporated into existing mitigation measures, mine plans, or are required by local regulations. Erosion control measures are incorporated into the mining plans, which are discussed beginning on page 2-29 of the Draft EIR. For example, top soil or overburden stockpiles that are expected to remain for longer than a year would be vegetated with grasses and forbs. The Draft EIR also analyzes the project's potential to result in substantial soil erosion in Impact 4.7-4, and concludes that this impact would be less than significant.

See the Draft EIR's discussion of Impact 4.10-1, which describes the required compliance of the project with the NPDES program and CUPA program, which require implementation of site-specific Stormwater Pollution Prevention Plan, WDRs, HMBP, and SPCC Plan requirements (Draft EIR page 4.10-91). Typical BMPs of a SWPPP includes using contained equipment wash-out and vehicle maintenance areas and covering stockpiled soil at the end of each workday. With the implementation of Blasting Protocols, and the project's compliance with applicable regulations and permitting requirements, impacts to surface water quality standards or waste discharge requirements would be less than significant.

The Draft EIR addresses storage of hazardous materials in Section 4.9, "Hazards and Hazardous Materials." See the Draft EIR discussion of Impacts 4.9-1 and 4.9-2. As

discussed in Impact 4.9-2, all hazardous materials would be managed and stored in accordance with the applicable programs overseen by the Fresno County Environmental Health Division. No hazardous waste would be disposed of on the project site (Draft EIR page 4.9-18).

Comment 11-24

4.11 Land Use and Planning

As previously stated, the Project proposes a new activity, hard rock (granite) excavation (drilling and blasting) within the Parkway that was never previously evaluated by the Parkway Master Plan. Therefore, as sand and gravel mining operations were the only mining activity evaluated, hard rock excavation may be an incompatible activity and conflict with existing or planned Parkway land uses near the Project.

- To minimize land use impacts to adjacent, Conservancy owned properties, the Conservancy recommends implementation of the following buffers:

- To the extent feasible, acquire, enhance, restore and maintain a continuous riparian/wildlife corridor throughout public Parkway lands with a minimum width of 200 feet upland from the ordinary low-water mark and gaps of no greater than 200 feet or the minimum necessary to allow for infrastructure (e.g. roads, bridges, boat launches, etc.).

- Build trails or provide easements for bikeways and other recreation areas at least 300 feet from the boundary of active mining operations and processing plants, separate them by physical barriers, and avoid trail/bikeway crossings of active haul routes.

- Where feasible, provide a minimum width of 100 feet for the Parkway multi-use trail corridor.

- From the river wildlife corridor, encourage 100-foot buffers from agriculture/pasture; 150-footbuffers from rural residences (less than .05 unit per acre); 300-foot buffers from medium density rural residences (.05 units per acre to less than 1 unit per acre); 600-foot buffers from business/industry or urban density development (more than 1 unit per acre); and 700-footbuffers for any development from sensitive habitat.

The Conservancy requests that the County of Fresno requires the applicant to implement the above recommendations, at a minimum, to minimize impacts to adjacent, Conservancy owned properties.

Response 11-24

See Response 11-26 below regarding the Parkway Master Plan's evaluation of surface mining operations. The Conservancy's recommended buffers are noted. The project would require certain buffers and setbacks from adjacent properties; the existing setbacks required under the Plant Site and Quarry Site CUPs are discussed in Chapter 2, "Project Description," of the Draft EIR. At the Plant Site, a 50-ft setback is required from the public right-of-way and a 25-ft setback is required from other property lines. At the Quarry Site, the project would continue to maintain a 50-ft setback from North Friant Road and a 200-foot setback from the San Joaquin River, among others described on page 2-18 of the Draft EIR. See Section 2.5.8, "Trail Easements," discussing the potential future easements at the Plant Site and Quarry Site (Draft EIR page 2-51). The existing buffers would serve to minimize potential impacts to adjacent Conservancy properties.

Comment 11-25

Additionally, please note that the property referenced in the DEIR that is south of the Quarry Site, known as Sumner Peck Ranch, is not owned by the Conservancy – it is owned by the San Joaquin River Parkway and Conservation Trust. Please see that attached Parkway Public and Non-Profit Property Ownership map for clarification on ownership within the Parkway.

Response 11-25

Comment 11-25 is noted. The Draft EIR accurately denotes that Peck Ranch is owned the San Joaquin River Parkway and Conservation Trust. See Draft EIR Section 2.4.5, "Surrounding Land Uses," and Figure 2-5, "Conditional Use Permits and Surrounding Land Uses" (Draft EIR pages 2-23 through 2-25).

Comment 11-26

4.12 Mineral Resources

The Parkway Master Plan directs the Conservancy to work with gravel mining companies to develop reclamation plans that enhance and compliment Parkway goals, while not conflicting with sand and gravel mining operations. The Project proposes a new activity, hard rock (granite) excavation (drilling and blasting) within the Parkway that was never previously evaluated by the Parkway Master Plan. Therefore, as sand and gravel mining operations were the only mining activity evaluated, hard rock excavation may be an

incompatible activity and conflict with existing or planned Parkway land uses near the Project.

Response 11-26

The Fresno County General Plan mineral policies extend to both hard rock and sand and gravel operations. The Fresno County General Plan defines extracted resources to include aggregate products (sand and gravel), fossil fuels (oil and coal), metals (chromite, copper, gold, mercury, and tungsten), and other minerals used in construction or industrial applications (asbestos, high-grade clay, diatomite, granite, gypsum, and limestone). As such, the 2018 Parkway Master Plan would need to be consistent with the Fresno County General Plan policies pertaining to mineral extraction, even if hard rock operations are not specifically contemplated in the 2018 Parkway Master Plan.

Comment 11-27

4.13 Noise

Project noise generated at the Quarry Site may exceed applicable noise standards. Based on distance to closest receptors, the analysis appears to have excluded the recreating public at adjacent, Conservancy owned properties (Ball Ranch, Ledger Island, Beck Ranch).

To minimize impacts to adjacent, Conservancy owned properties the Conservancy recommends the following avoidance and minimization measures:

- Minimize excessive noise generating activities to reduce disturbance to the nearest sensitive land uses, including the adjacent, Conservancy owned properties, which provide habitat for sensitive wildlife, recreation, and public access.

- Minimize excessive vibration generating activities to reduce disturbance to the nearest sensitive land uses, including the adjacent, Conservancy owned properties, which provide habitat for sensitive wildlife, recreation, and public access.

The Conservancy requests that the County of Fresno requires the applicant to implement the above recommendations, at a minimum, to minimize impacts to adjacent, Conservancy owned properties.

Response 11-27

The commenter expresses concern regarding potential noise and vibration impacts to nearby San Joaquin River Conservancy-owned properties, including Ball Ranch, Ledger Island, and Beck Ranch, and recommends additional avoidance and minimization measures.

Potential noise impacts are evaluated in Section 4.13, "Noise," of the Draft EIR. The Ball Ranch property is located approximately 600 feet north of the existing Plant Site, and approximately 4,000 feet south of the Quarry Site. Portions of the Beck Ranch and Ledger Island properties are located near the northern and southern boundaries of the Quarry Site. It is recognized that there are numerous public and non-profit-owned properties along the San Joaquin River, including the San Joaquin River Conservancy-owned properties mentioned in this comment. Although these properties were not individually analyzed in the Draft EIR, residential properties with similar proximity to the Plant and Quarry sites were extensively analyzed. For example, Residential Receptor Q-6 is located less than 400 feet from Beck Ranch, and Receptor Q-14 is located on the opposite bank of the San Joaquin River, approximately 200 feet from Ledger Island (see Draft EIR Figure 4.13-1, "Nearest Sensitive Receptors to Plant Site," Table 4.13-3, "Existing Ambient Noise Environment at Nearest Receptors to Plant Site," Table 4.13-4, "Existing Ambient Noise Environment at Nearest Receptors to Quarry Site," and Appendix H-1, "Environmental Noise and Vibration Assessment"). These locations would be expected to have similar project noise exposure.

The Fresno County Land Use Compatibility matrix for community noise exposure (Draft EIR Table 4.13-6, "Land Use Compatibility for Community Noise Exposure") identifies 70 dBA Ldn as being a normally acceptable noise environment for parks and 75 dBA Ldn as being normally acceptable for water recreation areas and riding stables. By contrast, the County identifies 60 dBA Ldn as being normally acceptable for residential land uses. As such, the Conservancy parcels, although not insensitive to noise, are considered by the County to be 10 to 15 dBA less sensitive to noise than the nearby residential properties which were extensively analyzed in the Draft EIR.

Furthermore, the Conservancy properties would be shielded from view of excavation activities by perimeter topography and berms, and noise mitigation required for potentially impacted nearby residences would similarly benefit the Conservancy parcels (see Draft EIR Section 4.13, Mitigation Measure 4.13-3). While noise generated by mining and processing activities at the Quarry and Plant sites may be audible at portions of the Conservancy parcels, audibility is not the threshold of significance under CEQA, and overall noise levels would comply with Fresno County criteria. As a result, no adverse noise impacts are identified for the Conservancy parcels located in the vicinity of either

the Plant or Quarry sites, and adoption of the commenter's recommended additional noise mitigation measures is not required.

Blasting activities would occur up to twice per week, would occur for approximately one to two seconds, and are not expected to result in significant environmental impacts. The Draft EIR discusses the project's potential impacts related to the generation of groundborne vibration as a result of blasting in Impact 4.13-6. The project would take measures to maintain blasting-related vibration below applicable thresholds to prevent human disturbance (Draft EIR page 4.13-65). With implementation of Mitigation Measure 4.13-6, which requires implementation of the Blasting Protocols, potential impacts related to groundborne vibration resulting from blasting would be reduced to less than significant (Draft EIR page 4.13-67).

Comment 11-28

4.16 Recreation and 4.17 Transportation

The Project is consistent with the Parkway Master Plan goals and policies by encouraging low-intensity use and habitat conservation and connections to other regional recreational trails, open spaces, and land uses; trail systems that enhance non-motorized commuting and transportation. However, these sections should be revised to include current information and analysis on both Ball Ranch and Ledger Island, which are currently open 7-days a week for recreation and public access.

Response 11-28

Please see Collective Response #19 regarding the information pertaining to recreational facilities adjacent to the project sites, including Ball Ranch and Ledger Island.

Comment 11-29

To minimize impacts to adjacent, Conservancy owned properties, the Conservancy recommends the following avoidance and minimization measures:

- Improve safety and reduce pedestrian and bicycle traffic between Old Friant Road to Lost Lake campground by assisting the Conservancy in creating the Lewis S. Eaton Trail expansion segment and/or rehabilitation of Ledger Island Bridge.

The Conservancy requests that the County of Fresno requires the applicant to implement the above recommendations, at a minimum, to minimize impacts to adjacent, Conservancy owned properties.

Response 11-29

The Draft EIR discusses the potential trail easements along the eastern boundary of the Plant Site and along the western boundary of the Quarry Site to facilitate the connection of three miles of planned trails in the San Joaquin River Parkway Master Plan (Draft EIR page 4.16-6). The commenter's request to assist in the creation of the Lewis S. Eaton Trail expansion segment and/or rehabilitate the Ledger Island Bridge is noted for the decision-makers.

Comment 11-30

The Conservancy supports and encourages continued discussions between the applicant and the Conservancy's Executive Officer, towards providing potential easements at the Plant Site and Quarry Site, which will link public Parkway lands and provide a continuous, multi-use trail. For consistency with the Parkway Master Plan, were feasible, a minimum 100ft multi-use Parkway trail corridor is preferred.

Response 11-30

The comment is noted for County decision-makers.

Comment 11-31

Alternatives

The Conservancy supports and encourages an evaluation of a range of reasonable Project Alternatives prior to selecting a preferred Project Alternative. The current mining and processing operations along the San Joaquin River have been limited to sand and gravel mining excavations, and have been continuous at the two sites for 108 years. The Project proposes a new activity, hard rock (granite) excavation (drilling and blasting) within the Parkway that was never previously evaluated by the Parkway Master Plan. Therefore, as sand and gravel mining operations were the only mining activity evaluated, hard rock excavation may be an incompatible activity and conflict with existing or planned Parkway recreation near the Project.

The DEIR considers several Project Alternatives, all of which include hard rock excavation except for the No Project Alternative. The Conservancy recommends that additional alternatives that provide for sand and gravel mining operations, consistent with the Parkway Master Plan, be evaluated and considered.

Response 11-31

The Draft EIR evaluates a reasonable range of alternatives, in accordance with CEQA. One of the main objectives of the project is to expand mining operations at the Quarry Site, which would require excavation of hard rock due to the exhaustion of alluvial reserves at the Quarry Site. Thus, project alternatives 2-5 incorporate this objective.

Comment 11-32

Section 6.3.1 lists ten project objectives. The Conservancy concurs with the project objectives within its purview, specifically:

8.Maintain consistency with the San Joaquin River Parkway Master Plan.

9.Reclaim both sites to wildlife habitat in a manner similar to the reclaimed mine sites that make up the majority of the San Joaquin River Parkway properties.

10.Provide potential Parkway trail easements.

Response 11-32

The comment is noted for County decision-makers. See Response 11-33 below.

Comment 11-33

In addition to the objectives listed in this Section, the Conservancy would also support adding "maintaining consistency with the County of Fresno General Plan" as part of the 8th objective or as a standalone project objective.

Response 11-33

The comment is noted. The project would be required to maintain consistency with the Fresno County General Plan. In response to comments on the Draft EIR and at the request of the Operator, Project Objective 8 is revised in this Final EIR through errata presented in Final EIR Chapter 3, "Draft EIR Errata," to include project consistency with the Fresno County General Plan.

Comment 11-34

Conclusion

The Conservancy appreciates the opportunity to comment on the DEIR for the Project and recommends that the County of Fresno Department of Public Works and Planning address the Conservancy's comments and concerns in the Final EIR.

Due to the issues presented in this letter, the Conservancy concludes that the DEIR does not adequately identify or mitigate the Project's impacts on environmental resources and that the Project may not be consistent with the Parkway Master Plan.

Response 11-34

The Draft EIR adequately analyzes the potential environmental impacts of the proposed project, in accordance with CEQA. The proposed project is consistent with the Parkway Master Plan, as discussed in Section 4.11, "Land Use and Planning," of the Draft EIR.

Comment 11-35

The Conservancy recommends that the Draft Environmental Document discuss additional potential safe, public access opportunities within the San Joaquin River Parkway to accommodate the reasonable and foreseeable impacts to adjacent open space areas, intended for recreation and public access. Increasing safe, public access to the Parkway will also meet policies and objectives that are set forth in the Parkway Master Plan and Open Space and Recreation Element of the City of Fresno General Plan.

Response 11-35

The comment is noted for County decision-makers.

Comment 11-36

The Conservancy also requests to be consulted during the development any reclamation and revegetation plans to ensure that the plans enhance and compliment Parkway goals.

Pursuant to Public Resources Code sections 21092 and 21092.2, the Conservancy requests written notification of proposed actions and pending decisions regarding the Project. Written notifications shall be directed to:

San Joaquin River Conservancy

Kari Kyler Daniska, Executive Officer
PO Box 28338
Fresno, CA 93729

The Conservancy requests an opportunity to review and comment on any response that the County of Fresno has to our comments and to receive notification of any forthcoming hearing date(s) for the Project.

If you have any questions regarding the comments provided in this letter or wish to schedule a meeting, please contact me at (559) 287-2650 or by email at kari.daniska@sjrc.ca.gov.

Response 11-36

The comment is noted. The San Joaquin River Conservancy would be added to the notification list.

Letter #12 March 10, 2025, Douglas Hedenkamp, City of Fresno

Comment 12-1

I represent the City of Fresno, and I write to submit the following comments on the Draft EIR for the CEMEX Rockfield Quarry Project (the "Draft EIR"). As set forth below, the City has identified several procedural and substantive deficiencies that preclude certification of the Draft EIR in its present form.

Chief among the substantive deficiencies is: (1) the Draft EIR's failure to consider the physical impacts of increased hauling by heavy trucks over North Friant Road by shifting truck traffic from the other aggregate mines listed on page 4.17-20 of the EIR to the CEMEX Rockfield Quarry Site and Plant Site (collectively, the "Project"), (2) failure to consider the cumulative impacts of the Project and these other aggregate mines in the cumulative impacts section, despite using these other mines to effectively erase the transportation impacts from the Project, and despite noting that, taken together, these projects will result in an increase of over 3,000,000 annual VMTs by Stage 2 of the Project (3) failure to discuss impacts to water quality, such as the potential alteration to groundwater flow as a result of continuous dewatering during mining operations below the existing groundwater level, mobilization of naturally occurring constiutents, such as arsenic, iron, lead, and manganese into the ground water (these hydrology and water quality impacts and improved mitigation measures to address them are discussed in more detail in the letter dated March 3, 2025 from the City of Fresno Department of Public Utilities to David Randall, Fresno County Public Works and Planning Department, a copy of which is attached as Exhibit 1 hereto).

Chief among the procedural deficiencies is the fact that the Project described in the Draft EIR includes portions of APNs 300-070-43ST, 48ST, and 50ST, which are not included in the applications for Conditional Use Permits 3666 and 3667, and were not listed in the Notice of Preparation ("NOP"), Notice of Completion ("NOC") or Notice of Availability ("NOA").

These and other deficiencies are discussed below in the order in which they appear.

Response 12-1

For discussion of physical impacts and cumulative impacts in reference to truck traffic from other aggregate mines (i.e. points (1) and (2) of this comment), see Response 12-78. See Responses 12-73 – 12-74 for more on "continuous dewatering" and "mobilization of naturally occurring constituents [sic]" (point (3) of this comment). See responses to the letter dated March 3, 2025, from the City of Fresno, Department of Public Utilities to David Randall, Fresno County Public Works and Planning Department in Responses B-84 through B-111 of this Final EIR. The Draft EIR includes and describes the portions of APNs 300-070-43ST, 48ST, and 50ST that are currently within the Plant Site area (Draft EIR page 2-2). The comment's reference to the applications for CUPs 3666 and 3667 does not raise an issue regarding significant environmental impacts. In response to the comment regarding APNs 300-070-43ST, 48ST, and 50ST and the NOP, NOC, and NOA for the project, see Responses 12-3, 12-5, and 12-6 of this Final EIR.

Comment 12-2

1. Project Application

The land use application for Conditional Use Permit 3666, which applies to the Plant Site, is incomplete and does not meet the requirements of the Fresno County Zoning Code 838.5.060, because it contains no reference to the land owned by the California Department of Fish and Wildlife (the "CDFW") referred to on page 2-2 of the EIR's Project Description as portions of APNs 300-070-43ST, 48ST, and 50ST (the "CDFW Property"). If that land is to be included in the Project, it must be listed in the Conditional Use Permit application, and an Authorization of Agent to Act on Behalf of Property Owner must be filed with Fresno County (the "County"). Accordingly, the application is incomplete based on the Draft EIR's Project Description.

Response 12-2

The comment does not raise significant environmental issues and thus does not require a response (PRC Section 21091(d)(2)(B); Title 14 CCR Sections 15088(c), 15132(d), 15204(a)). ee Collective Response #20 pertaining to the California Department of Fish and Wildlife (CDFW) property referenced in this comment. The CDFW property is described on pages ES-2 and 2-2 of the Draft EIR (see also Draft EIR Section 2.4.1, "Project Location and Access"). The Draft EIR explains that the Operator is attempting to acquire the relevant CDFW-owned property. Ultimately, inclusion of this property within the project is predicated on first receiving permission from CDFW. Once the transaction is completed,

or the CDFW otherwise permits the use, the conditional use permit (CUP) would be amended to include these parcels. Regardless, for complete disclosure, the Draft EIR analyzes the environmental impacts of the project boundary, including the CDFW-owned parcels. Further, CDFW received full notice of the application and preparation of the Draft EIR.

The Application complies with the Fresno County Zoning Ordinance (FCZO). The application meets all applicable requirements presented in Chapter 842.5 of FCZO.

Comment 12-3

2. Notice of Preparation

The NOP for the EIR was dated June 3, 2020 and posted on June 5, 2020 as SCH No. 2020060123. That NOP is not valid for the EIR, because the project description included in the NOP lists the Plant Site as "Assessor Parcel Numbers (APNs) 300-070-56S, 57S, 58S, 59S, & 60S," and does not identify the CDFW Property as part of the Plant Site, unlike the Project Description in the EIR. (*Compare* NOP, Attachment A at p. 1, *with* EIR at p. 2-2.)

The Plant Site Aerial included in the NOP also omits the CDFW Property, and is inconsistent with the Aerial depicted in the EIR. (*Compare* NOP, Figure 2 *with* EIR, Figures 2-1 and 2-6.) Project Description/Operational Statement, Appendix B-2, states on page 14 that the CDFW Property is already currently being utilized as part of the Plant Site for mining operations, so this state-owned land should have been identified in the NOP.

This is a significant omission because the NOP was sent to the State Clearinghouse, pursuant to the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000- 15387) for mandatory notice to the following reviewing agencies:

> California Air Resources Board (ARB), California Department of Conservation (DOC), California Department of Parks and Recreation, California Department of Resources Recycling and Recovery, California Department of Transportation, District 6 (DOT), California Department of Water Resources (DWR), California Governor's Office of Emergency Services (OES), California Natural Resources Agency, California Regional Water Quality Control Board, Central Valley Fresno Region 5 (RWQCB), California San Joaquin River Conservancy (SJRC), California State Lands Commission (SLC), Central Valley Flood Protection Board, Delta Stewardship Council, Office of Historic Preservation, State Water Resources Control Board,

> Division of Water Quality, California Native American Heritage Commission (NAHC), California Department of Fish and Wildlife, Central Region 4 (CDFW)

When the NOP was distributed to the reviewing agencies, those agencies, and CDFW in particular, should have been provided notice that CDFW property was being considered as part of the Project in the EIR.

Response 12-3

The comment does not require a response because the time to comment on the Notice of Preparation (NOP) has passed. However, the NOP was valid under CEQA and would not render the Draft EIR insufficient (PRC Section 21080.4). CEQA does not require that APNs specifically be included in the description of the project in the NOP (see CEQA Guidelines Section 15082).

Further, the CDFW received notice as a reviewing agency and thus "the information gathering and presentation mechanisms of CEQA were not subverted or compromised" (see *Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949). The CDFW provided a response to the NOP and to the Draft EIR, thus indicating CDFW had the opportunity to review and assess the probable environmental impacts of the project.

Comment 12-4

The project description in the NOP also fails to adequately describe the true expansive nature of the Project, which it merely describes as allowing "the Rockfield Quarry a continuation and modification of its current aggregate (rock, sand, and gravel) mining and processing operations." (NOP, Attachment A at p. 1.) The project description does not adequately identify as significant new land uses activities such as significantly increasing the mining depth to 600 feet below grade that requires hard rock blasting adjacent to the San Joaquin River, public parks, camping sites, adding a material recycling of concrete and asphalt concrete, adding on-site sales of materials to the public, resuming aggregate mining at the Plant Site and adding a large hot- mix asphalt plant. The Project results in reduced setbacks and buffers and other project features that were previously required by the Previous CUPs.

Response 12-4

The time to comment on the NOP has passed. However, we note that the NOP's description of the proposed project is adequate under CEQA Guidelines Section 15082. The NOP was submitted on June 3, 2020, and includes the project location, project

description, and a summary of anticipated impacts. The NOP also includes an aerial map and a vicinity map, sufficiently disclosing the location of the project. The project description in the NOP provides that the Operator is requesting both a continuation and *modification* of current aggregate mining and processing operations. The word "modification" suggests a change in the existing operations. Additionally, under the Stage 1 section, the project description provides that the hard rock deposit located at the Quarry Site would be mined to a depth of 600-feet below ground surface (bgs). The NOP also provides that the existing maximum production of 1.4 MT would be increased to 3.0 MT after ten years of production, thus indicating a significant operational expansion of the project. For these reasons, the NOP adequately describes the nature of the project.

Comment 12-5

3. Notice of Completion

The Notice of Completion dated July 6, 2020, (NOC) is not valid for the proposed Draft EIR. As with the NOP, filed one month earlier, the NOC was sent to the same agencies with the same incorrect project location, incorrect project description and including Figure 1 and 2 that do not show the CDFW Property that is included in the Draft EIR.

Only two letters were received by the State Clearinghouse on the NOP, California Department of Fish and Wildlife (CDFW) and Native American Heritage Commission (NAHC). CDFW submitted a letter dated July 6, 2020, that states the CDFW is submitting comments as a Responsible Agency, a permitting agency. However, since the Draft EIR also includes the CDFW Property, it should have been given notice that it is actually an owner of part of the Project, in which case its comments could have addressed more than its interest merely as a permitting agency.

Response 12-5

The comment states that the Notice of Completion (NOC) is invalid for the proposed Draft EIR. The NOP and the NOC included the correct project location and project description, in accordance with CEQA Guidelines (Title 14 CCR Section 15085). CEQA requires that the NOC include a brief description of the project, the project's location, an address at which copies of the Draft EIR are available, and the review period for submission of comments on the Draft EIR (CEQA Guidelines Section 15085(b)). CEQA Guideline Section 15085 provides that the NOC only needs to provide the proposed location of the project by street address and cross street.

CDFW provided comments as a Responsible Agency and was sufficiently noticed of the information concerning the project and its potential environmental effects to enable CDFW to make a meaningful response. This comment provides no meaningful evidence indicating that CDFW would have provided a different response if it had received notice as a property owner versus a Responsible Agency.

Comment 12-6

4. Notice of Availability

The "Reissued Notice of Availability of a Draft Environmental Impact Report (EIR) for the proposed modification to the existing CEMEX Rockfield Quarry (EIR No. 7763 and Unclassified Conditional Use Permit Application Nos. 3666 and 3667)" (the "NOA") for the Draft EIR is posted on the County of Fresno website.

NOA's are typically posted at the Project Site, mailed to adjacent landowners, interested parties and posted at the County of Fresno administrative offices. Public involvement is one of the fundamental objectives of CEQA. Thus, adequate notification to the public of the availability of a Draft EIR is important in achieving this objective (CEQA Guideline §15201, Public Resources Code §21083 and 21087).

As with the NOP and NOC, the NOA merely describes the proposed Project as a "continuation and modification of its current aggregate (rock, sand and gravel) mining and processing operations," and fails to describe the vastly expanded operations that would be allowed under the Project. Like the NOP, the NOA omits the APN numbers for the CDFW Property.

The County of Fresno has failed to comply with the requirements of CEQA and State Law with incorrect and misleading public notices. The proposed Project needs to be correctly noticed and recirculated in order for State and Federal agencies, interested parties and the general public to determine their interest in the proposed Project.

Response 12-6

The County disagrees that it has failed to comply with the requirements of CEQA regarding incorrect and misleading public notices. The Notice of Availability (NOA) complies with CEQA Guidelines Section 15087, which requires a brief description of the proposed project and its location (dee *Maintain Our Desert Env't v Town of Apple Valley* (2004) 124 Cal.App.4th 430, 441 holding that the project description need only be a brief, compact summary without elaboration or detail). Furthermore, PRC Section 21092,

subd. (b)(2) provides that an EIR cannot be invalidated due to "alleged inadequacy of the notice content if there has been substantial compliance with the notice content requirements of this section."

Comment 12-7

5. Draft Environmental Impact Report No. 7763 SCH# 2020060123

Chapter 1, Introduction and **Chapter 2,** Executive Summary need to be revised to reflect the significant revisions to Draft EIR.

a. Chapter 2: Project Description

The Draft EIR project description is insufficient and inaccurate in describing the proposed Project and does not comply with CEQA Guidelines and CEQA regulations. The Draft EIR project description is inconsistent with the Project Description/Operational Statement (Appendix B-2) that is part of the Surface Mining Reclamation Plan (Appendix B-1). The Draft EIR needs to be revised and recirculated.

Response 12-7

The Draft EIR's Introduction and Executive Summary are sufficient under CEQA (Title 14 CCR Section 15123).

This response is also introductory in nature, see Responses 12-8, 12-9, and 12-10 for more detailed responses regarding the Draft EIR's project description.

Comment 12-8

i. Project Location

CEQA §15124, Project Description, lists the required information needed to evaluate and review the environmental impacts of the proposed Project. CEQA §15124(a) states:

The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.

The Draft EIR fails to comply with CEQA §15124(a) because the Project Location is both internally inconsistent within the Draft EIR, and inconsistent with the applicable Project CUP applications, which do not include the CDFW Property.

Within the Draft EIR, Figure 1-1 (Regional Location) and Figure 1-2 (Site Location) do not include the whole of the action

which has the potential for resulting in either direct physical change in the environment or the reasonably foreseeable indirect physical change in the environment (CEQA Guidelines §15379(a); Public Resources Code §21065). Figures 1-1 and 1- 2 do not appear to include the CDFW Property (APNs 300-070-43ST, 48ST and 50ST).

Draft EIR section 2.2.1, Project Location, states that the "12.9 acres owned by the [sic] California Department of Fish and Wildlife" is included in the 138.5-acre Plant Site and is currently used by the Applicant for current mining operations. The Draft EIR states:

> This Draft EIR assumes that CDFW will permit CDFW to continue to be used for mining and processing operations under the proposed project. Therefore, this 12.9-acre area is included in the 138.5-acre Plant Site.

However, the Draft EIR depicts the location of the Project, particularly the land owned by the State of California, inconsistently or not at all in the Draft EIR and therefore, does not disclose and analyze the significant environmental impacts of the whole project.

Moreover, Conditional Use Permit 3577-A, to extend operational time limit from July 28, 2023 to July 28, 2027 does not include the land identified as "portions of APNs 300-070-43ST, 48ST and 50ST." Exhibit 2 of CUP 3755, Location Map, depicts the Plant Site as located on APNs 300-070-56S, 57S, 58S, 59S and 60S and consists of approximately 122 acres. APNs 300-070-56S, 57S, 58S, 59S and 60S total to 121.94 acres.

Response 12-8

The CDFW parcel has previously been used by the Operator for some mining operations that existed on that site prior to its acquisition by CDFW when the mining lease property and the CDFW parcel were all owned by the same owner (Draft EIR page 2-7). Currently, the Operator is negotiating an agreement with CDFW to either purchase or continue to use the property. Thus, the Assessor Parcel Numbers are not included on CUP 3666 (Surface Mining and Reclamation Plan, Appendix B-1, "Surface Mining and Reclamation Plan," of Draft EIR, page 7). Because the Operator believes that CDFW would continue to allow the usage of a portion of CDFW-owned property, the Draft EIR analyzes the impacts of the project assuming the continued use of the CDFW land. However, if no agreement is reached, then the Operator would not use the portions of the CDFW land identified in the Draft EIR. For these reasons, the project description complies with CEQA

requirements by including all of the property locations within the proposed project boundaries.

The comment asserts that the CDFW property is not shown on Figure 1-1, "Regional Location," and Figure 1-2, "Site Location." However, the comment fails to explain how these parcels are not included on Figures 1-1 and 1-2 as those maps do not show APNs or individual parcels. Figure 1-1, moreover, is a regional map which serves the purpose of contextualizing the project's location within the County. The scale of the regional map is large enough that it would not properly serve the purpose of detailing the small portions of the CDFW-owned parcels included in the project boundaries. Figure 1-2, likewise, does not show parcels or APNs, but does display the precise location and boundaries on a detailed, topographic map, in accordance with CEQA Guidelines Section 15124(a). Because the scale of the maps make it difficult to see that the CDFW property is included within the project boundary, the Draft EIR provides a sufficiently detailed explanation of the inclusion of the CDFW property within the project boundary for the purposes of analyzing environmental impacts (see Draft EIR Section 2.2.1, "Project Location," on page 2-2).

The Plant Site location is described in Section 2.2.1 of the Draft EIR. The Draft EIR explains the 11.9 acres owned by CDFW within the permitting context. Moreover, Figure 2-6 "Proposed Plant Site Plan" specifically depicts the existing property boundary and the proposed property boundary, including the portions of the CDFW-owned parcels. The Draft EIR consistently reflects that the 138.5 acres encapsulated by the proposed boundary of the Plant Site was analyzed for environmental impacts. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to the total acreage of the CDFW parcel stated in the Draft EIR.

Comment 12-9

ii. Plant Site Aggregate Mining

The Project Description/Operational Statement (Appendix B-2) state on page 2 that "At the Plant Site, mining of the alluvial deposit will resume…." Therefore, aggregate mining that occurred in the past cannot be considered a part of the baseline conditions and needs to be treated as a new and unapproved land use pursuant to Fresno County Zoning Code Section 868.6.020, Expiration. Section 868.6.020A.1.c. states:

If there is a cessation in the occupancy or use of land or structure(s) authorized by the permit or approval for a period in excess of two years, the permit or approval shall expire and be deemed void.

Aggregate mining is a use of land, such as the concrete plant or asphalt plant. If there is cessation of a particular approved land use in a conditional use permit for more than two years, the land use permit expires. The Draft EIR needs to be revised and recirculated to eliminate previous aggregate mining environmental impacts on the Plant Site from the baseline as existing conditions.

Response 12-9

The comment inaccurately states that the temporary pause in aggregate excavation at the Plant Site would cause the current permit to be deemed void under the Fresno County Zoning Code. The Operator has vested rights to operate pursuant to CUPs 367, 3063, 2032, 2209, and 3093. Although excavation of aggregate has temporarily ceased at the Plant Site, mining operations and processing of aggregate have been continuous at the Plant Site from 1913 to present (Draft EIR page 2-1; See also Response 12-12 for a more detailed discussion of the continuous nature of mining operations at the Plant Site). Thus, there has not been a cessation in the occupancy or use of land authorized by CUPs 367, 3063, 2032, 2209, and 3093 that would deem the permit expired and void. A permit may not automatically expire; notice and a hearing are required before expiration or revocation (see *Community Dev. Comm'n v City of Fort Bragg* (1988) 204 Cal.App.3d 1124). See Response 12-12 for additional discussion regarding the Operator's vested rights to operate pursuant to CUPs 367, 3063, 2032, 2209, and 3093.

The comment further suggests that the Draft EIR improperly includes prior aggregate mining environmental impacts within its baseline. CEQA Guidelines provide that the baseline generally should be described as the physical conditions that exist in the area affected by the project at the time the EIR process begins (Title 14 CCR Section 15125(a)(1)). An EIR's assessment of the project's impacts should normally be limited to changes in those existing physical conditions (Title 14 CCR Section 15126.2(a)). An EIR's analysis should, however, employ a realistic baseline (see *Communities for a Better Env't v. S. Coast Air Quality Mgmt. Dist. (*2010*)* 48 Cal.4th at 328). When existing physical conditions change or fluctuate over time, the lead agency may define existing conditions by taking account of historic conditions, or conditions expected when the project becomes operational, or both (Title 14 CCR Section 15125(a)(1)). Inclusion of prior aggregate mining environmental impacts in the baseline is proper here because the property, including the Plant Site, has been continuously disturbed by mining operations and aggregate processing for over a hundred years. Therefore, existing conditions at the time of the NOP includes the history of aggregate mining operations of the Plant Site.

The comment suggests that the Draft EIR needs to be revised and recirculated to eliminate previous aggregate mining environmental impacts as existing conditions. Recirculation

is not necessary here, as the comment has not identified a new significant environmental impact (Title 14 CCR Section 15088.5(a)).

Comment 12-10

iii. Section 2.4.8 Current Operating Entitlements and Vested Rights.

The Project Description fails to adequately describe the current operating entitlements and vested rights, because it fails to describe the approved Site Plans and Rehabilitation Plans that were imposed as conditions on the existing CUPs. This leads to omitted and misleading information regarding the restrictions on the current site operations.

For example, in Table 2-1, Rockfield Modification Project Characteristics, the Draft EIR incorrectly states there is no maximum mining depth under the existing CUPs for the Plant and Quarry Sites. To the contrary, Condition No. 21 to CUP 2032 for the Quarry Site required the submission and approval of a Site Plan Review, which would have established the maximum depth of excavation, most likely at 45'. The parameters of the approved Site Plan Review, which are a condition of approval, should be disclosed. The Staff Report for CUP 2032 states that "The applicant estimates groundwater depth to be 20 feet and is proposing to excavate to a depth of 45 feet." (Staff Report, § C; *see also* City of Fresno Department of Public Utilities, Exhibit 1 hereto, for further commentary on hydrology and the impacts of deeper mining.) The Mining Plan attached to the Staff Report shows the "Maximum Excavation Depth" to be 45'.

Similar Site Plan Review requirements are set forth in CUP 367, though there is no indication of maximum depth in the CUP itself. (CUP 367, Area A Condition No. 24, Area B Condition No. 10.) Nevertheless, since mining stopped at 32 feet bgs (Draft EIR 2-29), it seems likely that a similar limit is present in the current Site Plan. Since these Site Plans are part of the express conditions on the existing CUPs, they should be disclosed in the Draft EIR.

Response 12-10

The Draft EIR accurately reflects the fact that previous CUPs (367, 2032, 2209, 3063, and 3093) did not specify a maximum depth at either the Plant Site or Quarry Site. CEQA sets forth specific requirements for the project description (Title 14 CCR Section 15124). Chapter 2, "Project Description," of the Draft EIR, conforms to CEQA standards, and includes all the required components, including a description of the project's location, a

statement of the project objectives, a description of the project's technical and environmental characteristics, a discussion of the intended uses of the EIR, and a list of the project approvals that would be required (Title 14 CCR Section 15124). Draft EIRs need not include additional information not required by the CEQA statutes and Guidelines (see *Eureka Citizens for Responsible Gov't v City of Eureka* (2007) 147 Cal.App.4th 357, 371).

The Draft EIR discloses the current topography of the project sites, including the current depths of previous mining, and discloses the proposed mining depths, which is sufficient for the purposes of the Project Description. As stated in the Reclamation Plan, the current depth to groundwater at the Plant Site ranges from 10 to 30 feet below ground surface (bgs). The current depth to groundwater at the Quarry Site ranges from 15 to 40 feet bgs (current surface). The previous conditions of approval may be found in Appendix B-1 of the Draft EIR. Furthermore, the Reclamation Plan includes all information required by PRC Section 2772. Prior Conditions of Approval are in Appendix B of the Reclamation Plan (see Appendix B-1 of the Draft EIR).

Table 2-1, "Rockfield Modification Project Characteristics," identifies the current depth to groundwater at the Plant and Quarry sites, as indicated in the reclamation plan. The site plans referenced as prior conditions of approval are also attached to the reclamation plan in Appendix B-1 of the Draft EIR.

Comment 12-11

Similarly, both CUPs required the submission and approval of rehabilitation plans. (CUP 2032, Condition 13; CUP 367, Area A Condition 18, Area B Condition 11.) These plans may include requirements that are inconsistent with the depths proposed for the Project in the Draft EIR. Other requirements in the current rehabilitation plans may be inconsistent with the Project, thereby leading to other potential impacts from the Project. Accordingly, the terms of the existing rehabilitation plans should be disclosed in section 2.4.8.

Response 12-11

We believe that the commenter's reference to rehabilitation plans meant to refer to the applicable SMARA reclamation plans. As discussed in Response 12-10, CEQA outlines specific requirements for the project description and information that must be included (Title 14 CCR Section 15124). Furthermore, CEQA does not require that additional information not listed in the statute or Guidelines be included in the Draft EIR (see *Eureka Citizens for Responsible Gov't v City of Eureka* (2007) 147 Cal.App.4th 357, 371). CEQA does not require a description of prior reclamation plans to be included in the project

description. The project description is meant to provide sufficient information to assess the probable environmental impacts of the proposed project. The objective of the project is to expand the existing aggregate production to include hard rock excavation and increased depths of mining. Therefore, prior reclamation plans are subject to change. It should be noted that CUPs 367, 2032, 2209, 3063, and 3093 did not specify a maximum depth.

Comment 12-12

In addition, section 2.4.8 states that the Operations at the Rockfield Quarry are currently governed by and vested under CUPs 367, 2032, 2209, 3063, and 3093. However, this is only partially true. As disclosed on page 2-8, there are currently no mining operations on the Plant Site. Accordingly, there is no longer any vested right to "continue" mining on the Plant Site.

Moreover, vested rights under SMARA are limited to mining of areas that were "'clearly intended'" to be excavated—as measured by objective manifestations, not subjective intent" when the vested rights were first triggered. (*Calvert v. County of Yuba* (2006) 145 Cal.App.4th 613, 625.) Accordingly, the vested rights do not cover any expansion of the area allowed to be mined. The area intended to be mined at the time of the CUPs is delineated on the Site Plans that were required to be approved before mining commenced. Accordingly, once again, the bounds of mining disclosed in the Site Plans must be disclosed in the Project Description.

Response 12-12

Comment 12-12 does not raise a significant environmental issue for which a response is required.

As indicated in the comment, Section 2.4.8, "Current Operating Entitlements and Vested Rights," of the Draft EIR describes the current operating entitlements and vested rights at the project sites. This section explains that operations at Rockfield Quarry are currently governed and vested under CUPs 367, 2032, 2209, 3063, and 3093. A vested right accrued under common law because mining operations have been ongoing and continuous since 1913 and cannot be abandoned absent a showing of (1) an intention to abandon, and (2) an overt act, which carries the implication that the owner does not claim or retain any interest in the right to the nonconforming use (*Hansen Bros. Enterprises v. Board of Supervisors* (1996) 12 Cal.4th 533, 569).

As described in the Draft EIR, SMARA provides that a person is deemed to have a vested right if, "prior to January 1, 1976, the person has, in good faith and in reliance upon a

permit or other authorization, if the permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary for the surface mining operations." (PRC 2776(a)). CEMEX's continuous reliance upon the aforementioned CUPs is sufficient to confer a vested right by operation of law (*Trans-Oceanic Oil Corp. v. City of Santa Barbara* (1948) 85 Cal.App.2d 776; *Community Development Com. v. City of Fort Bragg* (1988) 204 Cal.App.3d 1124; *Morgan v. County of San Diego* (1971) 19 Cal.App.3d 636).

Table 2-4, "Summary of Conditional Use Permits," of the Draft EIR explains that under CUP 367, sand and gravel excavation and processing operations, which had been existing since 1913**,** were permitted on 850 acres that included the Plant Site and the Quarry Site. Additionally, CUP 367 also permitted processing of materials from the Quarry Site at the processing plant located on the Ball Ranch (see Draft EIR Table 2-4). The continuous nature of mining operations at these locations are further evidenced by Draft EIR Section 2.4.7, "Site History," which explains that mining operations at the Rockfield Quarry have been continuous for more than 100 years (1913-present). Aggregate processing has been continuous at the Plant Site throughout this time. Processing aggregate is part of the larger mining operation permitted by the CUPs, and therefore establishes the Operator's vested rights to continue mining at the Plant Site. CUP 3755-A and CUP 3755-B, approved on July 28, 2023, extended CUPs 3093, 367, 2032, 2209, 2241, 2235, and 3063 through July 28, 2026. In June 2026, the County approved a second one-year extension allowing operations to continue through July 2027 while the Final EIR is completed and the requested CUP amendments are processed. See Collective Response #2 for additional information.

Comment 12-13

iv. Stockpiling

Table 2-1, Rockfield Modification Project Characteristics, indicates that the Project will mine and process 3.3 MT of aggregate per year, but sell 3.0 MT per year. It appears the excess0.3 MT per year of waste/fines will be stockpiled until the sites are reclaimed at the end of mining. The Draft EIR needs to identify the amount of sand/fines and mine waste that is existing on site and stockpiled in berms to understand the impact of adding additional sand/fines and mine waste.

In Appendix B-1, page 57, Paragraph 4.4.23 states the Plant Site will use the fines, tailings and other mining waste to reclaim the bottom 20 feet of the excavation. The Quarry Site will deposit the fines, tailing and mining waste in the bottom of the excavation. The Plant Site will not be reclaimed for 30 years, and

the Quarry Site will not be reclaimed for 100. This will amount to 30 MT stockpiled until reclamation or 551 acres of sand and mine waste at 25 feet in height. The Draft EIR needs to detail how the waste/fines will be stockpiled, the amount, maximum height and duration of stockpiling on each site before final reclamation, identify the significant environmental impacts associated with large numerous stockpiles and provide meaningful mitigation. Stockpiling mitigation should include:

- Limiting stockpiles height to 25 feet to prevent visibility from the surrounding properties and public roads
- Covering the sand and mine waste with impermeable material to prevent blowing sand and dust
- Limiting the amount of stockpiled material to 1MT at any one time (1MT at 25 feet in height results in 18.36 acres of stockpiled material) The Project is required to export from the Project Site any material over 1 MT.

Response 12-13

The baseline and project emissions for stockpiles are included in Draft EIR Section 4.3, "Air Quality," Section 4.3.3.3, "Analysis Methodology," as revised through errata in this Final EIR (see Appendix D-4). Additionally, Impact 4.3-2 and Mitigation Measure 4.3-2b, as revised in this Final EIR, analyze and mitigate impacts from potential fugitive dust and particulate matter emissions, specifically from stockpiles.

As discussed on page 4.3-27 of the Draft EIR, the project would comply with fugitive dust prohibitions in SJVAPCD Regulation VIII which includes requirements that reduce fugitive dust from earthmoving activities (Rule 8021), stockpiles (Rule 8031) and open areas (Rule 8051). Specifically, Rule 8031 requires maintenance of stabilized surfaces on stockpiles when they are inactive using one of several effective control methods. Moreover, piling materials in the bottom of pits would not create a visual impact beyond that of the pit itself which already exists. Further, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment") including preparation of a Fugitive Dust Control Plan (see Appendix D-3, Appendix K). The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Stockpiles are depicted as part of the existing physical conditions in Figure 2-3, "Plant Site Existing Conditions," and Figure 2-4, "Quarry Site Existing Conditions," of the Draft

EIR. Plant Site stockpiles with corresponding, approximate acres are also shown in Figure 4 of Appendix A of Appendix D-3, "Air Quality, Health Risk, and Climate Change Impact Assessment."

Comment 12-13 states that a mitigation measure should be included that would require stockpiles to be no more than 25 feet in height to prevent visibility from surrounding areas. CUP 367 Condition of Approval #4 currently requires that the height of all stockpiles be less than 25-ft, except for the main sand pile, and this requirement would be continued (Draft EIR Appendix B of the Draft EIR Appendix B-1 Surface Mining and Reclamation Plan, CUP 367 Conditions of Approval, page 5). Existing CUPs also require stockpile soil or material be place 25 feet from any property boundary, except for visual or sound berms (Draft EIR page 2-15).

Removing waste/fines from the site for any material over 1 MT would unnecessarily increase truck traffic in the region, thus the County declines to require that mitigation.

Comment 12-14

v. Project Life

Table 2-1 indicates the proposed project life of 30 years for the Plant Site and 100 years for the Quarry Site. As stated above, surface mining by its very nature is a finite and temporary land use. State and local regulations require a reclamation plan as part of the permit. The Draft EIR uses models to predict future conditions under which the Project will operate to identify the significant environmental conditions and mitigation of the Project's environmental impacts. No analysis provided in the Draft EIR can model conditions or determine the Project's environmental impact on the area and region 30 years out, let alone 100 years in the future. The Draft EIR will become obsolete in identifying significant environmental impacts and mitigation for those impacts many years before the end of the Project Life. The Project Life should be reduced to the lowest modeling limitations presented in the Draft EIR.

Response 12-14

See Collective Response #5 regarding the duration of the proposed use permit and evaluation of project impacts in the future. CEQA does not have a set time limit on how many years into the future an EIR may evaluate, and examples of previously approved EIRs prove the same. In 2014, the California Fifth District Court of Appeal upheld an EIR for a 100-year mining project (see *Friends of Kings River v. County of Fresno* (2014) 232 Cal.App.4th 105, 111). Additionally, in 2011, an EIR for a mining project in Sacramento

County and in 2016 an EIR for a hard rock mining project in Madera County were approved with CUPs for 100-year terms, and the EIR evaluated potential significant environmental impacts for 100-year timeframes (State Clearing House No. 2007122013 and No. 2010071036).

Comment 12-15

vi. Figures 2-1 And 2-2 Aerials

Figure 2-1 incorrectly shows the "CUP Boundary" as including the CDFW Property. As noted above, the CUP applications do not include the CDFW Property. Figure 2-1 should be corrected to show the actual CUP boundary. Figure 2-2 is not legible to determine the "Existing CUP Boundary." Figure 2-2 needs to be corrected to clearly show the existing and proposed project boundary.

Response 12-15

Figure 2-1, "Plant Site Aerial," of the Draft EIR illustrates the existing CUP boundary, not the boundary for the CUP applications (Draft EIR page 2-9). See pages ES-2 through ES-3 of the Draft EIR for a full description of the CDFW parcels, which include portions of APNs 300-070-43ST, 48ST, and 50ST. These parcels are appropriately included as part of the baseline in this Draft EIR.

Figure 2-2, 'Quarry Site Aerial," of the Draft EIR legibly shows the existing CUP boundary, and the boundaries for proposed CUPs do not need to be included in the figures in this section, because the figures only purport to show existing conditions at the sites (Draft EIR pages 2-8 through 2-11).

No further response is required because the comment does not address significant environmental issues.

Comment 12-16

vii. Existing Setbacks

The existing setbacks stated on Page 2-15 are not consistent with the existing CUPs and approved project features and need to be corrected to provide accurate information to determine the significant environmental impacts of the Project as detailed below. The existing CUPs are described as and have the following conditions of approval concerning what conditions of approval and project design features apply:

Fresno County Resolution No. 11848 (CUP 3093 and 3094) Condition 1 states: "All conditions of Conditional Use

> Permits Nos. 367,2032, 2235, 2241 3063 and 3064 shall remain in full force and effect except as modified by the condition below."
>
> Fresno County Resolution 11776 (CUP 3063 and 3064) Condition 1 states: "All conditions of Conditional Use Permits Nos. 367,2032, 2235, 2241 shall remain in full force and effect except as modified by the condition below."

On Page 2-16 the Draft EIR states: "1) No stockpiled soil or materials placed closer than 25 feet from any property boundary except visual/sound berms." This is an incomplete description of the intent of the previous approved CUPs. Condition 3 of CUP 367 for the Plant Site states:

> Except for the main sand pile, the height of the material stockpiles shall not exceed 25 feet unless the Permittee is able to satisfy County that it will plant landscaping which will, within five (5) years of planting, effectively screen such stockpiles from view from Friant Road.

Response 12-16

The setbacks for the Plant Site listed on page 2-15 of the Draft EIR are consistent with the existing CUPs.

No response is needed because the comment does not address environmental issues; rather recites existing CUP setback language.

Comment 12-17

On page 2-18 of the Draft EIR states: the setback for the Quarry Site is a 200-foot mining setback from the river edge. However, Condition No.15 of CUP 2032 expands that and states:

> All excavation operations, including stockpiling, shall be set back a minimum of 200 feet from the existing San Joaquin River Channel. Riparian vegetation shall not be disturbed.

The setback from San Joaquin River is a project feature of CUP 2032 and is more precisely identified in the Mining Plan cross section attached to the CUP (a copy of which is attached hereto as Exhibit 3), which identifies the approved plan's setback from the San Joaquin River as:

> 200' Setback from existing stream channel or 20' setback from the reclamation board's existing designated floodway, whichever is further from the river bank.

Response 12-17

The comment restates sections of the Draft EIR and CUP 2032, which are consistent, and does not raise any issues related to environmental review nor significant environmental impacts. However, Condition No. 15 of CUP 2032 is misstated in the comment. "All excavation operations" should be "All extraction operations," per CUP 2032.

Comment 12-18

Figure 4.10-1 depicts the current and regulatory floodways and floodplains for the Project Sites. However, the Plant Site does not include the Project's area owned by the State of California. The Draft EIR should include a map showing the setback line as required by the Previous CUPs in order to analyze the impact of the proposed Project to the existing setback requirements.

Response 12-18

As stated in the comment, Figure 4.10-1, "Current and Regulatory Floodways and Floodplains," does depict the current and regulatory floodways and floodplains for the project sites. Setbacks are already included and analyzed as part of the Plant Site. The CDFW-owned parcels, while not specifically shown as within the yellow "Site Boundary" line of Draft EIR Figure 4.10-1 are nonetheless included on the map and shown within the floodplains and floodways depicted, and with a sufficient degree of analysis to provide decision-makers with information to enable them to make a decision that intelligently takes all relevant environmental consequences into account (CEQA Guidelines, Section 15151).

Comment 12-19

On page 2-18 the Draft EIR states: "7) no stockpile soil or material will be placed closer than 25 feet from any property boundary except visual/sound berms." This statement is not accurate and needs to be corrected. Condition No. 3 of CUP 2032 for the Quarry Site states:

> Stockpiling of materials shall not be allowed within 200 feet of the south property line, nor shall an excavation be allowed within a 260-foot radius of the front entry of the residences on the adjoining property to the south.

Also, Condition No. 12 of CUP 367 for the Quarry Site states:

> Stockpiling of material shall not be allowed within 200 feet of Friant Road or that portion of the north property line adjoining Lost Lake Park unless Permittee screens any such

closer stockpiling with approved landscaping so that it is not visible from Friant Road and the north property line of Lost Lake Park.

Response 12-19

Please see the Chapter 3, "Draft EIR Errata," which revises Section 2.4.2.2, "Quarry Site Existing Conditions," to clarify the applicable setback requirements for the Quarry Site. The project sites are subject to Fresno County's development standards for mining operations, which requires a 25-foot setback for the placement of stockpiled soils from any property boundary. As such, the Draft EIR accurately depicts the setback requirements applicable to the Quarry Site. The comment takes the remainder of the list describing the current setbacks at the Quarry Site out of context. The full list on page 2-18 of the Draft EIR is consistent with the current setback requirements of CUPs 367 and 2032, which also includes:

3) 250-foot radius mining setback from the residence just south of the southwest corner;
4) 75-foot mining setback from south boundary between the 250 feet from the southwest corner and 350-feet from North Friant Road right-of-way.

Comment 12-20

viii. General Plan Land Use Designations

On page 2-28 the Draft EIR implies there has been continuous recovery of mineral resources at the "combined" project sites for more than 100 years. This is not a correct description of the recovery of mineral resources at the Plant Site. The Plant Site is subject to a separate conditional use permit (CUP 3666). The Project Description/Operational Statement (Appendix B-2) states that aggregate mining has stopped on the Plant Site and therefore has not been continuous. Pursuant to Fresno County Zoning Code Section 868.6.020, Expiration, the mining of aggregate (land use) that is subject to a conditional use permit at the Plant Site has expired. Therefore, it is considered a new land use at the Plant Site and is not included in the Draft EIR baseline to determine Project's significant environmental impacts.

Response 12-20

The description on page 2-28 of the Draft EIR is correct because between the Plant Site and Quarry Site there has been continuous mining for more than 100 years.

Comment 12-20 also misstates the current permitting for the Plant Site. The Plant Site is

not yet subject to CUP 3666. The Draft EIR includes an application for CUP 3666, which has not yet been approved. The Plant Site is currently permitted under CUPs 367, 2032, 2209, 3063, and 3093 for both excavation and processing operations (Draft EIR Table 2-4, at page 2-27). Nothing in Fresno County Zoning Ordinance Section 868.6.020 shows that CUPs 367, 2032, 2209, 3063, and 3093 for the Plant Site would have expired.

Although alluvial mining has temporarily ceased at the Plant Site, mining operations have been continuous at the Plant Site throughout this time. The Plant Site currently processes aggregate material excavated from the Quarry Site. Thus, there has not been a cessation in the occupancy or use of land authorized by any of the above CUPs that would lead to their expiration under the circumstances stated in Fresno County Zoning Ordinance Section 868.6.020 or any other sections of the Fresno County Zoning Ordinance and is therefore not a "new land use" at the Plant Site. Furthermore, a permit may not automatically expire; notice and a hearing are required before expiration or revocation (see *Community Dev. Comm'n v City of Fort Bragg* (1988) 204 Cal.App.3d 1124).

Comment 12-21

The Draft EIR States the uses allowed in the agriculture designation include special agricultural uses and agriculture-related activities, including value-added processing facilities listed in Table LU-1. General Plan Table LU-1, Agriculture/Resource states:

> This designation provides for the production of crops and livestock, and for location of necessary agriculture commercial centers, agricultural processing facilities, and certain nonagricultural activities.

Although surface mining is allowed in Agricultural designated land, it is not an agricultural use. The Draft EIR implies that any process located on the Project Site is a "Value- Added Agricultural Use (Processing Facility). However, the Fresno County General Plan, Appendix A, Glossary, defines "Value-Added Agricultural Uses as:

> Uses of facilities that increase the value of agricultural produce over the cost of raw produce, such as canning, drying, freezing or packaging agricultural produce for the ultimate sale to consumers.

The use of value added agricultural to justify the inclusion adding concrete and asphalt recycling is not consistent with the Fresno County General Plan.

Response 12-21

Comment 12-21 misconstrues statements from Section 2.4.9, "General Plan Land Use Designations," and Section 4.11.1.3 of the Draft EIR. The "recovery of mineral resources" is allowed in Agricultural areas, as described in Fresno County General Plan Policy LU-A.4. The Draft EIR does not claim or imply that the project sites are a value-added agricultural processing facility or use.

Furthermore, for any use operation that would not typically be allowed under Fresno County General Plan designations and uses, a valid CUP would first be obtained.

Comment 12-22

The proposed Project is inconsistent with the Fresno County General Plan Goal PF-F and Policy PF-F.3, Solid Waste Facility Siting. Policy PF-F.3, e. states:

> Solid waste facilities shall not be located adjacent to rivers, reservoirs, canals, lakes or other waterways.

The proposed Project is located adjacent to the San Joaquin River.

As noted above, Appendix B-1, page 57, Paragraph 4.4.23 states the Plant Site will use the fines, tailings and other mining waste to reclaim the bottom 20 feet of the excavation. The Quarry Site will deposit the fines, tailing and mining waste in the bottom of the excavation. The Plant Site will not be reclaimed for 30 years, and the Quarry Site will not be reclaimed for 100.

This will amount to 30 MT stockpiled until reclamation or 551 acres of sand and mine waste at 25 feet in height. In other words, the Project will include a significant disposal of solid waste onto the Project site. (Fresno County Municipal Code, Section 8.20.010.M ("defining solid waste"); Pub Res. Code 40191 (same), 40192 (defining "disposal" as final deposition of solid waste onto land).)

In addition, the proposed Project includes the acceptance and recycling of used concrete and asphalt concrete. The Project Description indicates the annual tonnage of 200,000 MT. Solid waste processing facilities are considered solid waste facilities under the Public Resources Code and the Fresno County Municipal Code. (Public Resources Code §§ 40172, 40194; Fresno County Municipal Code § 8.20.010(G).)

The proposed uses of the Project as a solid waste facility are not consistent with the Fresno County General Plan. The EIR must be revised to address this land use impact.

Response 12-22

The Fresno County General Plan defines "Solid Waste Facility" as "[a] place, location, tract of land, area, or premises which is in use or intended to be used or which has been used for the disposal or management of municipal solid waste. Solid waste facilities do not include facilities for management of segregated separated waste for salvage or recovery, including segregated agricultural waste" (Fresno County General Plan, page A-6). Pursuant to the Fresno County General Plan, solid waste facilities dispose of and/or manage municipal solid waste.

Even if the fines, tailings, or mining waste would be "municipal solid waste" under the Fresno County General Plan, the materials would be used as part of the reclamation process not for disposal on-site, which re-emphasizes that the Plant Site would not be used as a solid waste facility and thereby the solid waste facility-specific requirements do not apply to the project sites.

Another distinction is that Appendix B-1, Sections 4.4.22 and 4.4.23 of the Draft EIR differentiate between "Solid Waste" and "Mining Waste," which would also be handled separately at the sites. Solid waste at the Plant Site would be deposited in dumpsters for pickup and disposed of by Ponderosa Solid Waste company, and no solid waste would be generated at the Quarry Site. At both the Plant Site and the Quarry Site, fines recovered from the aggregate processing would be deposited in the bottom of the excavation as part of reclamation (Draft EIR, Appendix B-1).

The Fresno County Code of Ordinances defines "solid waste" and "solid waste facility" as defined in PRC 40191 and 40194, respectively. PRC 40191 expressly lists numerous types of solid waste but does not include "mining waste." "'Solid waste facility' includes a solid waste transfer or processing station, a composting facility,…a transformation facility,…and a disposal facility" (PRC Section 40194). Under the laws relevant here, the fines to be deposited in the bottom of the excavation would not be solid waste and would be used for reclamation purposes, and the sites would not be "sold waste facilities." Therefore, Fresno County General Plan Goal PF-F and Policy PF-F.3 would not apply to the fines recovered from the aggregate processing to be used in the reclamation.

Recycling would be increased at the Plant Site through the import of concrete and asphalt debris that would be recycled onsite into crushed miscellaneous base and recycled asphalt product (under existing conditions, only come-back concrete is recycled) (see Draft EIR page 2-35).

The recycling plant's acceptance of concrete and asphalt for recycling does not render it a solid waste processing facility. Pursuant to the Fresno County General Plan, solid waste facilities do not include recycling centers (Fresno County General Plan at page A-6). 'Solid waste facility' under Fresno County Ordinance Code Section 8.20.010 is defined as it is in the PRC Section 40194. While 'processing' includes the "recycling of solid waste," 'recycling' is also distinguished as "reconstituting materials that would otherwise become solid waste" (PRC Sections 40172 – 40180).

Further supporting that the recycling plant would not be a "solid waste facility" is the three-part test used by CalRecycle to determine whether an operation qualifies as a solid waste facility, which would be subject to permitting by CalRecycle, or as a recycling center, which would not be subject to permitting by CalRecycle (PRC Section 40200(b)(2)). The three-part requires that (1) an activity shall only receive material that has been separated for reuse prior to receipt; (2) the monthly average of the residual amount of solid waste left after processing the material received at the facility is less than 10 percent by weight; and (3) the amount of putrescible wastes in the material is less than 1 percent of the amount of separated reuse material received by weight, and the putrescible wastes shall not cause a nuisance.

If the recycling plant were to fail to meet any elements of the three-part test, then it would be considered a solid waste facility as defined in the California Public Resources Code and therefore under the Fresno County Ordinance Code be under CalRecycle's permitting jurisdiction.

As proposed in the Draft EIR, the recycling plant meets the three-part test and therefore would not qualify as a solid waste facility and is consistent with the Fresno County General Plan. Therefore, the EIR does not need to be revised in this regard.

Comment 12-23

ix. Proposed Project Elements

On page 2-40 the Draft EIR states that the Quarry Site is designed to continue avoidance of the riparian corridor along the San Joaquin River and mining setbacks required under the existing CUPs would remain the same. Figure 2-8, Proposed Quarry Site Mining Plan, needs to be revised to depict the setbacks required under the previous CUPs.

Response 12-23

Figure 2-8, "Proposed Quarry Site Mining Plan," of the Draft EIR already provides the setbacks required under the previous CUPs. Specifically, the setbacks are labeled in Figure 2-8 as "Existing … Setback…"

Comment 12-24

Also, on page 2-40 the Draft EIR states that the existing screening berms along North Friant Road frontage and the south property line would remain in place. The Draft EIR needs to provide the height and location of the existing berms and provide information on the north property line screening or setback. The Draft EIR should include a line-of-site analysis that depicts the maximum height of stockpiles on the Project Sites.

Response 12-24

The Draft EIR provides the height and location of the existing berms in the Surface Mining and Reclamation Plan found in Appendix B-1 to the Draft EIR. Specifically, the Surface Mining and Reclamation Plan provides that:

> "there is an existing, minimum five (5) foot high screening berm along the Friant Road frontage (Appendix E) and an existing minimum fifteen (15) foot high screening berm along the south property line extending from the southwest corner of the site to approx. 475 feet from the Friant Road right-of- way." (Draft EIR, Appendix B-1, "Surface Mining and Reclamation Plan," Section 4.1.4(b), page 28).

Further, regarding information on the north property line screening or setback, Draft EIR Figure 2-8 provides that the Quarry would retain the "EXISTING 25' MINING SETBACK FROM PROPERTY LINE."

Comment 12-25

Table 2-6, Existing and Proposed Daily Truck Trip Generation does not include trips from the Material Recovery Facility that is planned to accept used concrete and asphalt concrete which is projected to total 200,000 tons per year. The table and its use within the Draft EIR need to be corrected to accurately depict generated truck trips and identify the significant environmental impact of the Project.

Response 12-25

Comment 12-25 is incorrect. Comment 12-25 refers to daily truck trips from the "Material Recovery Facility" but refers to the Concrete and Asphalt Recycling Facility, and more specifically, the crushed miscellaneous base (CMB) and recycled asphalt product (RAP) sales annual and daily truck trips. The existing CMB and RAP sales annual trips and annual average daily truck trips are provided in Table 4.17-1, "Existing Annual Trip Generation at Plant and Quarry Sites" (Draft EIR, page 4.17-15). The CMB and RAP annual trips and annual average daily truck trips during the life of the project is provided in Tables 4.17-2, 4.17-3, and 4.17-4, which take into account the projections for total used concrete and asphalt (Draft EIR, pages 4.17-16 through 4.17-18). Finally, impacts associated with the annual trips and annual average daily truck trips from the Concrete and Asphalt Recycling Facility were analyzed in Section 4.17, "Transportation," Section 4.17.3.2, "Analysis Methodology," (Draft EIR, pages 4.17-14 through 4.17-27), in Impact 4.17-1 (Draft EIR, page 4.17-27), and resulted in the project's required implementation of Mitigation Measures 4.17-1a through 4.17-1r (Draft EIR, pages 4.17-27 through 4.17-40).

Comment 12-26

x. Trail Easements

On page 2-51, the Draft EIR states that the applicant is in discussions with the San Joaquin Conservancy's (SJRC) Executive Officer towards providing trail easements at the Plant and Quarry Site. The Draft EIR concludes that no further CEQA review is warranted because SJRC has not "currently" proposed development and construction. The trails are part of the San Joaquin River Parkway Master Plan. The Draft EIR further states that should the trails be proposed for development in the future, project-level CEQA review would be required prior to construction. This is not an accurate summary of the Project's impact on the San Joaquin River Parkway Master Plan.

The Draft EIR, states in Section 2.3, Project Purpose and Objectives, 10): Provide potential Parkway trail easement. The Project needs to make provisions for an easement to allow the San Joaquin River Parkway Master Plan to go forward and provide linkage to trails within a certain time limit, instead of 100 years from now. Project Description/Operational Statement, Appendix B-2 states that the Project will "acquire, through purchase, easements, or other mutually satisfactory transactions, land for recreation areas and the expansion of existing parks and recreation areas." Specific mitigation measures should be included in the Draft EIR requiring the Project to provide the necessary trail easements consistent with the San Joaquin River Parkway Master

Plan and Lost Lakes Park Master Plan, acquire, through purchase, easements, or other mutually satisfactory transactions, land for recreation areas and the expansion of existing parks and recreation areas within five years of Project approval.

Response 12-26

The 2018 San Joaquin River Parkway Master Plan Update Final EIR (2018 Parkway Master Plan) provides as its Mineral Resource Goals:

- MINERAL.A Work with gravel mining companies to acquire high-priority properties after they have been mined. Promote reclamation plans that enhance and complement Parkway goals and are Parkway-ready to the extent practicable. (MR1)
- MINERAL.B Design, construct, and manage the Parkway in a manner that would not conflict with sand and gravel mining operations. (MR2) (Parkway Master Plan, page 3-7: https://sjrc.ca.gov/wp-content/uploads/2024/08/Final-EIR-for-Board-certification-4-11-18.pdf).

As provided in the 2018 Parkway Master Plan EIR, the potential trail easements would be implemented once the project sites have been mined. If constructed sooner, the trail easements would be implemented in a manner that would not conflict with the project's mining operations. The timing of the proposed development and construction of trails in the 2018 Parkway Master Plan is unspecified and uncertain. Under CEQA, "where future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences" (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 395).

Accordingly, CEQA does not require this EIR to speculate as to the future environmental consequences of a potential trail easement that has not advanced beyond inclusion as a non-mandatory action in a Master Plan. See also Collective Response #22 for further discussion of the proposed trail easements.

Comment 12-27

xi. Other Agencies Whose Approval May Be Required

The proposed Project includes the acceptance and recycling of used concrete and asphalt concrete, and the final disposal of fines, overburden, and other mining waste onto the land. The Project Description indicates the annual tonnage of 200,000 MT in concrete and asphalt waste for recycling. This is considered a large Material Recovery Facility. This land use is subject to regulations as a proposed Material Recovery Facility, and possibly

as a solid waste disposal facility. Recycling of concrete and asphalt concrete is subject to a Solid Waste Facility Permit (SWFP). The Draft EIR needs to provide details in the Project Description how the operation of the Material Recovery Facility and the disposal of fines, overburden, and other mining waste will take place and be consistent with all applicable regulations of CalRecycle.

Response 12-27

The Concrete and Asphalt Recycling Plant does not meet the definition of a "Material Recovery Facility." A "Materials recovery facility" or "MRF" "means a recycling facility that receives recyclable material, including, but not limited to, any covered material, for mechanical or manual sorting into specification-grade commodities for sale to a broker or end market (see PRC Section 42041(p)). "Covered material" is defined as both of the following:

(A) Single-use packaging that is routinely recycled, disposed of, or discarded after its contents have been used or unpackaged, and typically not refilled or otherwise reused by the producer.

(B) Plastic single-use food service ware, including, but not limited to, plastic-coated paper or plastic-coated paperboard, paper or paperboard with plastic intentionally added during the manufacturing process, and multilayer flexible material. For purposes of this subparagraph, "single-use food service ware" includes both of the following:

(i) Trays, plates, bowls, clamshells, lids, cups, utensils, stirrers, hinged or lidded containers, and straws.

(ii) Wraps or wrappers and bags used in the packaging of food offered for sale or provided to customers by food service establishments.

(PRC Section 42041(e)(1)).

Here, the Concrete and Asphalt Recycling Plant does not include the recycling of "covered material" and is therefore not considered a large Material Recovery Facility. The federal, state, and local statutes and regulations governing large Material Recovery facilities do not apply.

The Draft EIR on page 4.19-11 states in detail the procedures to be taken to comply with all applicable federal, state, and local statutes and regulations related to the waste generated at the project site. The Solid wastes currently generated at the Plant Site include parts packaging (e.g., wood, cardboard), paper, and office waste. There are three 4-cubic yard bins that are collected by Ponderosa Solid Waste twice per week. Under the

proposed project, the same amount of solid waste service would be required, but additional waste would be generated at the Quarry Site. It is anticipated that three 4-cubic yard bins would be collected by Ponderosa Solid Waste at the Quarry Site twice per week (Draft EIR page 4.19-11).

The Concrete and Asphalt Recycling Plant would be subject to an Industrial General Permit under the National Pollutant Discharge Elimination System (NPDES) Permit to cover any discharges from the Concrete and Asphalt Recycling Plant. Finally, in compliance with Fresno County General Plan Policy PF-F.1 ("The County shall continue to promote maximum use of solid waste source reduction, reuse, recycling, composting, and environmentally-safe transformation of wastes"), as provided in Impact 4.19-3 of Section 4.19, "Utilities and Service Systems," of the Draft EIR, the project promotes recycling in the County by including the Concrete and Asphalt Recycling Facility (Draft EIR, page 4.11-22). AB 2953, which went into effect in 2024, strongly encourages concrete and asphalt recycling (see PRC Section 42704.6).

Comment 12-28

b. Chapter 4: Environmental Analysis

i. Section 4.1 Aesthetics

The Draft EIR is inadequate in describing the significant impact on a designated scenic roadway. On page 4.1-61 of the Draft EIR states there are no state scenic highways. However, there are local designated scenic highways.

The Draft EIR is not consistent with the Fresno County Rural Bikeways Plan that depicts North Friant Road on Figure OS-1 of the Fresno County General Plan as a designated scenic highway. The Draft EIR is not consistent with the City of Fresno General Plan that depicts North Friant Road as a scenic highway. The Project has the potential to significantly impacting the off- site views from the roadway if not mitigated. The Draft EIR is inadequate because it did not analyze the off-site views from the designated scenic highway and did not include Project features to prevent the Project operations from being visible from the scenic roadway. Mitigation Measure 4.1-1 is inadequate to lessen the visual impact of the Project from the designated scenic roadways. The Project should include the following mitigation:

> No stockpiles or mining facilities including the cement plant, asphalt plant, material recovery or buildings shall be visible from North Friant Road or surrounding properties.

Response 12-28

The visual impact analysis for the Draft EIR addresses impacts to viewpoints along North Friant Road, a locally designated scenic roadway (see Draft EIR page 4.1-14). Table 4.1-2, "Summary of Potentially Sensitive Viewpoint Locations," discusses in detail that four different viewpoints were selected for analysis along North Friant Road, and concludes that the project's impacts to two of these viewpoints would be less than significant from the Quarry Site entrance located along North Friant Road and the bicycle lane, 200 feet east of the Quarry Site (see Draft EIR, Figure 4.1-4, "Quarry Site Public Viewpoint—Location #3," and at page 4.1-56) and the Northeast corner of the Quarry Site Along North Friant Road 375 feet northeast of the Quarry Site (see Draft EIR, Figure 4.1-5, "Quarry Site Public Viewpoint—Location #4," of the Draft EIR and at page 4.1-57). Table 4.1-2 further concludes that the views of the Plant Site along North Friant Road (450 feet northeast of the Plant Site) and the Plant Site along North Friant Road (230 feet east of the Plant Site) would remain largely similar to existing conditions (i.e. the baseline) during Stage 1 operations and would improve after completion of site reclamation due to the removal of processing equipment and revegetation of the site (see Figure 4.1-7, "Plant Site Public Viewpoint—Location #6," and Figure 4.1-8, "Plant Site Public Viewpoint—Location #7," and page 4.1-60 of the Draft EIR).

The comment also asserts that the Draft EIR is inconsistent with the Fresno County General Plan and the City of Fresno General Plan, which both depict North Friant Road as a designated scenic highway. However, the Draft EIR expressly identifies North Friant Road as a Fresno County-designated scenic roadway.

Fresno County Code requires that CUPs be consistent with the General Plan. The Draft EIR provides an analysis of whether the project is consistent with applicable local goals, objectives, and policies in Section 4.11, "Land Use and Planning," (Draft EIR page 4.11-35). The Draft EIR addresses Fresno County Policy OS-K.2 that requires an inventory and map of significant scenic resources within the county and identified that the closest County-designated scenic resource is North Friant Road, which is adjacent to both the Plant Site and Quarry Site. The Draft EIR concluded that the project is consistent with this policy because the project sites have been designed to minimize impacts to public viewpoints from this roadway (Draft EIR page 4.11-35). The Draft EIR also analyzed and concluded that the proposed project would be consistent with Fresno County policies pertaining to scenic roadways as the project (1) would be consistent with the goal to conserve, protect, and maintain the scenic quality of land and landscape adjacent to scenic roads in Fresno County; and (2) would not significantly impact the public views from North Friant Road (Draft EIR page 4.11-35).

Lastly, the comment suggests implementation of a mitigation measure which would prohibit visibility of any mining facilities or stockpiles from North Friant Road. The project sites have been designed to minimize impacts to public viewpoints from this roadway and would not substantially change the existing visual character of the project sites or surrounding areas. In addition, many of the visual impacts of mining visible from Friant Road are already part of the existing CEQA baseline. The Draft EIR concludes that each of the identified viewpoints from North Friant Road would not result in a significant impact to these scenic vistas and thus it is not necessary to implement the comment's suggested mitigation measure (Draft EIR Table 4.1-3, "U.S. Bureau of Land Management Visual Project Impact Ratings at Nearby Viewpoints," on page 4.1-53).

Comment 12-29

The Draft EIR is insufficient in mitigating the Project's impact on Light and Glare. The Project will introduce a new source of night time lighting in the surrounding community. The Draft EIR concludes that design features will result in a less than significant impact. However, there is no requirement that the Project implement any of the features discussed. Therefore, the following mitigation measure should be added to the Draft EIR:

- Night lighting on the property shall be arranged and controlled so as not to luminate public rights-of-way or adjacent properties.
- The Project shall only use high-pressure sodium and cut-off fixtures to minimize light pollution.
- The Applicant shall submit a lighting plan to the County Planning Department for approval prior to construction of the processing facilities that will identify the location of lights, how they will be aimed, and types of shielding that will be utilized such that light bulbs and reflectors are not visible from public viewing areas and illumination of the vicinity and the nighttime sky is minimized.
- Nighttime lighting on the Project Site shall be limited to areas required for the safety of project personnel and the public.
- The Project's fencing shall either be constructed of non-reflective material, treated, or painted to reduce visual impacts.

- Non-reflective surfaces or non-reflective paint shall be used for the processing plant equipment and structures to minimize glare from these facilities.

Response 12-29

The Draft EIR sufficiently analyzes the project's impact on light and glare in Section 4.1, "Aesthetics and Visual Resources," of the Draft EIR. Draft EIR Impact 4.1-4 analyzes this impact and determines that it would be less than significant (Draft EIR page 4.1-62). However, the County agrees that four of the visual mitigation measures proposed in the comment are feasible and would be added as follows bullets 1, 2, 4, and 6 which state: (1) Night lighting on the property shall be arranged and controlled so as not to luminate public rights-of-way or adjacent properties; (2) The project shall only use high-pressure sodium and cut-off fixtures to minimize light pollution; (4) Nighttime lighting on the project sites shall be limited to areas required for the safety of project personnel and the public; (6) Non-reflective surfaces or non-reflective paint shall be used for the processing plant equipment and structures to minimize glare from these facilities.

As to the third bullet, this proposed measure is redundant and unnecessary because the Draft EIR requires compliance with Section 834.4.220, subd. I.22 of the Fresno County Zoning Ordinance and therefore would not illuminate public rights-of-way or adjacent properties (see page 4.1-63 of the Draft EIR).

Regarding the fifth bullet, this measure is not necessary since the previously discussed design elements would be sufficient to reduce impacts of light and glare to less than significant (Draft EIR Impact 4.1-4 on pages 4.1-62 through 64).

Comment 12-30

ii. Section 4.3 Air Quality

The air quality assumptions are inadequate to determine Project's environmental impacts and the conclusions in Section 4.3, Air Quality. The Draft EIR needs to be revised and recirculated.

(1) AQ Modelling

The air quality assessment was peer reviewed by Taylor Environmental in 2020, and was apparently completed in March of 2022. It is now March of 2025, and this analysis would appear to be woefully out of date. Were the latest versions of the air quality modelling tools used? Did they apply the latest regulations, such as the 2022 Advanced Clean Fleets Regulation and

amendments to the 2004 Transport Refrigeration Unit (TRU) Airborne Toxic Control Measures?

Response 12-30

The comment does not specify what conditions have changed that would require a new air quality assessment. The Draft EIR's air quality assessment complies with CEQA and is not outdated or inaccurate. See *W. States Petroleum Assn. v. California Air Res. Bd*. (2025) 108 Cal. App. 5th 938, 984 holding that reliance on 10-year-old data did not violate CEQA because no facts supported that the data was outdated or inaccurate; see also *AquAlliance v. U.S. Bureau of Reclamation*, 287 F. Supp. 3d 969, 1018 (E.D. Cal. 2018) [holding that reliance upon groundwater modeling data collected 10-44 years prior did not violate CEQA]).

The air quality modeling that was prepared remains representative of the project's impacts using a conservative analysis approach. Generally, modeling tools only become more precise and less conservative over time and so using the current version of the modeling tools would result in less impact. Moreover, the stated regulations would have no effect on the modeling results since there are no such electric vehicle available in the weight class of the trucks used to haul aggregates and none of the trucks associated with this project is equipped with refrigeration. Moreover, the Advanced Clean Fleet (ACF) regulation would not affect private fleets, and CARB has withdrawn the request for waiver from EPA that is needed to implement the 2022 ACF regulations. Advanced Clean Fleets | California Air Resources Board has the latest on ACF.

Nevertheless, the technical analysis was reviewed, and the analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (see Appendix D-3). This analysis was used to revise Section 4.3 as seen in Appendix D-4, "Revised Section 4.3, Air Quality." The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the Draft EIR analysis was sufficient, and no further response is required.

Comment 12-31

(2) Baseline Selection

The AQ modelling is fundamentally flawed, because it arbitrarily selects as the baseline year 1998. (Appendix D-1 at p. 88 ("The Baseline was determined based on historical production records for the year 1998").) This flawed baseline was then subtracted from the project impacts, and evaluated against the significance criteria. This is material, because emissions technology has advanced since 1998, and operations at the site have changed. An up-to-date baseline of the current conditions should be used to analyze the Project's impacts.

Response 12-31

Neither CEQA nor the CEQA Guidelines mandates a uniform, inflexible rule for determination of the existing conditions baseline. Rather, an agency has discretion to decide how the existing physical conditions without the project can most realistically be measured (*Communities for a Better Env't v. S. Coast Air Quality Mgmt. Dist*., 48 Cal. 4th 310, 328 (2010)). However, Baseline emissions are based on the 1.4 MT/year production rates that occurred in 2005. One hundred percent of rock mined from the Quarry Site was hauled in on-road trucks to the Plant Site for processing. Accordingly, the baseline year used to calculate air impacts was 2005, not 1998, as described in the errata. Moreover, asphalt emissions were not included in the baseline for purposes of this analysis as reflected in the Draft EIR.

The baseline emissions for Offroad engines were assumed to emit at CalEEMod 2012 default rates. Use of the 2012 rates is conservative because the 2005 rates could have been used and it is appropriate that the project benefit from having paid its fair share to mitigate the cumulative impacts on air quality by upgrading the vehicle engines that it owns.

The baseline emissions for on-road vehicles were assumed to emit at EMFAC default rates for calendar year 2018, which was chosen because it is the year before the environmental analysis supporting the Draft EIR commenced.

The Draft EIR provides that "historical data for production, fuel use, and pollutant emissions were chosen to represent maximum activity levels onsite and utilized to determine the baseline emissions" (see Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.3.3, "Analysis Methodology"). Note that these changes reflected in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (see Appendix D-3) do not change the conclusions of the Draft EIR.

Comment 12-32

(3) Aggregate Processing and Stockpiling

Appendix D-1, Air Quality, Health Risk, and Climate Change Impact Assessment, list the Project features that are used in assessing air emissions. The air emissions were incorrectly modeled on aggregate production of 3 MT per year. Table 2-1 lists 3.3 MT per year of aggregate processing. The remaining .3 tons per year are fines and mine waste that will remain on the Project Sites and stockpiled until they are deposited in the bottom of the mine at the time of reclamation, 30 to 100 years in the future. The Draft EIR air quality assessment needs to be revised to include this significant increase of 30 MT of aggregate processing and

stockpiling to identify the significant environmental effect and provide mitigation.

Response 12-32

The Draft EIR's air quality analysis utilized 3.0 MT per year in order to analyze air quality impacts, which is consistent with the project's proposal to produce 3.0 MT of aggregate per year. CEMEX, moreover, is aware that in Chapter 2, "Project Description," Section 2.2.3, "Summary of Project Characteristics," on page 2-5 of the Draft EIR at Table 2-1, "Rockfield Modification Project Characteristics," the "Estimated Maximum Annual Processed Aggregate Volume (including waste/fines)" was listed as 3.3 million tons, or "3.3 MT" of aggregate. CEMEX understands that this 3.3 MT number is inconsistent with the analysis set forth in the air quality section, which assumed a maximum annual production of 3.0 MT (see Appendix D-1, of the Draft EIR on page i of the Executive Summary).

In a letter to the County dated March 12, 2026, CEMEX communicated that it has agreed to accept a condition of approval that would cap the annual production at 3 MT per year including waste and fines. This letter is provided in Appendix B-3 of the Final EIR. Please see the Final EIR Chapter 3, "Draft EIR Errata" for revisions to Table 2-1 regarding the clarification of the maximum production amount of 3 MT per year.

The air quality analysis was reviewed, and the analysis was updated with new information and is described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (Appendix D-3 of the Final EIR). The updated air quality analysis also assumes a maximum annual production of 3.0 MT, consistent with the project's proposal and the proposed condition of approval. The updated air quality analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. See Appendix D-4, "Revised Section 4.3, Air Quality."

Comment 12-33

(4) Concrete Recycling

The Draft EIR does not discuss the exposure to asbestos from recycling older concrete or provide protocols to prevent exposure to workers and the public. Mesothelioma Hope website provides information on "The Risk of Asbestos in Concrete." The Draft EIR needs to be revised to include analysis of the risk of airborne asbestos exposure from recycling used concrete.

Response 12-33

The project would only accept material from known customers or sources. Any loads with unsuitable materials would be rejected. Specifically regarding recycle aggregate production, the vast majority of what is consumed is fresh, return concrete typically generated from nearby or onsite ready-mix plants. The project would reject mixed construction debris to be consumed for recycle production because it could affect the finished product quality. Incoming loads would continue to be monitored, and rubble piles would continue to be visually inspected prior to crushing to remove any undesirable debris such as rebar.

Moreover, the concrete recycling facility is not authorized to accept asbestos waste because existing regulations do not permit materials containing asbestos to be sent to this concrete recycling plant.

The project sites are also not located in a region where rock types contain naturally occurring asbestos and therefore naturally occurring asbestos would not be released into the air and the proposed project would not result in health risk impacts from exposure to naturally occurring asbestos (see Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.3.3). This was confirmed by a review of on-site core samples of several borings (see Draft EIR page 4.3-47; See also Appendix F-1, "Plant Site Geotechnical Report").

The State Geological Survey produced Map Sheet 59 showing the locations where asbestos is found. Plotting those locations shows that the project sites are over 20 miles from those sites where such materials could have originated. The transportation cost of disposing of such construction debris is the primary cost. Therefore, it is reasonable to expect the distance traveled to be the minimum possible and likely fewer than 10 miles. The distance to NOA sites and presence of ACTMs that govern the amount of NOA that can be in mined materials sold recently indicates that NOA in recyclables processed on-site is unlikely to be present in quantities that would be a health risk concern for neighbors of the project.

There is no evidence in the record to support the claim that the asbestos in the debris rises to a level that would expose the public to unsafe levels or in any measurable amount. For these reasons, the analysis approach is sufficient and further analysis not required.

Comment 12-34

(5) Project Components for Air Quality Analysis

Table 4.3-8, Rockfield Modification Project Components of Air Quality and Greenhouse Gas Modeling, does not include operation mobile equipment, onsite and offsite delivery trucks, or onsite

and offsite workers vehicles. The air quality and greenhouse gas modeling are insufficient to analyze the significant environmental effect of the proposed Project. Table 4.3-8 needs to be revised to include all Project components.

Response 12-34

Table 4.3-8, "Rockfield Modification Project Components of Air Quality and Greenhouse Gas Modeling," establishes the parameters by which the project would include operation of mobile equipment, onsite and offsite delivery trucks, and onsite and offsite worker's vehicles in the air quality analysis (see Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.3.3). "Emissions Calculations Methodologies" include combustion sources, primarily non-road diesel engines in off-road vehicles and utilize the CalEEMod default method and emissions factors (see Appendix D-4, Section 4.3.3.3).

See mobile sources also listed and analyzed in Tables 4.3-10 through 4.3-12, 4.3-15 through 4.3-17; Impact 4.3-2; and Appendix D-3 (Appendix D-3, "Air Quality, Health Risk, and Climate Change Assessment," Section 3.4, "Methodology," on page 37, "This analysis evaluates and reports historical and potential future emissions from on-site sources including aggregates mining, aggregates processing, ready mix concrete production, asphaltic concrete production, as well as offsite mobile source emissions"). The Draft EIR, as updated in the Final EIR, provides decision-makers with information to enable them to make a decision which takes account of environmental consequences because these sources are included and analyzed in the Final EIR (Title 14 CCR Section 15151).

Table 4.3-8 contains the changes to activities that are proposed. The changes necessitate additional mobile equipment activity and delivery trucks but are an indirect result of the production amounts being proposed. As shown in Tables 4.3-10 through 4.3-12 and 4.3-15 through 4.3-17 and elsewhere throughout the Draft EIR, emissions from these sources are quantified and used in the determination of significance. Additionally, to address comments on the Draft EIR like this one, the technical analysis was reviewed, and the analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (Appendix D-3 of the Final EIR).

The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the Draft EIR analysis was sufficient, and no further response is required.

Comment 12-35

(6) Baseline Emissions

Baseline emissions information depicted in Table 4.3-9, Historical Production Data, needs to be revised. Production of aggregate, concrete and asphalt is seasonal with an increase in production during Summer months. The baseline emission data needs to describe how the Maximum Hour and Maximum Day is determined for modeling.

Response 12-35

Though Table 4.3-9, "Historical Production Data," includes the max hour and max day (which would typically be in the summer due to the nature of the materials produced), the baseline is based on the annual production. Additionally, as explained in the executive summary for Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment," revised May 13, 2026, the Draft EIR analysis assumed the same baseline rate of excavation and sales, without considering a waste factor. In Appendix D-4, "Revised Section 4.3, Air Quality," a waste factor of 15 percent for alluvial mining and 10 percent for hard rock mining were used to calculate emissions from transport and placement of waste fines. In addition, the baseline daily rates were revised to 6,000 tpd to align with the Draft EIR annual rates.

As explained in the Draft EIR, as updated in the Final EIR (see Appendix D-4) baseline emissions were calculated by analyzing fuel use data, engine information, and production records, and historical data for production, fuel use, and pollutant emissions were chosen to represent maximum activity levels onsite and were taken into account in determining the baseline emissions to provide a clear picture to the public and the decision-makers (Appendix D-4, Section 4.3.3.3). Draft EIR Appendix D-1, which has been incorporated into Appendix D-3, explains how the baseline data was derived:

"Project emissions are quantified by subtracting existing emissions occurring at the Quarry and Plant Sites (Baseline) from emissions with the Project (Future). Baseline emissions are estimated using historical fuel use data from off-road vehicles, aggregates production records, and other specifications (e.g. engine information) provided by CEMEX."

The recycled materials processing plant was brought to the site by contractors at various times in the past. The daily throughput is an estimate based on Operator records. The ready-mix plant daily rate is based on Operator records on large jobs that were fulfilled in the past.

Additionally, Appendix G to Appendix D-3 of the Final EIR includes labels, and further contextualizes the data used to determine the Baseline.

The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the Draft EIR analysis was sufficient, and no further response is required.

Comment 12-36

(7) Emissions

Tables 4.3-10, 4.3-11 and 4.3-12 needs to be revised to include operation mobile equipment, onsite and offsite delivery trucks, or onsite and offsite workers vehicles.

Tables 4.3-16 and 4.3-17 needs to clearly depict the thresholds of significance for each source pollutant.

Response 12-36

Tables 4.3-10 through 4.3-12 in the Draft EIR, as revised in this Final EIR, include operation mobile equipment and onsite and offsite trucks and vehicles, described in the tables as off-road engines, on-road vehicles onsite and offsite, and equipment associated with quarrying, blasting, and material handling (see Appendix D-4, "Revised Section 4.3, Air Quality"). Thus, no revisions to Tables 4.3-10 through 4.3-12 are necessary.

Tables 4.3-16 and 4.3-17 show future emissions and would be inappropriate to compare with the thresholds of significance because the values for that comparison require the subtraction of the Baseline to determine the change in the environment.

Tables 4.3-18 through 4.3-22 of the Draft EIR show the emission levels in comparison to the significance thresholds and criteria, and Table 4.3-19 specifically shows the breakdown of the different pollutant sources during project operations. Thus, tables in Section 4.3 as updated in Appendix D-4, clearly depict thresholds of significance and significance criteria for the different source pollutants.

In addition, the technical analysis was reviewed, and the analysis was updated to address comments on the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (see Appendix D-3). The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the Draft EIR analysis was sufficient, and no further response is required.

Comment 12-37

(8) VMT Impacts on GHGs and Air Quality

Table 34 of Appendix D-1 states the Project vehicles are heavy-heavy duty and are not subject to heavy duty GHG Phase 1 regulations. However, there are heavy duty trucks that have a direct and indirect impact that are generated by delivery of Project's products and acceptance of materials for recycling. Although the Vehicle Miles Travel (VMT) is used to determine transportation impacts and has been limited to passenger vehicles and light trucks, VMT for the operational aspects of the Project still applies to determine environmental impacts from air quality and hazards. The Project's air quality modeling needs to include the 6.2 million annual VMT generated by the Project (Appendix I-2, Estimates of Vehicle Miles Traveled). To the extent the VMT analysis indicates that the Project will result in a reduction of regional VMTs from similar aggregate mining operations, the EIR must still analyze the air quality impacts caused by the redistribution of VMTs. For instance, will heavier traffic on Friant Rd. result in higher levels of diesel particulate exposure in closer proximity to sensitive receptors?

Response 12-37

The Draft EIR correctly concludes that GHG Phase 1 Regulations do not apply to the project's off-road heavy-duty vehicles (see Draft EIR 4.8-22, as updated in Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions"). Phase I does not apply to heavy-duty off-road vehicles, but did apply to heavy-duty on-road vehicles (17 CCR Section 95660 et seq). Off-road vehicles are governed by different regulations (13 CCR Sections 2449 et seq). Vehicle emissions are incorporated into the air quality assessment (see Appendix D-3, Section 4.4).

On-road truck emissions were assessed as part of a regional increment analysis, which is based on project activity levels, as well as regional aggregate demand as forecast in the California Department of Conservation Map sheet 52, as revised to account for current conditions (see Appendix J, of Appendix D-3). The GHG emissions are presented in Table 4.8-8, "Maximum Annual Operation Phase GHG Emissions," and further discussed in Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions," Section 4.8.4, "Project Impacts and Mitigation Measures." Regarding possibility of heavier traffic on Friant Road resulting in higher levels of diesel particulate exposure, additional modeling was undertaken and shows that the potential increase in trucks on any road would not expose receptors to significant levels of health risk, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (Appendix D-3). The analysis

demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the Draft EIR analysis was sufficient, and no further response is required.

Comment 12-38

(9) Compliance with Air Quality Plans

On page 4.3-57, the Draft EIR, concerning Impact 4.3.1, is insufficient and needs to be revised. The emission data for Project operations exceeds daily and annual San Joaquin Valley Air Pollution Control District (SJVAPCD) thresholds which results in conflict with air quality plans.

In addition, the analysis concludes the Applicant will be able to comply with future rule making by the SJVAPCD concerning implementation of applicable air quality plans. Thus, concluding that the level of significance before mitigation is less than significant. There is no requirement in the Draft EIR for the Project to comply with future air quality attainment plans during the 100-year Project duration. This assumption was used to support a determination of less than significant is not support by proposed Project components. The air quality assessment assumed minor changes in rulemaking in the future will "likely" lessen future Project impacts on air quality. A mitigation measure should be included to the Draft EIR requiring the Project to comply and implement all new technology, air quality plans, goals and regulations in the future.

Response 12-38

The comment is incorrect. Draft EIR Impact 4.3-1, as updated in the Final EIR, provides that the project would not conflict with implementation of applicable air quality plans because the proposed project would not result in any significant and unavoidable air quality impacts related to criteria air pollutant emissions (see Appendix D-4, "Revised Section 4.3, Air Quality"). The project's emissions would not exceed daily or annual SJVAPCD thresholds after implementation of Mitigation Measures 4.3-2a and 4.3-2b (see Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," and Table 4.3-23, "Mitigated and Unmitigated Criteria Pollutant Concentrations," in Appendix D-4). As such, the project is consistent with applicable air quality plans. The comment suggests implementing "all new technology." This is an overbroad suggestion, and not necessary to reduce the project's air emissions to less than significant (see *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 879). The project would be required to comply with all applicable future air quality plans and regulations.

Comment 12-39

(10) Natural Gas

California Energy Commission has a goal of eliminating natural gas use by 2045. The use of natural gas has a significant impact on greenhouse gases in California. The Project proposes the use of natural gas for the asphalt plant and therefore would not be in compliance with this goal. The Project, to comply should build the new asphalt plant using electricity instead of natural gas or other fossil fuels. This will result in a reduction in air pollutants. The Project should be revised to use electricity instead of natural gas or other fossil fuels for the asphalt plant and other Project components.

The Project should be required to use all-electric mining trucks. Caterpillar has successfully demonstrated the first battery electric 793 large mining truck. The Project should be required to use all-electric mining vehicles to lessen air quality impacts.

Response 12-39

It is assumed that the commenter is referring to Executive Order N-5-24 that was signed by Governor Newsom on October 30, 2024. The order directs the CEC to examine various aspects of energy use in the State. The CEC's commitment to achieving carbon neutrality by 2045, as established by AB 1279, does not require all industries to fully phase out natural gas use by that time. The number of factors that would need to align for natural gas to be eliminated by 2045 is extensive and speculative. Moreover, significant improvements would need to be made to the electrical grid.

Currently, there are no such battery-electric mining trucks that are commercially available and feasible for use. Therefore, achieving this goal is not considered to be reasonably foreseeable or feasible and need not be assessed under CEQA. For these reasons, the Draft EIR analysis was sufficient, and no further response is required.

The Draft EIR discusses AB 1279 (also referred to as the Scoping Plan) on pages 4.8-9 and 4.8-20. As demonstrated in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (Appendix D-3), all sources of GHG emissions were quantified and the project's emissions were evaluated with respect to consistency with plans and policies adopted to reduce GHG emissions (see Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions," Section 4.8.4, "Project Impacts and Mitigation Measures"). As demonstrated under Impact 4.8-2, the project would not conflict with an applicable plan, policy or regulation for the purpose of reducing the emissions of GHGs,

and therefore would not conflict with any GHG plans, policies, or regulations. Refer also to Appendix E of Appendix D-3 for the plans, policies and regulations that have been reviewed to ensure that the project would not result in a conflict. In summary, the proposed project would comply with all applicable GHG impact plans, policies, and regulations. This impact would be less than significant.

Comment 12-40

(11) Greenhouse Gases Modeling

The Project used the South Coast Air Quality Management District's guidance on impact analysis for GHG, stating that SJVAPCD modeling was outdated. The advantage to the Project was the exclusion of emissions from sectors that are required to participate in the Cap-and-Trade Program, i.e. gasoline and diesel. This is an impermissible deferral of the obligation to disclose the environmental impacts of this Project. The Project should use the SJVAPCD modeling or another suitable methodology that actually analyzes the impacts from this Project.

Response 12-40

The Draft EIR, as updated by the Final EIR, discloses all GHG emissions that would be emitted by the project, including baseline emissions and emissions related to fuels. These emissions, and their sources, are described at Tables 4.8-7, "Baseline GHG Emissions," 4.8-8, and 4.8-9 of the Final EIR. As discussed in the Draft EIR, GHG emissions are distinct from other types of emissions, and other types of impacts, in that the impacts are not localized but have a worldwide effect. As noted by the California Natural Resources Agency (CNRA) in its Public Notice regarding the amendments to CEQA, and described in Appendix D-5, "Revised Section 4.8 Greenhouse Gas Emissions," Section 4.8.2.2, "State":

> While the Proposed Amendments do not foreclose the possibility that a single project may result in greenhouse gas emissions with a direct impact on the environment, the evidence before [CNRA] indicates that in most cases, the impact will be cumulative. Therefore, the Proposed Amendments emphasize that the analysis of greenhouse gas emissions should center on whether a project's incremental contribution of greenhouse gas emissions is cumulatively considerable.

Accordingly, the discussions of impacts of GHG emissions related to worldwide climate change impacts are disclosed as are the specific emissions associated with this project.

Both baseline emissions and additional emissions related to this specific project, including those related to transportation fuels, are disclosed.

The Draft EIR and Final EIR utilized the South Coast Air Quality Management District's (SCAQMD) methodology to determine whether the project would generate GHG emissions that may have a significant impact on the environment, since the San Joaquin Valley Air Pollution Control District's (SJVAPCD) methodology is outdated. However, as noted in Appendix D-5, Section 4.8.3.2, "Significant Thresholds," in response to a new judicial decision, the County determined to conservatively include emissions subject to the Cap-and-Trade Program, specifically emissions related to electricity generation and transportation fuels, in determining whether the project exceeds the SCAQMD 10,000 MT CO_2e per year threshold.

The County, in the Draft and Final EIR, chose a suitable methodology to analyze the GHG impacts from this project as allowed by CEQA in the lead agency's discretion (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 521). In determining whether the project would generate GHG emissions that may have a significant impact on the environment, the SCAQMD standards provide for a screening threshold of 10,000 metric tons of CO_2e (see Appendix D-5, Section 4.8.3.2). Utilizing this methodology, GHG emissions are considered less than significant when emissions are less than 10,000 MT CO_2e per year (SCAQMD 2008).

South Coast Air Quality Management District (SCAQMD) methodology was used to evaluate whether a project would generate GHG emissions that may have a significant impact on the environment (SCAQMD 2008). It was determined that the San Joaquin Valley Air Pollution Control District methodology is out of date. The GHG analysis in the Final EIR was revised, as envisioned by CEQA, to address comments on the Draft EIR by several commenters, including the Center for Biological Diversity. In addition, the Draft EIR was released on December 20, 2024, and the comment period closed on March 10, 2025. In the Draft EIR, the GHG analysis relied in part on an analysis used in an EIR certified by Kern County in approving the modification to an oil refinery. That EIR acknowledged that certain GHG emissions related to the consumption of fuel and the use of electricity were offset upstream of those uses pursuant to California's Cap-and-Trade Program. This approach was upheld in a decision by the Fifth District Court of Appeal, which appellate court has jurisdiction over Fresno County, in *Association of Irritated Residents v. Kern County Board of Supervisors,* 17 Cal.App.5th 798 (2017) (AIR). However, on June 26, 2025, a new California appellate case out of Los Angeles County reviewing the use of offsets under the Cap-and-Trade Program as part of an EIR used to evaluate a housing development program was filed by the 2nd District Court of Appeal, *Center for Biological Diversity v. County of Los Angeles*, 112 Cal.App.5th 317 (2025) (LA County

Decision). The LA County Decision distinguished the AIR Decision and held that Los Angeles County could not rely on the fact that transportation fuels and electricity that would be used as part of the project were subject to the Cap-and-Trade Program. In an abundance of caution, Fresno County decided to revise the GHG analysis in the Draft EIR to conform to the more recent LA County Decision. Accordingly, all emissions, including those involving the consumption of fuel and the use of electricity, are included in determining whether total emissions would exceed the GHG significance threshold of 10,000 $MTCO_2e$/yr, as demonstrated in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (Appendix D-3). The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 12-41

(12) CO2 Emissions

SJVAPCD uses the CalEEMOD model to determine project's air quality impacts. The air quality analysis in Appendix D-2 also states the Project uses CalEEMOD. On page 4.3-62, Table 4.3-23, Mitigated and Unmitigated CO Concentration was modeled without including the 6.2 million annual VMT generated as required in the CalEEMOD. Therefore, the conclusion the Project does not exceed CO concentration is not accurate and needs to be revised to analyze the entire Project's environmental impact on CO concentrations and other air pollutants. The Draft EIR needs to be revised to include all sources of air pollutants from the Project for air quality modeling.

Response 12-41

CalEEMod was used exclusively to quantify construction phase emissions and has no bearing on the operational emissions that were calculated using standard methods. The CO modeling reflected in Table 4.3-23 need not assess emissions from off-site travel because the purpose of stationary source modeling is to evaluate the off-site effects from on-site emissions, which is what the Draft EIR correctly assesses.

As provided in Appendix G to the Draft EIR, the Draft EIR analyzed the existing CEQA Baseline CO emissions as compared to the CO emissions generated during years 0-30 (Phase 1), and years 31-100 (Phase 2) (see Draft EIR Appendix D-3, Appendix G "Operation Phase Emissions, Operation Phase Conditions and Project Increment"). Mobile sources of emissions are also incorporated in the air quality analysis (see Draft EIR Table 4.3-17, "Operation Phase Maximum Annual Emissions," on page 4.3-46). See Appendix D-4, "Revised Section 4.3, Air Quality," for revisions to Draft EIR Section 4.3 and the supporting technical appendices referenced in this response.

Further, regarding the comment on the 6.2 million annual VMT, the Draft EIR explains:

> The VMT analysis results presented in Tables 4.17-6, -7, -8 and -9 indicate that, although the proposed project appears to generate a high number of VMT, the actual effect of the project on a regional basis is to reduce VMT as compared to the condition in which the project does not exist. This is because demand for aggregate for construction projects within the region will exist with or without the project. Without the availability of aggregate from the project, aggregate for regional construction projects would need to be transported from other aggregate production operations. Similarly, the project would not create or increase the demand for processing concrete and asphalt for recycling. These needs will exist with or without the project. Thus, with or without the project, construction aggregate, recycled material, and fill material would be hauled throughout the region resulting in increased regional aggregate haul truck VMT, i.e., hauled from further locations for certain projects.

(Draft EIR, page 4.17-24; See also Appendix B-1, "Surface Mining and Reclamation Plan," Section 4.4.4, page 33).

Further, the operation of the project within Fresno County would likely reduce regional VMT and thus GHG emissions according to Peter Berck in his January 2005 Working Paper 994, "A Note on the Environmental Costs of Aggregate" (see Appendix B of Appendix D-3). That is to say that if the project was not approved, the aggregate needed for on-going construction activities in Fresno County as well as the San Joaquin Valley Air Basin would have to come from mines farther away and would thereby increase regional VMT and GHG emissions. In order to accurately address the impact of the project, a regional increment analysis was conducted which characterizes the project contribution to cumulative regional GHG emissions (Appendix J of Appendix D-3 of the Final EIR). The methodology of the regional increment analysis responds to current regulatory guidance and reflects how aggregate demand and associated emissions are projected and managed at the regional level. The regional increment analysis is based on project activity levels, as well as regional aggregate demand as forecast in the California Department of Conservation Map Sheet 52.

State and regional planning forecasts indicate that aggregate demand is driven by population growth and overall regional development, rather than by the maximum production capacity of any single facility. Accordingly, while the project is capable of supplying aggregate to meet regional needs, its operation would not create a net increase in regional aggregate demand beyond that already forecast. Any increase in production

from the project would be offset by corresponding reductions in production from other facilities serving the same regional market, resulting in no substantial change in total regional output. Consistent with this framework, the project's on-road offsite criteria pollutant and GHG analysis evaluates emissions based on the project's proportional share of regional demand growth, rather than calculating emissions based on continuous operation at maximum throughput. This approach, documented in the Final EIR (Appendix D-3 and associated appendices), ensures that the project's on-road offsite criteria pollutant and GHG emissions are attributed in a manner that reflects realistic market conditions and real-world impacts. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the Draft EIR analysis was sufficient.

Comment 12-42

(13) Fugitive Dust Control

The Draft EIR needs to include an analysis of the Project's dust particulate (PM2.5) impact on the Census Tract 6039001000 located westerly from the Project in unincorporated Madera County and surrounding area in order to determine the cumulative net increase of an criteria pollutant. CalEnviroScreen 4.0 indicates this area has a high pollution burden of 90 percentile for PM2.5 as shown in red. High PM2.5 (94 Percentile) is also the existing condition for adjacent Census Tracts easterly in Fresno County but has a lower overall pollution burden as shown in green due to other socio/environmental factors, such as the ability to deal with pollution load. The increase in aggregate production from 1.3 MT to 3.3 MT annually at both the Plant and Quarry Site will exasperate the existing conditions on this area.

[A graphic was included as part of Comment 12-42 that is not reproduced here. To view this graphic please see Letter 12 in Final EIR Appendix M, "Draft EIR Comments."]

Response 12-42

The Draft EIR demonstrates that with mitigation the dust particulate ($PM_{2.5}$) emissions decrease from the CEQA baseline. Thus, the concentration at Census Tract 6039001000 would go down with the project and further assessment is unwarranted. Nevertheless, PM2.5 was modeled to show that the concentration decreases and remains below thresholds. Further, the highest modeled concentrations are at the fenceline and then concentrations decrease as distance increases from the project.

The project would continue to control fugitive dust emissions through implementation of controls and compliance measures within SJVAPCD Rules 8011, 8021, 8031, 8041, 8051,

8061, and 8071 (see Draft EIR, pages 4.3-27 through 4.3-30, and 4.3-40 as revised in this Final EIR [see Appendix D-4, "Revised Section 4.3, Air Quality"]).

Furthermore, impacts caused by fugitive dust, particularly $PM_{2.5,}$ are analyzed in Impact 4.3-2, which specifically analyzed whether the project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under applicable federal or state ambient air quality standards, and was found to be significant before mitigation (Appendix D-4, Section 4.3.4). As shown in Table 4.3-20, "Net Increase in Unmitigated Daily Emissions and Model Screening Level Comparison ,"as updated in the Final EIR, the proposed project mining, processing, and production operations would not generate emissions that would potentially exceed the daily screening level from $PM_{2.5}$ (see Appendix D-4, Section 4.3.4). Nevertheless, the project would implement a Fugitive Dust Control Plan via Mitigation Measure 4.3-2b, which results in Impact 4.3-2's criteria pollutants exceedance being reduced to less than significant after mitigation. This is further shown in Tables 4.3-21 and 4.3-23 (see Appendix D-4, Section 4.3.4).

Finally, Impact 4.3-3 of the Draft EIR analyzed whether the project would expose sensitive receptors to substantial pollutant concentrations (see Draft EIR, page 4.3-63, as updated in Appendix D-4, Section 4.3.4). The sensitive receptors shown on Draft EIR Figure 4.3-2, "Detailed Model Receptor Locations," and Figure 4.3-3, "Plant Site Labeled Receptor Locations," were chosen because they represent the locations of highest exposure. Before mitigation, Impact 4.3-3 is less than significant. Accordingly, implementation of Mitigation Measures 4.3-2a and 4.3-2b would reduce the impact to less than significant after mitigation.

The *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (see Appendix K of Appendix D-3) includes details of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the Draft EIR analysis was sufficient, and no further response is required.

Comment 12-43

Mitigation Measure 4.3-2, Fugitive Dust Control Plan, on page 4.3-62 is not adequate and needs to be revised to include that all trucks hauling materials need to be completely covered both on-site and delivery trucks to reduce fugitive dust generated by the Project.

Table 4.3-20 identifies that CO, PM10 and PM2.5 exceeds significance criteria. Mitigation Measure 4.3-2 is not adequate to

mitigate the significant environmental impacts to less than significant. The Draft EIR needs to identify additional measures that the Project can implement in order to make the finding of less than significance. Therefore, without additional analysis and mitigation the Draft EIR results in Significant and Unavoidable.

Mitigation Measure 4.3-2 Fugitive Dust Control should include the following additional mitigation:

> All truck loading/unloading facilities to be equipped with one 110/208-voltpower outlet for every two-truck loading/unloading facility. A minimum 2-foot-by-3foot sign shall be clearly visible at each loading lock and in a readable letter size that states: "Diesel engine idling limited to a maximum of 2 minutes." The sign shall include instructions for diesel trucks idling for more than 2 minutes to connect to the 110/208-vole poser to run any auxiliary equipment.

Response 12-43

Covering of trucks is regulated by California Vehicle Code Section 23114 which requires covering unless "if the load, where it contacts the sides, front, and back of the cargo container area, remains six inches from the upper edge of the container area, and if the load does not extend, at its peak, above any part of the upper edge of the cargo container area." The project does not own the trucks that would haul aggregates and therefore cannot control whether truck operators cover their load or comply with the freeboard provision. Moreover, while on-site, trucks are subject to a 15 mph speed limit that effectively eliminates the possibility of emissions from hauled aggregates.

Mitigation Measure 4.3-2b, regarding the Fugitive Dust Control Plan, is adequate and does not need to be revised. Further, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (see Appendix K of Appendix D-3) including details of the Fugitive Dust Control Plan. This analysis resulted in an updated Table 4.3-20 where the unmitigated daily emissions for the project exceed the screening criteria for CO and NO_x, but do not exceed the significance thresholds for PM_{10}, $PM_{2.5}$, or SO_x (see Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.4). Tables 4.3-21 and 4.3-23 of the Final EIR demonstrate no new impacts and no changes to any of the findings in the Draft EIR (see Appendix D-4, Section 4.3.4).

The commenter's proposed mitigation measures of covered trucks and plugged in trucks are not necessary, as Mitigation Measure 4.3-2b already sufficiently mitigates environmental impacts. The project's emissions of criteria air pollutants would comply

with the air quality attainment plans maintained by the San Joaquin Valley Air Pollution Control District (see the discussion Impact 4.3-1 on page 4.3-57 of the Draft EIR).

In sum, as discussed above, the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (see Appendix K of Appendix D-3) includes preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the Draft EIR analysis was sufficient, and no further response is required.

Comment 12-44

(14) Air Quality Impact on Sensitive Receptors

On page 4.3-63, Table 4.3-24 indicates the Project exceeds the threshold for environmental significance for Excess Cancer per Million People Exposed and for the Maximum Acute Hazard Index. The Draft EIR reached this conclusion even without including the 6.2 million annual VMT generated by the Project or the added aggregate processing and stockpiling. There is no explanation why "Fence-line Receptors" are not included in the table. However, users and workers at the adjacent recreation parks would have exposure. The Draft EIR needs to include additional mitigation to reduce air quality impact and health risks from the Project.

Thes mitigation measures should include the following:

- All truck loading/unloading facilities to be equipped with one 110/208-voltpower outlet for every two-truck loading/unloading facility. A minimum 2-foot-by-3-foot sign shall be clearly visible at each loading dock that indicates, "Diesel engine idling limited to a maximum of 2 minutes." The sign shall include instructions for diesel trucks idling for more than 2 minutes to connect to the 110/208-volt power to run any auxiliary equipment.

- The use of electric-powered "yard trucks" or forklifts to move truck trailers around a truck yard or truck loading/unloading facility.

- The use of buildings or walls to shield commercial activity from nearby residences or other sensitive land uses.

- The use of EPA-rated Tier 4 Final engines in diesel-fueled construction equipment when construction activities are adjacent to existing sensitive receptors.

- The planting and maintenance of vegetative buffers between truck loading/unloading facilities and nearby residences, schools, daycare facilities, and any other sensitive receptors. As part of detailed site design, a landscape architect licensed by the California Landscape Architects Technical Committee shall identify all locations where trees should be located, accounting for areas where shade is desired such as along pedestrian and bicycle routes, the locations of solar photovoltaic panels, and other infrastructure.
- The use of all electrical-powered Transportation Refrigeration Units (TRUs).
- The use of all electric heavy-duty trucks.
- Designate truck routes that avoid sensitive land uses, including low-income and minority neighborhoods.

Response 12-44

Fence-line receptors are included in Draft EIR Table 4.3-24, "Unmitigated Project Health Risk Impacts," and Table 4.3-25, "Mitigated Project Health Risk Impacts." The Draft EIR concludes that Mitigation Measures 4.3-2a and 4.3-2b are sufficient to reduce air quality impacts to less than significant. Thus, the additional proposed mitigation measures are not necessary. The comment does not support the efficacy of the proposed mitigation measures with evidence or technical support, and thus no technical response is required (see *Covington v. Great Basin Unified Air Pollution Control Dist*. (2019) 43 Cal.App.5th 867, 879). Each proposed mitigation measure is discussed individually as follows.

- Response to Proposed First Measure: See Response 12-43, the proposed mitigation measure is infeasible.
- Response to Proposed Second Measure: The yard trucks proposal is inapplicable to the proposed operation. Usage of electric-powered vehicles is not necessary to mitigate impacts of criteria air emissions to less than significant. Mitigation Measure 4.3-2a would require the project to use off-road engines which meet Tier 4 Interim Particulate Emissions, thus contributing to the reduction of emissions of criteria air pollutants.
- Response to Proposed Third Measure: The comment does not explain how a building or wall would be applicable to reduce air quality impacts upon sensitive receptors. Screening berms are located along North Friant Road and along the southwest boundary of the Quarry Site (Draft EIR page 2-17). A landscaped screen exists along the North Friant Road frontage at the Plant Site (Draft EIR page 2-16). Additionally, usage of buildings or walls is not necessary to shield commercial

activity from nearby residences due to the proposed location of new processing facilities. The project would maintain the same aggregate processing plant at the Plant Site, which is part of the current baseline and would remain visible. After Stage 1, all processing facilities would be removed from the Plant Site. The new aggregate processing plant, ready-mix concrete plant, hot-mix asphalt plant, offices/scale house, QC lab, maintenance shop would be in the previously excavated pit on the Quarry Site, at a depth of 30 feet bgs (Draft EIR page 2-40). Therefore, the new processing facilities would already be partially shielded from view.

Thus, additional mitigation is unwarranted. Further, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (Appendix D-3). The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the EIR analysis (the Draft EIR, as augmented by the Final EIR) is sufficient, and no further response is required.

Comment 12-45

(15) Odors

The proposed Project includes a hot-mix asphalt plant that will generate 200,000 tons of asphalt per year. Hot-mix asphalt plants generate noxious odors that can impact people even 1.5 miles away. The discussion of Impact 4.3-4, starting on page 4.3-65, states that the hot-mix asphalt is a continuation of the of past activities. However, the asphalt plant stopped operations in 2009 and therefore is not considered a part of the baseline conditions and needs to be treated as a new and unapproved land use pursuant to Fresno County Zoning Code Section 868.6.020, Expiration.

Response 12-45

The Draft EIR, as updated in the Final EIR, addresses the project's potential odor impacts in Impact 4.3-4 and concludes that impacts would be less than significant with the implementation of Mitigation Measure 4.3-4 (see Appendix D-4, "Revised Section 4.3, "Air Quality"). As discussed in Impact 4.3-4 and as provided in Table 4.3-5, "Air Quality Significance Thresholds—Toxic Air Contaminants and Odor," Air District significance thresholds state that a significant impact would occur if the proposed project received "[m]ore than one confirmed complaint per year averaged over a three-year period, or three unconfirmed complaints per year averaged over a three-year period" (Appendix D-4, Section 4.3.4). As explained in the Appendix D-4, as well as in Response 12-46 below,

past Air District records were reviewed in 2023 and revealed no past complaints of the previous asphalt plant operation.

The emissions of the asphalt plant were not used in the calculation of the baseline emissions of criteria air pollutants (see Tables 4.3-10 through 4.3-12 in Section 4.3.3.3 of Appendix D-4; see also subheading "Odor" in Section 4.3.3.3 of Appendix D-4, which states that the asphalt plant is not a contributor to the existing environmental setting, i.e. the baseline, for the project). It should be noted that the Conditional Use Permit for the asphalt plant is not void under Fresno County Zoning Code. The asphalt plant is limited to a single purpose use and is not subject to the surrender of its CUP by nature of being inactive. Furthermore, the Operator holds a vested right to engage in mining operations at the Plant Site under CUPs 367, 2209, 3063, and 3093. Therefore, the asphalt plant is not a new and unapproved land use pursuant to the Fresno County Zoning Code. However, as noted above, the prior asphalt emissions are not included in the project baseline.

Comment 12-46

The Draft EIR states that no odor complaints were received when the previous asphalt plant operated, however there is no information on what type of asphalt plant was in operation. There are no records to search for odor complaints and it is based on a person's memory. Therefore, not a reliable assumption to make a finding of no previous odor complaints. This just as likely indicates there is poor record keeping and lack of concern about the asphalt plant's impact on the community.

Response 12-46

The San Joaquin Valley Air Pollution Control District records were reviewed in 2023 and confirmed that the Operator received no odor complaints in the past (see Draft EIR page 4.3-66, 4.3-50). A hot-mix asphalt plant was in operation at the Plant Site until 2009 (see Draft EIR page 4.3-65; see also Appendix D-4, "Revised Section 4.3, Air Quality").

Comment 12-47

The odor impact analysis assumes facts that are not part of the Draft EIR or its Project description as justification of reduced Project air quality impacts. Section 4.3-4 states that the proposed asphalt plant would generate fewer odor producing emissions than the past due to its fuel source being natural gas instead of diesel and due to the use of new technology to capture 95% of blue smoke emissions and therefore concludes "it is not anticipated that Stage 1 operations on the Plant Site could generate odors that would adversely affect a substantial number of people." This assumption is not supported by facts.

The use of natural gas instead of diesel will not occur until a natural gas line is installed to the asphalt plant for Phase 1 at the Plant Site. There is no discussion of the fuel source for the asphalt plant when it is relocated in Phase 2 at the Quarry Site. The Draft EIR does not identify when natural gas will be used in Phase 2 at the Quarry Site. There is not discussion what happens to the fuel source as the asphalt plant is moved to accommodate surface mining in either Phase 1 or Phase 2. There is no discussion that identifies and details the "new technology" will capture 95% of blue smoke or if the asphalt plant will include this technology. The Draft EIR needs to be revised to provide specific equipment that will capture 95% of blue smoke.

Response 12-47

The Plant Site asphalt plant was in operation until 2009, and did not generate odor complaints. As such, the Draft EIR concludes that it is unlikely for Stage 1 operations at the Plant Site to generate odors that would adversely affect a substantial number of people (Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.4).

At the Quarry Site, the asphalt plant would temporarily be fueled by propane until the natural gas connection is established (Draft EIR page 4.6-18). Implementation of Mitigation Measure 4.3-4 reduces any potential odor impacts from the asphalt plants at both the Plant Site and the Quarry Site to less than significant (see Appendix D-4, Section 4.3.4 for further discussion of implementation of Blue Smoke Controls). The efficacy of Blue Smoke Controls system is discussed further in Appendix H-02, "Blue Smoke Control Permitting Parameters," of Appendix D-3, which provides that Blue Smoke Controls are high efficiency cartridge mist collectors. The filter efficiency that would be implemented is 95 percent efficient at 0.3 microns according to the filter manufacturer's data sheet. The implementation of the Blue Smoke Controls system is subject to meeting the regulations and permitting requirements of the SJVAPCD.

Draft EIR Section 4.3.2.3, "Local," as revised in this Final EIR (see Appendix D-4) describes each local rule that applies to project sources including Rule 2201 (New and Modified Stationary Source Review) and Rule 4309 [SC1] (Dryers, Dehydrators, and Ovens). The new source review would result in the application of best available control technology (BACT) which is determined by the air district at the time of the permit application. Because the BACT is constantly subject to change, the process of determining BACT involves review of various sources (commonly called clearinghouses) of new permits approved by air agencies. To the extent that a permit has required a certain control technology and it is achieved in practice, the permit issued by the air district would also include that control technology provided that it is cost-effective.

Comment 12-48

The Draft EIR bases Project Impacts on air quality odors based on a "modern" asphalt plant. The Draft EIR does not provide any details on what a modern asphalt plant consists of or a list of equipment that reduces odor impacts, just that the asphalt plant will receive a permit from the SJVAPCD prior to operation. However, this is not a guarantee that the proposed asphalt plant will not generate offensive odors to the surrounding community during the life of the Project.

The County of Orange, which has a similar air inversion condition as the San Joaquin Valley, approved a hot-mix asphalt plant on a portion of a former gravel quarry in 1993 located in unincorporated Orange County north of the City of Irvine. There are a series of rolling hills and valleys that separate the asphalt plant from the nearest residences, 0.5 miles away. An EIR with a Health-Based Risk Assessment was prepare in 2005 for a residential development that concluded it was unlikely that releases from the asphalt plant would have the potential of adversely affecting the residential development since the asphalt plant received the necessary permits.

However, this was not the result and even with the expert assistance of the South Coast Air Quality Management District (SCAQMD) it was very difficult to stop adversely affecting the surrounding community, even at 1.5 miles away. The asphalt plant emitted odors that resulted in eventually the City of Irvine buying the asphalt plant to eliminate the nuisance from its residents at a cost to tax payers of between $50 and $100 Million Dollars.

In 2020, the City of Irvine filed a "Complaint for Public Nuisance Abatement Injunction, Equitable Relief and Civil Penalties (30-2020-01153015-CU-MC-CJC) (Irvine Lawsuit) against the hot-mix asphalt plant. The Lawsuit stated that since 2019, 468 complaints relating to the asphalt plant were fielded by SCAQMD with the vast majority related to issues with asphalt, oil, tar-like odors and smoke. SCAQMD stated in 2022 that they had received more than 1,400 odor complaints from the asphalt plant source.

SCAQMD issued in 2022 eight odor nuisance NOVs to the asphalt plant. The asphalt plant was expanded in 2016 with active permits for existing equipment. Irvine's asphalt plant is considered "modern" and SCAQMD stated it is working with the operator on a "carbon adsorption unit" under a research permit. The plant in 2022 was to evaluate if there was a decrease in odor or emissions. SCAQMD also required the asphalt plant to instruct drivers to cover any loads of asphalt prior to leaving the facility and instruct

drivers on approved truck routes. None of this worked to mitigate odors and the City of Irvine purchased the asphalt plant in 2023.

Draft EIR, Impact 4.3-4 states that there are residences within 0.25 miles from the proposed asphalt plant and concludes that it is "unlikely" that substantial odors from the asphalt plant would be generated at these distances based on Figure 4.3-4, Wind Rose. However, Figure 4.3-4 depicts a wide area of impact surrounding the Project under typical low wind conditions. Section 4.3.1.1, Environmental Factors Affecting Air Quality, that states: "Low wind speed conditions limit horizontal air dispersion and can result in a buildup of air pollutants." The conclusion that residences 0.25 miles away will not experience substantial odors is not supported by fact and is likely. This would result in a significant environmental impact that needs to be mitigated.

Response 12-48

Comment 12-48 correctly notes that there are sensitive receptors located within one mile of the project sites (Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.4). Because of the presence of these sensitive receptors, namely the residences located to the east and southeast of the Quarry Site, the project asphalt plant on the Quarry Site would include blue smoke controls with an efficiency of 95 percent based on manufacturer specifications outlined in Appendix H-02, of Appendix D-3. Implementation of Mitigation Measure 4.3-4 is sufficient to reduce any potential impacts resulting from emissions of the proposed asphalt plant to less than significant (see Draft EIR page 4.3-66).

The comment provides an inapt analogy of the proposed project's asphalt plant to the All-American Asphalt Plant in Irvine. The commenter is from Orange County and Irvine and Fresno are geographically and demographically different. Odor is subjective to a certain extent. The All-American asphalt plant was operating in close proximity to a densely populated urban setting, with less emission controls than the proposed plant here. Here, the project sites are located in a less dense setting, and as discussed in Response 12-46, no odor complaints were made regarding the asphalt plant in the past.

Comment 12-49

Figure 4.3-4, Wind Rose, is insufficient to adequately depict the influence of wind on the Project. Winds are seasonal and vary between winter (December – February) spring (March – May) summer (June – August) and fall (September – November). The Draft EIR should be revised to provide the seasonal analysis of wind direction and speed that is overlaid on aerial maps of the

surrounding 3-mile area that includes all sensitive receptor locations.

Response 12-49

Figure 4.3-4, "Wind Rose," is sufficient to depict wind patterns in the project area because all seasons are incorporated into the analysis. Five years of data spanning all four seasons are incorporated into the Wind Rose analysis, which shows what direction the wind is blowing and how often it occurs (Figure 4.3-4 on Draft EIR page 4.3-67, as updated in Appendix D-4).

Comment 12-50

Mitigation Measure 4.3-4: Asphalt Plant Emissions Controls, is not sufficient to mitigate the significant odors and air pollutants from the asphalt plant. Mitigation Measure 4.3-4 should be revised as follows:

> Prior to the issuance of any permit a sign shall be posted at each entrance to the Project, with letters large enough to be read from the public road, with the San Joaquin Valley Air Pollution Control District most current toll-free phone number (800-870-1037), website address and email address to make odor, vehicle smoke and dust complaints. The sign shall include the name of the facility and address. The sign shall be updated as soon as any of the information changes.
>
> The operator of the facility will annually mail to each property owner within 3 miles of the Project Site, the County of Fresno and any interested parties requesting the notice, a letter with information on how to file an air pollution complaint to the San Joaquin Valley Air Pollution Control District with the following explanation:
>
> > The District receives complaints that may constitute a public nuisance. The state's public nuisance law (CH&SC 41700) prohibits emissions which cause odors or other disturbances in the community that impact a significant number of people, create a threat to public health or cause damage to property.
> >
> > Asphalt loads are required to be covered prior to leaving the facility and operator shall instruct drivers on approved truck routes.

Response 12-50

The proposed project would be subject to permit approval from the San Joaquin Valley Air District (SJVAPCD) and would comply with all applicable local regulations pertaining to noticing and publication requirements (Draft EIR page ES-5). SJVAPCD Rule 2010 requires that the permit be posted on the project site (Draft EIR page 4.3-24). SJVAPCD provides its own notification requirements for new sources of emissions, which the project would comply with if applicable (SJVAPCD Rule 2201, Section 5.4).

Mitigation Measure 4.3-4 is sufficient to mitigate potential odors from the asphalt plant to less than significant. Mitigation Measure 4.3-4 is sufficient because ultimately the asphalt emission control would be regulated by the Air District (SJVAPCD) which would require implementation of the Best Available Control Technology (BACT). The BACT must be achievable in practice and cost effective. See also Response 12-47 discussing the implementation of BACT.

Covering of trucks is regulated by California Vehicle Code Section 23114 which requires covering unless "the load, where it contacts the sides, front, and back of the cargo container area, remains six inches from the upper edge of the container area, and if the load does not extend, at its peak, above any part of the upper edge of the cargo container area." However, trucks carrying asphalt material are exempt from the requirement of having to cover their loads (Cal. Veh. Code Section 23114(e)(2)). The County does not have the authority under state law to require asphalt trucks to be covered because it is expressly preempted by state law (Cal. Veh. Code Section 21; *Rumford v. City of Berkeley*, (1982) 31 Cal.3d 546).

Comment 12-51

Mitigation Measure 4.3-4, 1) states that asphalt cements with lower VOC/SVOC emissions, as approved by the SJVAPCD, shall be used to the "extent feasible" will not result in a measurable reduction in VOC/SVOC. The proposed mitigation does not quantify a limit on the use of processes that generate higher VOC/SVOC. The use of lower VOC/SVOC depends on how the asphalt is being uses, such as the specification requirement of the roadway being paved. The Draft EIR needs to identify the different types of asphalt processes, their use and the amount of VOC/SVOC they emit, and the anticipated percentage of Project's production of the different types of asphalt, especially the production of lower VOC/SVOC asphalt. The mitigation measure needs to quantify and limit on the amount of high VOC/SVOC asphalt that can be produced in order to mitigate the Project's environmental air quality impacts.

Response 12-51

The Draft EIR assesses impacts from the asphalt plant based on standard mix design and asphalt cement materials. The mitigation measure makes no adjustment to emissions because of substituting other asphalt cement that may have lower emissions. Nevertheless, the mitigation measure, which also includes addition of blue smoke control equipment that would decrease emissions, demonstrates that the impacts are less than significant without quantifying potential asphalt cement substitutes.

Moreover, Mitigation Measure 4.3-4 provides that asphaltic cements with lower VOC/SVOC emissions, as approved by the SJVAPCD, shall be used to the extent feasible (Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.4). Only feasible mitigation measures are required for significant environmental impacts (PRC Section 21002, 21002.1(b); CEQA Guidelines Section 15002(a)).

Mitigation Measure 4.3-4, as updated in Appendix D-4, does not need to be revised because the mitigation measure is clearly defined, is set up such that the effectiveness can be understood, and provides concrete requirements (*Sierra Watch v. County of Placer* (2021) 69 Cal.App.5th 86, 109 through 110).

Comment 12-52

Mitigation Measure 4.3-4, 2) states: "To reduce VOC emissions, periodic burner tune-ups shall be implemented" is not adequate to mitigate the significant environmental impacts on air quality. The mitigation measure needs to identify the equipment being added that is used to reduce air pollution impacts. The Draft EIR in determining "less than significant impact" relies on the uses of "new technology" that will capture 95% of blue smoke. The mitigation measure should include that the Project will conform to all new laws to prevent generation of air pollutants and update its equipment and procedures to conform with any new rule making, within six months of enactment.

The use of the term "periodic" has no quantifiable meaning and will not result in adequate mitigation. The mitigation needs to include a meaningful time limit, such as daily, weekly or monthly that the burner tune-up shall take place.

Response 12-52

Draft EIR Section 4.3.2.3, as revised in this Final EIR (see Appendix D-4) describes each local rule that applies to project sources including Rule 2201 (New and Modified Stationary Source Review) and Rule 4309 (Dryers, Dehydrators, and Ovens). New source review would result in the application of best available control technology (BACT), which

is determined by the air district at the time of the permit application. Because the best is constantly subject to change, the process of determining BACT involves review of various sources (commonly called clearinghouses) of new permits approved by air agencies. To the extent that a permit has required a certain control technology and it is achieved in practice, the permit issued by the air district would also include that control technology provided that it is cost-effective in this case. Regarding the frequency of burner tune-ups, the frequency would depend on monitoring for the process that is required by Rule 4309. When monitoring indicates a parameter is out-of-range, then a tune-up would be performed. Additionally Draft EIR Section 4.3.4, as updated in the Final EIR, specifies that the project asphalt plant on the Quarry Site would include blue smoke controls with an efficiency of 95 percent, based on manufacturer specifications outlined in Appendix H-02 of Appendix D-3. Implementation of Mitigation Measure 4.3-4 is sufficient to reduce any potential impacts resulting from emissions of the proposed asphalt plant to less than significant (see Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.4). Since identification of BACT and the level of monitoring is clearly defined by air district rules, further revisions to Appendix D-4 are unwarranted. For these reasons, the Draft EIR analysis, as updated in the Final EIR, is sufficient, and no further response is required.

Comment 12-53

Mitigation Measure 4.3-4 3) needs to be revised to apply to the features and environmental impacts of the Project instead of a project located in Imperial County.

The mitigation measure should include that the County of Fresno will monthly inspect the operations of the Project to determine that the Plant Site and Quarry Site are implementing all design features, conditions of approval and mitigation measures. The County of Fresno will keep records of all inspections, public complaints and notice of corrections during the life of the Project (100 years). This information shall be available to the public.

Response 12-53

See Appendix D-4, of this Final EIR, where Mitigation Measure 4.3-4 is revised to clarify the public agency that would be responsible for issuing a building permit for the Asphalt Plant.

As provided in the Draft EIR and required by SMARA (PRC Section 2774), the Fresno County Department of Public Works and Planning would conduct annual inspections of the surface mining operation. These annual inspections would include evaluations of whether the surface mining operation is in compliance with the approved conditional use

permit(s), approved mining and reclamation plan, and state regulations pertaining to mining (see Draft EIR page 4.4-41).

Additionally, throughout the life of the project, there would be annual mitigation monitoring reports, as required by the Mitigation Monitoring and Reporting Program (see, for example, Draft EIR pages 4.10-108 and 4.13-67. Furthermore, Fresno County is already required to maintain records and provide records to the public pursuant to the California Public Records Act (Cal. Gov. Code, Title 1, Division 10). The Operator would be responsible for costs associated with conducting inspections and mitigation monitoring and compliance for the project.

Comment 12-54

(16) Odor - Pond Pits

The Reclamation Plan will result in pond pits on each Project Site. The Draft EIR acknowledges stagnant water can lead to odors. The impact analysis assumes that there will be enough groundwater flow through the Plant Site pond and the Quarry Site to eliminate pond stagnation. Appendix G-4, Groundwater Conditions Quarry Site, indicates after reclamation there will be low inflow of groundwater with higher evaporation to prevent a pond deeper than 110 feet. The Draft EIR impact analysis states that the Quarry Site pond will upwell twice a year that will result in no pond odors.

The Quarry Site pond is over 400 feet from the surrounding surface. It is unlikely the pond will experience wind upwelling given the depth of the quarry walls, narrow surface water area and the typical low wind conditions in the area. Ocean upwelling only occurs in 4 places on earth and account for only 1% of the ocean surface.

Upwelling can occur with change in surface water temperature. However, deep quarry ponds typically remain very cold all year so it is unlikely that upwelling will occur due to warm surface water and certainly not twice a year. The Draft EIR does not support the assumption that the pond pits will not become stagnant and create an odor nuisance to the surrounding sensitive receptors. The Draft EIR should include a mitigation measure to prevent stagnant water as is included in Previous CUPs. Conditional Use Permit 2032, included Condition No. 14:

> All water bodies shall be designed to avoid stagnant water or shall be improved with appropriate circulation systems. Corrective measures shall be taken to eliminate the stagnant condition of the pond adjacent to the plant site.

The Draft EIR conclusion of Less than Significant after mitigation for air quality impacts is not supported by the analysis or the proposed mitigation to lessen the identified environmental impacts. The Draft EIR should fine the Project's environmental impact on air quality is Significant and Unavoidable.

Response 12-54

The first portion of the comment does not address the adequacy of the Draft EIR, and no further response to the first portion of this comment is needed. The comment on ocean upwelling is irrelevant to a pond that would be 100 miles from the Pacific Ocean.

As described in the Draft EIR Appendix G-3, "Groundwater Conditions at the Plant Site," an estimated 315 acre-feet per year of groundwater would flow through the reclaimed pond on the Plant Site, which would create a water balance and prevent stagnation and odors (see also Appendix D-4, page "Revised Section 4.3, Air Quality," Section 4.3.4 and Appendix B-1). As the Draft EIR states, at least twice a year, in the spring and fall, the waters at all layers of freshwater bodies turn over and, in the process, equalize the temperatures. This seasonal vertical movement of water, in addition to the lateral movement of the groundwater flow, precludes stagnation and odors (see Section 4.3.4 of Appendix D-4).

At the Quarry Site, groundwater flow through the reclaimed lake from the northeast to the southwest would also minimize stagnation (see Section 4.3.4 of Appendix D-4 and Appendix B-1). Thus, the potential for the proposed land uses to generate odors is less than significant (see Section 4.3.4 of Appendix D-4).

As explained in the Draft EIR, the movement of water in the reclamation pond at the Plant Site and the reclamation lake at the Quarry Site would be caused by both groundwater flows and changes in temperatures with the changing seasons, not caused only by wind, as this comment suggests.

The comment does not provide evidence to support the claim that the water in the reclamation pond and lake would become stagnant, and it does not refute the two reputable reports cited in the Draft EIR that show the likelihood of the opposite. (Draft EIR Appendix B-1 and Appendix B-2, "Project Description/Operational Statement")

Because the potential for the proposed reclamation pond and lake to generate odors would be less than significant, a mitigation measure is not needed (see Section 4.3.4 of Appendix D-4).

The comment provides no other basis for why the conclusion of less than significant after mitigation for air quality impacts would not be supported by the analysis or proposed mitigation measures in the Draft EIR.

Comment 12-55

iii. Section 4.4 Biological Resources

The Draft EIR is insufficient in describing the environmental impact of the Project's Biological Resources and providing mitigation for Project's significant environmental impacts. Mitigation Measures 4.4-1a, 4.4-1b and 4.4-1c only require the biological resources clearance surveys "at the start of construction" or "initiation of a mining phase." The Project only has two phases, Phase 1 of 30 years and Phase 2 of 70 years. The mitigation measures are inadequate to prevent the significant Project impacts on Burrowing Owls, Western Pond Turtle and Western Spadefoot, and nesting birds. The mitigation measure needs to be revised to require annual surveys and when mining operations occur or are relocated within the Project Site to prevent mining operation's impacts on biological resources

Response 12-55

The comment asserts that Mitigation Measures 4.4-1a, 4.4-1b and 4.4-1c are insufficient to mitigate the impacts on Burrowing Owls, Western Pond Turtle, Western Spadefoot, and nesting birds. However, this comment is conclusory in nature and does not substantiate its position with any analysis.

The comment proposes that the Draft EIR include a mitigation measure requiring annual surveys. The request for annual surveys is unusual and the requirement is unnecessary. Because burrowing owls, western pond turtle, and western spadefoot are all unlikely to occur on the project sites, Mitigation Measures 4.4-1a through 4.4-1c sufficiently reduces potential impacts to biological resources to less than significant. Furthermore, the commenter provides no justification or analysis for annual surveys. Annual surveys are not needed because the species are not expected to inhabit the project sites during active mining operations. As such, the comment's proposed mitigation of annual surveys is not required to reduce impacts to these species to less than significant. Mitigation Measures 4.4-1a through 4.4-1c were strengthened and amplified in the Final EIR. Please see Chapter 3, "Draft EIR Errata," to see the full revisions to Mitigation Measures 4.4-1a through 4.4-1c.

See Response 65-11 for further discussion regarding the mitigation measures for burrowing owls, western pond turtles, and western spadefoot.

Comment 12-56

iv. Section 4.8 Greenhouse Gas Emissions

The Project used the South Coast Air Quality Management District's guidance on impact analysis for GHG, stating that SJVAPCD modeling was outdated. The advantage to the Project was the exclusion of emissions from sectors that are required to participate in the Cap-and-Trade Program, i.e. gasoline and diesel. This is an impermissible deferral of the obligation to disclose the environmental impacts of this Project. The Project should use the SJVAPCD modeling or another suitable methodology that actually analyzes the impacts from this Project.

Response 12-56

This comment is a duplicate of Comment 12-40. See Response 12-40 for response to this comment.

Comment 12-57

v. Section 4.9 Hazard and Hazardous Materials

The Draft EIR is insufficient in describing the environmental impact of the Project and needs to be revised. Section 4.9 needs to include the exposure to asbestos from processing 200,000 tons annually of used concrete to make aggregate. The Draft EIR needs to include mitigation to lessen the exposure to workers and the community from asbestos in the aggregate process and stockpiling of broken and crushed concrete that may contain asbestos by requiring testing of used concrete prior to accepting material.

Response 12-57

The Draft EIR analyzes whether asbestos naturally occurs in the rock at the project sites and concludes that this is not the case (see Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.1.3, "Toxic Air Contaminants"). Thus, naturally occurring asbestos would not be released into the air, and the project would not result in health risk impacts due to naturally occurring asbestos related to the recycled come-back concrete (see Response 12-33). Likewise, to the extent that concrete from other processing facilities would be accepted, no mines in the region have asbestos in their rock. The comment thus proposes implementation of a mitigation measure to test all of the concrete for asbestos prior to accepting the material, which is unnecessary.

Comment 12-58

Impact 4.9-3 states that "upon completion of the final reclamation activities, the Plant Site and Quarry Site would be converted to open space land use." The Fresno County General Plan defines Open Space Land as:

> Any parcel or area of land or water that is essentially unimproved and devoted to an open space use for the purpose of: 1) the preservation of natural resources; 2) the managed production of resources; 3) outdoor recreation; or 4) public health and safety.

The Project is not consistent with the Fresno County General Plan definition of Open Space Land. Table 2-2, Allowable Uses and Permit Requirements for Agricultural Zones (attached as Exhibit 2 hereto) lists all the land uses allowed, however none of the land uses listed could be accommodated if the Project's Reclamation Plan is implemented.

Response 12-58

Upon final reclamation, the Plant and Quarry sites would both be converted to open space land use for riparian and open water habitat (Draft EIR pages 2-45 through 2-49).

The lake and pond formed as part of reclamation activities would serve as natural resources by providing additional open water habitat, which is consistent with the Fresno County General Plan. The project's consistency with the Fresno County General Plan is evaluated in Draft EIR Section 4.11.2.5, "Project Consistency with Local Planning Documents," (see Table 4.11-1, "Project Consistency with Local Planning Documents") (see also Draft EIR page 4.11-28). The Rockfield mine sites, as well as other former mine sites near the San Joaquin River, all have been used currently and over the years by numerous wildlife species. Upon reclamation that use would continue.

Comment 12-59

The Fresno County Zoning Code Section 834.4.220, Material Extraction Sites, defines "Reclamation" as:

> Reclamation. The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected

lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

The Draft EIR describes that reclamation of the 85-foot-deep pit at the Plant Site is to result in a 65-foot-deep quarry hole with eventually 20 feet of water that is not accessible by the public and has no recreational value or use. The Previous CUP's approved by the County require the Reclamation Plan to show the number of lakes with islands (CUP 2032, Condition of Approval No. 13). All other terms of the previously approved rehabilitation plans required in the CUPs should be disclosed for a fair comparison of the final impacts of this project following reclamation.

The Quarry Site's 600-foot-deep pit is to result in a 400-foot sheer walled quarry with eventually 200 feet of water at the bottom. There is no public accessibility or recreational value to the reclamation plan as presented in the Draft EIR. Surface mining quarries are notoriously hazardous with drowning fatalities. Quarries have steep drop-offs, deep water, sharp rocks, flooded equipment, submerged wire and industrial waste according to an article by Hobart M. King, PhD, RPG, "Abandon Mine and Quarry Accidents Claim Several Lives per Year," (attached as Exhibit 4 hereto).

The Draft EIR needs to be revised to provide analysis of the dangers of closed surface mines on the public. The Project and Reclamation Plan needs to be revised to leave the Project Sites in a useable condition which is readily adaptable for alternative land uses and create no danger to the public health or safety.

Response 12-59

There is no SMARA requirement that the reclaimed land serve a recreational purpose. Upon final reclamation, the Plant and Quarry sites would both be converted to open space for riparian and open water habitat. At the Plant Site, there would be a pond, and at the Quarry Site, there would be a lake formed for use as open water habitat (see Draft EIR pages 2-45 through 2-49). All required and reasonable measures would be taken to ensure that the reclaimed sites would not endanger public health or safety, and the sites would be fenced to prevent trespassing (Draft EIR page 4.11-22). Thus, the Draft EIR and reclamation plan are consistent with the Fresno County General Plan.

The comment misstates the depth of the lake that would be created at the Quarry Site using the mining pit. The Quarry Site would be reclaimed to create a 100-foot-deep lake (see Draft EIR page 2-46). A comparison of the projected environmental impacts

associated with the existing reclamation plan and potential environmental impacts associated with the proposed reclamation activities for the project is not required because the Baseline does not include future conditions (i.e. those associated with future reclamation), but rather the existing physical environment (see CEQA Guidelines Section 15125(a)).

The article cited in the comment was not peer reviewed. The article focuses on the dangers of abandoned mines that have not been reclaimed, while the project includes plans to adequately reclaim both the Quarry Site and the Plant Site. As explained in the Draft EIR, all plant- and mining-related equipment would be removed from the sites and appropriate revegetation would be completed as part of the reclamation process (see Draft EIR pages 2-45 through 2-51).

Comment 12-60

The Draft EIR should analyze the potential for a significant human health impact from mosquito borne pathogens and other vectors that may find habitat in the multiple ponds that will be created within the proposed Project. The Vector-Borne Disease Section of the California Department of Public Health has published Best Management Practices for Mosquito Control in California (the "Vector BMPs"), available at westnile.ca.gov/pdfs/BMPMosquitoControl.pdf.

The document indicates that "Standing water mosquito breeding sites may include artificial containers, treeholes, catch basins, open ditches, retention/detention ponds, natural or constructed ponds and wetlands, stormwater management devices, and the edges of streams." The multiple ponds present in the project therefore present possible breeding grounds for mosquitos, which have been found to be infected with West Nile Virus in Fresno County. (https://westnile.ca.gov/case_counts.php?year=2023&option=print.) This potential impact should be evaluated and the Universally Applicable Mosquito Control BMPs and other appropriate BMPs identified in the Vector BMPs should be included in the Draft EIR. Further analysis and development of appropriate mitigation measures should be performed in consultation with the Fresno Mosquito and Vector Control District.

Response 12-60

The Consolidated Mosquito Abatement District has jurisdiction over the project area, but did not provide a comment on this Draft EIR. The Fresno Mosquito and Vector Control District service area does not cover the project site.

The 2024 Fresno County General Plan provides the following policy: "The County shall prevent and control the spread of vector-borne diseases through best practice vector control techniques on County properties and will encourage use of these practices on other properties" (HS-A.9, emphasis added).

The Draft EIR states that the pond at the Plant Site and the lake at the Quarry Site have a continuous flow of groundwater that would prevent stagnation from occurring. As such, the continuous flow of groundwater would reduce the likelihood of mosquito habitat formation and occurrences of mosquito-borne illnesses. Such mosquito-borne pathogens and illness risks are not a significant impact. Nonetheless, to address any concerns regarding these pathogens and illness risks, the County may require the following as Conditions of Approval for the project:

- Access to the project sites shall be provided for mosquito abatement personnel for surveillance and control of mosquitoes.
- Vegetation shall be removed or thinned as needed (except reclamation vegetation) to facilitate pesticide applications and to enable mosquitofish, if necessary, to reduce the size of the mosquito population through biological means.
- Mosquito breeding habitat shall be dewatered to the extent feasible to minimize the size of potential mosquito-producing areas (except dewatering of active excavations or reclaimed ponds).

Comment 12-61

vi. Section 4.11 Land Use

(1) Zone Change

Table 2-1, Rockfield Modification Project Characteristics, includes "Concrete and Asphalt Recycling" with the "annual sales" of 200,000 MT in both Phase 1 and 2. As noted above, the Project also includes a solid waste disposal component for the fines, overburden, and other mining wastes. Pursuant to Fresno County Zoning Code Section 808.2.- Agricultural Zones, Table 2-2, Allowable Uses and Permit Requirements for Agricultural Zones, a Recycling Facility or Solid Waste Disposal Facility is not an allowed land use in the Agricultural Zone. Therefore, the proposed Project is required to apply for a zone change in order to include concrete and asphalt recycling and processes and large scale solid waste disposal.

Response 12-61

As discussed in Comment 12-22 and Response 12-22 of this Final EIR, the Fresno County Code of Ordinances defines "solid waste" and "solid waste facility" as defined in PRC 40191 and 40194, respectively. PRC 40191 expressly lists numerous types of solid waste but does not include "mining waste." "'Solid waste facility' includes a solid waste transfer or processing station, a composting facility…a transformation facility…and a disposal facility" (PRC Section 40194). Under the laws relevant here, the fines to be deposited in the bottom of the excavation would not be solid waste and would be used for reclamation purposes, and the sites would not be "solid waste facilities."

The acceptance of concrete and asphalt for recycling does not render it a solid waste processing facility. Pursuant to the Fresno County General Plan, solid waste facilities do not include recycling centers (Fresno County General Plan at page A-6).

Additionally, as provided in Fresno County Zoning Ordinance Section 834.4.220(C), concrete batch plants and asphalt batch plants are allowed uses "for the extraction, processing, storage, and transport of materials," with an approved CUP. As seen in Table 2-2, "Plant Site Existing Permitted Hours of Operation," of the Fresno County Zoning Ordinance and explained in Appendix B-2 of the Draft EIR, surface mining operations are allowed in the AE zone with a CUP (Fresno County Zoning Code, Table 2-2, at page 2-14).

Thus, the project is not required to apply for a zone change for the concrete and asphalt plants. If the project is approved, the concrete and asphalt recycling would be allowed subject to a CUP, as part of surface mining operations at the project sites.

Comment 12-62

(2) Lost Lake Park Master Plan

The Draft EIR is not consistent with the Lost Lake Park Master Plan and needs to be revised to include analysis of consistency with the approved plan. Lost Lake Park Master Plan, dated 2011, plans trail connections to and through the Project Sites. The Central Valley Vision Plan to improve livability and the regions need for recreational opportunities.

Response 12-62

The Draft EIR includes and properly analyzes consistency with the Fresno County General Plan (see Draft EIR, Table 4.11-1). The Lost Lake Park Master Plan Policy OS-C.8 provides, in part, that the "County shall, where feasible along the San Joaquin River, site recreational trails, bikeways, and other recreation areas at least three hundred (300) feet

from the edge of active aggregate mining operations and separate them by physical barriers." The Draft EIR is consistent with this policy as it provides a potential easement for a public trail to the SJRC along the Friant Road frontage of the Plant Site providing needed connectivity to planned trails in the area and a potential easement for a public trail to the SJRC along the existing 200-foot setback from the San Joaquin River at the Quarry Site (see Draft EIR page 4.11-46).

The Lost Lake Master Plan is also required to be consistent with the Fresno County General Plan. Furthermore, the Draft EIR analyzes consistency with the San Joaquin River Parkway Master Plan and the potential for trail easements at the project sites (see Draft EIR pages 2-51 and 4.11-44). Thus, the Draft EIR does not need to be revised.

Additionally, all potential recreational impacts to the San Joaquin River are adequately analyzed in Section 4.16, "Recreation," of the Draft EIR.

Comment 12-63

(3) Surface Mining and Reclamation Act

The Draft EIR is not consistent with the California Surface Mining and Reclamation Act (SMRA). The intent of the legislature pursuant to Cal. Pub. Res. Code § 2712:

> It is the intent of the Legislature to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations so as to assure that:
>
> a. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adoptable for alternative land uses.
>
> b. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
>
> c. Residual hazards to the public health and safety are eliminated.

The proposed Project results in significant and unavoidable environmental direct, indirect and cumulative impacts for aesthetics, air quality and transportation that cannot be mitigated. Therefore, the adverse environmental effects of the Project are not prevented or minimized. The Project is not consistent with Section 2712(a).

Response 12-63

Comment 12-63 is introductory and conclusory in nature. The Draft EIR is consistent with California Surface Mining and Reclamation Act (SMARA) and Section 834.4.220 of the Fresno County Zoning Ordinance, which implements SMARA. (Draft EIR page 4.11-43) Mining projects have some adverse effects and adverse environmental effects here are minimized, consistent with PRC Section 2712(a). This same section also encourages the production of minerals (PRC Section 2712(b)). Impacts that are minimized are not always avoidable. That is why numerous mines throughout California have been approved even though they have significant and unavoidable impacts, see e.g. Carmelita Resources, which Fresno County EIR was upheld by the 5th District Court of Appeals (see *Friends of the Kings River v. County of Fresno* (2014) 232 Cal.App.4th 105, even though that project had significant and unavoidable traffic and air quality impacts). Operation and reclamation of the proposed project would be consistent with SMARA and all applicable County regulations and policies (Draft EIR page 4.11-26).

Comment 12-64

The Project's reclaimed condition of the Plant Site and Quarry Site has no other adoptable land use than a pit pond surrounded by steep walls. There is no visual benefit to the community because the water is located so far down from the surface. Painting the quarry walls brown is insufficient to mitigate the visual impact of the steep quarry walls that cannot be planted with vegetation and are too steep to maintain vegetation.

The Draft EIR concludes the reclamation plan will be used for open space, riparian and open water wildlife habitat. There is no evidence presented that water wildlife will have a beneficial use of the pit pond. Section 4.4 Biological Resources, states:

> Adverse effects to special-status species could occur if wildlife that encounter the quarry pit pond or quarry lake are exposed to water with elevated concentration of metals or minerals.

The Project does not include measures to prevent the accumulation of metals or minerals. In fact, the Project proposes to abandon mining equipment and other metals in the mine pit that will be broken down over time by water resulting in accumulation of metals. The Project's Reclamation Plan does not provide a recreational value to the community. There is no mitigation measure that requires land dedication for trail easements or purchase of alternative land for recreational use. Although the Project Description/Operational Statement in Appendix B-2 makes many statements of mitigation the operator will do, many are not part

of the Project and have not been included as mitigation measures in the Draft EIR. The Project is not consistent with Section 2712(b).

Response 12-64

The comment asserts an opinion that painting quarry walls brown is an insufficient mitigation measure. The Draft EIR concludes that the impact to potentially sensitive viewpoints #12 and #13 is significant and unavoidable, even after implementation of Mitigation Measure 4.1-1 (Draft EIR pages 4.1-60 through 4.1-61). As stated in the Draft EIR, Mitigation Measure 4.1-1 reduces impacts to the greatest extent feasible (Draft EIR page 4.1-60). The comment does not suggest an additional mitigation measure, and thus no further response is required.

The project sites would be reclaimed to open space land uses, in accordance with SMARA provisions. The Draft EIR concluded that the project is consistent with the Fresno County General Plan regarding the Open Space and Conservation Element, and there is no indication of adverse impacts to the health of wildlife following reclamation of the project site (Draft EIR page 4.4-54).

The comment inaccurately states that the Draft EIR proposes to abandon mining equipment in the mine pit. All equipment would be removed from the project sites following completion of the project (Draft EIR page 4.4-53). However, equipment related to water management, such as pumps, piping, monitoring wells, and related electrical infrastructure, would remain at the Quarry Site because water would be continuously pumped from the quarry pit into the Northeast Pond and groundwater recharge trenches (Draft EIR page 4.10-87). Further, the Draft EIR concludes that the potential for the quarry pit lake to accumulate concentrations of constituents that would violate water quality standards or waste discharge requirements, or otherwise degrade water quality, would be less than significant (Draft EIR page 4.10-101). Therefore, no mitigation measure is required to prevent accumulation of metals or minerals in the pit pond or quarry lake.

The comment asserts that there are no mitigation measures requiring land dedication for trail easements or purchase of alternative land for recreational use. However, the project includes the offer of dedication of a trail easement along North Friant Road adjacent to the Plant Site and offer of dedication of a trail easement along the San Joaquin River at the Quarry Site that would allow for the potential future development of a bicycle and multi-use trail in accordance with existing local transportation planning documents (see Draft EIR Section 2.5.8, "Trail Easements," in Chapter 2, "Project Description). See also, Collective Response #22, which discusses the dedication of trail easements.

Comment 12-65

As discussed above, abandoned quarries are fundamentally dangerous to the community, especially in a high-use recreational area as the San Joaquin River. The abandoned quarry is an attractive nuisance that people will be tempted to go into. The Project will leave behind very dangerous quarry pits. The only protection for the public is a 4-foot-high barb wire fence. The Project is not consistent with Section 2712(c).

Special consideration needs to be applied to the Project in determining consistency with the SMRA and CEQA. The proposed Project is located near to urban development and the area will continue to grow in population with associated housing and commercial development that will result on an increase in people exposed to the dust, odor, noise, air pollutants and safety concerns generated from the Project. A 491 multifamily project has been constructed the northeast corner of Friant Road and Copper Avenue, less than 3 miles from the Project. The Project is located within a highly desirable recreation area of the region. The need for recreational use will continue to grow as the population in the area increases during the life of the Project. The area is already in need of additional recreational opportunities. The Project will result in exposing an increasing number of people using the San Joaquin River recreational facilities to odors, dust, noise, air pollutants and safety concerns during the life of the Project.

Response 12-65

The project is consistent with PRC Section 2712(c) because the project is consistent with all Fresno County's provisions and policies requiring specific safety measures for surface mining operations. The proposed fencing along the perimeter of the project sites complies with SMARA and the Fresno County Zoning Ordinance 834.4.220 I.4, which requires that the entire perimeter of the property would be fenced with a minimum four-foot-high, ranch fencing consisting of metal T-posts and at least three strands of barbed wire (see Draft EIR page 4.1-13). The project, therefore, is consistent with SMARA and CEQA standards (see Draft EIR pages 4.11-43 through 4.11-44). The Draft EIR adequately analyzes the project's impacts upon recreational uses in Section 4.16, "Recreation" (see Draft EIR pages 4.16-1 through 4.16-6). See also Appendix D-4, "Revised Section 4.3, Air Quality," regarding air quality, and Sections 4.9, "Hazards and Hazardous Materials," regarding hazards and hazardous materials, and 4.13, "Noise," regarding noise.

Comment 12-66

vii. Section 4.17 Transportation

(1) Truck Routes

The Draft EIR is insufficient in describing the Project's environmental impacts on transportation and needs to be revised. Section 4.17 needs to include a map of approved truck routes accessing the Project Sites from major transportation facilities in Fresno County and surrounding cites.

The VMT analysis in Appendix I-2 discloses that the Project will result in an increase from the existing 3,153,449 VMTs of the current operation to 6,668,850 VMTs in Phase 2. While the analysis also provides that a no-project alternative will result in 8,060,099 VMTs as a result of demand being "redistributed" to other mines in different locations, Figure 4.17-2 of the Draft EIR shows that these other sites are located away from Friant Road, which will be the most heavily travelled street by trucks from the proposed Project. In light of the sheer volume of VMTs that could be "redistributed" depending on the existence of the Project makes a clear map of truck routes even more crucial to understanding the impacts of this Project.

Response 12-66

The Draft EIR does not need to be revised because Figure 4.17-1, "Traffic Study Intersections and Project Trip Distribution Percentages," regarding traffic study intersections and trip distributions provides the information necessary for proper assessment of potential significant environmental impacts with a sufficient degree of analysis to enable decision-makers to make a decision that intelligently takes relevant environmental consequences into account (CEQA Guidelines Sections 15147 and 15151). The Draft EIR includes maps showing state highways and freeways and explains the potential environmental impacts related to VMT and the redistribution of project trucks, depending on the existence of the project (Draft EIR, Figure 4.17-1, Figure 4.17-2, "Active, Inactive, and Permitted Aggregate Mines in the Fresno-Madera Production Consumption Region"; Appendix I-2).

As described in Appendix I-2, "Estimates of Vehicle Miles Travelled," of the Draft EIR, the increased VMTs for the "Project Trucks Redistributed to Other Sources," is based on the analysis that the number of sources available in a region would not be expected to affect the demand for the material (see Appendix B of Appendix D-1, on, page 7). The more sources that are available, the shorter the average length per trip would be expected to be, meaning that with the no-project alternative, the trucks therefore distributed to

other sources would be expected to travel more miles to transport the material, leading to an increase in VMT (see Draft EIR, Appendix I-2, Table 2).

Figure 4.17-2 of the Draft EIR shows the project area and the other aggregate mines in the area. Figure 4.17-2 of the Draft EIR also depicts all of the state highways and freeways in the region. The comment assumes without basis that trucks from the other aggregate mining sites in Figure 4.17-2 would not use Friant Road to meet aggregate demands in that area of Fresno County, including to access nearby freeways.

Comment 12-67

(2) Pedestrians

The Draft EIR is insufficient in describing the existing pedestrian facilities in the Project vicinity. Section 4.17.1.4 must be updated to include the Eaton Trail on the west side of North Friant Road that serves both pedestrians and cyclists. Intersection trail crossings exist along North Friant Road at the intersections of Copper, Lakewood, Champlain, Fort Washington, Shepherd, Audubon and Fresno. Each of these pedestrian intersections connect residents of the City of Fresno to Woodward Park, trail facilities, residential, office and retail uses.

Response 12-67

The Draft EIR discloses the location of the Eaton Trail in Section 4.17.1.4 (Draft EIR page 4.17-4). The Traffic Impact Study analyzed each of the intersections noted in the comment (see Appendix I-1, "Traffic Impact Study," of the Draft EIR). The project would not construct any roads, walls, or other linear features that could impede vehicle, bicycle, or pedestrian mobility in the area, nor would the project involve the removal of any roads, bridges, trails, or other means of access in the area (Draft EIR page 4.11-48). As discussed in Section 4.17, "Transportation," the project would not interfere with existing or planned transit, bicycle, or pedestrian facilities or plans (see Draft EIR page 4.17-27, Impact 4.17-1) and would add a negligible number of new daily vehicle trips on local roadways (see Draft EIR page 4.17-40, Impact 4.17-2). The project would also contribute a fair share of signal improvements for those intersections mentioned as a mitigation measure.

Comment 12-68

(3) Transportation Policies

The Draft EIR is insufficient in identifying applicable land use and planning policies and ordinance. The proposed Project needs to be consistent with City of Fresno Active Transportation Plan

https://www.fresno.gov/publicworks/active-transportation-plan/
seven (7) goals:

1. Safety Enhancement
2. Connectivity, Accessibility and Comfort
3. Equity and Inclusivity
4. Economic Vitality & Quality of Life
5. Education, Encouragement & Enforcement
6. Data Collection and Performance Monitoring
7. Ongoing Maintenance

The Draft EIR is not consistent with the City of Fresno Active Transportation Plan's safety goals. It is common sense that more than doubling the annual mining activity, adding aggregate mining at the Plant Site (which is a new use, since the prior use was ceased), adding an asphalt plant, increasing concrete production, adding material recovery operations and sales of materials from the plant will increase heavy trucks on the roadways accessing the Project Sites from major transportation corridors. The added truck traffic on roadways, such as North Friant Road will exasperate existing safety issues to motorist, cyclist and pedestrians. There have been multiple pedestrian and bicyclist fatalities along Friant Road. Pursuant to Jill Gromley, Assistant Director, Traffic Engineering Division, City of Fresno:

> There have been 189 collisions reported along Friant Road corridor from Blackstone to Copper River Drive from January 1, 2019 to December 31, 2024. Sixty-two (62) of these collisions resulted in injuries and 8 were fatal. Three of the fatal collisions involved pedestrians and one involved a bicyclist. Park patrons and trail users frequently park east of Friant Road and walk through the Woodward Park entrance on Fort Washington or utilize the parking lot on the southeast corner of the Friant/Copper intersection. The residential uses east of Friant Road generate high volumes of park patrons and trail users crossing Friant Road. Frequent complaints from visitors at the park and trail users is the high speed of traffic along Friant Road and large volumes of truck traffic.

The population of Fresno County will increase over the life of the Project (100 years) which will result in increased

likelihood of conflicts between trucks from the Project and pedestrians and cyclist. Although the City of Fresno monitors roadway speed, intersection operations, and adjusts speed limits accidents and deaths still occur. The Project should implement the measures of the Fresno Area Transportation Plan and include Project features to mitigate truck traffic safety impacts on the surrounding area.

Response 12-68

The comment does not provide a basis for the assertion that the project is not consistent with the City of Fresno Active Transportation Plan. The project is located in unincorporated Fresno County. The comment overlooks that the Draft EIR in Section 4.17 analyzes the project's consistency with the relevant local plans, including, but not limited to, the Fresno County Regional Active Transportation Plan, Fresno County Regional Transportation Plan, and Madera County Active Transportation Plan.

The increase in vehicles on existing roadways does not have the potential to conflict with relevant plans, ordinances, or policies because transportation plans, including the Fresno County General Plan, Fresno County Regional Active Transportation Plan, and Fresno County Regional Transportation Plan, account for anticipated future increases in vehicles travelling along roadways (Draft EIR pages 4.11-7 through 4.11-8, 4.17-28). Additionally, the Operator would be required to pay an equitable share of pavement improvements to the County of Fresno to improve the pavement section and accommodate the traffic index values, which would contribute to maintaining safe road conditions. Because transportation and safety concerns are multifaceted and require input from multiple entities, it is best addressed on the programmatic level (i.e. general plan or transportation plan) (Draft EIR page 4.17-41). See Draft EIR Impact 4.17-1 for further discussion of the project's consistency with applicable transportation plans, ordinances, and/or policies. The Draft EIR adequately addresses safety concerns resulting from the expected increase in number of vehicles as a result of the project.

In addition, the quote from the City of Fresno Traffic Engineering Division does not attribute any of the cited fatalities to aggregate mine truck traffic.

Comment 12-69

(4) Transportation Impacts other Than VMT

The Draft EIR is insufficient in assessing transportation impacts and needs to be revised. Pursuant to OPR's Technical Advisory on Evaluation Transportation Impact in CEQA, dated December 2018, Paragraph G Analyzing Other Impacts Related to Transportation, page 25 a change in the methodology of assessing

transportation impacts does not relieve a public agency of the requirement to analyze a project's potential significant transportation impacts to air quality including mobile sources, noise, safety, or any other impact associated with transportation.

Under Public Resources Code section 21099(b)(3), the deprecation of level of service analysis does not "preclude the application of local general plan policies, zoning codes, conditions of approval, thresholds, or any other planning requirements." Accordingly, the County's traffic index thresholds of significance (along with consideration of other non-delay related impacts) are still applicable.

Using the County's TI thresholds, Chapter 4.17 concludes that the Project results in significant unavoidable impacts after mitigation to pavement conditions on Friant Road between North Fork Road and Copper River Drive, and Willow Avenue between Friant Road and Copper Avenue. (Draft EIR at 4.17-29 through 30.) These impacts are virtually undeniable, given the 6 million VMTs from Project-related vehicles, mostly heavy trucks delivering aggregate and asphalt from the Project and the acceptance of used concrete and asphalt concrete for recycling. While the LOS impacts may be moot in light of SB 743, these pavement impacts are not.

Furthermore, in the discussion of impact 4.17-3, regarding increases to hazards, the Draft EIR concludes that no such impact would occur, in part because "the operator of the Rockfield Quarry would be required to pay an equitable share of pavement improvements to the County of Fresno to improve the pavement section and accommodate the traffic index values, thereby keeping road conditions safe." This is inconsistent with the conclusion in Impact 4.17-1 that the mitigation measure would be insufficient to avoid a significant adverse impact.

Response 12-69

Comment 12-69 takes the OPR's (now the Governor's Office of Land Use and Climate Innovation) Technical Advisory and the Public Resources Code section out of context. The comment's reference to the Technical Advisory and PRC Section 20199(b)(3) apply specifically to infill projects and thus would not apply here.

However, the Technical Advisory states that:

> "Because safety concerns result from many different factors, they are best addressed at a programmatic level (i.e., in a general plan or regional transportation plan) in cooperation with local governments, metropolitan

> planning organizations, and, where the state highway system is involved, the California Department of Transportation. In most cases, such an analysis would not be appropriate on a project by-project basis…Lead agencies should note that automobile congestion or delay does not constitute a significant environmental impact (Pub. Resources Code, Section 21099(b)(2)), and safety should not be used as a proxy for road capacity" ("Technical Advisory on Evaluating Transportation Impacts in CEQA," OPR (April 2018), pages 21 through 22).

The Draft EIR uses the appropriate transportation significant criteria and significance thresholds in evaluating potential significant environmental impacts, including but not limited to VMT analysis and other "non-delay related" potential environmental impacts (see, for example, Draft EIR pages 4.17-4 and 4.17-19).

The comment is correct in noting that the Draft EIR finds that the project would result in potentially significant and unavoidable impacts to pavement conditions on Friant Road between North Fork Road and Copper River Drive and on Willow Avenue between Friant Road and Copper Avenue (Draft EIR pages 4.17-29 through 4.17-30). The Draft EIR also includes Mitigation Measure 4.17-1b, where the project would contribute an equitable share of pavement improvements to increase the pavement section to accommodate the traffic index values shown in Table 4.17-12, "Project Annual Trip Generation—Stage 1 (2.0 MT Per Year)." As explained in the Draft EIR, this potential impact is considered unavoidable mainly due to the uncertainty of when the improvements would be constructed, as that would not be within the control of the project Operator.

For Impact 4.17-3, payment of an equitable share of pavement improvements to improve the pavement section is not the only consideration in the analysis finding a less than significant impact. The analysis for Impact 4.17-3 also notes that construction-related oversize vehicle loads must comply with other California law road and safety requirements and that California Highway Patrol escorts could be used for construction-related oversize vehicle loads, under the authority of Caltrans and the County (Draft EIR page 4.17-42). To further address the commenter's concerns, please see Section 3.2.5, "Errata to Draft EIR Chapter 4, "Environmental Analysis," of Final EIR Chapter 3, "Draft EIR Errata," of this Final EIR, which describes an additional pavement mitigation measure (MM 4.17-3) that would further reduce potential impacts to less than significant. See also Appendix I-5, "Pavement Memorandum."

Comment 12-70

The City of Fresno is concerned about the Project's significant unmitigated environmental impact to its roadway surfaces from truck traffic carrying heavy loads. The Project truck traffic Average Daily Trips is expected to increase 57% over existing conditions in State 1 and an additional 38% in Stage 2. Figure 4.17-1, Traffic Study Intersection and Project Trip Distribution Percentages, indicates that 55% of the Project traffic will utilize North Friant Road to southwest of the Project Site. That traffic will be dispersed throughout the City of Fresno. Public Works Director, Scott Mozier, PE, TE estimates that the cost to repave Friant Road from SR-41 to the northern city limit is $12.8 million dollars. This would occur at 20-year frequencies, there would be a total of five rehabilitation projects for a 100-year repaving cost of$64 million dollars. This is a significant cost to the City of Fresno of Project related to non-LOS transportation impacts.

The Draft EIR needs to provide an up to date analysis of the transportation impact of truck traffic on surrounding roads (not just Friant Road and Willow Avenue) and provide a Project Trip Distribution analysis that indicated the percentage of truck traffic using study area roadways and intersections. The Draft EIR needs to provide an analysis of the existing condition of roadways and the potential of the Project's truck traffic to degenerate the life of the roadway pavement and provide mitigation for the Project's transportation impacts.

Response 12-70

See Draft EIR Section 4.17 discussing transportation and transportation impacts. See also Draft EIR Section 5.3.17 discussing cumulative transportation impacts. The Traffic Impact Study conducted for the project includes an assessment of project-related truck trip distribution on study area roads. See Draft EIR Appendix I-1, Figure 1.3 for a depiction of the selected study areas.

The traffic impact analysis study area was determined through coordination with Fresno County and its expert consultant team and is considered appropriate for the purposes of documenting the project traffic-related impacts. The comment does not reference additional roads that should be included in the traffic impact study area.

The Draft EIR analyzes impacts to existing pavement conditions, as well pavement conditions with the project in place (Draft EIR page 4.17-29). The results of the Existing-Plus-Project road segment Traffic Index (TI) analyses performed in the Traffic Impact Study are summarized in the Draft EIR, page 4.17-26, Table 4.17-10, "Traffic Index

Summary—Existing and Existing Plus Project." Because the project would result in a significant increase in the traffic index on all analyzed pavement segments, the Draft EIR proposes equitable share contributions by the Operator to mitigate the impacts of an increased traffic index.

Measures to reduce these traffic congestion effects are recommended in the Traffic Impact Study (Draft EIR Appendix I-1), are identified under Impact 4.17-1, and are required as Mitigation Measures 4.17-1a through 4.17-1r. These measures primarily consist of the payment of equitable share of costs of future roadway improvements in the County, and, if warranted, the installation of traffic signals at the intersection of North Friant Road with the Quarry Site and Plant Site entrances. The traffic study's analysis indicates that LOS and queuing would be effectively reduced through the implementation of the recommended measures; however, traffic impacts, including impacts to pavement conditions, are considered significant and unavoidable because it is uncertain when the assumed road improvements would be constructed (Draft EIR page 4.17-29; see also Response 12-71 for further discussion of why the traffic impacts are significant and unavoidable).

Comment 12-71

In addition, the Draft EIR should consider additional mitigation measures to address this significant impact. The Project should pay for the repair of all Project-related impacts to wear and tear of roadways. The following mitigation measure should be added to the Project:

> The Applicant/Owner shall enter into an agreement with the City of Fresno to pay for all cost of roadway damage caused by the Project's truck traffic. The Applicant/Owner will pay the cost to prepare a study and monitor roadway conditions every 5 years thorough the life of the Project and until the Reclamation Plan has been fully implemented.

Response 12-71

As recognized by the comment, the County cannot legally require the project to fully fund the necessary road improvements and instead must limit the imposition of mitigation requirements to those that are roughly proportional to the project's impacts (Title 14 CCR Section 15126.4(a)(4); *Dolan v. City of Tigard*, 512 U.S. 374 (1994)). Therefore, the appropriate mitigation requirement for project impacts to traffic operations is for the Operator to contribute its proportional share of funding toward the improvements, which is required here. See Draft EIR Mitigation Measures 4.17-1a through 4.17-1r. As discussed in the Draft EIR (see Draft EIR pages 4.17-29 through 4.17-30), even with the

Operator's contribution of the project's proportional share of funding for these improvements, the improvements necessary to achieve acceptable LOS and pavement conditions at these intersections may not occur before the project's introduction of additional vehicle trips because of, for example, a lack of funding for the other proportional shares beyond the control of the Operator. Therefore, the project's impact at 5 intersections (identified on Draft EIR page 5-28 through 5-29) under the following conditions is considered significant and unavoidable:

- Existing-Plus-Project Conditions (Stage 1—3.0 MT per year);
- Five-Year Cumulative Conditions with Project (Stage 1—2.0 MT per year);
- 15-Year Cumulative Conditions with Project (Stage 1—3.0 MT per year);
- Cumulative (Year 2040) No-Project Conditions; and
- Cumulative (Year 2040) Conditions with Project (Stage 1—3.0 MT per year).

See Draft EIR Section 4.17 for a detailed discussion of the Traffic Index analysis and the LOS and Queuing analysis.

Comment 12-72

viii. Section 4.16 Recreation

The Draft EIR is insufficient in describing the recreational facilities near the Project Sites. A map should be provided to depict the location of the recreation facilities identified in Table 4.16-1.

Table 4.16-1 is not accurate in describing the uses of the recreation facilities. San Joaquin River Ecological Reserve – Willow Unit and Lost Lake Park had access from a bridge and once the bridge is rebuilt, will have public access. Currently, public access can be made via the river by boat. The Draft EIR needs to use descriptions provided by the facility such as day use, hiking trails and camping. The Draft EIR presents information in a manner to lessen the public's value of the recreation facilities around the Project.

Response 12-72

The Draft EIR sufficiently describes the recreational facilities near the project sites, in accordance with CEQA Guidelines, Section 15125. Table 4.16-1, "Recreation Facilities Near the Project Sites," includes sufficient information regarding the nature of the adjacent recreational uses, specifically including Willow Unit and Lost Lake Park (see Draft EIR page 4.16-1). Figure 2-5, "Conditional Use Permits and Surrounding Land Uses," depicts an aerial image of the project's neighboring land uses, including the listed

recreational areas (see Draft EIR page 2-25). Furthermore, the Draft EIR is consistent with applicable goals, objectives, and policies set forth in the San Joaquin River Parkway Master Plan and the Fresno County General Plan applicable to recreational opportunities in the County (Draft EIR page 4.11-44).

Comment 12-73

ix. Section 4.19 Hydrology And Water Quality

The Hydrology and Water Quality analysis fails to consider significant potential impacts and several mitigation measures that should be revised to address those impacts.

For example, the proposed Project stands to greatly increase the depth of mining, which would require continuous dewatering in areas beneath the existing groundwater levels. This may result in the movement of water from deeper confined areas of the aquifer, reducing the availability of water for other wells in the area. Additional analysis of that potential impact is required.

Response 12-73

Comment 12-73 also does not provide specific evidence or argument that the Draft EIR "fails to consider significant potential impacts and several mitigation measures that should be revised to address those impacts."

Dewatering and groundwater levels are analyzed under Impact 4.10-10 and addressed in Mitigation Measures 4.10-10a and 4.10-10b, including but not limited to: "*If the additional assessment confirms that a decrease in water levels greater than 15 percent is exclusively attributable to mine dewatering, then corrective measures would be implemented.*" Additional corrective measures are also included in the mitigation measures provided. Comment 12-73 does not state a specific basis for why "additional analysis" is required. Mitigation Measures 4.10-10a and 4.10-10b are revised and clarified in the Final EIR. See Chapter 3, "Draft EIR Errata," to see the full changes to these mitigation measures.

Comment 12-74

The Draft EIR notes the presence of mobilized natural constituents in recycled silt pond water, but dismisses that impact as the result of "variability in sampling procedures," and discounts the presence of manganese and iron without sufficient analysis. The variability in measurements may be the result of operational factors. The Draft EIR must consider whether mobilized constituents have entered the groundwater at high concentrations, and must fully address the potential health implication of elevated iron and manganese concentrations.

Response 12-74

The Draft EIR explains and analyzes the presence of manganese and iron at Impacts 4.10-5 to 4.10-7 (see Draft EIR on pages 4.10-95 through 4.10-101) and provides Mitigation Measure 4.10-5a and 4.10-5b to address potential increased levels caused by the project to reduce the levels to a less than significant level.

Further, the EIR is only required to analyze impacts from the proposed project, not the existing environmental conditions (baseline). (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 377 ["agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents."]).

Comment 12-75

In addition, the mitigation measures listed in this section require further refinement. The Blasting Protocols (Mitigation Measure 4.10-1) need more detail regarding the frequency of monitoring, and specific actions that would be triggered by any protocol violations, as well as information about verification of compliance and the use of specific monitoring actions using measurable water quality metrics.

Response 12-75

Regarding Blasting Protocols and Mitigation Measure 4.10-1, please see Response 58-46.

The Blasting Protocols (Mitigation Measure 4.10-1) provide sufficient detail regarding the frequency of monitoring and include specific actions that would be triggered by exceedances of specified ground vibration and air overpressure thresholds, and instability as the result of blasting, as well as specific monitoring actions using appropriate metrics (Draft EIR pages 4.4-57 through 4.4-58). Mitigation Measure 4.10-1 is defined and described in detail to show how it would be feasible and effective (see Title 14 CCR Section 15126.4; see also *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 524).

In addition, for further clarification of Mitigation Measure 4.10-1 and the Blasting Protocols, as described in Response 58-46, Mitigation Measure 4.10-1 has been revised to reflect the requirements of the Blasting Protocols (see also Final EIR, Appendix H-9, "Revised Blasting Protocols," on page 6):

> Mitigation Measure 4.10-1 would require implementation of the Blasting Protocols (~~Appendix H-6~~Appendix H-9).... If it is determined that the instability is the direct result of blasting, and not due to natural water erosion, with or without flooding, then a corrective action plan must be

developed that identifies changes to the blasting program to prevent future exceedances. The corrective action plan will require the immediate suspension of all blasting until the corrective action is approved by the County. The Blasting Protocols also detail the requirements for complaint response procedures; record keeping; and annual reporting of monitoring, complaints investigations, and corrective actions (Originally found at Draft EIR pages 4.4-57 through 4.4-58; see also Final EIR Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR).

Comment 12-76

The Plant Site Pond Adaptive Management Program (Mitigation Measure 4.10-5) needs to provide additional information regarding: (1) who will oversee and enforce the plan, (2) the threshold water quality parameters for trigging corrective action, (3) timelines for implementing corrective measures, (4) the risks to human health and safety from herbicide use for vegetation management, (5) guidelines for the selection of such herbicides, and (6) measures to handle high testing variability due to seasonal cycles.

The Plant Site Pond Adaptive Management Program Funding Mechanism (Mitigation Measure 4.10-5) should provide details regarding the amount of funding, and the method of determining whether stabilization has occurred for the purposes of cancelling the funding mechanism.

Response 12-76

Section 4.10, "Hydrology and Water Quality," of the Draft EIR, and specifically the Plant Site Pond Adaptive Management Program (Mitigation Measure 4.10-5a), provide the information requested in the comment, including:

1. Every six months, the qualified professional responsible for the monitoring and reporting would supervise field measurements, and an annual report documenting the methodology and results of the sampling would be submitted to the County;
2. The field measurements are conducted at two depths: (a) near the surface of the water, and (b) near the bottom of the water column, which if iron concentration exceeds its secondary MCL and NPDES discharge limit of 300 ug/L, or if manganese exceeds its secondary MCL and NPDES discharge limit of 50 ug/L mg/L, the laboratory testing shall be completed again in six months to assess whether there is potential testing variability related to seasonal influences;

3. If the iron and/or manganese levels persist for five consecutive years above their respective water quality standards, then the mitigation actions described in Mitigation Measure 4.10-5a would be implemented;
4. The potential use of County approved terrestrial or aquatic herbicides during the reclamation process are also analyzed under Impacts 4.10-2 and 4.10-3 and have been found to have less than significant impacts;
5. Monitoring results shall be reported to the County in an annual report that would be submitted at the end of the first quarter of every year. The annual report shall describe any measures that have been or are planned to be taken based on the monitoring results and provide an analysis of the effectiveness of the measures, and a description of any further recommended measures, as part of subsequent annual reports.

Under the requirements of Mitigation Measure 4.10-5a, the testing and reporting must be done by a qualified professional, whose qualifications are provided to the County. The mitigation measure specifies the frequency of testing, specific testing parameters, required annual reporting to the County, and specific measures that must be taken if measurements exceed certain limits. The Plant Site Pond Adaptive Management Program indicates that monitoring would begin when the Operator allows water to begin to fill all or part of the excavated mine pit. At the latest, monitoring shall begin at the completion of mining at the Plant Site (Draft EIR page ES-33). Timelines for corrective actions are not yet determined, but would occur after the annual report submitted to the County at the end of the first quarter of every year. The annual report would disclose what corrective actions would be taken and when they would be implemented (Draft EIR pages 4.10-97 through 4.10-98).

The Plant Site Pond Adaptive Management Program Funding Mechanism (Mitigation Measure 4.10-5b) provides details regarding the amount of funding and the method of determining whether stabilization has occurred for the purposes of cancelling the funding mechanism, as described in Mitigation Measure 4.10-5a (Draft EIR pages 4.10-97 through 4.10-98). See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10 including revisions to Mitigation Measure 4.10-5a.

Comment 12-77

The Quarry Site Groundwater Adaptive Management Program (Mitigation Measure 4.10-10a) involves monitoring multiple wells across the site, and beyond, which could create logistical challenges. The measure should require the Project Applicant to demonstrate longterm access to offsite wells and further specify contingencies for situations where available data is insufficient.

Also, additional data should be provided regarding how quickly a 15% reduction in the water column could realistically occur given the large-scale nature of the Project.

The Quarry Site Groundwater Adaptive Management Program Funding Mechanism should have a provision for extending the duration beyond three years if the groundwater systems impacted by dewatering take longer than that to stabilize. In addition, this measure should clarify that monitoring and corrective actions will continue indefinitely if groundwater levels do not recover to the baseline levels.

These impacts and mitigation measures, as well as some additional general observations and recommendations are discussed in more detail in the letter dated March 3, 2025 from the Fresno Department of Public Utilities to David Randall, Fresno County Public Works and Planning Department, a copy of which is attached as Exhibit 1 hereto.

Response 12-77

Comment 12-77 restates that the Quarry Site Groundwater Adaptive Management Program (Mitigation Measure 4.10-10a) would involve monitoring multiple wells at the Quarry Site. Regarding how quickly a 15 percent reduction in the water column could occur, there have been both recharge trenches and ponds used for decades at the Quarry Site, and at numerous other aggregate mining sites in the region. Throughout the life of the quarry, water produced during dewatering of the excavation has been pumped to perimeter recharge trenches on the west side of the site and to the Northeast Pond to reduce or eliminate the effects of dewatering outside of the Quarry site boundary (Draft EIR, Section 2.4.2.2, "Quarry Site Existing Conditions," page 2-21, Section 2.5.2.2, "Quarry Site Mine Plans," page 2-39). Furthermore, Draft EIR Appendix G-6, "Addendum to Hydrology and Water Quality Analysis Report," provides a quantitative assessment of the efficacy of the use of recharge trenches to mitigate effects on groundwater levels. That analysis is based on the comparison of water year rainfall over a six-year period with groundwater levels measured over the same period using downhole pressure transducers and dataloggers in 14 Quarry Site monitoring wells. The downhole pressure transducers record water level readings every six hours. Thus, over 1,450 data points are measured in each well every year (see Draft EIR, Appendix G-6, page 3). Additionally, Mitigation Measure 4.10-10a requires mining operations to cease if groundwater recharge cannot be maintained within 85 percent of the CEQA baseline. Mitigation Measures 4.10-10a and 4.10-10b are revised and clarified in the Final EIR. See Chapter 3, "Draft EIR Errata," to see the revisions to these mitigation measures.

The monitoring wells referenced in the Draft EIR are located on-site rather than off-site (see Draft EIR Figure 4.10-4, "Quarry Site Surface Water Features and Wells"; Draft EIR Section 4.10.1.9, "Groundwater-Surface Water Interaction at the Quarry Site," page 4.10-49; and Draft EIR Section 4.10.1.8, on pages 4.10-42and 4.10-43). Accordingly, access is not an issue. Off-site well monitoring would provide supplementary data and the Draft EIR acknowledges that access may or may not be granted (Draft EIR, Appendix G-5, "Hydrology and Water Quality Analysis Report," page 60).

The Quarry Site Groundwater Adaptive Management Program Funding Mechanism explains that the funding mechanism would provide for the monitoring indefinitely if necessary for stabilization (Draft EIR, page 4.10-111).

See responses to the letter dated March 3, 2025, from the City of Fresno, Department of Public Utilities to David Randall, Fresno County Public Works and Planning Department in Responses 12-84 through 12-111 of this Final EIR.

Comment 12-78

c. Chapter 5: Cumulative analysis

The cumulative impact analysis is deficient as it does not include all of the aggregate mining operations that were used to eliminate the VMT impact from off-site hauling trips for the Project. Specifically, it includes only Austin Quarry, and omits Sanger Sand & Gravel, Kings River Sand & Gravel, Madera Quarry, Carmelita Resources, and Riverbend Sand & Gravel.

In section 4.17, the Draft EIR claims that the Project will contribute 6,683,850 VMTs by Phase 2. (Draft EIR at 4.17-20.) In the individual analysis of the Project, those VMTs are ignored based on the argument that in the absence of the Project, these other mines would contribute between 8 and 8.6 million VMTs. (Draft EIR at 4.17-23 through 24.) If this is the case, then these projects, taken together, clearly have a significant cumulative impact, and the proposed Project "contributes measurably" to the effect. This is the very definition of a cumulative impact.

Moreover, the CEQA Guidelines state that when a list is used to evaluate cumulative impacts, consideration should be given to the type of project "when the impact is specialized, such as a particular air pollutant or mode of traffic." (CEQA Guidelines § 15130(b)(2).) Here, the VMT analysis already identified similar projects using a particular mode of traffic and creating related and interdependent impacts. Those projects should all be included

in the cumulative impact analysis, particularly with regards to transportation, GHG, aesthetics, and air quality analysis.

Response 12-78

The mines mentioned in the comment were included in the individual project's VMT analysis in the Environmental Impact Section 4.17 of the Draft EIR (Transportation Impacts). See also, Tables 4.17-5, -6, -7, -8, -9 in the Draft EIR. VMT impacts were analyzed under the following scenarios: (1) all regional aggregate sources operating including permitted (non-operational) and inactive mines, (2) only active aggregate sources and the project operating, (3) no project and all regional aggregate sources operating, and (4) no project and only active aggregate sources operating (see Draft EIR page 4.17-20).

VMT analysis can but is not required to include heavy truck VMT (CEQA Guidelines, Section 15064.3; see also, Technical Advisory, Cal. Governor's Office of Planning and Research (2018) page 4).

The VMT for the project at Stage 2 is estimated at 6,683,850 under the assumption that all regional aggregate sources are operating (Table 4.17-6, Draft EIR page 4.17-20). The no-project alternative would increase VMT due to the demand for aggregate being met by other suppliers that are further from the Fresno urbanized metro area. Thus, the contribution of the other mines' VMT is incorporated in the VMT analysis in the Draft EIR it was just not restated in the cumulative impacts section. See Final EIR Chapter 3, "Draft EIR Errata," to clarify this point. The Draft EIR provides the following in connection to the project's contribution to cumulative VMT in the County: "The project would increase automobile trips between approximately 6 and 10 trips per day during Stage 1 and Stage 2 operations. This is below the 110 trips per day threshold recommended by the California Governor's Office of Planning and Research (OPR) in 2018 (but which has not been adopted by Fresno County), indicating that the project's contribution to cumulative VMT in the county would be less than cumulatively considerable and would not be inconsistent with CEQA Guidelines Section 15064.3 (Impact 4.17-2)" (Draft EIR page 5-30).

See Chapter 5, "Cumulative Impacts," of the Draft EIR, for discussion of the project's cumulative impacts as to transportation, GHG, aesthetics, and air quality. The Draft EIR's analysis of cumulative impacts is sufficient under CEQA (Title 14 CCR Section 15130).

Comment 12-79

On page 5-11, the Draft EIR states that SJVAPCD considers a project's individual emissions of criteria air pollutants to be both individually significant and cumulatively considerable it they exceed the applicable significance thresholds. The proposed

Project exceeds significance thresholds because the Draft EIR did not include a significant quantity of aggregate mining (30 MT) of fines and mine waste, the stockpiling of the excess mine waste on the Project Site for 100 years, or modeling of VMT impact on threshold criteria. These impacts must be reexamined in the cumulative impact section as well, following the addition of the similar aggregate mining projects.

Response 12-79

Please see Response 12-32 above regarding the maximum annual production values and corresponding air quality analysis. The proposed project would not exceed the significance thresholds set forth by the SJVAPCD after implementation of Mitigation Measures 4.3-2a and 4.3-2b (see Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.4, "Project Impacts and Mitigation Measures"). As such, the Draft EIR concludes that the project's individual emissions of criteria air pollutants would not be cumulatively considerable according to SJVAPCD guidance (2015) (see Draft EIR page 5-11). See Appendix D-3, "Air Quality, Health Risk, and Climate Change Impact Assessment," and Final EIR Chapter 3, "Draft EIR Errata," regarding an updated air quality analysis for the project, which clarifies and amplifies the discussion in the Draft EIR.

The stockpiles referenced in this comment would be managed in compliance with local regulations and SJVAPCD air permit guidance. SJVAPCD's Rule 8051 limits fugitive dust emissions from open areas and requires certain control measures to stabilize the surface of disturbed areas. With the implementation of Mitigation Measure 4.3-2b, the Fugitive Dust Control Plan, emissions from the surface of the stockpiles would be controlled by application of water, covering, or by use of another SJVAPCD approved chemical dust suppressant (Appendix D-4, Section 4.3.4).

The Draft EIR has evaluated VMT impacts on threshold criteria as thoroughly as the available data would allow, as these impacts depend upon where the fines and mine waste are produced.

Comment 12-80

The Draft EIR is insufficient in analyzing the cumulative impacts of the Project on air quality. The proposed Project will result in a cumulative impact on PM2.5 because the proposed mitigation for fugitive dust is not adequate to lessen the Project impact to less than significant. The Project's impact is Significant and Unavoidable. The Project has a significant impact on exposing sensitive receptors to dust and odor because not all feasible mitigation has been included in the Project. The Asphalt Plant Emission Controls are not adequate to lessen the exposure to

sensitive receptors from dust and odors and results in significant and unavoidable impact. The Project has not included all feasible mitigation to less the adverse impact of the asphalt plant on a substantial number of people.

Response 12-80

Mitigation Measures 4.3-2a and 4.3-2b are sufficient to reduce the project's impact on criteria air pollutant emissions to less than significant. The comment is vague and does not provide any evidence that the impact of $PM_{2.5}$ emissions is significant and unavoidable, nor assert any additional mitigation that the project could apply.

The comment asserts without evidence that the asphalt plant emissions controls are insufficient to reduce dust and odors. The Draft EIR discusses the efficacy of the asphalt plant emissions controls and concludes that Mitigation Measure 4.3-4, the Asphalt Plant Emissions Controls, is sufficient to mitigate VOC, SVOC, and/or SO_2 emissions to less than significant (see Appendix D-4, page Section 4.3.4). The County need not analyze or include every single possible mitigation measure (see *Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 Cal.App.4th 911, 935).

Comment 12-81

d. Appendix B-2: Project Description/Operational Statement

i. Project Need and Economic Impact

The information provided on Page 6, of Appendix B-2, Project Description/Operational Statement is inaccurate and misleading as to the amount of permitted aggregate mining and processing facilities within the Fresno P-C Region in stating that there is an existing 50-Year permitted capacity of 6.0 MT, but a 50-Year need for 6.1 MT. California Geological Survey, Aggregate Sustainability in California, 2018, Table 1 (attached as Exhibit 5 hereto). Comparison of 50-Year Demand to Permitted Aggregate Reserves for Aggregate Study Area as of January 1, 2017, indicates the Fresno P-C Region has a 305 MT 50-Year Demand, has 556 MT Permitted Aggregate Reserve that results in having 182% of the 50-Year demand. This results in a 6.1 MT 50-Year demand, but the permitted 50-Year aggregate reserve is 11.12 MT. These figures do not include the Fresno County Carmelita Project's permitted aggregate production of 1.25 MT per year.

Response 12-81

CEQA does not require the evaluation of the economic impacts of a proposed project (Title 14 CCR Section 15131).

This comment inaccurately asserts that the Surface Mining and Reclamation Plan's Project Description/Operational statement is misleading as it pertains to the supply and demand of aggregate in the Fresno P-C Region. The last version of Map 52 is based on data over 9 years old and overestimates supply and underestimates demand in the Fresno P-C region and should not be solely relied upon to accurately represent the region's current aggregate needs. Map 52 reflects the total permitted reserves of aggregate in a specified region; furthermore, the data was collected prior to January 1, 2017, and is now outdated. Multiple mines factored into the calculation have either never produced any aggregate (e.g. Carmelita Resources) or have now closed (e.g. Riverrock), causing non-operational mines to overrepresent the permitted aggregate availability in the region. In addition, supply is overstated because the analysis is for a 50-year supply but Map 52 uses production amounts only attainable over 100 years due to annual production limits in the applicable County permits. Finally, Map 52 reflects a temporary decrease in demand for aggregate due to the 2007-2008 Great Recession, therefore skewing downward the actual demand for aggregate in the region, especially when considering the substantial development growth in eastern Madera County since 2016. Therefore, the 556MT Permitted Reserves is a significant overrepresentation of the actual amount of aggregate supply in the region.

It should be noted that there are still currently four active aggregate mining and processing facilities within the Fresno P-C region. Calaveras Materials' Kings River Plant is now owned and operated by Martin Marietta (1.0 MT/yr). As indicated in the Project Description/Operational Statement, the 50-year demand is a measuring tool and not a limit on competition (Draft EIR Appendix B-2, page 6).

See also Collective Response #3 for additional analysis of aggregate supply and demand in the Fresno P-C region.

Comment 12-82

e. Chapter 6: Alternative Analysis

The Alternative Analysis prematurely rejected the Reduced Operational Life Alternative. The County found that it would reduce utilization of a known MRZ-2 resource in conflict with Fresno County's General Plan and does not fully meet some of the project objectives." This ignores the possibility (or given the site's history, the virtual certainty) that the Project Owner would seek

a further extension of the CUPs upon their expiration. At that time, an environmental review could take place to more accurately analyze impacts taking place far in the future from the present day. Armed with that more accurate analysis, the County could then re- evaluate the continuing need for the mine, and weigh that need against the environmental concerns then prevailing. This would have the additional benefit of allowing the County to consider mitigation measures using technological advancements that have not yet taken place.

The same deficiency appears in the discussion of alternatives 2-6. Those alternatives should recognize that a limited CUP approval now does not preclude a further expansion or extension of mining following expiration or exhaustion of current limitations. Accordingly, these alternatives could meet the project objectives, but with the benefit of further environmental review and possibly more effective mitigation to be implemented at a later date.

Response 12-82

Alternatives may be eliminated from detailed consideration in the EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid any significant environmental effects (Title 14 CCR Section 15126.6 (f)). Here, the Reduced Life Alternative was rejected from further analysis because it did not meet three of the basic objectives of the project which seek to continue aggregate mining into the future (Draft EIR page 6-8). Project Alternatives 2 through 5 and associated analysis contained in Draft EIR Chapter 6, "Alternatives," describe a range of reduced pit depths and operational changes that would necessarily result in a reduced project lifetime. Furthermore, this comment speculates that the Operator may wish to request an additional CUP extension in the future following the permitted life of the project, which speculation need not be analyzed under CEQA (Title 14 CCR Section 15145).

Comment 12-83

In addition, the analysis of the project alternatives incorrectly states that neither the proposed project nor Alternatives 1, 2, 3, 4, or 5 would result in any significant transportation impacts." (Draft EIR at 6-19, 6-30, 6-38, 6-49, 6-57.) To the contrary, Chapter 4.17 identified significant unavoidable impacts after mitigation, both in terms of signalization and pavement damage. These impacts must be recognized in the discussion of the alternatives.

6. Conclusion.

For the foregoing reasons, the NOP, NOC, NOA, and Draft EIR all require significant revision, and should be revised and recirculated for public comment.

Response 12-83

Comment 12-83 correctly notes that Impact 4.17-1, "Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System, including Transit, Roadway, Bicycle, and Pedestrian Facilities," was deemed significant and unavoidable, so the impact was properly noted in the Section 4.17, but misstated in the Alternatives Section. See Final EIR Chapter 3, "Draft EIR Errata," Section 6, "Alternatives," addresses and clarifies the issue. As stated in the Draft EIR, this impact is only considered significant and unavoidable because it is uncertain when the improvements mentioned in Mitigation Measure 4.17-1 would be implemented (Draft EIR page 4.17-3).

As discussed in previous responses, the NOP, NOC, and NOA were sufficient under CEQA and need not be revised or recirculated. See Responses 12-2 through 12-12 regarding discussion of CEQA noticing requirements. Additionally, the Draft EIR is sufficient under CEQA and need not be recirculated; minor revisions to the Draft EIR and amplification of certain Draft EIR Sections are noted in responses where applicable.

Comment 12-84

EXHIBIT 1 – Letter dated March 3, 2025 from the Fresno Department of Public Utilities to David Randall, Fresno County Public Works and Planning Department, a copy of which is attached as Exhibit 1 hereto

March 3, 2025

Sent Via Email Only

David Randall
Senior Planner
Fresno County Public Works and Planning Department
Development Services and Capitol Projects Division
2220 Tulare St., 6th Floor
Fresno, CA 93721

SUBJECT: RESPONSE TO THE NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE PROPOSED MODIFICATION TO THE EXISTING CEMEX ROCKFIELD QUARRY (EIR NO. 7763 AND UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATIONS NO. 3666 AND NO. 3667)

Dear Mr. Randall:

The City of Fresno, Department of Public Utilities, (DPU) is in receipt of the reissued Notice of Availability, received on January 24, 2025, for the Draft Environmental Impact Report (EIR) for the Proposed Modification to the Existing Cemex Rockfield Quarry (EIR No. 7763 and Unclassified Conditional Use Permit Application Nos. 3666 and 3667) (Project). The purpose of this response letter is to convey DPU's concerns following review of the EIR Sections 4.10 - Hydrology and Water Quality and 4.19 - Utilities and Service Systems, particularly as they relate to water supply and water quality impacts.

Response 12-84

The County notes these exhibits for the record. See Responses 12-84 through 12-111 for discussion of issues raised in the Fresno County Department of Public Utilities letter attached as Exhibit 1. See also Collective Response #3 regarding aggregate supply and demand in the Fresno region.

Comment 12-85

BACKGROUND

CEMEX Construction Materials Pacific LLC has submitted applications to Fresno County (County) for two unclassified Conditional Use Permits (CUPs). These applications seek approval to continue and modify existing aggregate mining and processing activities, including the extraction of rock, sand, and gravel, at the Rockfield Quarry. The proposed project encompasses two distinct locations, situated approximately two miles apart:

1. Plant Site (approximately 139 acres): Located on the west side of North Friant Road, between North Willow Avenue and Little Dry Creek, approximately 1.2 miles north of the City of Fresno limits.

2. Quarry Site (approximately 352 acres): Located on the west side of North Friant Road, between Bluff Avenue and Lost Lake Road, approximately 2.7 miles north of the City of Fresno limits.

Response 12-85

This is an introductory comment regarding the proposed project and the locations of the Plant Site and Quarry Site. The comment does not address the adequacy of the Draft EIR and requires no further response.

Comment 12-86

Since 1924, the Plant Site has supported aggregate mining and processing, including an aggregate processing plant, a ready-mix concrete facility, and ancillary operations that also process raw aggregate brought in from the Quarry Site. Mining and processing activities disturb nearly the entire plant site, aside from mandated setbacks along Friant Road.

At the Quarry Site, permitted for aggregate mining since 1960 (with initial operations dating back to 1913 to 1920 and a later resumption in the late 1980s), mining is focused on the alluvial deposit. There are no processing facilities onsite; instead, raw aggregate is transported approximately two miles south via Friant Road to the Plant Site for processing. Most of the Quarry Site has been extensively mined and disturbed, except for required setbacks along the San Joaquin River and Friant Road. Groundwater or surface water encountered during excavation is pumped either to a reclaimed pond in the northeast corner (the "Northeast Pond") or to recharge trenches along the site's western boundary. Historically, when the Northeast Pond was mined about 20 years ago, water from excavations was pumped to a nearby recharge trench, but following the completion of that excavation, water is now directed to the Northeast Pond for recharge.

Response 12-86

This is an introductory comment regarding prior and current mining operations at the Plant Site and Quarry Site. The comment appears to mistakenly state that water from the Quarry Site excavation activities is no longer pumped to nearby recharge trenches. Ongoing activities at the Quarry Site currently include pumping water to existing groundwater recharge trenches (approximately 2,000 feet in length and 5 feet wide) along the western boundary of the Quarry Site (see Draft EIR, Section 2.4.2, "Project Sites Land Uses," page 2-21).

Comment 12-87

The Modification Project is planned in two stages:

- In Stage 1, lasting up to 30 years, operations will continue concurrently at both sites. At the Plant Site, the existing processing plant, ready-mix concrete plant, and related facilities will remain active, with a new modern asphalt plant replacing the outdated unit. Mining will proceed to a depth of about 85 feet below ground surface, with water pumped from excavations to recharge trenches along the site's boundaries. Upon completion, the Plant Site will be reclaimed as 138.5

acres of open space, riparian, and open water wildlife habitat. At the Quarry Site, mining will be modified to extract the underlying hard rock (granite) beneath the alluvial deposit via drilling and blasting to roughly 600 feet bgs while maintaining the Northeast Pond as a groundwater recharge source. A new aggregate processing plant, located in a previously excavated pit about 30 feet bgs, will be added, and wash water will be recycled onsite.

Response 12-87

This is an introductory comment regarding Stage 1 mining operations at the Plant Site and Quarry Site. The comment fails to include that the Quarry Site would also increase the length and amount of recharge trenches as a groundwater recharge source (see Draft EIR, Section 4.10.3.2, page 4.10-85).

Comment 12-88

- In Stage 2, hard rock mining and processing will continue exclusively at the Quarry Site. The ready-mix concrete and hot-mix asphalt plants will be relocated from the Plant Site to the Quarry Site, and once excavation is complete, mining and processing equipment will be removed (except for water management infrastructure). The Quarry Site will then be reclaimed as 352.4 acres of open space, riparian, and open water wildlife habitat.

The City and Project are within the same Kings Subbasin, thus making the Project subject to the objectives of the North Kings Groundwater Sustainability Agency (NKGSA) as imposed by the Sustainable Groundwater Management Act (SGMA).

Response 12-88

This is an introductory comment regarding Stage 2 mining operations at the Quarry Site and regarding the project being subject to the North Kings Groundwater Sustainability Agency (NKGSA) as imposed by the Sustainable Groundwater Management Act (SGMA). As provided in the Draft EIR, the North Kings Groundwater Sustainability Agency's groundwater management area is not experiencing critical overdraft conditions (see Draft EIR, Appendix G-5, Section 5.0, on pages 55 through 57).

Comment 12-89

WATER SUPPLY AND GROUNDWATER USAGE

Plant Site

1. The Applicant holds riparian rights to withdraw water from the San Joaquin River for use in aggregate processing at the Plant Site. River water arrives via a dedicated delivery ditch on the west side of the property. After use in washing rock, sand, and gravel, the process of water now carrying fine sediments, flows to silt ponds, where these fines settle out. The clarified water is then circulated back to the processing plant or used for dust control, with any surplus recharging the underlying aquifer. The water level in the silt ponds fluctuates seasonally based on rainfall and groundwater levels, and new ponds may be formed as mining operations shift across the site. Current usage of river water for processing totals approximately 295 acre-feet per year.

2. Current Groundwater Usage

    - The Plant Site supports aggregate mining and processing, including a ready-mix concrete facility and ancillary operations.

    - Water usage primarily involves low-volume pumping for operational needs such as equipment wash-down, dust control, and limited dewatering if shallow groundwater is encountered during excavation (although much of the site is already heavily disturbed).

    - Existing practices indicate that most onsite water demand is met with minimal groundwater pumping, supplemented by any necessary surface water management.

3. Proposed Groundwater Usage (Stage 1 and Transition to Stage 2)

    - During Stage 1, the existing processing plant and ready-mix facility remain at the Plant Site, with groundwater usage continuing at levels similar to current operations (e.g., equipment washing, dust control).

    - A new asphalt plant will replace the outdated one, but no substantial increase in groundwater extraction is anticipated, as pumping volumes are projected to remain low and used efficiently.

- By Stage 2, once mining ceases at the Plant Site, the ready-mix and asphalt plants relocate to the Quarry Site, substantially reducing or eliminating most groundwater usage at the Plant Site.

- Ultimately, the Plant Site will be reclaimed, thereby further decreasing any groundwater withdrawals. By Stage 2, once mining ceases at the Plant Site, the ready-mix and asphalt plants relocate to the Quarry Site, substantially reducing or eliminating most groundwater usage at the Plant Site.

- Ultimately, the Plant Site will be reclaimed, thereby further decreasing any groundwater withdrawals.

Response 12-89

This is an introductory comment regarding the Plant Site's water supply and groundwater usage. The comment does not address the adequacy of the Draft EIR and requires no further response.

Comment 12-90

Quarry Site

1. No surface water from the San Joaquin River is used at the Quarry Site. Instead, the site relies on the Northeast Pond, a permanent water body located in the northeastern portion of the property that functions as a dedicated groundwater recharge feature. By allowing water to percolate into the underlying aquifer, this pond plays an important role in maintaining local groundwater levels. Beyond the Northeast Pond, several additional ponds have formed over time due to historical and ongoing mining activities. These are typically seasonal or temporary features, receiving water primarily from rainfall runoff and shallow groundwater inflows. Their size and shape may vary seasonally and in response to quarrying operations. If standing water in these ponds impedes active mining, it can be pumped out to facilitate continued excavation. As the quarry expands into new areas, freshly excavated depressions may accumulate water, creating new temporary ponds.

2. Current Groundwater Usage

    - Historically, mining at the Quarry Site has been focused on alluvial deposits. Dewatering activities are limited to pumping water from active excavation areas to a

recharge pond (the "Northeast Pond") or to recharge trenches along the site boundary.

- These small-scale pumping efforts are designed to manage water levels within the excavation while reintroducing excess water to the local aquifer system via recharge features.

- There are no active large-volume production wells at the Quarry Site for processing or potable use.

3. Proposed Groundwater Usage (Stage 1 and Stage 2)

- In Stage 1, mining will expand to underlying hard rock (granite), requiring continued dewatering of excavation areas. However, this water will again be recycled or returned to recharge ponds or trenches, minimizing net groundwater consumption.

- A new aggregate processing plant will be constructed in a previously mined pit (approximately 30 feet below ground surface), using wash water that is largely recycled onsite. Any groundwater usage is expected to remain limited to operational needs such as drilling, dust control, and equipment cleaning.

- In Stage 2, full-scale hard rock mining continues, and the ready-mix and asphalt plants relocate from the Plant Site to the Quarry Site. Groundwater demand may shift onsite but overall remains modest, given the emphasis on water recycling and on pumping water primarily for dewatering and dust control.

- Ultimately, upon mine closure, the Quarry Site is to be reclaimed as open space and habitat, at which point groundwater pumping would cease, apart from possible minimal flows needed to maintain water features for reclamation purposes.

The existing and proposed water use was summarized in Table 4.19-1, which is reproduced below:

Source	Project Phase				Change from Existing Conditions		
	Existing	*Stage 1*	*Stage 2*	*Reclamation*	*Stage 1*	*Stage 2*	*Reclamation*
PLANT SITE							
San Joaquin River	295	125	0	0	-170	-295	-295
Groundwater Supply Wells	35	60	0	0	25	-35	-35
Reclamation Period Evaporation and Evapotranspiration	--	--	440	440	0	440	440
Plant Site Total:	**330**	**185**	**440**	**440**	**-145**	**110**	**110**
QUARRY SITE							
Groundwater Supply Well	0	1	55	0	1	56	0
Water Use from Ponded Pits (includes indirect losses through evaporation/evapotranspiration)	440	465	495	0	24	55	-440
Reclamation Period Evaporation/Evapotranspiration	--	--	--	585	0	0	585
Quarry Site Total:	**440**	**465**	**550**	**585**	**25**	**111**	**145**
PLANT SITE AND QUARRY SITE TOTAL:	**770**	**650**	**990**	**1,025**	**-120**	**220**	**255**

Available of water vs. the proposed water use was summarized in Table 4.19-2, which is reproduced below:

Site	Water Source	Existing	Stage 1	Stage 2	Reclamation
Plant Site	Total for Plant Site[b]	420	865	600	440
Quarry Site	Total for Quarry Site[c]	635	675	715	600
Total for Sources Plant & Quarry Sites		**1,055**	**1,540**	**1,315**	**1,040**
Total Water Use		**770**	**650**	**990**	**1,025**
Total Sources vs Total Use		**+285**	**+890**	**+325**	**+15**

Response 12-90

This is an introductory comment regarding Quarry Site's water supply and groundwater usage during Stages 1 and 2 mining operations and during reclamation. The comment does not address the adequacy of the Draft EIR and requires no further response.

Comment 12-91

HYDROLOGY AND WATER QUALITY

Plant Site Hydrogeologic Setting

Groundwater monitoring at the plant site is currently conducted in four shallow alluvial wells. These wells were installed in 2018 and extend from approximately 96 to 116 feet below ground surface (bgs). The alluvial deposits at this location typically consist of unconsolidated materials such as sand, silt, clay, and gravel, which can provide a relatively shallow groundwater pathway. Based on the data collected to date, groundwater flow in the shallow alluvial aquifer at the plant site generally trends toward the south- southwest.

Quarry Site Hydrogeologic Setting

Groundwater at this site is found in three distinct geologic units: alluvium, weathered rock, and hard rock. Each unit has different physical and hydrogeologic characteristics, which influence both the depth of the wells and the direction of groundwater flow.

1. Alluvium (Shallow Wells)

    - The alluvial deposits consist of unconsolidated materials such as sand, silt, clay, and gravel.
    - Four wells are currently completed in the alluvium, each less than 30 feet deep.
    - These shallow wells are identified by an "S" at the end of their well number (e.g., Well 1S).

2. Weathered Rock (Intermediate Wells)

    - Beneath the alluvium lies a layer of partially decomposed or weathered bedrock.
    - Four wells are screened within the weathered rock at depths generally between 40 and 70 feet.
    - These are labeled with an "M" after the well number (e.g., Well 2M).

3. Hard Rock (Deep Wells)

    - The deepest geologic unit comprises unweathered (competent) bedrock.

- Seven wells-designated with a "D" (e.g., Well 3D)-are drilled into this hard rock formation, reaching depths of approximately 600 feet.

Based on current hydrogeologic data, groundwater flow in the shallow (alluvial) wells is predominantly toward the south and southeast. In the weathered rock wells, flow is also generally toward the southeast.

Groundwater sampling at the Quarry Site's groundwater monitoring wells occurred in 2018, 2019 and then a more comprehensive groundwater sampling event occurred in September and October 2021.

Response 12-91

This is an introductory comment regarding the Plant Site's and Quarry Site's hydrogeologic setting. However, the comment does not address the adequacy of the Draft EIR and requires no further response.

Comment 12-92

POTENTIAL IMPACTS NOT DISCUSSED IN EIR

1. Potential alteration to natural groundwater flow characteristics

Currently, "the depth of groundwater across the Quarry Site has been measured as varying from about 10 to 45 feet bgs" (page 4.10-37) while, for the Plant Site, "the depth to groundwater varies from about 10 to 40 feet bgs" (page 4.10-34). The Project involves extensive mining below the existing groundwater levels, hundreds of feet in the case of the Quarry Site, which requires continuous dewatering of the mines. The applicant has emphasized that groundwater usage in Phase 1 and Phase 2 will be relatively similar to existing conditions. However, the continuous dewatering of the mines and subsequent recharge of that water into onsite ponding basins may result in the movement of the water from deeper, potentially confined aquifers to the shallower, unconfined aquifer. Many of the City wells in the northern portion of the City draw water from the deeper, confined aquifers, and continuous dewatering of mines in the vicinity of those confined aquifers may reduce water availability for those wells. As such, there needs to be a greater understanding of the volume of water expected to be dewatered from the mines over both Phase 1 and Phase 2, whether the volume changes seasonally or annually, and if the water recharged onsite is able to reach those deeper aquifers.

Response 12-92

The comment incorrectly alleges that the dewatering from the deeper confined aquifers may reduce water availability for those wells. The total proposed water use during Phase 1 and Phase 2 is provided in Table 4.19-1, "Existing and Proposed Water Use Summary (Acre-Feet per Year)," (Draft EIR page 4.19-9), the estimated groundwater flow under the Quarry Site within the alluvium, weathered rock, and the hard rock are found at Draft EIR, Section 4.10.1.7, "Local Geologic and Groundwater Conditions," page 4.10-38, and the estimated drawdown of groundwater levels in wells near the Quarry Site are provided in Table 4.10-9, "Estimated Drawdown of Groundwater Levels in Wells Near the Quarry Site," (Draft EIR page 4.10-106). In addition, Draft EIR Appendix G-5 provides the transmissivity values (i.e., for all of the deep wells) (see Draft EIR, Appendix G-5, Section 2.2.1, page 19).

At the Quarry Site, the alluvial material has already been removed by the historic mining described in Comment 12-86 and it is fully dewatered under current (baseline) conditions. Thus, dewatering would only occur in the weathered rock and hard rock units, which are both part of the bedrock that underlies the bottom of the North Kings Groundwater Basin. These deeper bedrock water bearing units are not directly connected to the aquifers within the groundwater basin, including those from which the City of Fresno pumps water. In any case, Mitigation Measure 4.10-10a provides an adaptive management plan to ensure that dewatering would not significantly reduce groundwater availability in wells in close proximity to the Quarry Site, including the possibility of requiring that mining cease if recharge cannot fully mitigate the effects of dewatering. By protecting the groundwater production in wells near the Quarry Site, the wells located much further from the Quarry Site that the City of Fresno relies on, would also be protected.

Further, Mitigation Measure 4.10-10a requires the monitoring of the deep MW-3 well cluster (which establishes the baseline drought periods, wet periods, and seasonal fluctuations in the water level conditions in the hard rock), and that all dewatering operations cease if due to the mining operations the groundwater levels in the hard rock fall below 15 percent of the CEQA baseline groundwater levels (Draft EIR, on pages 4.10-108 through 4.10-111).

Additionally, the Draft EIR provides the Quarry Site's groundwater conditions have seasonal fluctuations in water levels during the wet and dry seasons, as well as in response to cycles of drought (Draft EIR, page 4.10-37). The Draft EIR explains that:

> regardless of the magnitude of water level decline in response to multiple years of drought from 2020 to 2022, groundwater levels increased rapidly

> due to the elevated rainfall that occurred during the 2023 water year. This increase was observed in all three geologic units (alluvium, weather rock, and hard rock) (Draft EIR, page 4.10-37).

Finally, regarding whether the water recharged onsite is able to reach the deeper aquifers, the Draft EIR provides that:

> Groundwater infiltration from alluvium to weathered rock and hard rock, is limited due to the low hydraulic conductivity of the weathered rock and hard rock as compared to the alluvium; however, some groundwater infiltration does occur and is dependent on the degree and nature of fracturing of the weathered rock and hard rock (Draft EIR, page 4.10-48).

At the Plant Site, all water pumped for dewatering during Phase 1 would come from the shallow alluvial aquifer and be recharged back into that same aquifer using perimeter recharge trenches. Dewatering would not occur after Phase 1. As described in the analysis for Impact 4.10-8 in the Draft EIR, the drawdown in the alluvial aquifer at distances of 1,000 feet or more from the edge of the Plant Site would be two feet or less. Therefore, dewatering at the Plant Site during Phase 1 would not have any measurable effect on City of Fresno wells in the deeper confined aquifers.

Comment 12-93

2. Mobilization of naturally occurring constituents

The EIR seemed to de-emphasize the potential impact of mobilizing naturally occurring constituents, including arsenic, iron, lead, and manganese. Based on the water quality data shown in Table 4.10-3, continuous aggregate processing with recycled silt pond water appears to release and concentrate the naturally occurring constituents in the silt ponds. There was no discussion of whether the silt pond was lined nor of any water treatment associated with the silt ponds, so it was assumed that all the silt pond water freely percolates into the groundwater aquifer. The newly mobilized constituents appear to have impacted multiple monitoring wells throughout the Plant site in the vicinity of the silt pond, as shown in Table 4.10-5. Elevated iron and/or manganese was detected from the monitoring wells on the following dates:

		MW-2	MW-3		MW-4	
Constituent	**Units**	***8/9/18***	***10/17/18***	***8/28/19***	***10/24/18***	**sMCL**
Iron	µg/L	530	<30	2600	<30	300
Manganese	mg/L	790	2,600	1,030	300	50

Response 12-93

See Responses 6-52, 6-71, 6-72, and 65-27, which adequately address the incorrect assertion in the comment that the Draft EIR fails to analyze water quality impacts associated with the Plant Site's silt pond water percolating into the groundwater aquifer. Specifically, Responses 6-52, 6-71, 6-72, and 65-27 provide in pertinent part that the surface water and groundwater concentrations reported in Draft EIR represent existing baseline conditions at the Plant Site and thus are not indicative of potential project effects. Additionally, Responses 6-52, 6-71, 6-72, and 65-27 provide in pertinent part that the water in the silt pond typically is very turbid and contains a high level of suspended solids due to the aggregate washing process. The suspended solids are clays that consist of natural earth materials and mineral. For the metals, both unfiltered and filtered samples (shown as "total" and "dissolved," respectively in Draft EIR, Table 4.10-3, "Plant Site Surface Water Quality Data") were analyzed. The unfiltered samples contain the suspended mineral solids and represent the total concentration of the metals in the water and the suspended solids. The filtered samples contain only metals dissolved in the water. The total concentrations of arsenic, iron, lead, and manganese from the unfiltered samples exceed their respective water quality standards, but the dissolved concentrations from the filtered samples do not. Further, as provided in the Draft EIR in Section 4.10.1.8, "Groundwater Quality," page 4.10-42, the occasional elevated levels of iron and manganese identified in Table 4.10-5, "Plant Site Groundwater Quality Data," are most likely represent naturally occurring concentrations in the suspended solids within the samples and may be the result of variability in sampling procedures. Finally, the Plant Site silt pond is not lined.

Comment 12-94

The explanation provided in the EIR was unsatisfactory. It stated, "However, the iron and manganese concentrations vary substantially between sampling events. Thus, the occasional elevated levels of iron and manganese identified in some of the samples from Plant Site wells MW-2, MW-3, and MW-4 most likely represent naturally occurring concentrations in suspended solids within the samples and may be the result of variability in sampling procedures" (page 4.10-42).

Response 12-94

The comment questions the Draft EIR's explanation that "… samples from Plant Site wells MW-2, MW-3, and MW-4 most likely represent naturally occurring concentrations…" (Draft EIR, page 4.10-42). As noted in Responses 6-52, 6-71, 6-72, and 65-27, the water in the silt pond typically is very turbid and contains a high level of suspended solids due to the aggregate washing process. The suspended solids are clays that consist of natural

earth materials and mineral. For the metals, both unfiltered and filtered samples (shown as "total" and "dissolved," respectively in Table 4.10-3 to the Draft EIR) were analyzed. The unfiltered samples contain the suspended mineral solids and represent the total concentration of the metals in the water and the suspended solids. The filtered samples contain only metals dissolved in the water. The total concentrations of arsenic, iron, lead, and manganese from the unfiltered samples exceed their respective water quality standards, but the dissolved concentrations from the filtered samples do not.

Table 4.10-3 shows that elevated concentrations of arsenic, iron, lead, and manganese are not dissolved within the water at the Plant Site silt pond. The elevated concentrations are only present in water samples that were not filtered and contain suspended naturally occurring silts. Thus, metals are not mobilized in the aggregate washing process and in the silt ponds.

Furthermore, the groundwater contour maps shown in Appendix B of the report within Appendix G-3 of the Draft EIR show that MW-2 is along the upgradient side of the Plant Site, away from the silt pond. Thus, the elevated iron and manganese concentrations at MW-2, as reported in Table 4.10-5 of the Draft EIR, are not from the silt pond. MW-4 is the nearest downgradient well to the silt pond, yet the concentrations of iron and manganese reported in Table 4.10-5 of the Draft EIR in that well are lower than those reported in MW-2, on the upgradient side of the site.

Based on the lack of elevated metals detections in the dissolved samples from Table 4.10-3 of the Draft EIR, the groundwater flow directions shown in Appendix G-3 of the Draft EIR, and the concentrations of iron and manganese in the groundwater samples reported in Table 4.10-5 of the Draft EIR, the occasional elevated iron and manganese concentrations reported in MW-2, MW-3, and MW-4 represent naturally occurring background concentrations from the native geologic materials in which the wells are screened. Also see Response 6-52.

Comment 12-95

The EIR did not consider the possibility that concentrated and mobilized iron and manganese from the silt ponds infiltrated into the groundwater, thus triggering the extremely high concentrations that well exceed background levels. Furthermore, the variability in the concentrations detected are likely a result of operational factors such as when the silt pond is filled or not, whether water is being actively used for aggregate processing and being discharged back to the silt pond, and the groundwater level at the time of the sampling, with higher groundwater levels likely leading to a reduced time of travel from the silt ponds to the monitoring wells.

Response 12-95

See Responses 6-52, 6-71, 6-72, 65-27, and 12B-94 for remarks on the silt pond test results.

Comment 12-96

Furthermore, the EIR appears to be dismissive of the potential health implications of elevated manganese concentrations. During the discussion of Impact 4.10-4, it stated, "Iron and manganese concentrations showed high variability and exceed their respective Basin Plan standards and secondary MCL standards in some of the samples collected. Note that Basin Plan standards for iron and manganese are the same as the secondary MCL standards (300 µg/L for iron and 50 µg/L for manganese) ... The secondary MCL standards are established as a threshold above which constituents may impart undesirable tastes and odors, or can cause staining and scaling, but do not pose a health threat. Therefore, the exceedance of the secondary MCL standards for iron and manganese concentrations in some of the samples collected does not pose a risk to human health" (page 4.10-94).

Response 12-96

See Response 6-75, which addresses the suggestion in this comment that the Draft EIR dismisses the potential threats to human health from elevated manganese concentrations, and concludes that additional consideration or mitigation is outside the scope of environmental review because mitigation under CEQA is only required for potentially significant impacts caused by the project. The water quality of the groundwater and surface water as described in the Draft EIR, page 622, Impact 4.10-6 (and as described in Impact 4.10-4, as stated in this comment) is representative of conditions that already exist within the project sites (i.e. are baseline) and the project would not cause a significant impact on these conditions.

Comment 12-97

It appears the analysis did not take into consideration the recent California legislation introduced to require a maximum contaminant level (MCL) for manganese.

On March 29, 2022, Senate Bill 1124 (SB 1124) was revised to the "Public health goal: primary drinking water standard: manganese" bill with the following requirements:

- On or before July 1, 2023, the Office of Environmental Hazard Assessment (OEHHA) is to prepare a public health goal for manganese.

- The State Water Resources Control Board (SWRCB), after OEHHA publishes a public health goal for manganese, is to adopt a primary drinking water standard for manganese and to establish monitoring requirements for manganese.

- On or before January 31, 2024, the SWRCB is to consider establishing a notification or response level for manganese that would remain in place until the state board adopts a primary drinking water standard for manganese.

In a letter from the Director of the CalEPA Office of Environmental Health Hazard Assessment to the Deputy Director of the SWRCB Division of Drinking Water1, it states, "In response to your request dated April 7, 2022, the Office of Environmental Health

Hazard Assessment (OEHHA) has reviewed the recommendation for a revised notification level (NL) for manganese developed by the Division of Drinking Water (DOW) scientific staff. Based on the potential risk for manganese induced neurotoxicological effects in bottle fed infants, DOW staff recommended a health protective concentration (HPC) of 20 µg/L, equivalent to 20 parts per billion (ppb), to serve as the basis for future recommended revisions to the current manganese notification and response levels of 500 µg/L and 5,000 µg/L, respectively. Based on a review of the information presented, OEHHA agrees with an HPC of 20 µg/L as the basis for the NL. OEHHA also suggests some additional steps, as outlined below, for future work on developing an HPC for manganese".

As such, the EIR should now consider the consequences of how the concentration and mobilization of manganese in the water infiltrating from the silt ponds will impact downstream communities, including the City of Fresno, in light of a notification level and potential MCL for manganese being set at the HPC of 20 µg/L.

Response 12-97

Comment 12-97 references SB 1124 (2022) for the drinking water standards relating to manganese levels; however, the referenced legislation from three years ago was never enacted into law. The comment is speculative of potential future legislation and need not be analyzed in the EIR (Guidelines Section 15145, Section 15162). Furthermore, Mitigation Measure 4.10-5a commits to a detailed plan for monitoring groundwater quality by sampling every six months until manganese levels have fallen to within the following

threshold for a five-year period (Draft EIR on pages ES-34 through ES-35 and 4.10-95 through 4.10-96):

- Manganese exceeds its secondary MCL and NPDES discharge limit of 50 ug/L mg/L

Additionally, Mitigation Measure 4.10-5b requires the establishment of an endowment dedicated to the perpetual implementation of the adaptive management program and implementation of corrective actions established by Mitigation Measure 4.10-5a. These mitigation measures commit the Operator to complying with regulations relating to groundwater quality thresholds which may change. Mitigation Measure 4.10-5a's corrective actions include, as revised in Chapter 3, "Draft EIR Errata," of the Final EIR:

- Aeration or mechanical circulation of the water from the bottom of the pond to the surface of the pond. Reducing conditions that favor high pH values and low dissolved oxygen (DO) values, resulting in higher concentrations of iron and manganese, typically form at the bottom of ponds due to the breakdown of organic matter, such as dead aquatic or riparian vegetation. Aeration or mechanical circulation of the water from the bottom of the pond to the surface of the pond would better distribute DO throughout the water column and would minimize the formation of reducing conditions.
- Additional Measures. If substantial amounts of submerged aquatic vegetation form within the pond, or riparian vegetation such as reeds and cattails form around the perimeter of the pond, and aeration or water circulation alone is insufficient to eliminate the reducing conditions, then further measures to minimize the vegetation would be implemented. Such measures may include physical removal by hand or mechanical equipment (e.g. dredging), growth prevention using physical barriers (e.g. tarps or bottom barriers) in areas of heavy growth, or use of approved terrestrial or aquatic herbicides if other methods are not feasible or effective. <u>Any herbicides used in implementing this measure shall comply with applicable Regional Water Quality Control Board Basin Plan specifications and Waste Discharge Requirements.</u>

Comment 12-98

Furthermore, as the bedrock is fractured over the course of mining operation, it is possible that the infiltration from the manganese laden silt basins will find a preferential path into deeper aquifers. Therefore, the EIR must also consider the potential wider spread mobilization of the manganese with future mining activities.

Response 12-98

See Responses 6-52, 6-71, 6-72, 65-27, and 12-97, which address manganese infiltration from the silt ponds into deeper aquifers, which conclude that the elevated metals concentrations are due to the presence of suspended silts and sediment within the silt pond. Since elevated metals concentrations were not present in the filtered sample, which represents the dissolved concentrations within the water, the detected metals levels in the unfiltered sample are simply a reflection of the naturally occurring metals in the natural soils and earth materials in the aggregate being processed at the Plant Site. The lack of elevated metals in the filtered samples demonstrates that the metals are not leaching from the silt into the natural soils beneath the silt pond and to groundwater.

Comment 12-99

RECOMMENDATIONS FOR EIR MITIGATION MEASURES

With the impacts already detailed in the EIR, along with the additional impacts raised in this letter, the City of Fresno strongly recommends that the mitigation measures consider the following:

Impact 4.10-1: Violate Surface Water Quality Standards or Waste Discharge Requirements or Otherwise Substantially Degrade Surface Water Quality at the Plant Site or Quarry Site During Mining and Reclamation

Mitigation Measure 4.10-1: Blasting Protocols

- **Implementation Details:** While it is great that the protocol will be appended to the Mitigation Monitoring and Reporting Program, more detail on specific measures (e.g., frequency of monitoring or specific actions triggered by protocol violations)could help ensure clarity in enforcement.
- **Enforcement Mechanisms:** How will compliance with the protocols be verified? Including specific monitoring or reporting actions that link back to measurable water quality metrics (e.g., turbidity during blasting) might improve transparency.

Response 12-99

See Response 58-46, which adequately addresses the commenter's recommended additions to Mitigation Measure 4.10-1. The Blasting Protocols set forth instrumentation requirements (Section A), instrumentation setup procedures (Section B), including locations of ground vibration measurement sensors and microphone placements for air

overpressure measurements, discusses receptor locations and frequency of monitoring (Section C), discusses ground vibration and air overpressure control limits for receptors (Section D) and sets out the requirement for the inspection of the San Joaquin River Embankment pre-blast and post-blast as well as other significant requirements, including complaint response procedures, record keeping and annual reporting. Further, the corrective action plan, in addition to outlining the requirements that would need to be taken to prevent future exceedances, also provides for the "immediate suspension of all blasting until the corrective action is implemented" (Section F), which the corrective action plan must be approved by the County (see Response 58-46). Other measures related to the frequency of monitoring (e.g., River embankment inspections before and after blasting) and reporting and County monitoring requirements are set out in the Blasting Protocols. These vary based on the type of potential impact being monitored. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to the Blasting Protocols. Otherwise, Mitigation Measure 4.10-1 is defined and described in detail to show how it would be feasible and effective (Title 14 CCR Section 15126.4; see also *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 524). Since the implementation of Mitigation Measure 4.10-1 would reduce the potential to violate water quality standards or substantially degrade groundwater quality on the Quarry and Plant sites to a less than significant level, adoption of mitigation measures recommended in this comment is unnecessary (see *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 880). However, to further strengthen Mitigation Measure 4.10-1 in response to this comment, the measure is revised in this Final EIR through errata presented in Chapter 3.

Comment 12-100

Impact 4.10-5: Violate Groundwater Quality Standards or Otherwise Substantially Degrade Groundwater Quality at the Plant Site due to the Ponding of Water in the Excavation Mitigation Measure 4.10-Sa: Plant Site Pond Adaptive Management Program

- **Monitoring:** Identify who is overseeing and enforcing the adaptive management plan.
- **Threshold Clarity:** While the thresholds for various water quality parameters (e.g., pH, DO) are provided, it would be helpful to have more specific guidance on the thresholds for corrective action (beyond simply exceeding action levels) and timelines for implementing corrective measures.
- **Possible Risks from Vegetation Removal:** As described in the text of the EIR, "Elevated iron and manganese levels are common in and around reclaimed mining excavations that have

filled with water because decaying vegetation on the bottom of ponds can create oxygen-deficient, or reducing, conditions. The reducing conditions mobilize naturally occurring iron and manganese from within the silts and other sediments present at the bottom of the reclaimed mining excavations" (Page 4.10-95). As such, vegetation removal is needed to reduce the mobilization of iron and manganese. However, the use of herbicides to manage vegetation could be problematic should chemicals used in the treatment of the vegetation pose risk to human health. As such, the mitigation measure should provide proper guidelines for the selection of chemicals used in the vegetation removal, should it be needed.

- **Seasonal Variability:** There is a commitment to testing iron and manganese levels after seasonal cycles, but further clarity on how to handle high variability due to weather or seasonal changes (e.g., during wet or dry seasons) would ensure more accurate interpretation of data.

Response 12-100

See Response 12-76, which adequately addresses the comment's concerns regarding Mitigation Measure 4.10-5a. Further, Mitigation Measure 4.10-5a is defined and described in detail to show how it would be feasible and effective (Title 14 CCR Section 15126.4; see also *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 524). Additionally, Mitigation Measure 4.10-5a contains clear performance criteria and enforceable mechanisms for CEQA compliant mitigation (*California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603). The annual report includes a requirement to describe testing conditions during drought, wet, and seasonal fluctuations (Draft EIR on pages 4.10-96 through 4.10-98). However, to further strengthen Mitigation Measure 4.10-5a in response to this comment, the measure has been revised in this Final EIR through errata presented in Chapter 3, "Draft EIR Errata." The measure is revised to more clearly describe timing and oversight of measure implementation.

Comment 12-101

Mitigation Measure 4.10-5b: Plant Site Pond Adaptive Management Program Funding Mechanism

- **Clarity on Funding Amounts:** The measure states that the funding must be "sufficient," but no details are provided on what constitutes a sufficient amount. Providing more specific estimates based on monitoring costs would help ensure that the funding is adequate for long-term mitigation needs.

- **Mechanism Termination Criteria:** The conditions under which the funding mechanism is canceled (after five years of stabilization) are clear. However, it might be helpful to specify how "stabilization" will be definitively determined, especially in the case of ongoing water quality issues that could be challenging to resolve quickly.

Response 12-101

See Response 12-76, which adequately addresses the comment's assertion that the Draft EIR needs to provide more clarity on funding amounts. The costs would be determined in the future, at the conclusion of mining, which costs would vary based on a variety of factors. However, the reclamation financial assurance mechanism would not be released until the County reviewed and approved a proposed funding mechanism for the implementation of the Program. Additionally, as provided in Draft EIR Appendix G-5, "stabilization" is already definitively determined as "[i]f no exceedances of the action levels shown in Table 10 occur for a period of five years…" (Draft EIR Appendix G-5, Section 6, page 58).

Comment 12-102

Impact 4.10-10: Substantially Decrease Groundwater Supplies During Mining Operations and After the Completion of Reclamation at the Quarry Site such that the Project Could Interfere with Existing Groundwater Supply Wells

Mitigation Measure 4.10-10a: Quarry Site Groundwater Adaptive Management Program

- **Complicated Monitoring Locations:** The program involves monitoring multiple wells across the site and beyond (including private wells), which could create logistical challenges. Ensuring access to private wells or finding reliable substitutes for unmonitored areas might be difficult. It may be helpful to demonstrate long-term access to offsite wells and to further specify contingencies for situations when monitoring data is insufficient.

- **Threshold for "Significant Impact":** While the 15% reduction in water column is conservative, additional data might be needed on how quickly such impacts could realistically occur under various environmental conditions, especially given the large-scale nature of the Project.

Response 12-102

See Response 12-77, which adequately addresses the commenter's concern regarding off-site wells. Mitigation Measure 4.10-10a is defined and described in detail to show how it would be feasible and effective (Title 14 CCR Section 15126.4; see also *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 524). Further, Mitigation Measure 4.10-10a requires the monitoring of the MW-3 well cluster to establish the baseline drought periods, wet periods, and seasonal fluctuations in the water level conditions in the alluvial, weathered rock, and hard rock (Draft EIR on pages 4.10-108 through 4.10-111). Additionally, Mitigation Measure 4.10-10a contains clear performance criteria and enforceable mechanisms for CEQA compliant mitigation (*California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603). Mitigation Measures 4.10-10a and 4.10-10b are revised and clarified in the Final EIR. See Chapter 3, "Draft EIR Errata," to see the revisions to these mitigation measures.

Comment 12-103

Mitigation Measure 4.10-10b: Quarry Site Groundwater Adaptive Management Program Funding Mechanism

- **Post-Mining Monitoring Duration:** While three years is a reasonable duration, the groundwater systems impacted by dewatering could take longer than three years to fully stabilize. Extending the duration of monitoring or specifying the criteria for extending monitoring if needed would strengthen this mitigation.

- **Monitoring after Mining:** It would be helpful to clarify if monitoring and corrective actions would continue indefinitely if groundwater levels do not recover to baseline levels. The mechanism should account for this possibility without having to revise it at every stage of the process.

Response 12-103

The commenter states that the three-year post-mining monitoring duration is reasonable, but then, without providing any evidence, alleges that the groundwater systems impacted by dewatering could take longer to fully stabilize. The comment fails to acknowledge that the three-year post-mining monitoring period would occur in approximately 100 years, once mining at the Quarry Site has ceased; thus, impacts that would have occurred during the life of the mining operation would have already been analyzed. As a reminder, dewatering of the alluvium at the Quarry Site has been occurring for many decades and mining of the alluvium is effectively completed (see Draft EIR, Impact 4.10-10, page 4.10-105). All future dewatering as part of the proposed

project would occur within the weathered rock and hard rock zones (*Ibid.*) These zones have effectively no primary porosity and very limited secondary fracture porosity (see Draft EIR, Impact 4.10-11, page 4.10-112). Thus, dewatering of the deeper bedrock zones would have little or no effect on water levels in the overlying alluvium (see Draft EIR, Impact 4.10-11, pages 4.10-112 through 4.10-113).

Regarding the indefinite nature of the monitoring and corrective actions, as provided in Mitigation Measure 4.10-10a, as updated in the Final EIR:

> if at the end of the monitoring period, the drawdown in the monitoring wells is caused by mining and is greater than 15 percent of the CEQA baseline levels, then pumping to the Northeast Pond, east recharge trench, and/or west recharge trench, as appropriate based on the post-mining monitoring data, must continue ~~indefinitely to reduce~~until the drawdown in the monitoring well clusters is reduced to below the 15 percent criterion (Draft EIR, page 4.10-111).

In turn, Mitigation Measure 4.10-10b's Quarry Site Groundwater Adaptive Management Program Funding Mechanism would need to secure a funding mechanism sufficient to cover the potential indefinite pumping to the Northeast Pond, east recharge trench, and/or west recharge trench (see Draft EIR, page 4.10-111).

Finally, pursuant to Mitigation Measure 4.10-10b, the funding mechanism would be held by the County or a County-approved third party and the funding mechanism would not be released until the County, or third party determines that the conditions have stabilized within the parameters of the applicable mitigation measures (see Draft EIR, page 4.10-111). Mitigation Measures 4.10-10a and 4.10-10b are revised and clarified in the Final EIR. See Chapter 3, "Draft EIR Errata," to see the revisions to these mitigation measures.

Comment 12-104

General Recommendations:

- **Observance of North Kings Groundwater Sustainability Plan:** As a Project within the NKGSA, the applicant is required to observe all North Kings Groundwater Sustainability Plan guidelines. Should there be a negative impact on neighboring domestics wells, the financial costs for the mitigation shall be entirely borne by the applicant.

Response 12-104

The Draft EIR acknowledges and analyzes the North Kings Groundwater Sustainability Plan in Section 4.10.2.2 of the Draft EIR (Draft EIR on pages 4.10-71 through 4.10-72), Impact 4.10-11 (Draft EIR, pages 4.10-112 through 4.10-113) and Impact 4.10-13 (Draft EIR on pages 4.10-114 through 4.10-115). In order to mitigate potential impacts on neighboring domestic wells, the Draft EIR requires implementation of Mitigation Measure 4.10-10a. Mitigation Measure 4.10-10a requires the utilization of the Northeast Pond and recharge trenches to maintain groundwater levels within 85 percent or more from the CEQA baseline groundwater levels for impacts caused by the mining operation, and if the measures cannot maintain the 85 percent groundwater level, then dewatering operations would cease (Draft EIR, pages 4.10-108 through 4.10-111). In addition, Mitigation Measure 4.10-10b requires adequate funding in the case that the Northeast Pond and recharge trenches would be utilized indefinitely post-reclamation (Draft EIR, page 4.10-111). Finally, see Response 306-4 regarding monitoring of the CSA44C wells and Response 10-7 regarding impacts to neighboring wells.

Comment 12-105

- **Need for Current Groundwater Quality Data:** The most recent groundwater quality data was collected in 2021, which may not accurately reflect current conditions, particularly following recent wet and drought periods that can alter aquifer chemistry and water levels. Collecting and analyzing new data before the planned expansion begins will provide a more reliable baseline for understanding current conditions and monitoring any future changes linked to mining activities. Additionally, it may be beneficial to collect water quality samples during active operation as well as when there is a prolonged pause in operation to better establish a no operation baseline and current impacts from active operation.

Response 12-105

See Response 65-26, which explains that the samples collected and tested for the purposes of this Draft EIR represent baseline conditions and are not indicative of potential project effects or past practices.

Under the CEQA guidelines, to determine the baseline one must analyze "the physical environmental conditions in the vicinity of the project, as they exist at the time . . . [that the] environmental analysis is commenced. . . ." (Title 14 CCR Section 15125, subd. (a); see also *World Business Academy v. California State Lands Commission* (2018) 24 Cal.App.5th 476, 498). The environmental analysis to establish the groundwater quality baseline levels (i.e., the physical environmental conditions in the vicinity of the project) were established

in June 5, 2020, which is when the Notice of Preparation of this Draft EIR was filed; thus, the Draft EIR presents adequate CEQA groundwater quality baseline levels.

The comment fails to provide any evidence that the baseline groundwater quality levels, established shortly after the Notice of Preparation of the Draft EIR was filed, are inadequate. Additionally, the comment recommends the establishment of a no operation baseline (i.e., stop all mining activities for a prolonged period); however, the comment fails to provide any evidence that such an extreme measure would establish accurate physical conditions in the vicinity of the project.

Comment 12-106

- **Groundwater Well Sampling Program:** While discussed, it is recommended to develop and implement a structured, recurring groundwater sampling program focused on monitoring water quality at strategically selected wells located both upgradient and downgradient of the Quarry and Plant Sites. This program should include:

  1. **Key Parameters:** Electrical conductivity, dissolved oxygen, oxidation reduction potential, and manganese levels

  2. **Flexibility for Additional Parameters:** The program should be designed to incorporate other water quality indicators as necessary. These additional parameters might be recommended by regulatory agencies, the City or County, or other stakeholders to address emerging concerns or site-specific conditions.

Response 12-106

The comment's recommended additions to the groundwater well sampling program are noted. See Responses 6-75 and 493-3 (for the Quarry Site) and Response 6-72 (for the Plant Site), which provide for project site groundwater well sampling protocols and measures. The Draft EIR analyses are adequate on groundwater well sampling; thus, adoption of Comment 12-106's recommended additions to the groundwater well sampling program is unnecessary (see *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 880). However, in response to this comment, the County would require that two wells at each site be monitored semi-annually for the four parameters noted in this comment.

Comment 12-107

- **Consistent Sampling Schedule:** To detect trends or anomalies in a timely manner, sampling events should be conducted at regular intervals, such as monthly. Adhering to a predictable schedule will enhance the reliability of trend analyses, enable early identification of potential issues, and support proactive decision-making regarding any necessary mitigation or operational adjustments.

Response 12-107

Mitigation Measure 4.10-5a (established by Impact 4.10-5) requires monitoring of the Plant Site's groundwater quality to occur every six months (see Draft EIR pages 4.10-95 through 4.10-98). Mitigation Measure 4.10-10a (established by Impact 4.10-10) requires monitoring of the Quarry Site's groundwater levels to occur every six months (see Draft EIR, pages 4.10-105 through 4.10-111). As noted above in Response 12-106, the County would require semi-annual water quality monitoring at both project sites.

Comment 12-108

- **Adaptive Management:** If data indicates any significant changes in groundwater quality, implement appropriate mitigation measures (e.g., adjustments to surface water management practices, enhanced water treatment) in consultation with regulatory agencies and other stakeholders. Additionally, as the site conditions evolve, continue to refine the groundwater well sampling program to ensure ongoing protection of downgradient groundwater users.

Response 12-108

The Draft EIR does utilize the comment's Adaptive Management measures, which are addressed in Responses 65-37 and 12-76 regarding Mitigation Measures 4.7-6, 4.7-7a, 4.7-7b, 4.7-7c, 4.10-5a, and 4.10-1. The comment does not address the effectiveness of Mitigation Measures 4.7-6, 4.7-7a, 4.7-7b, 4.7-7c, 4.10-5a, and 4.10-1, and does not explain why existing mitigation measures are inadequate.

Comment 12-109

- **Enhanced Reporting Transparency:** Across the mitigation measures, ensuring clear and accessible reporting (e.g., publicly available monitoring reports) would help build trust with stakeholders.

Response 12-109

Once a semi-annual report is submitted to the County via a reporting requirement of a Mitigation Measure (e.g., Mitigation Measure 4.10-5a), that report would become a "publicly available monitoring report."

Comment 12-110

- **Third-Party Reviews:** While third-party oversight for funding is mentioned, adding independent review of the environmental data and mitigation effectiveness would further strengthen the integrity of these programs.

Response 12-110

Many of the qualified specialists (see, e.g., Mitigation Measures 4.7-6 and 4.7-7a [qualified engineering geologist or geotechnical engineer]) are required to obtain County approval prior to commencing review of environmental data and mitigation effectiveness (Draft EIR, page 4.7-35). The County would also review all submitted reports.

Comment 12-111

- **Contingency Planning:** Developing more explicit contingency plans for situations where the monitoring and mitigation measures fail to resolve issues within the prescribed timeframes would help prevent prolonged environmental impacts.

Should you have any questions, feel free to contact Peter Maraccini by email atPeter.Maraccini@Fresno.gov or by telephone at (559) 621-1603.

Response 12-111

The Draft EIR's mitigation measures contain adequate "Contingency Planning" in order to prevent prolonged environmental impacts. For example:

- Mitigation Measure 4.10-1 (Blasting Protocols) requires that in the case of an exceedance of a specified ground vibration or air overpressure threshold, all blasting must cease until the County approves a Corrective Action Plan.
- Mitigation 4.10-10a requires that all dewatering operations cease in the case where due to the mining operations, the groundwater levels drop below 85 percent of the CEQA baseline groundwater levels.

Letter #13 March 10, 2025, Tom Jordan, San Joaquin Valley Air Pollution Control District

Comment 13-1

Dear Mr. Randall:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) from the County of Fresno (County) for the CEMEX Rockfield Quarry Modification Project. Per the DEIR, the project is for the continuation and modification of its current aggregate (rock, sand, and gravel) mining and processing operation to allow for an increase in their aggregate sales from 1.4 MT/yr to 2.0 MT/yr within 5 years and up to 3.0 MT/yr within 10 years. The Project is located at two sites: 13475 N. Friant Road (Plant Site) and 14765 N. Friant Road (Quarry Site) in Fresno, CA.

Response 13-1

The San Joaquin Valley Air Pollution Control District (SJVAPCD) introductory comment and summary of the proposed project is noted. Please see below for responses to specific comments.

Comment 13-2

The District offers the following comments at this time regarding the Project:

1) Project Operational Emissions

Per the DEIR, the Project will result in increased On-Road Diesel-Fueled Vehicle trips, for example, heavy-heavy duty (HHD) trucks. More specifically, Table 4.3-21 (Mitigated Operational Phase Criteria Air Pollution Annual Emissions), presents the Project mobile source criteria pollutant emissions which are demonstrated to be below the District significance thresholds. Additionally, the DEIR states the emission reductions from mobile sources are attributed to technological advancements and stricter emissions requirements, such as compliance with the "In-Use Off-Road Diesel-Fueled Fleets" and "In-Use On-Road Diesel-Fueled Vehicles" regulations. To ensure air quality emission impacts from Project operations are lessened, the District recommends including an enforceable mitigation measure, that requires the use of cleaner HHD trucks.

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NOx emissions in the San Joaquin Valley. Accordingly, to meet federal

air quality attainment standards, the District's ozone and particulate matter attainment plans rely on a significant and rapid transition of HHD fleets to zero or near-zero emissions technologies.

The Project is an aggregate (rock, sand, and gravel) mining and processing operation and will result in HHD truck trips. Therefore, District also recommends that the following measures be considered by the County to reduce Project-related operational emissions:

- *Recommended Measure*: Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero technologies.

- *Recommended Measure*: All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies.

Response 13-2

CEQA Guidelines Section 15126.4 (a) requires lead agencies to consider feasible mitigation measures to avoid or substantially reduce a project's significant environmental impacts. When the analysis supports that the proposed project's potential environmental impacts would be less than significant, mitigation measures are not required. While mitigation measures are not required for less-than-significant impacts, Fresno County will consider these suggestions as part of its deliberations. Further, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (Appendix D-3). The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 13-3

2) Truck Routing

Truck routing involves the assessment of which roads HHD trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors. The Project is an aggregate (rock, sand, and gravel) mining and processing operation and will result in HHD truck trips.

The District recommends the County evaluate HHD truck routing patterns for the Project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the

destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

Response 13-3

The health risk assessment modeling includes haul routes within the project boundary and demonstrates that haul truck exhaust impacts outside the project boundary along haul routes are less than significant. Although the Draft EIR modeling was robust and supported a less than significant finding, additional conservative health risk modeling for mobile sources for a larger area was performed and the findings continue to support a less than significant health risk impacts. Thus, mitigation is unwarranted. Please see *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (Appendix D-3) for a discussion of these health risk modeling updates.

Comment 13-4

3) Reduce Idling of Heavy-Duty Trucks

The goal of this strategy is to limit the potential for localized PM2.5 and toxic air contaminant impacts associated with the idling of Heavy-Duty trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts.

Since the Project will result in HHD truck trips, the District recommends the EIR include measures to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors.

Response 13-4

The regulation cited is part of the existing setting within which the project would be required to operate as discussed on page 4.3-18 of the Draft EIR. Thus, further mitigation is unwarranted. For these reasons, the Draft EIR analysis was sufficient, and no further response is required. See also Appendix D-4, "Revised Section 4.3, Air Quality," regarding proposed revisions to Draft EIR Section 4.3.

Comment 13-5

4) Electric On-Site Off-Road and On-Road Equipment

Since the development Project is an aggregate (rock, sand, and gravel) mining and processing operation, the Project will result

in the increased use of off-road equipment (e.g., tractors, excavators, forklifts, etc.) and on-road equipment (e.g., offhighway trucks to move materials). The District recommends that the County include requirements for project proponents to utilize electric or zero emission offroad and on-road equipment.

Response 13-5

Where on- or off-road equipment is available and feasible, CEMEX can make use of these new mobile source technologies, including electric vehicles and equipment. Given CARBs mobile source rules in California, project implementation would include use of electric equipment and vehicles as required by state regulation.

CEQA Guidelines Section 15126.4(a) requires lead agencies to consider feasible mitigation measures to avoid or substantially reduce a project's significant environmental impacts. When the analysis supports that the proposed project's potential environmental impacts would be less than significant, mitigation measures are not required. When potential impacts are reduced to less than significant levels, additional mitigation measures are additionally not required.

Further, electric heavy duty trucks are in an early development stage and can only operate for about four hours between charges. Given the quarry and plant operations are for eight to 12 hours per day, this would lead to a fleet size that is twice the size than the fleet currently anticipated to ensure the fleet is always charged and in operation. This is not reasonable for an operation of this intensity. As electric trucks are limited for a major operation and there is no significant mobile source impact to mitigate, no further action is required. Fresno County will consider these suggestions as part of its deliberations.

Comment 13-6

5) Health Risk Screening/Assessment and Ambient Air Quality Analysis

The District reviewed the Health Risk Assessment (HRA) and Ambient Air Quality Analysis (AAQA) for the Project and offers the following comments:

- For evaluating the potential health risks to impacted receptors (residences, other businesses, etc.), emissions reductions from one location cannot be used to directly reduce emissions, and therefore potential health impacts (cancer, chronic, and acute), at another location. The potential health risk to surrounding receptors shall be analyzed for all new emissions locations. Any potential decreases/increases in health impacts must be evaluated by

modeling the emissions at their actual release locations and comparing the health impacts on an individual receptor by receptor basis for all receptors. Therefore, in order to ensure that the public's exposure is properly evaluated from this Project, any new potential air toxics emissions resulting from the Project should be evaluated for their potential health risk to the surrounding public.

Response 13-6

CEQA is about the effect on the environment. Comparison between the "existing physical setting" or baseline and the future conditions with the project is required. CEQA Guidelines Section15126.4(a) requires lead agencies to consider feasible mitigation measures to avoid or substantially reduce a project's significant environmental impacts. When the analysis supports that the proposed project's potential environmental impacts would be less than significant, mitigation measures are not required. When potential impacts are reduced to less than significant levels, additional mitigation measures are additionally not required. While mitigation measures are not required for less-than-significant impacts, Fresno County will consider these suggestions as part of its deliberations.

If the project would eliminate a source, then that would be an effect of the project that must be assessed. The commenter seems to suggest that a fictitious setting where the existing facility does not exist should be used instead of the existing physical setting, which would be contrary to CEQA. Similarly, CEQA requires cumulative analysis where emissions from other past, present, and future projects (and locations) are added to, or in this case subtracted from, the project impact. Further, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (Appendix D-3). The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the EIR analysis (the Draft EIR, as augmented by the Final EIR) is sufficient, and no further response is required. See also Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to Draft EIR Section 4.3.

Comment 13-7

- Per District Policy APR-2030, the District recommends an AAQA be performed for all criteria pollutant emissions for which an ambient air quality standard exists when a stationary source project would result in an increase of 100 pounds per day for any criteria pollutant. The Project indicates that CO emissions exceed the 100 lb/day threshold, however, it appears that the AAQA only evaluated CO emissions. The

District recommends that the AAQA also include NOx, SOx, PM10, and PM2.5 emissions.

Response 13-7

The GAMAQI states, "When assessing the significance of project-related impacts on air quality, it should be noted that the impacts may be significant when on-site emission increases from construction activities or operational activities exceed the 100 pounds per day screening level of any criteria pollutant after implementation of all enforceable mitigation measures. Under such circumstance, the District recommends that an ambient air quality analysis be performed. An ambient air quality analysis uses air dispersion modeling to determine if emission increases from a project will cause or contribute to a violation of the ambient air quality standards." The air quality analysis follows the guidance that was in place when environmental analysis commenced in January 2018 whereas APR-2030 was not published until June 2018 and then was not listed on the District's CEQA webpage until sometime after that date.

Nevertheless, in response to these comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (Appendix D-3) including all of the requested ambient air quality modeling. The concentrations for all criteria pollutants (including NO_2, SO_2, CO, PM_{10}, $PM_{2.5}$, and Pb) are listed in Table 4.3-23, "Mitigated and Unmitigated Criteria Pollutant Concentrations," of Appendix D-4, "Revised Section 4.3, Air Quality." The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the EIR analysis (the Draft EIR, as augmented by the Final EIR) is sufficient, and no further response is required.

Comment 13-8

- Receptor gridding was used for the AAQA and HRA; however, the District recommends using a combination of fence line, cartesian grid, and discrete receptors to ensure that the maximally impacted receptors are reasonably captured. Where maximally impacted receptors are found in areas with coarse gridding, the District recommends placing additional receptors around them such that the spacing does not exceed 25 meters between receptors. For more information, please consult the District's Modeling Guidance.

Response 13-8

The model uses fence line, a cartesian grid, and discrete receptors to ensure that maximally impacts receptors are captured. For small sources emitting near the ground, concentration and risk decrease with increased distance from the source as demonstrated

by the coarse grid results. Thus, the maximally impacted receptors are along the property boundary which is less than significant in each case. Furthermore, discrete receptors which need only be used for purposes of disclosure were placed on the closest part of each structure to the project sources. CEQA does not require an exhaustive analysis but only what is feasible and reasonably foreseeable. Intensifying the grid outside the property boundary would not reveal greater risk and is unwarranted.

Further, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (Appendix D-3) including updating the modeling. The new model uses 26 discrete, and 6857 fence-line/grid receptors in alignment with the comment's recommendation. See Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.3.3, "Analysis Methodology." The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the EIR analysis (the Draft EIR, as augmented by the Final EIR) is sufficient, and no further response is required.

Comment 13-9

- `The District recommends adding receptors along the farmland fence line to the West of the Quarry Site in order properly assess acute health impacts to potential farm workers.`

Response 13-9

Acute risk to farm workers is assessed by the fence line receptors which identify the point of maximum impact (PMI) and show that the risk is less than significant. Other locations are by definition less than the PMI and therefore additional receptors would not reveal greater risks and are unwarranted. Nevertheless, the technical analysis was updated with a new model including receptors along the farmland fence line to the west of the Quarry Site, in the *Air Quality, Health Risk, and Climate Change Impact Assessment*, Revised May 13, 2026 (Appendix D-3) (see also Figure 8a of Appendix A of Appendix D-3). The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the EIR analysis (the Draft EIR, as augmented by the Final EIR) is sufficient, and no further response is required.

Comment 13-10

- `The emissions from the second phase of the Project are evaluated from thirty-one to sixty years. District policy is to evaluate long term residential risk over a seventy year period.`

Response 13-10

OEHHA recommends residential receptors be modeled for 30 years because that is the 95th percentile of residency duration at a single location. Thus, a 70-year exposure would be speculative and unsupported by current State guidance. Even so, the residential cancer risk that would be affected by using a 70-year exposure duration is shown in Table 4.3-25, "Mitigated Project Health Risk Impacts," to be less than zero. The result of extending the exposure duration to 70 years would result in lower impacts. Therefore, no change to the HRA is necessary to account for this difference in residential cancer risk exposure duration.

Even so, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (Appendix D-3) including updating the HRA modeling. The updated HRA now analyzes two 70-year periods with the first period including all of phase 1 (years 1 to 30) and part of phase 2 (years 31 to 70), and the second period including all of phase 2 (years 31 to 100). See Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.3.3. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the EIR analysis (the Draft EIR, as augmented by the Final EIR) is sufficient, and no further response is required.

Comment 13-11

- The HARP2 output files for the mitigated cancer risk to workers indicate that the risk was evaluated using a 25-year exposure. The District recommends using a 40-year exposure period for evaluating health impacts to worker receptors.

Response 13-11

OEHHA recommends worker receptors be modeled for 25 years because that is the 95th percentile of employment duration at a single work site. Thus, a 40-year exposure would be speculative and unsupported by current State guidance. Even so, the maximum exposed individual worker (MEIW) was determined to have risk of 0.5 excess cancer cases per million workers exposed (Draft EIR Table 4.3-25). Extending the duration from 25 to 40 years would increase the result by a factor of 1.6 to a value of 0.8 per million which is still less than the 20 per million significance threshold and the impact determination would not change from less than significant.

Even so, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (see Appendix D-3) including updating the modeling to use a 40-year exposure period for evaluating health impacts to worker

receptors. This updated analysis resulted in a risk of -2.39 excess cancer cases per million workers exposed (an improvement over the baseline conditions). See also updated Table 4.3-25 of Appendix D-4, "Revised Section 4.3, Air Quality." The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the EIR analysis (the Draft EIR, as augmented by the Final EIR) is sufficient, and no further response is required.

Comment 13-12

- The Project uses variable emission rates in its dispersion modeling which were then imported into HARP2 for the risk assessment. In such cases, at least two modeling runs must be performed. One modeling run for long-term analyses (cancer/chronic) and one run for short term analyses (acute), with each using the appropriate scalars. In addition, the HRA must also apply an appropriate Worker Adjustment Factor (WAF) when evaluating the long-term carcinogenic impacts for workers.

Response 13-12

As presented in Draft EIR Table 2-2, "Plant Site Existing Permitted Hours of Operation," the project would operate 12 hours per day, Monday through Friday, but the model assumed seven days per week which corresponds to a WAF of 2.0. Adjustment of the worker cancer and chronic health risk to account for this issue and for the issue identified in Comment 13-11 would result in MEIW of 2.24 per million and a worker chronic hazard index of 0.82 H.I. Each of these results is less than significant and would not change the significance determination. Not including an acute model is conservative, because acute results would utilize scalars of 1.0 for each hour of activity, while the HRA utilized scalars of 2 for each hour of activity.

Even so, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (see Appendix D-3) including updating the modeling. See also updated Table 4.3-25 of Appendix D-4, "Revised Section 4.3, Air Quality." The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 13-13

- The Fraction of Time at Home was enabled in HARP2 for the residential risk assessments. Due to the prevalence of home schooling and telework the District recommends that this option be disabled unless justification is provided.

Response 13-13

Standard practice is to include schools and daycare centers that are licensed by the State Department of Education. Each APCD guidance document (APR-1906 and AB 2588 Health Risk Assessment Modeling Protocol Guidance) was reviewed in responding to this comment and neither requires home schooling to be assessed. CAPCOA guidance specifically excludes home based schooling and day-cares from the list of sensitive receptors (page 66 of 75, Health Risk Assessments for Proposed Land Use Project, July 2009). Even so, after mitigation Table 4.3-25 shows the residential cancer risk is less than zero. Were this change to be made, the residential cancer risk would be even lower. Thus, because modifying the HRA analysis approach to address this comment would not change the significance finding, such changes to the HRA are unwarranted.

Even so, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (see Appendix D-3) including updating the modeling. This updated modeling did not apply a fraction of time at home for analysis of the residential risk assessment (see Appendix D-3, page 55). The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 13-14

- The District could not determine from the documentation provided how the health impacts and ambient air quality impacts from blasting emissions were evaluated.

Response 13-14

Blasting emissions were quantified using two emissions factor sources from San Diego APCD. Dust emissions were calculated using the San Diego APCD quarrying drill-and-shoot emissions factor, while explosives detonation emissions were calculated using factors from San Diego APCD Drilling-Blasting Ammonium Nitrate and Fuel Oil procedure. Drilling and per blast PM10 emissions were not evaluated. However, these additional emissions were accounted for and do not result in any new potentially significant impacts as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Revised May 13, 2026 (see Appendix D-3) which included updating the modeling and preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 13-15

Based on the above, the District recommends the HRA and AAQA be revised to ensure the analysis is representative and adequately reflects the Project's potential air quality health impacts.

Response 13-15

See Responses 13-2 through 13-14 above. The project's Air Quality, Health Risk, and Climate Change Impact Assessment, provided as Draft EIR Appendix D-1, "Air Quality, Health Risk, and Climate Change Impact Assessment," has been updated. The updated *Air Quality, Health Risk, and Climate Change Impact Assessment*, provided as Final EIR Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment," adequately addresses the project's air quality health impacts. See also Appendix D-4, "Revised Section 4.3 Air Quality," for proposed revisions to Draft EIR Section 4.3.

Comment 13-16

6) District Rules and Regulations

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: https://ww2.valleyair.org/rules-and-planning/current-district-rules- and-regulations. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

6a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources

of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (559) 230-5888.

6b) District Regulation VIII (Fugitive PM10 Prohibitions)

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.*

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5- acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at: https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx

Information about District Regulation VIII can be found online at: https://ww2.valleyair.org/dustcontrol

6c) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

Response 13-16

SJVAPCD rules and project permit requirements outlined in the comment are noted. The Operator would be required to obtain all applicable air permits and comply with all applicable SJVAPCD rules. The comment does not address the adequacy of the Draft EIR, and no further response is warranted.

Comment 13-17

7) District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent.

Response 13-17

A copy of the SJVAPCD comment letter has been provided to the project proponent.

Letter #14 March 10, 2025, Elsa Mejia, City of Madera District 5 Councilmember

Comment letter was missorted; comments and responses have been moved to Section 4.4, "Individual Residents' Comments and Responses," as Letter #613 since it is not an *Agency* commenter.

Letter #15 March 11, 2025, Julie Vance, California Department of Fish and Wildlife

Comment 15-1

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statue for all the people of the State (Fish & Game Code, Section 711.7, subd. (a) & 1802; Pub. Resources Code, Section 21070; CEQA Guidelines Section 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., Section 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, Section 21069; CEQA Guidelines, Section 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed

alteration regulatory authority (Fish & Game Code, Section 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, Section 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

Response 15-1

The roles of the California Department of Fish and Wildlife (CDFW) as a trustee agency and responsible agency under CEQA and the purpose of CDFW's review and comments on the Draft EIR as summarized in the comment are noted. The comment's input regarding the project's potential to be subject to CDFW's lake and streambed alteration regulatory authority and the project's potential need for authorization(s) from CDFW under the California Endangered Species Act (CESA) are noted.

Comment 15-2

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Additionally, specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the Project planning process if an ITP may be pursued for the Project.

CDFW Ecological Reserve: Fish and Game Code section 1583 states "Except in accordance with the regulations of the commission it is unlawful to enter upon any ecological reserves established under the provisions of the article, or to take therein any bird or the

nest or eggs thereof, or any mammal, fish, mollusks, crustaceans, amphibia, reptiles or any other form of plant or animal life." In addition, California Code of Regulations, Title 14, Section 630 states "All ecological reserves are maintained for the primary purpose of developing a statewide program for protection of rare, threatened, or endangered native plants, wildlife, aquatic organisms, and specialized terrestrial or aquatic habitat types", and therefore, any other activity on these lands is restricted.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include Sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Water Rights: The capture of stream flows to is subject to appropriation and approval by the State Water Resources Control Board (SWRCB) pursuant to Water Code section 1200 et seq. CDFW, as Trustee Agency, is consulted by SWRCB during the water rights process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Certain fish and wildlife are reliant upon aquatic and riparian ecosystems, which in turn are reliant upon adequate flows of water. CDFW, therefore, has a material interest in assuring that adequate water flows within streams for the protection, maintenance, and proper stewardship of those resources. CDFW provides, as available, biological expertise to review and comment on environmental documents and impacts arising from Project activities.

Response 15-2

The role and jurisdiction of CDFW associated with fully protected species, CDFW ecological reserve, and nesting birds, and the role and material interest of CDFW as a trustee agency associated with water resources as summarized in the comment are noted.

Comment 15-3

PROJECT DESCRIPTION SUMMARY

Proponent: CEMEX

Objective: The proposed Project is a continuation and modification of aggregate (rock, sand, and gravel) mining and processing

operations located on two properties, the Plant Site and the Quarry Site. The Project would occur in two stages as described below:

Stage 1: Stage 1 of the Project would include concurrent operations at both the Quarry Site and the Plant Site for up to 30 years. At the Plant Site, the existing aggregate processing plant will continue to be used to wash, screen, crush, and sort aggregate mined from the Plant Site. The existing ready-mix concrete plant, hot-mix asphalt plant, and related supportive facilities would continue to operate. The remaining alluvial deposit would be mined to a depth of approximately 75 feet below ground surface (bgs). Surface and/or groundwater encountered within the excavation would be pumped to groundwater recharge trenches along boundaries of the Plant Site. Upon completion of alluvial deposit mining at the Plant Site, operations at the Plant Site would cease, all equipment would be removed, and the site reclaimed as 122 acres of open space, riparian, and open water wildlife habitat.

At the Quarry Site, mining would be modified to include the hard rock (granite) that lies beneath the alluvial deposit currently being mined. Surface and/or groundwater encountered within the excavation will continue to be pumped to an existing reclaimed pond in the northeast corner of the Quarry Site for recharge to the groundwater and to existing groundwater recharge trenches along the western boundaries of the Quarry Site. Excavation of the hard rock would require drilling and blasting and would occur to a depth of approximately 600 feet bgs. An aggregate processing plant would be added to the Quarry Site to wash, screen, crush, and sort the aggregate. The plant would be located in a previously excavated pit approximately 30 feet bgs.

Stage 2: Stage 2 of the Project would continue hard rock mining and processing operations at the Quarry Site. The ready-mix concrete plant and the hot-mix asphalt plant will be relocated from the Plant Site to the Quarry Site adjacent to the aggregate processing plant. Upon completion of excavation at the Quarry Site, operations at the Quarry Site would cease and all equipment would be removed. Reclamation of the Quarry Site will create approximately 349 acres of open space, riparian, and open water wildlife habitat. The total Project life of the combined Stages 1 and 2 is estimated to be 100 years.

Location: The Project is located at two sites: 13475 N. Friant Road and 14765 North Friant Road, Fresno. The Project is located between North Friant Road and the San Joaquin River, in an unincorporated portion of Fresno County.

- Plant Site (CUP 3666): CEMEX's current Plant Site is located on approximately122 acres on the west side of North Friant Road, on Assessor's Parcel Number(APNs) 300-070-56S, 57S,58S,59S, and 60S, approximately 1.5 miles north of the City of Fresno and approximately 0.7 mile north of the intersection of North Willow Avenue and North Friant Road.

- Quarry Site (CUP 3667): CEMEX's current Quarry Site is located on approximately 349 acres on the west side of North Friant Road, on APNs 300-040-19 and 20, 300-080-01S, 300-250-12 and portion of 300-310-01, approximately 2.0 miles north of CEMEX's current Plant Site and approximately 2.0 miles south of the unincorporated community of Friant.

Timeframe: Undetermined; however, mining and processing activities are anticipated to take approximately 100 years to complete.

Response 15-3

The comment provides a summary of the project and does not address the adequacy of the Draft EIR. Please see below for responses to CDFW comments and recommendations.

Comment 15-4

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist Fresno County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document prepared for this Project.

Response 15-4

The comment is introductory. Please see below for responses to CDFW comments and recommendations.

Comment 15-5

The DEIR details the Project activities proposed at both the Plant Site and Quarry Site over the next century. CDFW would like to note that the length of the Project coupled with the uncertainty surrounding the extensive blasting and mining activities for the Quarry Site have CDFW concerned that the proposed Project would result in significant long-term impacts to species and habitats within and surrounding the San Joaquin River and its habitats and have the potential to significantly impact restoration and conservation goals in the Project vicinity.

Response 15-5

CDFW concerns regarding the project duration and long-term impacts are noted. Draft EIR Chapter 2, "Project Description," provides a detailed description of the project including the duration of proposed operations and the reclaimed condition of the project sites, and the Draft EIR environmental impact analyses evaluate the project as proposed. For additional discussion regarding the project duration, please see Collective Response #5. Please see below for responses to specific comments and recommendations.

Comment 15-6

For instance, the Willow Unit of CDFW's San Joaquin River Ecological Reserve (SJRER) surrounds the current Plant Site on three sides (the fourth side being Friant Road). The Willow Unit was acquired with State Bond Funds, for the intended purpose of perpetual protection of riparian habitat and associated wildlife. The Willow Unit supports high quality riparian habitat for both nesting and migratory bird species.

Response 15-6

Please see Collective Response #20 pertaining to the relationship between Applicant-owned properties and properties managed by CDFW.

Comment 15-7

Additionally, the San Joaquin River Restoration Program (SJRRP) is currently working to restore and maintain fish populations in "good condition" in the mainstem San Joaquin River downstream of Friant Dam to the confluence with the Merced River (i.e., Restoration Area) and restore and maintain naturally reproducing and self-sustaining populations of salmon and other fish. CDFW would like to note the SJRRP is working on two major passage improvements projects (Sack Dam and Mendota Dam) to allow volitional passage of anadromous fishes upstream to Friant Dam (upstream of the Project). Further, CDFW has invested millions of dollars to construct a state-of-the-art Salmon Conservation and Research Facility (SCARF; i.e., conservation hatchery), also upstream of this site, to help with the reintroduction of spring-run Chinook salmon (*Oncorhynchus tshawytscha pop. 11*). Once fully operational, the SCARF plans to release 1.2 million smolts annually from its volitional release channel upstream of the Project site. Further the Project is directly adjacent to the most important reach of the river for spring-run Chinook salmon to complete various life-cycle stages (egg, juvenile, and adult), with holding, spawning, incubation, and rearing occurring directly adjacent to the Project site.

Response 15-7

See Collective Response #12 pertaining to San Joaquin River restoration efforts. See also Collective Response #16 pertaining to salmon spawning and analysis methods.

Comment 15-8

Finally, the Lost Lake Recreation Area, which borders the Quarry Site to the north, is also State-owned land and is operated under an expired lease with Fresno County. Lost Lake Recreation Area provides important recreational opportunities to the public and also supports high quality riparian habitat for a variety of wildlife species, including many of the special-status species identified in the DEIR.

Response 15-8

See Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 15-9

While CDFW acknowledges that a detailed analysis was included in the Project DEIR to evaluate impacts to the San Joaquin River and associated floodplain from the associated Project blasting and mining activities, CDFW is concerned that the duration of the Project, coupled with the complexity of the Project impacts, which includes blasting and excavation of bedrock down to approximately 600 feet, and uncertainty in climatic conditions due to climate change over the next 100 years, will result in significant unanalyzed direct and indirect impacts to biological resources beyond baseline conditions. CDFW is specifically concerned with potential Project-related impacts to riparian habitat and associated fish and wildlife which inhabit areas adjacent to the Project site, specifically impacts associated with noise (hydroacoustic and acoustic), blasting, water quality, vibration, and direct disturbance.

Response 15-9

Please see Collective Response #5 pertaining to the requested use permit duration. CDFW's concerns regarding uncertainties of future conditions of the 100-year duration of the requested use permit as relates to impacts to riparian habitat are noted. As noted in the comment, the Draft EIR includes a detailed analysis evaluating potential project impacts to the San Joaquin River and associated floodplain associated with project blasting and other project-related activities. With regard to project-related impacts to riparian habitat and associated fish and wildlife which inhabit areas adjacent to the

project sites associated with noise, blasting, water quality, vibration, and direct disturbance, please see Collective Response #13.

Comment 15-10

In addition, deep mining activities could severely impact the underlying hydrology on which the San Joaquin River and the river's associated riparian vegetation depends, particularly if slope failure were to occur at the Quarry Site, the natural berms and levees surrounding the Project site were to fail from high flows or unforeseen climatic conditions, or if unanticipated rock fractures provide more hydrologic connection than assumed in the DEIR. This situation would be of particular concern to the SJRRP restoration activities, as water released from the Friant Dam is fully allocated for downstream riparian water right holders and SJRRP Restoration Flows. Any unintentional diversion, from events such as slope failure or deep pit capture and/or filling, would have significant impacts on downstream water deliveries and the success of SJRRP's goal in restoring a natural self-sustaining population of spring-run Chinook salmon below Friant dam.

Response 15-10

Please see Collective Response #17 pertaining to banks stability and risk.

Comment 15-11

In summary, CDFW is concerned Project activities, which include blasting and mining operations directly adjacent to the San Joaquin River to a depth of approximately 600 feet, and would occur over an approximate 100-year period, would result in significant direct and indirect impacts to sensitive resources within and adjacent to the Project site over the life of the Project. These impacts have the potential to disrupt San Joaquin River hydrology, impact the restoration and conservation goals within the San Joaquin River and associated SJRER, as well as the restoration goals of the SJRRP. Due to these concerns, CDFW strongly recommends that the Project be modified to a more environmentally superior alternative, and that Project activities be adjusted to limit site blasting and excavation (i.e., activities associated with the Quarry Site) further away from the San Joaquin River and the river's associated habitats, reducing the potential for impacts to CDFW-owned lands, and sensitive species and habitats.

Response 15-11

The commenter's concerns regarding blasting and mining operations adjacent to the San Joaquin River during project duration and the commenter's recommendation that the

project be modified to adjust blasting and excavation at the Quarry Site to be further away from the San Joaquin River and habitats are noted and will be considered by County decision-makers. The commenter does not provide evidence of a deficiency in the Draft EIR analysis of potential biological resources impacts of the project or a deficiency in biological resources mitigation measures presented in the Draft EIR and which the Draft EIR analysis determines are sufficient to avoid significant impacts to biological resources.

Comment 15-12

In addition to the general recommendation provided above, CDFW has concerns about the ability of some the proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take for several special-status animal species, including the State endangered and fully protected bald eagle (*Haliaeetus leucocephalus*), the State threatened Swainson's hawk (*Buteo swainsoni*), the State and federally threatened California tiger salamander – Central California Distinct Population Segment (DPS) (*Ambystoma californiense pop.1*), the State and federally threatened Chinook salmon – Central Valley spring-run Evolutionary Significant Unit (ESU), the State fully protected white-tailed kite (*Elanus leucurus*), the State candidate western burrowing owl (*Athene hypugaea*), tricolored blackbird (*Agelaius tricolor*), and Crotch's bumble bee (*Bombus crotchii*), the State species of special concern and federally proposed threatened western pond turtle (*Actinemys marmorata*) and western spadefoot (*Spea hammondii*), and the State species of special concern Chinook salmon –Central Valley fall/late-run ESU, hardhead (*Mylopharodon conocephalus*), Kern brooklamprey (*Lampetra hubbsi*), Pacific lamprey (*Entosphenus tridentatus*), and Sacramento hitch (*Lavinia exilicauda exilicauda)*, the State species of special concern and federally threatened steelhead – Central Valley DPS (*Oncorhynchus mykiss irideus pop.* 11), and the State species of special concern western river lamprey (*Lampetra ayresii*).

Response 15-12

The commenter expresses a general concern about the ability of some of the proposed mitigation measures to reduce impact to less than significant and avoid unauthorized take of certain species. The commenter does not reference specific mitigation measures, and the comment does not explain or provide substantial evidence of any specific deficiency in the Draft EIR impact analysis and mitigation measures. Please see Responses 15-13 through 15-39 below pertaining to more specific comments.

Comment 15-13

Terrestrial Species

State Fully Protected Raptors

CDFW would like to note that, based on the information provided in the DEIR, habitat assessments and surveys for special-status species were focused mainly within the Project site, and focused surveys were not conducted for bald eagle (BAEA) and white-tailed kite (WTKI). Additionally, the DEIR does not appear to have a substantive analysis of direct and indirect impacts to biological resources adjacent to the Project site. CDFW is particularly concerned with the impacts from Project activities to BAEA and WTKI if these species were to nest within the habitats surrounding the Project site. Certain Project details and their associated potential impacts to biological resources are also lacking, such as a detailed analysis of the potential acoustic and vibratory impacts to BAEA and WTKI from the blasting and mining activities associated with the Quarry Site.

Mitigation Measure 4.4-1c is provided to mitigate for potential impacts to nesting birds, including BAEA and WTKI, and requires a preconstruction survey prior to Project activities and the implementation of inadequate no-disturbance buffers. CDFW does not concur that the surveys and no-disturbance buffers proposed in Mitigation Measure 4.4-1c are sufficient to mitigate for potential impacts to these species. CDFW is also concerned that Project activities such as blasting may result in indirect impacts to BAEA and WTKI, and these Project activities need to be more adequately analyzed in the DEIR. As such, CDFW recommends that the DEIR include a more robust analysis of potential impacts to BAEA and WTKI from ongoing Project activities, particularly for the blasting and mining proposed at the Quarry Site, and that this analysis include a sufficient area around the Project site.

In addition to the recommendation above, CDFW recommends the following:

Recommended Mitigation Measure 1: State Fully Protected Raptor Surveys

CDFW recommends that focused BAEA and WTKI surveys be conducted prior to the initiation of Project blasting activities. CDFW recommends that these surveys occur within the Project site and a ½-mile buffer of the Project site and that BAEA surveys follow the Bald Eagle Breeding Survey Instructions (CDFW 2010) protocol and

be conducted by a qualified biologist prior to the initiation of plant construction or mining phases as outlined in the DEIR.

Recommended Mitigation Measure 2: State Fully Protected Raptor Avoidance Buffer

If a BAEA or WTKI is found prior to or during surveys or Project activities, CDFW recommends implementation of a minimum ½-mile no-disturbance buffer. CDFW advises that this buffer remains in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged and are no longer reliant upon parental care for survival. In the event that a BAEA or WTKI is detected during surveys, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is recommended.

Response 15-13

The comment is noted. The analysis and conclusions in the EIR assume a context of mining and associated activities at both project sites that have been ongoing and habitual for decades. The proposed mining and processing activities would continue to be confined to previously disturbed areas at the two project sites, which do not support high-quality riparian, wetland, or riverine habitats. The proposed project activities would avoid direct impacts to sensitive habitats along the SJR where bald eagle may forage, and adjacent non-native grasslands where bald eagle and white-tailed kite (particularly the kite) may forage.

Given ongoing, habitual disturbances associated with mining operations, Mitigation Measure 4.4-1c, as revised in the Final EIR, requires the performance of preconstruction nesting bird surveys in and near areas where the initiation of construction, ground disturbing activities, and blasting is occurring. Measure 4.4-1c has been revised to specify that survey efforts would include areas within 500 feet of the subject limits of disturbance, to ensure that any non-listed raptor nests or those of listed species near construction areas are surveyed for. If blasting is scheduled during the bird nesting season this would also be considered an initial disturbance, and a pre-blasting nesting bird survey would be performed. This survey would include areas within 0.25 mile of the blasting site(s) to cover nesting bald eagle, Swainson's hawk and white-tailed kite, and would conform to survey methods outlined in the CDFW Swainson's hawk survey protocol (deemed sufficient for all three species). If a Swainson's hawk or bald eagle is actively nesting within 0.25 mile of the blasting site(s), blasting would not occur while the nest(s) remain active or unless accompanied by nest monitoring or otherwise approved by CDFW. If blasting ceases for seven or more days, a single additional survey would be conducted to verify that there are no additional active nests.

See Final EIR Chapter 3, "Draft EIR Errata," to view the revisions to Mitigation Measure 4.4-1c.

Comment 15-14

Swainson's Hawk

CDFW would like to note that, based on the information provided in the DEIR, habitat assessments and surveys for special-status species were focused mainly within the Project site, and focused surveys were not conducted for Swainson' hawk (SWHA). Additionally, the DEIR does not appear to have a substantive analysis of direct and indirect impacts to biological resources adjacent to the Project site. CDFW is particularly concerned with the impacts from Project activities to SWHA if individuals were to nest within the habitats surrounding the Project site. Certain Project details and their associated potential impacts to biological resources are also lacking, such as a detailed analysis of the potential acoustic and vibratory impacts to SWHA from the blasting and mining activities associated with the Quarry Site.

Mitigation Measure 4.4-1c is provided to mitigate for potential impacts to nesting birds, including SWHA, and requires a preconstruction survey prior to Project activities and the implementation of inadequate no-disturbance buffers. CDFW does not concur that the surveys and no-disturbance buffers proposed in Mitigation Measure 4.4-1c are sufficient to mitigate for potential impacts to this species. CDFW is also concerned that Project activities such as blasting may result in indirect impacts to SWHA, and these Project activities need to be more adequately analyzed in the DEIR. As such, CDFW recommends that the DEIR includes a more robust analysis of potential impacts to SWHA from ongoing Project activities, particularly for the blasting and mining proposed at the Quarry Site, and that this analysis includes a sufficient area around the Project site.

Response 15-14

See Response 15-13. It is acknowledged that Swainson's hawk occurs in the vicinity of the project sites, including multiple documented nesting occurrences. However, the proposed mining and processing activities would continue to be confined to previously disturbed areas that provide only limited and mostly low-quality foraging opportunities for this species. Open areas near the project sites may be used for foraging. Given a baseline condition of mining-related disturbances at these sites, no potentially significant impacts to Swainson's hawk foraging are anticipated.

Regarding potential impacts to Swainson's hawk nesting, see Response 15-13, which includes revisions to Measure 4.4-1c intended in part to address such potential impacts. See also Final EIR Chapter 3, "Draft EIR Errata," to view the proposed revisions to the Draft EIR.

Comment 15-15

In addition to the recommendation above, CDFW recommends the following: **Western Pond Turtle and Western Spadefoot**

CDFW would like to note that based on the information provided in the DEIR, habitat assessments and surveys for special-status species were focused mainly within the Project site, and focused surveys were not conducted for western pond turtle (WPT) and western spadefoot (WESP). CDFW would also like to note that DEIR did not focus on an evaluation of the habitat adjacent to the Project site, particularly along the San Joaquin River, and the DEIR does not appear to have a substantive analysis of direct and indirect impacts to biological resources adjacent to the Project site. CDFW is particularly concerned with the impacts from Project activities to WPT and WESP if this species were to utilize habitats surrounding the Project site. Certain Project details and their associated potential impacts to biological resources is also lacking, such as a detailed analysis of the potential acoustic and vibratory impacts to WPT and WESP and their associated burrows from the blasting and mining activities associated with the Quarry Site. CDFW is concerned that direct and indirect impacts to WPT and WESP, such as the potential collapse of burrows, inadvertent entrapment, direct mortality of individuals, and displacement due to sound or vibration, are not adequately analyzed in the DEIR. As such, CDFW recommends that the DEIR include a more robust analysis of potential impacts to WPT and WESP from ongoing Project activities, particularly for the blasting and mining proposed at the Quarry Site, and that this analysis include a sufficient area around the Project site. This additional analysis should consider information within several published research studies on various toad species which demonstrate that vibrations outside of typical emergence cues like rainfall can result in the emergence of toads from underground refugia, including during times of hibernation. It is also important to note that thunder, or sounds like thunder, can stimulate toad emergence. The vibrations and sounds associated with blasting could result in the atypical and seasonally inappropriate emergence of spadefoot, resulting in direct mortality, reduced survival, and impacts to reproductive success.

Response 15-15

CDFW's concerns are noted. However, Section 4.4, "Biological Resources," of the Draft EIR, and its supporting studies (Draft EIR Appendix E-1, "Plant Site Habitat Assessment," and E-2, "Quarry Site Habitat Assessment") provide an overview of habitat both within and adjacent to the Plant and Quarry sites and applicable habitat assessments. It was determined that western pond turtle (WPT) and western spadefoot (WESP) have a low potential to occur on the sites. Measures, including preconstruction surveys and relocation measures (see Mitigation Measure 4.4-1b), are adequate to reduce potential impacts to these species to a less than significant level.

In terms of indirect impacts from blasting, the CDFW does not provide substantial evidence that these activities would result in a significant impact to special-status species, including WPT and WESP. Draft EIR Appendix E-4, "Effects of Blasting on Fish," provides an evaluation of the potential for blasting to impact salmonids in the areas of the San Joaquin River adjacent to the sites, as near as 200 feet: *Based upon the blast designs used to maintain safe ground vibration levels for the stability of the slope, the resulting overpressures in the waters of the San Joaquin River due to adjacent blasting at the proposed Cemex Rockfield quarry would be less than 1 psi. This level of overpressure is significantly below the 7.3 psi limit established for the safety of salmon.* Though no species-specific information is available for indirect effects of blasting on WESP and WPT, it is reasonable to assume that the low amount of overpressure that would result from the proposed project would not have a significant impact on these species if they were present and that the mitigation measures proposed to ameliorate effects on these species would further minimize impacts to a less than significant level. As such, no additional analysis or mitigation is required.

Comment 15-16

CDFW would also like to note that Mitigation Measure 4.4-1b of the DEIR states, "Pre-construction clearance surveys within the boundaries of the Quarry Site shall be conducted […] A combination of visual and trapping surveys by a CDFW-qualified biologist may be performed." CDFW is concerned the use of the phrase "may be performed" introduces an element of uncertainty and could lead to inadequate or nonexistent survey efforts, potentially affecting these sensitive species. As such, CDFW recommends revising this measure to explicitly require visual and trapping surveys prior to the initiation of any construction activities.

Response 15-16

Mitigation Measure 4.4-1b has been revised to more explicitly require performance of visual and trapping surveys by a qualified biologist prior to initiation of mining activities. See Final EIR Chapter 3, "Draft EIR Errata," to view this proposed change.

Comment 15-17

Aquatic Species

As noted above, extensive restoration, conservation, and management efforts are occurring within the San Joaquin River and adjacent SJRER, and aquatic species, including Chinook salmon, hardhead, Kern brook lamprey, Pacific lamprey, Sacramento hitch, steelhead, western river lamprey, sacrament sucker (*Catostomus occidentalis*), Sacramento pikeminnow (*Ptycochelis grandis)*, threespine stickleback (*gasterosteus aculeatus*), as well as species of sculpin (*cottus sp.*) have the potential to utilize the habitats directly adjacent to the Project site over the life of the Project. CDFW is concerned that the proximity of Project activities to the San Joaquin River and adjacent riparian habitat, particularly the blasting and mining activities associated with the Quarry Site, are likely to result in potentially significant impacts to aquatic species, particularly if slope failure were to occur at the Quarry Site or the natural berms and levees surrounding the Project site were to fail from high flows or unforeseen climatic conditions. In addition, unanticipated rock fractures could provide more hydrologic connection of the mining pit to the San Joaquin River than assumed in the DEIR, which could deep pit capture by the San Joaquin River and associated modification to San Joaquin River subsurface and subsurface flows. As such, CDFW has the following comments and recommendations:

Response 15-17

Blasting activities would be brief and are not expected to result in significant impacts to wildlife species (see discussion of Impact 4.4-2 on page 4.4-52 of the Draft EIR). A typical blasting event would occur for approximately one to two seconds. As described in the Blasting Protocols in Final EIR Appendix H-9, "Revised Blasting Protocols," blasting would be conducted in such a way that slope stability would be strictly monitored. See Collective Response #17 regarding flooding at the project site. See also Collective Response #12 for further discussion of the San Joaquin River Restoration Program.

Comment 15-18

San Joaquin River Floodplain

While the DEIR notes that the Plant Site and Quarry Site are not located within the modeled 100-year floodplain of the San Joaquin River, the river is not in direct hydraulic communication with the weathered and hard rock at the Quarry Site, and that dewatering of the deeper geologic units associated with the Quarry Site Project activities would not be expected to affect the quantity of the water within the river, CDFW would like to highlight there is extensive amount of uncertainty with these statements, particularly due to the difficulty in attempting to evaluate and analyze potential changes to the surrounding areas over time (e.g., changes in topography, rainfall amounts, etc.), particularly from high flows and/or increasingly extreme weather events associated with climate change. CDFW would also like to note that portions of the Project site are still located within the rivers historic floodplain and is potentially still connected to the San Joaquin River via subsurface flow and at times, potentially overland flow, when large flood flow events occur. CDFW would also like to note that the 20th century levee construction does not cut off the historic plain from local watershed processes.

The San Joaquin River flow/stage is the local control for the shallow groundwater table elevation. This San Joaquin River's influence on the groundwater table extends laterally away from the river into the historic floodplain's subsurface which is predominantly composed of alluvial (sand, gravel, and cobble) deposits. These sediments are found to cap local bedrock in some areas. The extraction or pumping of groundwater within the historic or present-day floodplain adjacent to the San Joquin River, would influence river and hyporheic flow, and shallow groundwater elevations. Excavation or pumping below the groundwater table elevation within the floodplain would cause a local cone of depression that would draw down the groundwater table elevation. This would create a gradient that would pull water from the San Joaquin River and its subsurface, known as a losing stream. This would have the potential to have a significant impact to the San Joaquin River watershed and the success of the SJRRP.

Response 15-18

See Responses 6-12 and 6-13, and Collective Response #25.

Flows within the San Joaquin River that are equivalent to or higher than those that would occur as part of the SJRRP restoration flows occurred during the baseline groundwater

monitoring period for the EIR (Draft EIR at page 4.10-49). Evaluation of the groundwater level data did not indicate similar trends to the river stage, which is one of the DWR criteria for evaluating interconnected surface water (Draft EIR at page 4.10-50). Furthermore, the groundwater flow volumes under the project sites and the estimated dewatering rates are miniscule fractions of the baseline and restoration flows in the San Joaquin River, such that even if the project were to draw water from the river through the weathered rock and hard rock, it would be immeasurable in terms of effect on river flows. The Operator recently elevated the berm at the Quary Site to provide additional flood protection. In response to comments and in accordance with the Fresno County General Plan (2024), Chang Consultants conducted hydraulic analyses evaluating the 200-year flood event, a more rare and severe flood event, which demonstrate that the 200-year flood would neither enter the Quarry Site nor the Plant Site (see Appendix G-7 and Appendix G-8). See Collective Response #17, discussing the 200-year flood plain analysis.

Comment 15-19

Levee Overtopping/Levee Failure

Friant Dam flood releases can occur in winter and spring. These flows have the potential to overtop or laterally incise levees, natural or constructed. Given the proposed Project's 100-year lifespan, it is critical that more dynamic language be incorporated into the DEIR to account for potential changes to the surrounding areas over time and potential for levee overtopping or failure. CDFW is concerned that flood releases, coupled with the potential for increased extreme flow events due to climate change, could jeopardize the integrity of the natural berms and levees surrounding the Project site, and that breaching of these barriers by high flows could result in long-term impacts to San Joaquin River fisheries and nearby restoration projects. As natural systems are inherently dynamic, it is essential to consider all potential scenarios for a Project with such an extended duration. Coordination with CDFW and other relevant agencies is strongly recommended to develop adaptive language that minimizes the potential long-term impacts of the Project.

Response 15-19

The project would not involve the operation or management of Friant Dam. Accordingly operational releases from Friant Dam are outside the scope of the project under CEQA. The project has been designed in consideration of regional hydrology and topography. Specifically, the hydraulic analysis includes a detailed analysis of the 100-year water surface elevations and flow velocities along the San Joaquin River (see Draft EIR, Appendix G-1, "Hydraulic Analysis"). This 100-year flood event represents an extreme

and conservative scenario for evaluating potential flood risks. Even so, the analysis determined that the existing berms are higher than the 100-year surface elevations, which would prevent breaching. As such no significant impacts related to levee/berm overtopping or failure are anticipated. In response to comments and in accordance with the Fresno County General Plan (2024), Chang Consultants conducted hydraulic analyses evaluating the 200-year flood event, a more rare and severe flood event, which demonstrate that the 200-year flood would neither enter the Quarry Site nor the Plant Site (see Appendix G-7 and Appendix G-8). The Operator recently elevated the berm at the Quarry Site to provide additional flood protection from the 200-year flood. See Collective Response #17, discussing the 200-year flood plain at the Quarry Site.

See discussion of Impact 4.10-17 on page 4.10-118 of the Draft EIR which explains that extreme releases of water from the Friant Dam are not required to be evaluated under CEQA because such releases are not reasonably foreseeable (Draft EIR, pages 4.10-118 through 4.10-119; see also CEQA Guidelines Section 15064(d)(3)). Regardless, in the unforeseen event of the release of water from the Friant Dam or Millerton Lake Reservoir in an amount that exceeds the river's channel capacity, the Draft EIR provides that the project sites' enlarged mining excavations would help contain and minimize downstream flooding (Draft EIR, page 4.10-119), that the on-site storm runoff, wash water, and sediment would be retained within the project sites' pits and ponds (which would include the recharge trenches), and that the stormwater would be managed in accordance with all applicable requirements of the NPDES program, including site-specific SPPPs prepared in accordance with Industrial General Permit Requirements and updated Waste Discharge Requirements (Draft EIR, page 4.7-29).

Comment 15-20

Water Temperatures/Water Quality

Suitable San Joaquin River temperatures are essential for the success in restoring the river and for the goals associated with the SJRRP. In general, San Joaquin River temperatures increase as water flows downstream from Friant Dam except for the coldest months in late fall and early winter. The reduction of flow traveling downstream, by a surface or subsurface diversion associated with mining pit capture would increase this dynamic and cause the San Joaquin River to warm sooner and at a faster rate. This can cause lethal/sub-lethal conditions for salmon and other fishes. Water found within the historic San Joaquin River floodplain, surface and subsurface, would have different water quality and temperatures than San Joaquin River surface flow. While the DEIR notes that groundwater and onsite water associated with the mining activities would remain on the Project site for

percolation into the groundwater aquifer, CDFW would like to reiterate that any surface or subsurface flow of water from the Project site would have the potential to warm the San Joaquin River and cause water quality issues that can result in lethal/sub-lethal conditions for fishes and potentially hinder SJRRP's efforts.

Response 15-20

This comment has been noted. Based on Draft EIR Section 4.7.1.1, "Geologic Conditions," the project sites are located within the San Joaquin River basin, characterized by alluvial basin fill that overlies older igneous rocks (Draft EIR pages 4.7-3 through 4.7-4). More specifically, on the project sites, the surficial geology comprises alluvial sediments, which are derived principally from Sierran granite and granodioritic rocks. These rock types are mapped within the immediate vicinity of the site and are the primary resource that would be mined and processed to produce aggregate products. Because the alluvial basin fill is compositionally derived principally from these plutonic rocks, the mineralogic assemblage of the underlying crystalline rock and the alluvium is compositionally similar and thus can be expected to exhibit common geochemical characteristics, though minor differences in mineral assemblages may be present in the weathered plutonic bedrock. When these types of plutonic rocks weather and undergo alteration, the resultant mineral assemblage is typically iron-rich and aluminosilicate clays and quartz, which are generally considered to be geochemically stable in subsurface hydrogeologic environments under typical pH and alkalinity levels.

As discussed in the EMKO Environmental, Inc. report, both the Quarry Site and the Plant Site are managed and designed as zero-discharge facilities with respect to offsite discharges. Therefore, the proposed project would not significantly impact surface water quality.

As discussed in the Draft EIR, a reintroduction effort for Chinook salmon is being orchestrated by the Bureau of Reclamation to restore the San Joaquin River (SJR) (Draft EIR page 4.4-63). Draft EIR Appendix E-4 evaluates the blasting limits of ground vibrations from the project's proposed blasting limits at the crest of the SJR embankment and determined the resulting overpressures in the SJR would be significantly below the threshold level established for the protection of embryos in spawning gravels and the safety of salmon. The ponds and water conveyance channels are artificial wetlands constructed and maintained for active surface mining and dewatering of the deeper geologic units and would not affect the water levels in the river. Due to the very low permeabilities of the weathered rock and hard rock at the Quarry Site, the volume and rate of groundwater flow are very low compared to the volume and rate of flows in the river. Implementation of several Draft EIR Mitigation Measures (such as Mitigation

Measures 4.10-1, 4.10-5a, and 4.10-10a) would reduce impacts on water quality issues, and no further analysis is required. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10, "Hydrology and Water Quality," and the mitigation measures referenced in this response.

Comment 15-21

Rock Blasting and Impacts to Chinook Salmon

The San Joaquin River, from Friant Dam to Little Dry Creek, is the primary spring-run Chinook salmon over-summer holding, spawning, and incubation reach for the SJRRP based on river temperatures, streambed substrate, and flows. The Project is immediately adjacent to this important reach that supports these critical phases of salmon life history. Rock blasting adjacent to the San Joaquin River would likely cause physical vibrations laterally within the floodplain and into the riverine environment, may have significant impacts on the behavior of salmon adults with over-summer holding (April to September), habitat spawning selection (September to mid-November), and the incubation of alevin/fry (September - March). While the DEIR evaluates potential blasting impacts to salmonids and concludes that blasting activities would be below a significant harm threshold identified by the Alaska Department of Fish and Game, CDFW would like to note that in addition to direct mortality and harm, rock blasting may cause an avoidant behavior in salmon. If blasting were to cause avoidant behavior, blasting activities could act as a behavioral barrier blocking salmon from entering and occupying suitable holding and spawning habitat located near and upstream of the Project. In addition, physical vibrations rock blasting could result in premature emergence on alevin/fry from the redd incubation environment. Juveniles emerging too early result in poor survival from their inability to navigate flows, avoid entrainment, and successfully escape predators. Due to the complexity of trying to determine behavioral thresholds to fish salmon from the proposed blasting activities, CDFW reiterates the recommendation that the Project be modified to an environmentally superior alternative, and that Project activities be adjusted to site blasting and excavation (i.e., activities associated with the Quarry Site) further away from the San Joaquin River and the river's associated habitats. In addition to this general recommendation, CDFW recommends the following:

Recommended Mitigation Measure 15: Chinook Salmon Consultation

It is recommended the Project proponent consult with CDFW to determine how to minimize and mitigate impacts to juvenile salmon utilization of the San Joaquin River from rock blasting.

Response 15-21

As explained in the Draft EIR, blasting activities would be brief and would not result in significant impacts to wildlife (see discussion of Impact 4.4-2 on page 4.4-52 of the Draft EIR). A typical blasting event would occur for approximately one to two seconds. See Response 65-13 for further discussion of blasting impacts to Chinook Salmon.

Comment 15-22

Blasting Protocols

Mitigation measure 4.10-1 of the DEIR requires implementation of the *Blasting Protocols* which specifies that blasting must begin at the center of the Quarry site and that monitoring of ground borne vibration can occur and be used to verify that predicted maximum ground vibrations are consistent with actual ground vibration measurements and allow for adjustments in blasting design to occur based on the monitoring results. CDFW is concerned that the blasting protocols may have unforeseen impacts to aquatic species and recommends having a biological monitor visually observe blasting activities adjacent to the San Joaquin River to look for signs of impacts to species (e.g. unusual behavior, mortality).

Response 15-22

Blasting activities would be brief and would not result in significant impacts to wildlife. A typical blasting event would occur for 1-2 seconds. See discussion of Impact 4.4-2 on page 4.4-52 of the Draft EIR for further discussion of blasting impacts to wildlife. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.4.

Comment 15-23

Editorial Comments and/or Suggestions

Blasting Impacts: Within the DEIR, noise significance thresholds are discussed. However, these thresholds primarily focus on impacts related to salmon, as detailed in the DEIR section "Effects of Nearby Blasting on Salmon in the San Joaquin River," and do not address potential impacts on other animal species. CDFW strongly recommends a comprehensive evaluation of the potential effects of acoustic and vibration impacts from the proposed blasting, particularly in relation to impacts to special-status species

listed in previous sections of this letter. Furthermore, relevant thresholds or evaluation criteria should be established to minimize these effects and ensure the protection of wildlife in the surrounding areas.

Response 15-23

Blasting activities would be brief and would not result in significant impacts to wildlife (see Draft EIR page 4.4-53). A typical blasting event would occur for 1-2 seconds.

Comment 15-24

Reclamation Plans: The DEIR, on page 148, states that at the Plant Site, "It is estimated that an approximately 100.5-acre, 20-foot-deep pond would form above the reclaimed bottom from groundwater and rainfall." The Project proposes that, upon completion, the Plant Site would be converted into an open water habitat or lake with a relatively uniform bottom elevation and a depth of approximately 20 feet, which offers limited benefit to wildlife. CDFW recommends placing overburden and fines at the bottom of the pit to create topographic complexity, ensuring the formation of dry islands, peninsulas, and variable water depths. This more naturalistic approach would enhance the site's suitability for wildlife use. As an example, CDFW suggests that the reclamation plan reference sites such as Ball Ranch (coordinates: 36.936284°, -119.736811° and 36.857447°, -119.834031°).

Response 15-24

While CDFW's recommendation for additional topographic complexity is noted, the proposed design was developed to ensure stability, water quality protection, and consistency with approved reclamation objectives. The Draft EIR analysis supports the conclusion that the proposed open water habitat would provide beneficial wildlife use, and no additional modification to the reclamation plan is required.

Comment 15-25

Overall, CDFW does not concur with the proposed reclamation plan. CDFW recommends the development of a more comprehensive reclamation plan in collaboration with relevant agencies. Given that the Project is anticipated to be completed over a 100-year timeframe, it is essential to create a detailed reclamation plan that incorporates dynamic language, allowing for flexibility to accommodate potential changes over time.

Response 15-25

The Draft EIR analyzes the proposed project's consistency with Fresno County Zoning Ordinance Section 834.4.220, which enacts the provisions of the Surface Mining and Reclamation Act contained in PRC Section 2710-2796 (SMARA). As discussed in Table 4.11-1, "Project Consistency with Local Planning Documents," of the Draft EIR, the existing quarry and the proposed project were designed and operated in compliance with the Fresno County Surface Mining and Reclamation Ordinance. Specifically, the ordinance requires approval of a CUP, Mining and Reclamation Plan, and Financial Assurances for all surface mining operations in the County and outlines the submission requirements and processing procedures for each. See Table 4.11-1 on pages 4.11-43 through 4.11-44 for further discussion of the project's consistency with Fresno County Zoning Ordinance Section 834.4.220.

Reclamation activities would occur within two years of the completion of each phase of mining on each site and would be conducted in conjunction with mining activities to the extent feasible. Reclamation would occur when mining is completed at the Plant Site, which is estimated to last up to 30 years (Draft EIR page 1-7). The final reclamation would occur on the Quarry Site after 100 years (Draft EIR page 2-29). The Reclamation Plan proposed complies fully with all requirements of SMARA and CEQA. The Reclamation Plan is included in its entirety as Appendix B-1, "Surface Mining and Reclamation Plan," of the Draft EIR, and the CDFW had the opportunity to review and comment on its contents in accordance with CEQA.

Comment 15-26

Quarry Site Groundwater Adaptive Management Program: Mitigation Measure 4.10-10a of the DEIR states, "To assess any potential effect on the CSA 44C wells due to the proposed excavation of a hard rock quarry pit at the Quarry Site, monitoring shall be conducted in the nested set of wells between the Northeast Pond and the CSA 44C wells, and in the CSA 44C wells themselves." CDFW is concerned that monitoring at only one of the two well clusters near the San Joaquin River may not fully represent conditions along the entire boundary.

CDFW recommends the following:

1. Add pressure transducer monitoring to the MW-2 well cluster, located in the alluvium and weathered rock, to establish baseline conditions and evaluate potential impacts (MW-1 is already included and contains applicable thresholds and actions for MW-2).

2. Conduct further investigation into the elevation of the contact between the alluvium and weathered rock in relation to the adjacent channel bed and stream stage along the mine boundary shared with the San Joaquin River. This data should be used to refine the adaptive management program concerning potential streamflow depletion.

Response 15-26

Pressure transducers have been present in each well of the MW-2 cluster since 2017, and CEMEX intends to continue to monitor water levels in that well cluster during the project (Draft EIR Appendix G-6, "Addendum to: Revised Hydrology and Water Quality Analysis Report," page 2). Therefore, monitoring data from the MW-2 wells may be included in the adaptive management program, subject to the same evaluation criteria, thresholds, and corrective measures outlined in Mitigation Measure 4.10-10a that apply to the other wells being monitored for the adaptive management program.

Mining of the Quarry Site adjacent to the San Joaquin River has already removed the alluvium and exposed the top surface of the weathered bedrock. Thus, the current Quarry floor topography near the river defines the elevation of the contact between those two geologic units and further investigation is unnecessary. These conditions are part of the current baseline, and the project would not alter the elevation of the contact in the area between the quarry and the river. Thus, revisions to the adaptive management program due to baseline conditions is not necessary.

Comment 15-27

Sustainable Groundwater Management Act (SGMA), Interconnected Surface Waters, and Groundwater Dependent Ecosystems: Groundwater Sustainability Plans were prepared for the Kings Subbasin. The Kings Subbasin (Subbasin No. 5-022.08 of the San Joaquin Valley Groundwater Basin) is designated as a high priority Subbasin by the Department of Water Resources (DWR). SGMA defines sustainable groundwater management as, "management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results (Water Code, § 10721 (v))." CDFW recommends that the DEIR include an analysis of Project-related activities in relation to the North Kings Groundwater Sustainability Plan, including analysis of potential undesirable results and adverse impacts to groundwater dependent ecosystems including the biological resources listed above.

CDFW recommends a hydrologic study or other information that identifies and analyzes the impacts to the aquatic ecosystems and

fisheries of the San Joaquin River that may result from Project implementation. CDFW recommends that it include specific triggers for evaluating changes to surface and ground water levels and monitoring wetland and riparian habitats that would be affected by these changes.

Response 15-27

The project's potential impacts to groundwater supply are addressed in Section 4.10, "Hydrology and Water Quality," of the Draft EIR. Analyses of groundwater conditions at the Plant and Quarry sites are presented in Appendix G-3, "Groundwater Conditions at the Plant Site," and Appendix G-4, "Groundwater Conditions at the Quarry Site," of the Draft EIR. The Draft EIR provides a summary of the existing groundwater conditions at the Plant Site and Quarry Site on pages 4.10-33 through 4.10-42. See also the Appendix G-5, "Hydrology and Water Quality Analysis Report," and the Appendix G-6, "Addendum to: Revised Hydrology and Water Quality Analysis Report," of the Draft EIR. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections and appendices referenced in this response.

Please see Response 65-38 for further discussion of the project's consistency with the North Kings GSA. See also Response 6-109 and Collective Response #25.

The Draft EIR provides that the North Kings Groundwater Sustainability Agency's groundwater management area is not experiencing critical overdraft conditions and that the Quarry Site and Plant Site would:

(a) Not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management of the basin, and
(b) Not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management (see Draft EIR, Appendix G-5, Section 2.2.1, pages 10 through 12 and Section 5.0, pages 55 through 57).

Further, Impact 4.10-11 determined that the project would not substantially decrease groundwater supplies during mining operations, and after completion of reclamation at the Quarry Site, the project would not impede sustainable groundwater management of the Basin (Draft EIR, page 4.10-112 through 4.10-113). In addition, Impact 4.10-13 analyzed and determined that the Plant Site and Quarry Site would not impede sustainable groundwater management of the Basin, nor substantially interfere with groundwater recharge (Draft EIR, page 4.10-114 through 4.10-115).

The project's potential impacts on groundwater-dependent ecosystems are analyzed in Section 4.4 of the Draft EIR. See the Draft EIR's discussion of the project's impacts to groundwater dependent ecosystems in Impact 4.4-4 and Impact 4.4-5. The Draft EIR concludes in Impact 4.4-4 that the project would not result in adverse effects to groundwater-dependent ecosystems at the Plant and Quarry sites. Furthermore, the Draft EIR concludes, based upon the hydrologic analyses completed by KDSA (2021) and EMKO (2023) that the project would not significantly impact river-flow dependent ecosystems. As such, impacts to fisheries and other aquatic ecosystems of the San Joaquin River would be less than significant, and no further analysis is required. It should be noted that the project would include groundwater monitoring, see Mitigation Measure 4.10-10a.

Comment 15-28

Water Rights: The Project description allows for the diversion and storage of surface water for Project activities. As stated previously, the capture of stream flows is subject to appropriation and approval by the SWRCB pursuant to Water Code section 1200 et seq. CDFW recommends that the DEIR includes a detailed description of the water rights and water entitlements that would pertain specifically to the Project and address any applications or change petitions that may be filed. CDFW, as Trustee Agency, is consulted by the SWRCB during the water rights process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Given the potential for impacts to special-status species and their habitats, it is advised that required consultation with CDFW occur well in advance of the SWRCB water right application process.

Response 15-28

The Draft EIR evaluates the potential impacts of the proposed project on the environment, per CEQA requirements. The status of water rights is not an environmental impact that is addressed under CEQA.

Comment 15-29

Nesting birds: CDFW encourages that Project ground-disturbing and blasting activities occur during the bird non-nesting season; however, if ground or vegetation disturbing or blasting activities must occur during the nesting season (February 1st through September 15th), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

Response 15-29

A pre-construction clearance survey to verify that the site of nesting birds is provided in the Draft EIR, on pages ES-16 through ES-17, and Mitigation Measure 4.4-1c (Draft EIR page 4.4-49). As revised in this Final EIR, pre-construction surveys would be conducted by a qualified biologist within 500 feet of the limits of disturbance and would include multiple survey visits, as appropriate. If an active nest is observed during the survey, appropriate avoidance buffers would be established based on species-specific requirements, including up to 500 feet or greater for listed and raptor species, and construction activities would be modified, delayed, or avoided within the buffer in coordination with the CDFW, as appropriate, until a time when the birds have left the nest, or the nest becomes inactive under natural conditions. With the implementation of Mitigation Measure 4.4-1c, as revised in this Final EIR, the potential for the proposed project to result in adverse impacts to nesting birds at or near the Plant Site and Quarry Site would be less than significant. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.4 and Mitigation Measure 4.4-1c.

Comment 15-30

CDFW further recommends that the DEIR include that a qualified biologist conduct a pre-construction survey for active nests no more than three days prior to the start of ground or vegetation disturbance or blasting activities to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 300 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer

reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Response 15-30

The commenter recommends additional measures related to pre-construction surveys, monitoring, and buffers to protect nesting birds. These comments are noted.

As stated in Response 15-29, the Draft EIR includes a pre-construction clearance survey requirement to identify and avoid impacts to nesting birds (Draft EIR, on pages ES-16 through ES-17; Mitigation Measure 4.4-1c, page 4.4-49). Mitigation Measure 4.4-1c incorporates measures to avoid and minimize impacts to nesting birds, including surveys conducted by a qualified biologist, establishment of appropriate buffers, and restrictions on construction activities in the vicinity of active nests.

As noted, Mitigation Measure 4.4-1c incorporates most of the methods recommended by the commenter and has been revised to further strengthen protections for nesting birds, including listed species. Implementation of this measure would ensure compliance with the California Endangered Species Act, the federal Endangered Species Act, and CEQA. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Mitigation Measure 4.4-1c. See also Response 15-13.

Comment 15-31

CNDDB Positive Submission of Data: Please note that the California Natural Diversity Database (CNDDB) is populated by and records voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there are suitable habitats and features capable of supporting species. A lack of an occurrence record in the CNDDB does not mean a species is not present. In order to adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present at or near the Project site.

Response 15-31

The commenter notes that the California Natural Diversity Database (CNDDB) reflects voluntary species occurrence records and recommends protocol-level surveys to determine the presence of special-status species. This information is noted.

Section 4.4 of the Draft EIR, supported by the Plant Site Habitat Assessment (Appendix E-1) and Quarry Site Habitat Assessment (Appendix E-2), provides a detailed analysis of the potential for special-status species to occur on or near the project sites and be affected by the proposed project (Draft EIR, pages 4.4-22 through 4.4-23). This analysis considered not only documented occurrences in the CNDDB, but also habitat conditions within and adjacent to the project sites.

As described in these analyses, a habitat suitability assessment and 2021 field surveys were conducted by qualified biologists. Based on habitat requirements, availability and quality of habitat, known species distributions, and site conditions, ELMT Consulting determined that no listed species are present and that remaining special-status species not observed during surveys are either presumed absent from the project sites or have a low potential to occur and would not be affected by the proposed project.

The analysis also considers site-specific conditions, including the highly disturbed nature of the project sites, the long history of disturbance, the presence of natural barriers to dispersal, and the presence of non-native species such as bullfrogs, which can limit occurrence of certain native species. Based on this information, no special-status species were determined to have a moderate or high potential to occur within the project sites.

Therefore, the level of analysis provided in the Draft EIR, including habitat assessments and field surveys, is adequate to evaluate potential impacts to biological resources and fulfills CEQA requirements.

Comment 15-32

Adjacent State Protected Lands: As mentioned above, the Willow Unit of CDFW's San Joaquin River Ecological Reserve (SJRER) surrounds the Project site on three sides (the fourth side being Friant Road). A portion of the Plant Site acreage has encroached upon property owned by the State of California (both CDFW and the San Joaquin River Conservancy). This encroachment outside of lands now owned by Cemex was a condition present at the time of CDFW's acquisition of the Willow Unit from the Ball Family. However, the condition was to be remedied within a certain timeframe of purchase but the intended retraction and restoration of the State-owned acreage never occurred. Cemex and CDFW have had preliminary discussions about this issue, which could be resolved with a

property exchange and parcel boundary adjustment, but final resolution will be needed prior to ***any*** expanded activities at the Plant Site.

Response 15-32

The Draft EIR recognizes that a resolution pertaining to the CDFW-owned portion of the Plant Site is needed prior to engaging in expanded activities at the Plant Site. The Draft EIR includes the portion of the Plant Site owned by the CDFW for the purpose of evaluating the full extent of potential environmental impacts of the proposed project. It is noted that the project would not include the CDFW-owned portions without prior approval from CDFW (Draft EIR page 2-2 through 2-3).

Comment 15-33

Additionally, the Quarry Site borders Lost Lake Recreation Area. CDFW would like to note that Lost Lake Park not only is State-owned land, but the lands are under an expired lease with Fresno County. Both these CDFW lands provide habitat for several State and federally listed special-status species.

Response 15-33

The comment is noted.

Comment 15-34

In addition to consultation with CDFW regional staff, CDFW recommends consultation with CDFW's Regional Ecological Reserve Management Unit staff well in advance of Project initiation to demonstrate accurate delineation of property boundaries to prevent inadvertent encroachment on CDFW owned lands. Consultation is also recommended to discuss planned ingress and egress to the Project site for the purposes of avoiding impacts on CDFW-owned lands, which is prohibited by Title 14 California Code of Regulations § 630. Please contact John Battistoni, Regional Ecological Reserve Management Unit Supervisor, at the address on the letterhead above or via email at John.Battistoni@wildlife.ca.gov.

Response 15-34

The comment is noted. See Response 15-33 above.

Comment 15-35

Lake and Streambed Alteration: Project activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section

1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation): (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (LSAA); therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSAA issuance. For information on notification requirements, please refer to CDFW's website (https://wildlife.ca.gov/Conservation/LSA) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

Response 15-35

The comment is noted. CDFW's jurisdiction over streambed alterations pursuant to Fish and Game Code Section 1602 is discussed in Section 4.4.1.7, "Wetlands and Waters of the State." As discussed in Impact 4.4-5, the ponds and water conveyance channels located on the project sites are artificial wetlands constructed and maintained for active surface mining and do not fall under the regulatory authority of the Army Corps, SWRCB, or CDFW (Draft EIR page 4.4-61).

Comment 15-36

Cumulative Impacts: Currently, the DEIR has a very broad analysis of cumulative impacts to biological resources and does not adequately evaluate impacts to specific resources. As such, the conclusions reached in the cumulative impacts analysis are not supported by substantial evidence and the analysis lacks sufficient rigor and transparency to adequately develop reasonable and feasible measures to reduce harm. To address this lack of evidence, CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the Project, even if those impacts are relatively small (i.e., less than significant). CDFW

recommends cumulative impacts be analyzed for the following species using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area should be identified and mapped for each resource being analyzed and utilized for this analysis. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

Response 15-36

Page 5-12 of the Draft EIR states *"the analysis assumes there are biological resources impacts in the cumulative projects area that could be similar to those on the project sites, and therefore could be subject to cumulative impacts.*" The Draft EIR, on page 5-12, then analyzes cumulative effects to biological resources in the subsequent paragraph of Section 5.3.4, "Biological Resources":

> The project-specific impacts to special-status species (Impacts 4.4-1, 4.4-2, and 4.4-3) in conjunction with those from other past, present, and reasonably foreseeable future cumulative projects have the potential to result in significant cumulative impacts to burrowing owl, western pond turtle, western spadefoot, and nesting birds through the direct and indirect disturbance of the species and their habitats. This is a potentially significant cumulative impact. However, the implementation of Mitigation Measures 4.4-1a, -1b, and -1c would effectively avoid or substantially reduce the proposed project's impacts to these species by requiring preconstruction surveys and avoidance measures. Thus, the proposed project's contribution to cumulative impacts to special-status species, after mitigation, would be less than cumulatively considerable.

Pages 5-13 through 5-14 of the Draft EIR address potential cumulative effects to sensitive resources such as riparian communities, waters of the state, wetlands, and other sensitive communities such as groundwater dependent vegetation communities and wildlife corridors. Ultimately the Draft EIR concluded that through application of mitigation measures, completion of the environmental review process, and similar actions, any cumulative effects are reduced to less than significant levels.

Comment 15-37

Environmental Data

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, Section 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

Response 15-37

The database maintained by the State Clearinghouse and the County records satisfies the reporting requirements referenced in this comment. Both County records and the State Clearinghouse allow for information about the EIR to be held centrally to inform subsequent EIRs and revisions. The results of additional wildlife surveys conducted for the project would be maintained by the County, which constitutes a database allowing for public access to subsequent queries of biological results used to inform subsequent EIRs, in accordance with the requirements of PRC Section 21003, subd. (e)

Comment 15-38

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, Section 753.5; Fish & G. Code, Section 711.4; Pub. Resources Code, Section 21089.)

Response 15-38

The comment is noted and the County will ensure payment of applicable filing fees.

Comment 15-39

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist Fresno County in identifying and mitigating Project impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). Please see the enclosed Mitigation Monitoring and Reporting Program (MMRP) table which corresponds with recommended mitigation measures in this comment letter. Questions regarding this letter or further coordination should be directed to Evelyn Barajas-Perez, Environmental Scientist, at (805) 503-5738 or Evelyn.Barajas-Perez@Wildlife.ca.gov.

Response 15-39

The County appreciates the review and input provided by CDFW. Information on survey and monitoring protocols for sensitive species as referenced in the comment are noted. Please see responses above pertaining to CDFW's mitigation recommendations. Mitigation measures adopted by the County would be documented in a Mitigation Monitoring and Reporting Program (MMRP) in compliance with CEQA.

4.3—ORGANIZATIONS AND LOCAL BUSINESSES COMMENTS AND RESPONSES

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4.3 ORGANIZATIONS AND LOCAL BUSINESSES COMMENTS AND RESPONSES

Letter #16 February 2, 2025, Leo Labbe, Fresno Fly Fishers for Conservation

Comment 16-1

My name is Leo Labbe and I currently serve as the club secretary, I am also a past President of the local Fly Fishers for Conservation here in Fresno County. We have over 200 active members that support and want to conserve our precious environment.

I was totally unaware of the meeting that occurred in January?

However, I did receive the draft of the EIR in the mail and I am very concerned that this proposal even exists and would like to ask how was the meeting made public? I was involved in the original proposal. Also what are the next steps and possibly what can we do as an organization to share our thoughts and concerns?

Response 16-1

Please see Collective Response #1 for discussion of the public review process and opportunities for public input during the County's review of the project.

Comment 16-2

I have attached a list of issues. Can you please respond to the EMAIL to confirm that you have received them.

Response 16-2

The commenter's full comments were received by the County and are responded to in Responses 16-3 through 16-21.

Comment 16-3

I also would appreciate your thoughts on how we should proceed as concerned citizens to this proposal.

Response 16-3

See Collective Response #1 regarding the County's processing of the proposed project. The public will have an additional opportunity to submit comments during the public hearing(s) for the proposed project.

Comment 16-4

CEMEX Proposal issues

This is probably one of the most spectacular parcels of land in the area and the public has virtually no access to it and overall, very limited access to the San Joaquin River. There are a few parks that provide limited access for a fee, but in general most of the land is private or used commercially for mining and pilfering of this precious limited resource. This agreement will insure this limitation is extended for the next 100 years.

Response 16-4

The opinions in the comment are noted. The comment does not address the adequacy of the Draft EIR. Please see Collective Response #5 pertaining to the requested use permit duration and Collective Response #21 pertaining to public access to the San Joaquin River.

Comment 16-5

The process is being expedited in a period where public input and the opportunity to voice concerns are very difficult. I have to ask the obvious question which is, why rush the approval process for an agreement that will last 100 years. What is the hurry? A public meeting was held June 24th and comments accepted through July 6th. Only 8 business days for a commitment that will last for 100 years. Let's slow down and give the people of Fresno County the opportunity to learn about this project and the potential impact that it will have on our Great-Grandchildren who are yet to be born!

Response 16-5

Please see Collective Response #1 for discussion of the public review process and opportunities for public input during the County's review of the project. As described there, the public review and comment period for the Draft EIR was 80 days, which is in excess of the 45-day period required by CEQA. Additional opportunities for public input to the County will also be available during the County decision making hearings process.

Comment 16-6

During the last decade, the CDFW has successfully begun the process of re-introducing Salmon into the San Joaquin River. The impact on this restoration will be significant and could prove to be detrimental to its success!

Response 16-6

Please see Collective Response #12 for discussion of effects on the San Joaquin River and Chinook salmon restoration efforts and please see Collective Response #16 for discussion of blasting impacts to salmon.

Comment 16-7

A 100year agreement is unthinkable and will continue to limit its use for many generations to come.

Response 16-7

Please see Collective Response #5 for discussion of the requested use permit duration.

Comment 16-8

As a society, we have the responsibility to end this tragic use of the land for the profit of a foreign LLC. Return the land to the public and don't add to the pollution of our precious water, air, noise and traffic! There are many other places where gravel can be mined. Why select this pristine piece of land to be permanently destroyed and potentially impact the lives and living conditions of the citizens of Fresno County and add contamination to the already unhealthy environment that already exists in Fresno.

Response 16-8

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The Draft EIR as updated in the Final EIR addresses potential water impacts in Section 4.4, "Biological Resources" (wetlands), Section 4.10, "Hydrology and Water Quality" (water quality, groundwater, flooding hazards), and Section 4.19, "Utilities and Service Systems" (water supply and infrastructure). Air quality impacts are addressed in Appendix D-4, "Revised Section 4.3, Air Quality." The Draft EIR addresses potential noise impacts in Section 4.13, "Noise." The Draft EIR addresses potential traffic and transportation impacts in Section 4.17, "Transportation."

With regard to the project location, the Draft EIR discusses alternatives to the proposed project in Chapter 6, "Alternatives." There, Draft EIR Section 6.4.2.1, "Alternative Site Locations," considers the feasibility of alternative locations explains that "[n]o specific location with the attributes necessary to accomplish the project objectives is known in enough detail to be identified as a specific alternative site to feasibly meet the project objective of developing a known high-quality aggregate deposit." The comment does not provide additional information on available and feasible project location alternatives, and no further response is required.

Comment 16-9

This land could be used for many other purposes that would be much more profitable for the county. Not only by generating more tax revenue, but also potentially adding legitimate business revenue for much more appropriate use on this special property, such as increasing tourist, recreational and business revenue to the County.

Response 16-9

The commenter's suggestions regarding alternative uses of the site are noted. However, the County's CEQA review necessarily evaluates the project as proposed by the Operator and alternative site uses such as those identified in the comment would not achieve the project purpose and objectives described in Draft EIR Section 2.3, "Project Purpose and Objectives." The analysis of the project alternatives includes a no project alternative. See Draft EIR pages 6-10 through 6-20 for further discussion of the no project alternative.

Comment 16-10

Cemex LLC is part of a Mexican corporation and, by design, they have Limited Liability and if something does happens, then no one will be held responsible! The current agreement has provisions that state that the land will be returned to natural conditions after the 100 year period. If the current agreement ends in 2023, Cemex will move out of the area and leave us with the mess that they have already created.

Response 16-10

See Collective Response #4b pertaining to liability and fund for potential damages. The Operator would be responsible to reclaim the project sites in accordance with the approved reclamation plan. Both Fresno County and the Surface Mining and Reclamation Act (SMARA) require that surface mining operators maintain a financial assurance mechanism payable to the SMARA lead agency (here, Fresno County) and to the State of California sufficient to accomplish reclamation as prescribed by the surface mining operation's approved reclamation plan, including conditions of approval and mitigation measures associated with reclamation. The Operator is required to annually prepare and submit for County review and approval a financial assurance cost estimate and evidence of a financial assurance mechanism in an amount at least equal to the cost estimate. Therefore, sufficient funding to ensure reclamation in accordance with the approved reclamation plan would be available in the event of the Operator's failure to reclaim the site in accordance with the approved reclamation plan.

Comment 16-11

They have an existing agreement that is not measured for performance. Input from the ZOOM meeting was that they continually violated the current work time schedule and had many environmental violations that were not addressed.

Response 16-11

Please see Collective Response #4 for discussion of comments regarding CEMEX regulatory compliance history.

Comment 16-12

Truck Traffic increasing to over 1000 per day! A 10 hour day means 100 trucks per hour. Friant Road was not expanded to 4 lanes exclusively for CEMEX truck flow? Who will pay for additional wear and tear of the highways?

Response 16-12

Table 4.17-11 displays the estimated annual average daily trip generation at the Plant and Quarry sites (Draft EIR page 4.17-28). At Stage 2 of project operations, the total trucks entering and exiting the Plant and Quarry sites would be 515. The commenter's calculation incorrectly assumes that the vehicles exiting the project sites are different from the vehicles entering the project sites. The Operator would be required to provide equitable contributions to pavement funding and road mitigation measures at various traffic intersections described in the discussion of Impact 4.17-1 of the Draft EIR. Please see Collective Response #29 for discussion of potential traffic and transportation-related impacts. See also Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.17.

Comment 16-13

What will be the impact on wildlife that habitats in the area?

Response 16-13

The Draft EIR addresses potential biological resources impacts in Section 4.4.

Comment 16-14

Please review the Fresno Bee video that shows the deplorable conditions of their current site.

Here is the link:

https://www.fresnobee.com/article243753187.html

Response 16-14

The Draft EIR adequately describes the existing conditions of the project sites throughout the analysis of project impacts as well as in Section 2.4, "Existing Conditions," of the Draft EIR. The comment does not address the adequacy of the Draft EIR, and thus no further response is required.

Comment 16-15

Now, imagine tripling that area. What kind of mess are we allowing them to create? Wildlife does not and will not exists in these conditions. There is no landscaping or trees of any kind.

Response 16-15

The commenter incorrectly describes the project's expansion, which does not involve an expansion of the surface area or footprint of the existing operations. The project would remain within the existing footprint of the current Plant and Quarry sites, and would not "triple in area," as suggested by the commenter. While the depth of the pit at the Quarry Site would be mined to a depth of 600 feet bgs, the surface area of disturbance would not substantially increase from existing conditions. The Draft EIR addresses potential biological resources impacts in Section 4.4. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.4. The comment does not address the adequacy of the Draft EIR, and no further response is required.

Comment 16-16

All we have are dusty roads with lots of equipment adding to our pollution problem.

Response 16-16

See Appendix D-4 for potential air quality impacts, including fugitive dust emissions. See also the prepared Draft Fugitive Dust Control plan in Appendix K of Appendix D-3, "Air Quality, Health Risk, and Climate Change Impact Assessment," which shall be submitted to the SJVAPCD for review and approval prior to project implementation in accordance with Mitigation Measure 4.3-2b.

Comment 16-17

Fracking and blasting a 600ft mine will have a tremendous impact on the San Joaquin River that will be within 200 feet from the area. Water will be used to clean the aggregate and accidental discharge could occur polluting the river.

Response 16-17

The Draft EIR addresses potential impacts to water resources in Section 4.4 (wetlands), Section 4.10 (water quality, groundwater, flooding hazards), and Section 4.19, (water supply and infrastructure).

The proposed project does not include hydraulic fracturing, (i.e. fracking). Potential water quality impacts associated with blasting and use of blasting agents are discussed in the Draft EIR under Impact 4.10-1 beginning on Draft EIR page 4.10-88. As discussed in Impact 4.10-1, implementation of the Blasting Protocols presented in Appendix H-9, "Revised Blasting Protocols," of the Final EIR as required by Mitigation Measure 4.10-1 would minimize the risk of substantial surface water quality degradation by blasting agents. Mitigation Measure 4.10-1, the Blasting Protocols, specifies practices the project would be required to implement to prevent the contamination of groundwater and surface water. The Blasting Protocols would further prevent the accidental release of pollutants by regulating the use of explosives on the project sites, thereby further minimizing the project's potential to impact water quality as it relates to blasting.

The process for containing and reuse of aggregate wash water is described in the Draft EIR on pages 2-41 and 2-42. Waste Discharge Requirements (WDRs) Order No. 90-083 currently regulates the discharge of 1.5 million gallons per day of wash water generated by the washing/processing of sand and gravel at the Plant Site (Draft EIR page 4.10-67). The wash water discharges into the silt ponds, which must not contain chemicals, heavy metals, trace elements, or radionuclides that may adversely affect the beneficial uses of groundwater (Draft EIR page 4.10-67). The proposed project would continue to comply with WDRs issued by the Regional Water Quality Board. Compliance with the WDRs would minimize potential impacts to water quality resulting from the wash water system and ensure that such impacts are less than significant.

Comment 16-18

Seepage from the river and the surrounding aquifer will devastate the river and surrounding wells.

Response 16-18

See Collective Response #24 for discussion of potential impacts associated with groundwater seepage.

Comment 16-19

If we have another emergency release of Lake Millerton like we did in 1996; the pollution and debris from this mining operation will impact all the surroundings on its way to the ocean!

Response 16-19

Please see discussion of potential water quality effects associated with site flooding and inundation in the Draft EIR under Impact 4.10-17 beginning on Draft EIR page 4.10-118. As discussed there, during unforeseen events, the release of water into the San Joaquin River at rates that could exceed the river channel capacity could be required potentially resulting in flooding of the Quarry Site and/or Plant Site. However, such resulting inundation due to the unforeseen events would occur far outside the actual flood hazard zones. The unforeseen event of the release of water from the Friant Dam or Millerton Lake Reservoir is not required to be addressed under CEQA since the releases are not "reasonably foreseeable." In addition, hazardous materials on both sites would be stored in accordance with the requirements of the Industrial General Permit SWPPP and SPCC Plan, minimizing the risk of the release of pollutants in the event of site inundation. Upon completion of reclamation, both project sites would contain open space/open water land uses, which would not be sources of pollutants and would not store hazardous materials. Therefore, the potential of inundation of the project sites due to a rapid release of water from Friant Dam to result in the release of pollutants would be less than significant (Draft EIR, page 4.10-119).

Comment 16-20

All hopes of re-introducing Salmon to the river will be impacted by the blasting near their spawning waters.

Response 16-20

See Collective Response #12 for discussion of effects on the San Joaquin River and chinook salmon restoration efforts. See also Collective Response #16 for discussion of potential impacts to salmon spawning and analysis methods.

Comment 16-21

In closing, this land offers much more potential than an ugly private mine for a foreign LLC for the next 100 years. It could become an amazing public land to be enjoyed by the people of Fresno County. However, if this project is approved, the river will become an eyesore and an environmental hazard for the area that is already plagued by those many issues.

What are the benefits to the county and community? We all have a responsibility to be good Sheppard's of the land. This project does not come close to meeting this responsibility. If this passes, historians will look back and wonder what the county officials were thinking?

I look forward to hearing from you regarding this critical timely issue.

Response 16-21

The commenter's opposition to and concerns regarding the proposed project are noted for the consideration of the decision-makers.

Letter #17 February 5, 2025, Daniel Frank, Floyd Johnston Construction

Comment 17-1

On behalf of Floyd Johnston Construction Co., Inc., I am writing in support of Cemex's Rockfield Quarry Modification Project.

Cemex's Rockfield Quarry has been providing the Fresno Region with a reliable source of construction aggregate for the past 100 years. Having a local and affordable source of construction aggregate is an important consideration for businesses when they choose to expand or locate to Fresno County or when public agencies invest taxpayer dollars in public infrastructure. The demand for new construction in the Fresno region is projected to grow, requiring over 6 million tons of construction aggregate per year for the next 50 years. This demand should be supplied locally, as opposed to being trucked and shipped in from outside the region.

Transporting aggregate from distant sources results in increased construction costs, fuel consumption, greenhouse gas emissions, and would contribute to existing traffic congestion. According to the Department of Conservation, transportation costs alone can increase 22 cents per ton for every additional mile traveled. Consequently, these higher construction costs are passed on to businesses, homeowners and county taxpayers.

Cemex has been a steadfast and reliable supplier of building materials needed to grow the region's economy and the county's investments in public infrastructure. Aggregates from their Rockfield Quarry have been used in the businesses, homes, roads and schools found in most of our neighborhoods.

Importantly, Cemex's proposed modification plan also includes considerable resources for wildlife and habitat protection, 470 acres of open space with riparian areas, ponds, lakes, and native vegetation, and an easement for the Parkway Plan to expand the existing pedestrian and bicycle trail along the San Joaquin River that will benefit the local community.

Cemex has developed a constructive and thoughtful plan that serves the region's building, water, environmental and recreational needs, while remaining committed to being a good corporate citizen and responsible neighbor.

Thank you for recognizing the benefits of having a quarry located in your community.

Response 17-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #18 February 7, 2025, Kim Nulick, Caliber Contracting

Comment 18-1

On behalf of Caliber Contracting Services Inc, I am writing in support of Cemex's Rockfield Quarry Modification Project.

Cemex's Rockfield Quarry has been providing the Fresno Region with a reliable source of construction aggregate for the past 100 years. Having a local and affordable source of construction aggregate is an important consideration for businesses when they choose to expand or locate to Fresno County or when public agencies invest taxpayer dollars in public infrastructure. The demand for new construction in the Fresno region is projected to grow, requiring over 6 million tons of construction aggregate per year for the next 50 years. This demand should be supplied locally, as opposed to being trucked and shipped in from outside the region.

Transporting aggregate from distant sources results in increased construction costs, fuel consumption, greenhouse gas emissions, and would contribute to existing traffic congestion. According to the Department of Conservation, transportation costs alone can increase 22 cents per ton for every additional mile traveled. Consequently, these higher construction costs are passed on to businesses, homeowners and county taxpayers.

Cemex has been a steadfast and reliable supplier of building materials needed to grow the region's economy and the county's investments in public infrastructure. Aggregates from their Rockfield Quarry have been used in the businesses, homes, roads and schools found in most of our neighborhoods.

Importantly, Cemex's proposed modification plan also includes considerable resources for wildlife and habitat protection, 470 acres of open space with riparian areas, ponds, lakes, and native

vegetation, and an easement for the Parkway Plan to expand the existing pedestrian and bicycle trail along the San Joaquin River that will benefit the local community.

Cemex has developed a constructive and thoughtful plan that serves the region's building, water, environmental and recreational needs, while remaining committed to being a good corporate citizen and responsible neighbor.

Thank you for recognizing the benefits of having a quarry located in your community.

Response 18-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #19 February 11, 2025, Samantha McCarty, Santa Rosa Rancheria Tachi-Yokut Tribe

Comment 19-1

Thank you for contacting the Santa Rosa Rancheria Tachi-Yokut Tribe regarding the proposed changes to the CEMEX Rockfield Quarry EIR. The Tribe will be deferring to Table Mountain Rancheria for this matter. I've included Robert Pennell and Sara Lively on this email who are a part of TMR's Cultural Department staff.

If you have any questions, comments, and or concerns please do not hesitate to contact Nichole or myself. Thank you.

Response 19-1

The comment is noted. The reader is referred to Letter 50 submitted by the Table Mountain Rancheria.

Letter #20 February 11, 2025, Christopher Robbins, Fresno Fly Fishers for Conservation

Comment 20-1

As a member of Fresno Fly Fishers for Conservation and a concerned resident of Fresno County, I am writing to express my deep opposition to the CEMEX proposal that would extend commercial mining operations on the banks of the San Joaquin River for the next 100 years.

Response 20-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 20-2

This area is one of the most spectacular parcels of land in the region, yet public access remains extremely limited. Instead of prioritizing conservation and community use, this agreement would extend private and commercial restrictions, preventing generations of Fresno County residents from enjoying this vital natural resource.

Response 20-2

The opinions in the comment are noted. The comment does not address the adequacy of the Draft EIR. Please see Collective Response #21 pertaining to public access to the San Joaquin River.

Comment 20-3

I am particularly concerned about the expedited approval process for this 100-year commitment. The brief public comment period, which ends on March 10th is far too little time for Fresno County residents to learn about the project's consequences. A project of this magnitude demands thorough consideration, not a rushed decision that will impact future generations.

Response 20-3

See Collective Response #1 for discussion of the public review process and opportunities for public input during the County's review of the project. As described there, the public review and comment period for the Draft EIR was 80 days, which is in excess of the 45-day period required by CEQA. Additional opportunities for public input to the County would also be available during the County decision-making hearings process.

Comment 20-4

The environmental consequences of this project cannot be ignored. The California Department of Fish and Wildlife (CDFW) has made significant strides in reintroducing salmon to the San Joaquin River, yet this mining operation could jeopardize these efforts.

Response 20-4

The comment is noted. Please see Collective Response #12 for discussion of effects on the San Joaquin River and Chinook salmon restoration efforts, and Collective Response #16 for discussion of potential impacts to salmon spawning and applicable analysis methods.

As described in Section 4.4, "Biological Resources," of the Draft EIR, the proposed project is designed to avoid direct impacts to sensitive habitats along the San Joaquin River.

Mining and processing activities would occur within previously disturbed areas at the Quarry and Plant sites, which do not support high-quality riparian, wetland, or riverine habitat. Accordingly, habitat impacts would be limited to areas already affected by existing operations.

Potential effects on salmon habitat were specifically evaluated in the report *Effect of Nearby Blasting on Salmon in San Joaquin River*, prepared by Vibra-Tech Engineers (Draft EIR Appendix E-4, "Effects of Blasting on Fish"), which applies Alaska Department of Fish and Game standards for protection of fish. As discussed in Response 65-13, maintaining ground vibration and air overpressure thresholds associated with the river embankment and slope stability corresponds with ground vibrations and overpressures that would be protective to the fish in the river (see Draft EIR Appendix E-4, "Effects of Blasting on Fish"). Based on this analysis, the Draft EIR concludes that impacts to salmon habitat at both the Quarry Site and Plant Site would be less than significant and would not require mitigation (see Draft EIR, page 4.4-63).

In addition, the project sites are already subject to ongoing mining activities, and the proposed project would not result in a substantial increase in disturbance that would affect aquatic or terrestrial habitat conditions. Accordingly, the Draft EIR adequately evaluates potential impacts to salmon and associated habitats, and no further revision is required.

Comment 20-5

`The increased truck traffic, potential river pollution and habitat destruction would be devastating for local wildlife.`

Response 20-5

The commenter does not provide substantial evidence of impacts to local wildlife associated with truck traffic, river pollution or habitat destruction and the comment does not address the adequacy of the Draft EIR. The Draft EIR addresses potential biological resources impacts in Section 4.4.

Section 4.17, "Transportation," provides an analysis of the project's transportation impacts, including impacts from truck traffic. All truck traffic and other transportation impacts are assessed in detail, with appropriate mitigation measures provided (Draft EIR, Section 4.17, at pages 4.17-1 through 4.17-27; including Appendix I-1, "Traffic Impact Study," and Appendix I-2, "Estimates of Vehicle Miles Traveled").

Section 4.10, "Hydrology and Water Quality," provides an analysis of the project's impacts on water quality and potential effects on the San Joaquin River. All water quality

impacts are assessed in detail, with appropriate mitigation measures provided. (See Draft EIR, Section 4.10, at pages 4.10-1 through 4.10-88; Appendix G, "Hydrology and Water Quality"). See also, responses to letters from the U.S. Bureau of Reclamation (Letter #6), Center for Biological Diversity (Letter #65), San Joaquin River Parkway & Conservation Trust, Inc. (Letter #58), the City of Fresno (Letter #12) and City of Fresno, Department of Public Works, among others, for detailed analysis and discussion of water quality issues and appropriate mitigation measures, as analyzed by hydrology and water quality consultants.

The proposed project is designed to avoid direct impacts to sensitive habitats along the San Joaquin River. Mining and processing activities would be confined to previously disturbed areas at the Quarry and Plant sites, which do not support high-quality riparian, wetland, or riverine habitats. Habitat impacts would be limited to existing project areas. Furthermore, the project sites are already disturbed by ongoing mining activities, and would not experience a significant increase in activity. As a result, there is minimal potential for habitat destruction of native aquatic or terrestrial species.

Comment 20-6

Fracking and blasting a 600-foot mine so close to the river could lead to accidental discharges, seepage, and contamination of the surrounding water table endangering both aquatic ecosystems and local wells.

Response 20-6

The Draft EIR addresses potential water impacts in Section 4.4 (wetlands), Section 4.10, (water quality, groundwater, flooding hazards), and Section 4.19, "Utilities and Service Systems" (water supply and infrastructure).

The proposed project does not include hydraulic fracturing, (i.e. fracking). Potential water quality impacts associated with blasting and use of blasting agents are discussed in the Draft EIR under Impact 4.10-1 beginning on Draft EIR page 4.10-88. With the implementation of the Blasting Protocols (located in Appendix H-9, "Revised Blasting Protocols," of the Final EIR) required by Mitigation Measure 4.10-1, the risk of substantial surface water quality degradation by blasting agents would be minimized. Mitigation Measure 4.10-1, the Blasting Protocols, specifies practices the project would be required to implement to prevent the contamination of groundwater and surface water. The Blasting Protocols would further prevent the accidental release of pollutants by regulating the use of explosives on the project site, thereby further minimizing the project's potential to impact water quality as it relates to blasting.

See also Response 58-49 regarding the project's impacts to groundwater quality. For further discussion of potential impacts pertaining to "accidental discharges," please see Response 65-28. For discussion of the project's potential impacts on groundwater dependent ecosystems, refer to Response 58-28. See Collective Responses #23 and #25 for discussion of potential impacts associated with groundwater seepage.

Comment 20-7

Beyond the environmental harm, this project poses economic concerns. CEMEX, a foreign-owned LLC, is granted limited liability by design, meaning if damages occur, there may be little accountability.

Response 20-7

Please see Collective Response #4b pertaining to liability and funding for potential damages.

Comment 20-8

Moreover, the current agreement lacks measurable performance oversight, and

Response 20-8

The comment is noted. The Operator is subject to ongoing regulatory oversight. The operation is required to report annually and is inspected by Fresno County to ensure compliance with applicable regulations, permits, and conditions of approval pursuant to the County's Surface Mining and Reclamation regulations, as implemented through the Fresno County Zoning Ordinance and consistent with the Surface Mining and Reclamation Act (SMARA). The Operator must also maintain a financial assurance mechanism in accordance with SMARA, sufficient to ensure reclamation of the site in compliance with the approved reclamation plan, including all applicable mitigation measures. These requirements ensure that adequate funding and regulatory oversight are in place to implement monitoring, corrective actions, and site reclamation if necessary.

Comment 20-9

reports indicate repeated violations of work schedules and environmental standards.

Response 20-9

Please see Collective Response #4a pertaining to the Operator's regulatory compliance history.

Comment 20-10

The increased truck traffic alone—up to 1,000 trucks per day will degrade our roads and impact local residents, with little assurance that CEMEX will be held responsible for the consequences.

Response 20-10

The Draft EIR addresses potential traffic and transportation impacts in Section 4.17. The commenter describes a scenario where 1,000 trucks per day are entering/existing the project sites. However, the Draft EIR analyzes truck trips and anticipates 515 trucks entering and 515 trucks exiting the sites each day during Stage 2 of the project. Table 4.17-11, "Estimated Annual Average Daily Trip Generation at Plant Site and Quarry Site," displays the estimated annual average daily trip generation at the Plant and Quarry sites (Draft EIR page 4.17-28). The commenter's statement incorrectly assumes that the vehicles exiting the project sites are different from the vehicles entering the project sites.

As discussed in Draft EIR Impact 4.17-1, the Operator would provide equitable contributions to road and pavement improvements (Draft EIR page 4.17-27 through 4.17-42). Please also see Collective Response #29 for additional discussion of potential traffic impacts, road improvements, and maintenance needs.

Comment 20-11

Fresno County deserves better. Rather than approving a destructive mining operation, this land should be preserved and made accessible to the public. A park or conservation area would not only protect the environment but could also generate long-term revenue through recreation, tourism, and sustainable business opportunities. A private mine will only benefit a foreign corporation, while our community bears the long-term costs.

Response 20-11

The commenter's suggestions regarding alternative uses of the project sites are noted. However, the County's CEQA review necessarily evaluates the project as proposed by the Operator and alternative site uses such as those identified in the comment would not achieve the project purpose and objectives described in Draft EIR Section 2.3, "Project Purpose and Objectives."

Comment 20-12

I urge you to reconsider this agreement and advocate for a better future for Fresno County. Our community has the right to more input and a greater say in how this land is used. Please extend the public comment period and conduct a thorough review of the

environmental and economic impacts before making a decision that will affect our region for the next century.

Response 20-12

The commenter's opposition to and concerns regarding the proposed project are noted for the consideration of the decision-makers. Please see Collective Response #1 pertaining to public review and input opportunities.

Letter #21 February 12, 2025, Karry Wendel, Clean Cut Landscape

Comment 21-1

On behalf of Clean Cut Landscape, Inc., I am writing in support of Cemex's Rockfield Quarry Modification Project.

Cemex's Rockfield Quarry has been providing the Fresno Region with a reliable source of construction aggregate for the past 100 years. Having a local and affordable source of construction aggregate is an important consideration for businesses when they choose to expand or locate to Fresno County or when public agencies invest taxpayer dollars in public infrastructure. The demand for new construction in the Fresno region is projected to grow, requiring over 6 million tons of construction aggregate per year for the next 50 years. This demand should be supplied locally, as opposed to being trucked and shipped in from outside the region.

Transporting aggregate from distant sources results in increased construction costs, fuel consumption, greenhouse gas emissions, and would contribute to existing traffic congestion. According to the Department of Conservation, transportation costs alone can increase 22 cents per ton for every additional mile traveled. Consequently, these higher construction costs are passed on to businesses, homeowners and county taxpayers.

Cemex has been a steadfast and reliable supplier of building materials needed to grow the region's economy and the county's investments in public infrastructure. Aggregates from their Rockfield Quarry have been used in the businesses, homes, roads and schools found in most of our neighborhoods.

Importantly, Cemex's proposed modification plan also includes considerable resources for wildlife and habitat protection, 470 acres of open space with riparian areas, ponds, lakes, and native vegetation, and an easement for the Parkway Plan to expand the existing pedestrian and bicycle trail along the San Joaquin River that will benefit the local community.

Cemex has developed a constructive and thoughtful plan that serves the region's building, water, environmental and recreational needs, while remaining committed to being a good corporate citizen and responsible neighbor.

Thank you for recognizing the benefits of having a quarry located in your community.

Response 21-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #22 February 13, 2025, Ronald Hicks, Fresno Fly Fishers For Conservation

Comment 22-1

As a member of Fresno Fly Fishers for Conservation and a concerned resident of Fresno County, I am writing to express my deep opposition to the CEMEX proposal that would extend commercial mining operations on the banks of the San Joaquin River for the next 100 years.

Response 22-1

See Response 20-1.

Comment 22-2

This area is one of the most spectacular parcels of land in the region, yet public access remains extremely limited. Instead of prioritizing conservation and community use, this agreement would extend private and commercial restrictions, preventing generations of Fresno County residents from enjoying this vital natural resource.

Response 22-2

See Response 20-2.

Comment 22-3

I am particularly concerned about the expedited approval process for this 100-year commitment. The brief public comment period, which ends on March 10th is far too little time for Fresno County residents to learn about the project's consequences. A project of this magnitude demands thorough consideration, not a rushed decision that will impact future generations.

Response 22-3

See Response 20-3.

Comment 22-4

The environmental consequences of this project cannot be ignored. The California Department of Fish and Wildlife (CDFW) has made significant strides in reintroducing salmon to the San Joaquin River, yet this mining operation could jeopardize these efforts.

Response 22-4

See Response 20-4.

Comment 22-5

The increased truck traffic, potential river pollution, and habitat destruction would be devastating for local wildlife.

Response 22-5

See Response 20-5.

Comment 22-6

Fracking and blasting a 600-foot mine so close to the river could lead to accidental discharges, seepage, and contamination of the surrounding water table endangering both aquatic ecosystems and local wells.

Response 22-6

See Response 20-6.

Comment 22-7

Beyond the environmental harm, this project poses economic concerns. CEMEX, a foreign-owned LLC, is granted limited liability by design, meaning if damages occur, there may be little accountability.

Response 22-7

See Response 20-7.

Comment 22-8

Moreover, the current agreement lacks measurable performance oversight, and

Response 22-8

See Response 20-8.

Comment 22-9

reports indicate repeated violations of work schedules and environmental standards.

Response 22-9

See Response 20-9.

Comment 22-10

The increased truck traffic alone--up to 1,000 trucks per day will degrade our roads and impact local residents, with little assurance that CEMEX will be held responsible for the consequences.

Response 22-10

See Response 20-10.

Comment 22-11

Fresno County deserves better. Rather than approving a destructive mining operation, this land should be preserved and made accessible to the public. A park or conservation area would not only protect the environment but could also generate long-term revenue through recreation, tourism, and sustainable business opportunities. A private mine will only benefit a foreign corporation, while our community bears the long-term costs.

Response 22-11

See Response 20-11.

Comment 22-12

I urge you to reconsider this agreement and advocate for a better future for Fresno County. Our community has the right to more input and a greater say in how this land is used. Please extend the public comment period and conduct a thorough review of the environmental and economic impacts before making a decision that will affect our region for the next century.

Thank you for your time and consideration. I look forward to your response on this critical issue.

Response 22-12

See Response 20-12.

Letter #23 February 14, 2025, Michael Branco, American Industrial Equipment

Comment 23-1

Dear Mr. Randall,

Please find the attached letter regarding the Cemex - Rockfield Aggregates plant modifications.

I've been fortunate enough to have worked with this facility on many projects over the last 35 years. The information provided in this letter is an honest and fair outline of what companies like Cemex bring to a community.

I would ask that the Fresno County staff delivers an approval for Cemex's plans. This company produces a valuable resource and contributes to the growth of the community as well as solid, well paying jobs for the people in your region.

Kindest Regards,

Mike Branco

American Industrial Equipment

…

On behalf of American Industrial Equipment, I am writing in support of Cemex’s Rockfield Quarry Modification Project.

Cemex’s Rockfield Quarry has been providing the Fresno Region with a reliable source of construction aggregate for the past 100 years. Having a local and affordable source of construction aggregate is an important consideration for businesses when they choose to expand or locate to Fresno County or when public agencies invest taxpayer dollars in public infrastructure. The demand for new construction in the Fresno region is projected to grow, requiring over 6 million tons of construction aggregate per year for the next 50 years. This demand should be supplied locally, as opposed to being trucked and shipped in from outside the region.

Transporting aggregate from distant sources results in increased construction costs, fuel consumption, greenhouse gas emissions, and would contribute to existing traffic congestion. According to the Department of Conservation, transportation costs alone can

increase 22 cents per ton for every additional mile traveled. Consequently, these higher construction costs are passed on to businesses, homeowners and county taxpayers.

Cemex has been a steadfast and reliable supplier of building materials needed to grow the region's economy and the county's investments in public infrastructure. Aggregates from their Rockfield Quarry have been used in the businesses, homes, roads and schools found in most of our neighborhoods.

Importantly, Cemex's proposed modification plan also includes considerable resources for wildlife and habitat protection, 470 acres of open space with riparian areas, ponds, lakes, and native vegetation, and an easement for the Parkway Plan to expand the existing pedestrian and bicycle trail along the San Joaquin River that will benefit the local community.

Cemex has developed a constructive and thoughtful plan that serves the region's building, water, environmental and recreational needs, while remaining committed to being a good corporate citizen and responsible neighbor.

Thank you for recognizing the benefits of having a quarry located in your community.

Response 23-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #24 February 14, 2025, Mike Higgins, Pape Machinery

Comment 24-1

On behalf of Pape Machinery, I am writing in support of Cemex's Rockfield Quarry Modification Project.

Cemex's Rockfield Quarry has been providing the Fresno Region with a reliable source of construction aggregate for the past 100 years. Having a local and affordable source of construction aggregate is an important consideration for businesses when they choose to expand or locate to Fresno County or when public agencies invest taxpayer dollars in public infrastructure. The demand for new construction in the Fresno region is projected to grow, requiring over 6 million tons of construction aggregate per year for the next 50 years. This demand should be supplied locally, as opposed to being trucked and shipped in from outside the region.

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Cemex has developed a constructive and thoughtful plan that serves the region's building, water, environmental and recreational needs, while remaining committed to being a good corporate citizen and responsible neighbor.

Thank you for recognizing the benefits of having a quarry located in your community.

Response 24-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #25 February 17, 2025, Robert Joubert, Jameson Hydro Crane

Comment 25-1

On behalf of Jameson Hydro Crane Service, LLC, I am writing in support of Cemex's Rockfield Quarry Modification Project.

Cemex's Rockfield Quarry has been providing the Fresno Region with a reliable source of construction aggregate for the past 100 years. Having a local and affordable source of construction aggregate is an important consideration for businesses when they choose to expand or locate to Fresno County or when public agencies invest taxpayer dollars in public infrastructure. The demand for new construction in the Fresno region is projected to grow, requiring

over 6 million tons of construction aggregate per year for the next 50 years. This demand should be supplied locally, as opposed to being trucked and shipped in from outside the region.

Transporting aggregate from distant sources results in increased construction costs, fuel consumption, greenhouse gas emissions, and would contribute to existing traffic congestion. According to the Department of Conservation, transportation costs alone can increase 22 cents per ton for every additional mile traveled. Consequently, these higher construction costs are passed on to businesses, homeowners and county taxpayers.

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Importantly, Cemex's proposed modification plan also includes considerable resources for wildlife and habitat protection, 470 acres of open space with riparian areas, ponds, lakes, and native vegetation, and an easement for the Parkway Plan to expand the existing pedestrian and bicycle trail along the San Joaquin River that will benefit the local community.

Cemex has developed a constructive and thoughtful plan that serves the region's building, water, environmental and recreational needs, while remaining committed to being a good corporate citizen and responsible neighbor.

Thank you for recognizing the benefits of having a quarry located in your community.

Response 25-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #26 February 18, 2025, Steve Sharp, General Teamsters Union Local No. 431

Comment 26-1

On behalf of General Teamsters Union Local No. 431, I am writing in support of Cemex's Rockfield Quarry Modification Project.

Cemex's Rockfield Quarry has been providing the Fresno Region with a reliable source of construction aggregate for the past 100 years. Having a local and affordable source of construction aggregate is an important consideration for businesses when they choose to

expand or locate to Fresno County or when public agencies invest taxpayer dollars in public infrastructure. The demand for new construction in the Fresno region is projected to grow, requiring over 6 million tons of construction aggregate per year for the next 50 years. This demand should be supplied locally, as opposed to being trucked and shipped in from outside the region. Cemex directly supports over 90 people in the Fresno region, providing high quality, high paying jobs, many of them union jobs, as a source of economic security for their families.

Cemex has been a steadfast and reliable supplier of building materials needed to grow the region's economy and the county's investments in public infrastructure. Aggregates from their Rockfield Quarry have been used in the businesses, homes, roads and schools found in most of our neighborhoods.

Again, on behalf of our members and the communities who depend on a local source of construction aggregate to build homes, businesses and public sector infrastructure, we urge the Fresno County Planning Commission to approve the modification plan without delay.

Response 26-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #27 February 19, 2025, Chase Hager, 559 Pro Landscape, Inc.

Comment 27-1

On behalf of 559 Pro Landscape, Inc., I am writing in support of Cemex's Rockfield Quarry Modification Project.

Cemex's Rockfield Quarry has been providing the Fresno Region with a reliable source of construction aggregate for the past 100 years. Having a local and affordable source of construction aggregate is an important consideration for businesses when they choose to expand or locate to Fresno County or when public agencies invest taxpayer dollars in public infrastructure. The demand for new construction in the Fresno region is projected to grow, requiring over 6 million tons of construction aggregate per year for the next 50 years. This demand should be supplied locally, as opposed to being trucked and shipped in from outside the region.

Transporting aggregate from distant sources results in increased construction costs, fuel consumption, greenhouse gas emissions, and would contribute to existing traffic congestion. According to

the Department of Conservation, transportation costs alone can increase 22 cents per ton for every additional mile traveled. Consequently, these higher construction costs are passed on to businesses, homeowners and county taxpayers.

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Cemex has developed a constructive and thoughtful plan that serves the region's building, water, environmental and recreational needs, while remaining committed to being a good corporate citizen and responsible neighbor.

Thank you for recognizing the benefits of having a quarry located in your community.

Response 27-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #28 February 20, 2025, Chuck Riojas, FMKTC Building and Construction Trades

Comment 28-1

On behalf of Fresno, Madera, Kings and Tulare Counties Building and Construction Trades Council, I am writing in support of Cemex's Rockfield Quarry Modification Project.

Cemex's Rockfield Quarry has been providing the Fresno Region with a reliable source of construction aggregate for the past 100 years. Having a local and affordable source of construction aggregate is an important consideration for businesses when they choose to expand or locate to Fresno County or when public agencies invest taxpayer dollars in public infrastructure. The demand for new construction in the Fresno region is projected to grow, requiring over 6 million tons of construction aggregate per year for the next 50 years. This demand should be supplied locally, as opposed

to being trucked and shipped in from outside the region. Cemex directly supports over 90 people in the Fresno region, providing high quality, high paying jobs, many of them union jobs, as a source of economic security for their families.

Cemex has been a steadfast and reliable supplier of building materials needed to grow the region's economy and the county's investments in public infrastructure. Aggregates from their Rockfield Quarry have been used in the businesses, homes, roads and schools found in most of our neighborhoods.

Again, on behalf of our members and the communities who depend on a local source of construction aggregate to build homes, businesses and public sector infrastructure, we urge the Fresno County Planning Commission to approve the modification plan without delay.

Response 28-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #29 February 21, 2025, Matthew Estipona, Associated Builders and Contractors Northern California

Comment 29-1

Cemex's Rockfield Quarry has been providing the Fresno Region with a reliable source of construction aggregate for the past 100 years. Having a local and affordable source of construction aggregate is an important consideration for businesses when they choose to expand or locate to Fresno County or when public agencies invest taxpayer dollars in public infrastructure. The demand for new construction in the Fresno region is projected to grow, requiring over 6 million tons of construction aggregate per year for the next 50 years. This demand should be supplied locally, as opposed to being trucked and shipped in from outside the region.

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Importantly, Cemex's proposed modification plan also includes considerable resources for wildlife and habitat protection, 470 acres of open space with riparian areas, ponds, lakes, and native vegetation, and an easement for the Parkway Plan to expand the existing pedestrian and bicycle trail along the San Joaquin River that will benefit the local community.

Cemex has developed a constructive and thoughtful plan that serves the region's building, water, environmental and recreational needs, while remaining committed to being a good corporate citizen and responsible neighbor.

Response 29-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #30 February 21, 2025, James Hammond, Laborers' International Union of North America Local 294

Comment 30-1

On behalf of LIUNA Local 294, I am writing in support of Cemex's Rockfield Quarry Modification Project.

Cemex's Rockfield Quarry has been providing the Fresno Region with a reliable source of construction aggregate for the past 100 years. Having a local and affordable source of construction aggregate is an important consideration for businesses when they choose to expand or locate to Fresno County or when public agencies invest taxpayer dollars in public infrastructure. The demand for new construction in the Fresno region is projected to grow, requiring over 6 million tons of construction aggregate per year for the next 50 years. This demand should be supplied locally, as opposed to being trucked and shipped in from outside the region. Cemex directly supports over 90 people in the Fresno region, providing high quality, high paying jobs, many of them union jobs, as a source of economic security for their families.

Cemex has been a steadfast and reliable supplier of building materials needed to grow the region's economy and the county's investments in public infrastructure. Aggregates from their Rockfield Quarry have been used in the businesses, homes, roads and schools found in most of our neighborhoods.

Again, on behalf of our members and the communities who depend on a local source of construction aggregate to build homes, businesses and public sector infrastructure, we urge the Fresno County Planning Commission to approve the modification plan without delay.

Response 30-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #31 February 24, 2025, Emily Braswell, Braswell Construction

Comment 31-1

On behalf of Braswell, I am writing in support of Cemex's Rockfield Quarry Modification Project.

Cemex's Rockfield Quarry has been providing the Fresno Region with a reliable source of construction aggregate for the past 100 years. Having a local and affordable source of construction aggregate is an important consideration for businesses when they choose to expand or locate to Fresno County or when public agencies invest taxpayer dollars in public infrastructure. The demand for new construction in the Fresno region is projected to grow, requiring over 6 million tons of construction aggregate per year for the next 50 years. This demand should be supplied locally, as opposed to being trucked and shipped in from outside the region.

Transporting aggregate from distant sources results in increased construction costs, fuel consumption, greenhouse gas emissions, and would contribute to existing traffic congestion. According to the Department of Conservation, transportation costs alone can increase 22 cents per ton for every additional mile traveled. Consequently, these higher construction costs are passed on to businesses, homeowners and county taxpayers.

Cemex has been a steadfast and reliable supplier of building materials needed to grow the region's economy and the county's investments in public infrastructure. Aggregates from their Rockfield Quarry have been used in the businesses, homes, roads and schools found in most of our neighborhoods.

Importantly, Cemex's proposed modification plan also includes considerable resources for wildlife and habitat protection, 470 acres of open space with riparian areas, ponds, lakes, and native vegetation, and an easement for the Parkway Plan to expand the

existing pedestrian and bicycle trail along the San Joaquin River that will benefit the local community.

Cemex has developed a constructive and thoughtful plan that serves the region's building, water, environmental and recreational needs, while remaining committed to being a good corporate citizen and responsible neighbor.

Thank you for recognizing the benefits of having a quarry located in your community.

Response 31-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #32 February 24, 2025, David Cruce, Heavy Road Industries

Comment 32-1

On behalf of Heavy Road & Rail Inc., I am writing to express our strong support for Cemex's Rockfield Quarry Modification Project. For the past 100 years, Cemex's Rockfield Quarry has been a reliable and indispensable source of construction aggregate in the Fresno region. Access to a local and affordable aggregate supply is essential for businesses considering expansion or relocation to Fresno County, as well as for public agencies investing taxpayer dollars in infrastructure projects.

The Fresno region is expected to see increased demand for new construction in the coming decades, requiring over 6 million tons of construction aggregate annually for the next 50 years. This demand must be met locally, rather than relying on transportation from outside the region. Transporting aggregates from distant sources not only increases construction costs, fuel consumption, and greenhouse gas emissions but also contributes to worsening traffic congestion. According to the Department of Conservation, transportation costs alone can rise by 22 cents per ton for every additional mile traveled, leading to higher costs that are ultimately passed on to businesses, homeowners, and taxpayers.

Cemex has long been a dependable supplier of the building materials essential for the region's growth and the county's public infrastructure investments. Aggregates from the Rockfield Quarry have been integral to the construction of homes, businesses, roads, and schools throughout our neighborhoods.

Notably, Cemex's proposed modification plan includes extensive resources for wildlife and habitat protection, covering 470 acres of open space with riparian areas, ponds, lakes, and native vegetation. Additionally, the plan includes an easement for the Parkway Plan, which will expand the existing pedestrian and bike trail along the San Joaquin River, benefiting the local community.

Cemex has developed a thoughtful, balanced approach that addresses the region's need for construction materials, water conservation, environmental protection, and recreational spaces, all while remaining a responsible corporate citizen and neighbor.

Thank you for considering the essential benefits of having a quarry in our community. We fully support the

Rockfield Quarry Modification Project and its potential to foster sustainable growth for Fresno County.

Response 32-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #33 February 24, 2025, Sarkis Nersesian, Jim Crawford Construction

Comment 33-1

On behalf of Jim Crawford Const. Inc., I am writing in support of Cemex's Rockfield Quarry Modification Project.

Cemex's Rockfield Quarry has been providing the Fresno Region with a reliable source of construction aggregate for the past 100 years. Having a local and affordable source of construction aggregate is an important consideration for businesses when they choose to expand or locate to Fresno County or when public agencies invest taxpayer dollars in public infrastructure. The demand for new construction in the Fresno region is projected to grow, requiring over 6 million tons of construction aggregate per year for the next 50 years. This demand should be supplied locally, as opposed to being trucked and shipped in from outside the region.

Transporting aggregate from distant sources results in increased construction costs, fuel consumption, greenhouse gas emissions, and would contribute to existing traffic congestion. According to the Department of Conservation, transportation costs alone can increase 22 cents per ton for every additional mile traveled. Consequently, these higher construction costs are passed on to businesses, homeowners and county taxpayers.

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Importantly, Cemex's proposed modification plan also includes considerable resources for wildlife and habitat protection, 470 acres of open space with riparian areas, ponds, lakes, and native vegetation, and an easement for the Parkway Plan to expand the existing pedestrian and bicycle trail along the San Joaquin River that will benefit the local community.

Cemex has developed a constructive and thoughtful plan that serves the region's building, water, environmental and recreational needs, while remaining committed to being a good corporate citizen and responsible neighbor.

Thank you for recognizing the benefits of having a quarry located in your community.

Response 33-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #34 February 25, 2025, Wyatt Meadows, Operating Engineers Local 3

Comment 34-1

On behalf of Operating Engineers Local #3, I am writing in support of Cemex's Rockfield Quarry Modification Project.

Cemex's Rockfield Quarry has been providing the Fresno Region with a reliable source of construction aggregate for the past 100 years. Having a local and affordable source of construction aggregate is an important consideration for businesses when they choose to expand or locate to Fresno County or when public agencies invest taxpayer dollars in public infrastructure. The demand for new construction in the Fresno region is projected to grow, requiring over 6 million tons of construction aggregate per year for the next 50 years. This demand should be supplied locally, as opposed to being trucked and shipped in from outside the region. Cemex directly supports over 90 people in the Fresno region, providing high quality, high paying jobs, many of them union jobs, as a source of economic security for their families.

Cemex has been a steadfast and reliable supplier of building materials needed to grow the region's economy and the county's investments in public infrastructure. Aggregates from their Rockfield Quarry have been used in the businesses, homes, roads and schools found in most of our neighborhoods.

Again, on behalf of our members and the communities who depend on a local source of construction aggregate to build homes, businesses and public sector infrastructure, we urge the Fresno County Planning Commission to approve the modification plan without delay.

Response 34-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #35 February 25, 2025, Larry Odell, Fresno Fly Fishers For Conservation

Comment 35-1

As a member of Fresno Fly Fishers for Conservation and a concerned resident of Fresno County, I am writing to express my deep opposition to the CEMEX proposal that would extend commercial mining operations on the banks of the San Joaquin River for the next 100 years.

Response 35-1

See Response 20-1.

Comment 35-2

This area is one of the most spectacular parcels of land in the region, yet public access remains extremely limited. Instead of prioritizing conservation and community use, this agreement would extend private and commercial restrictions, preventing generations of Fresno County residents from enjoying this vital natural resource.

Response 35-2

See Response 20-2.

Comment 35-3

I am particularly concerned about the expedited approval process for this I 00-year commitment. The brief public comment period, which ends on March 10th is far too little time for Fresno County residents to learn about the project's consequences. A project of

this magnitude demands thorough consideration, not a rushed decision that will impact future generations.

Response 35-3

See Response 20-3.

Comment 35-4

The environmental consequences of this project cannot be ignored. The California Department of Fish and Wildlife (CDFW) has made significant strides in reintroducing salmon to the San Joaquin River, yet this mining operation could jeopardize these efforts.

Response 35-4

See Response 20-4.

Comment 35-5

The increased truck traffic, potential river pollution, and habitat destruction would be devastating for local wildlife.

Response 35-5

See Response 20-5.

Comment 35-6

Fracking and blasting a 600-foot mine so close to the river could lead to accidental discharges, seepage, and contamination of the surrounding water table endangering both aquatic ecosystems and local wells.

Response 35-6

See Response 20-6.

Comment 35-7

Beyond the environmental harm, this project poses economic concerns. CEMEX, a foreign-owned LLC, is granted limited liability by design, meaning if damages occur, there may be little accountability.

Response 35-7

See Response 20-7.

Comment 35-8

Moreover, the current agreement lacks measurable performance oversight, and

Response 35-8

See Response 22-8.

Comment 35-9

reports indicate repeated violations of work schedules and environmental standards.

Response 35-9

See Response 20-9.

Comment 35-10

The increased truck traffic alone--up to 1,000 trucks per day will degrade our roads and impact local residents, with little assurance that CEMEX will be held responsible for the consequences.

Response 35-10

See Response 20-10.

Comment 35-11

Fresno County deserves better. Rather than approving a destructive mining operation, this land should be preserved and made accessible to the public. A park or conservation area would not only protect the environment but could also generate long-term revenue through recreation, tourism, and sustainable business opportunities. A private mine will only benefit a foreign corporation, while our community bears the long-term costs.

Response 35-11

See Response 20-11.

Comment 35-12

I urge you to reconsider this agreement and advocate for a better future for Fresno County. Our community has the right to more input and a greater say in how this land is used. Please extend the public comment period and conduct a thorough review of the environmental and economic impacts before making a decision that will affect our region for the next century.

Thank you for your time and consideration. I look forward to your response on this critical issue.

Response 35-12

See Response 20-12.

Letter #36 February 25, 2025, Joseph Penbera, Penbera Paris

Comment 36-1

Dr. Joseph Penbera is Chairman and founder of the California Energy Investment Center (CEIC) which has assisted in bringing millions of dollars of capital investment and creating thousands of new jobs for environmentally friendly projects in targeted employment areas. He is a member of the National Association of Forensic Economists (NAFE), a former Fulbright Senior Scholar in Economics, and recognized as a top economist by professional and media organizations and as a qualified forensic expert in virtually all court jurisdictions and by many government agencies. Dr. and Mrs. Penbera have deep ties to the Fresno area. Dr. Penbera served as Dean of The Craig Business School and on the San Joaquin River Parkway Board at its inception. He has studied the region for more than three decades and produced the first Statistical Abstract for the Central California counties, and the Population Forecast for Fresno County, among others. Wendy Penbera is a former Regional Director for Special Olympics, served on the State Legislative Committee for Junior League, and is a life-long resident of the Central Valley. All three of the Penbera children graduated from Fresno County schools.

Response 36-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See responses below that address specific issues raised in this comment letter.

Comment 36-2

1. EIR Review Process.

Much respect is accorded to the County staff. CEMEX has proposed a project which is by its very nature complex and challenging as to its scope. However, the EIR review process and an analysis of a 1000-page Draft EIR document is inherently even more overwhelming when considered by people unfamiliar with such matters. Very few people in the general public have experience with the historical and public policy context of the current application made by Cemex. All in all, this can seem daunting as to even where to start and to believing whether spending the time will be worth it. Intended

or not, the review process, handling of public comments, and the meeting and hearing logistics related to the Cemex extension several years ago, muted public participation, disadvantaged interaction and sharing of comments and feedback among individuals and groups, and put major holes in public confidence.

Let's not let that happen again by recognizing that CEMEX has had years to formulate a strategy based on making contact with staff, collateral agencies, and Supervisors. Cemex and its consultants have a head start in terms of influencing the process and the outcomes, so some meaningful steps should be taken to create a more level playing field. We suggest the following:

Response 36-2

Please see Collective Response #1 pertaining to the public review process and public input opportunities. Please see responses below with regard to the commenter's specific suggestions.

Comment 36-3

- The comments made by the public should be posted by the County on its website so that everyone can see them. This information is necessary to coalesce public opinions and interactions and towards properly gauging public sentiment.

Response 36-3

Public comments on the Draft EIR submitted during the Draft EIR review period are included with this Final EIR. The Final EIR, including public comments, will be posted on the County's website at https://www.fresnocountyca.gov/eir7763 prior to public hearings on the project.

Comment 36-4

- The identities of the agencies or entities that have either formally seen the Draft EIR or have worked with CEMEX consultants directly or indirectly through County staff should be made public, and the dates and subject matter and agreements or compromises reached during these contacts should be disclosed. This information is necessary to determine if various organizations are or have been working to meet their respective mandates, and which should be contacted.

Response 36-4

State agencies that received notice and opportunity to review and comment on the Draft EIR include: California Air Resources Board (ARB), California Department of Conservation (DOC), California Department of Fish and Wildlife, Habitat Conservation Planning (CDFW), California Department of Forestry and Fire Protection (CAL FIRE), California Department of Parks and Recreation, California Department of Resources Recycling and Recovery, California Department of Toxic Substances Control (DTSC), California Department of Transportation, District 6 (DOT), California Department of Transportation, Division of Aeronautics (DOT), California Department of Transportation, Division of Transportation Planning (DOT), California Department of Water Resources (DWR), California Energy Commission, California Fish and Game Commission (CDFGC), California Governor's Office of Emergency Services (OES), California Highway Patrol (CHP), California Native American Heritage Commission (NAHC), California Natural Resources Agency, California Public Utilities Commission (CPUC), California Regional Water Quality Control Board, Central Valley Fresno Region 5 (RWQCB), California State Lands Commission (SLC), Delta Protection Commission, Delta Stewardship Council, Department of General Services (DGS), Office of Historic Preservation, San Francisco Bay Conservation and Development Commission (BCDC), State Water Resources Control Board, Division of Drinking Water, State Water Resources Control Board, Division of Water Quality, State Water Resources Control Board, Division of Water Rights, Central Valley Flood Protection Board, California San Joaquin River Conservancy (SJRC), and California Department of Fish and Wildlife, Central Region 4 (CDFW).

Agencies that provided comments on the Draft EIR include: Fresno County Fire Protection District, California Department of Transportation, City of Fresno, Central Valley Flood Protection Board, Central Valley Regional Water Quality Control Board, United States Bureau of Reclamation, National Marine Fisheries Service, Friant Water Authority, North Kings Groundwater Sustainability Agency, San Joaquin River Conservancy, San Joaquin Valley Air Pollution Control District, and California Department of Fish and Wildlife. Written comments from these agencies are included in Appendix M, "Draft EIR Comment Letters," and the County's responses to the comments are included in Section 4.2, "Public Agencies Comments and Responses."

The County is not aware of direct communications or agreements between the Operator and agencies; however, this is not pertinent under CEQA and thus requires no further response.

Comment 36-5

- The names and backgrounds of each of the technical experts used by Cemex in working on the Draft EIR and on any collateral documents or process related to the proposed Quarry, and related current and future Cemex operations, should be disclosed. This information should be provided so that the independence of these persons or organizations can be determined.

Response 36-5

The technical studies submitted by the Operator in support of the application that were utilized for preparation of the Draft EIR are cited within the Draft EIR and included in Chapter 9, "References and Resources," of the Draft EIR.

Comment 36-6

- As reported in The Fresno Bee, CEMEX failed in its attempt to gain approval in Mexico of the blasting methods it wishes to deploy here. If CEMEX has provided information and independent studies associated with deep blast mining to the County, this information should be publicly shared. If it has not provided such information, then this should also be disclosed. Even if such information was forthcoming from Cemex, it would be helpful if the County staff would produce a White Paper about the risks associated with deep blast mining.

Response 36-6

The Draft EIR provides a detailed description of blasting techniques that would be used for mining hard rock associated with the project at Draft EIR pages 2-42 through 2-43 and explains blasting explosives storage and use at page 2-44. The Draft EIR as updated in the Final EIR evaluates potential impacts of blasting as relates to air pollutant emissions (see Appendix D-4, "Revised Section 4.3, Air Quality," as updated by this Final EIR), biological resources including salmon habitat (see Draft EIR Section 4.4, "Biological Resources"), fly rock (see Draft EIR Section 4.9, "Hazards and Hazardous Materials"), water quality (see Draft EIR Section 4.9 and Draft EIR Section 4.10, "Hydrology and Water Quality"), noise and vibration (see Draft EIR Section 4.13, "Noise"), and fire risk (see Draft EIR Section 4.20, "Wildfire").

Draft EIR Mitigation Measure 4.10-1 would require implementation of the Blasting Protocols identified in Final EIR Appendix H-9, "Revised Blasting Protocols," which details requirements for the implementation of a blast monitoring program that includes ground vibration measurements, air overpressure measurements, and visual inspections;

details the requirements for complaint response procedures, record keeping, and annual reporting of monitoring, complaints investigations, and corrective actions; and requires the Operator to develop an annual Blasting Plan that includes the proposed blasting designs for areas proposed for blasting each year. In addition, County staff shall monitor and verify, on a semi-annual basis, implementation of the Blasting Protocols throughout project operations.

The Draft EIR includes substantial evidence pertaining to the proposed project blasting methods and impact evaluations. The commenter does not explain why additional information on blasting or additional studies (e.g., a white paper, as recommended in the comment) are required for evaluation of the potential environmental effects of blasting.

Mexico's mining laws are not relevant and have no jurisdiction over the proposed project.

Comment 36-7

- With a proposal of this magnitude, the proponent and/or the County should provide video and audio simulations relating to deep blast mining methods, and the light, traffic, water, and air pollution and other effects from the Quarry and the proposed plant on the Parkway zone and on residents proximate to plant 2, and at various other distances from the site.

Response 36-7

As discussed in Response 36-6 above, the Draft EIR includes substantial evidence pertaining to the proposed project blasting methods and impact evaluations. The commenter does not explain why additional information or demonstration of anticipated blasting events (e.g., video and audio simulations as recommended in the comment) are required for evaluation of the potential environmental effects of blasting.

Comment 36-8

- The visual perspective of these simulations should not be based solely on current conditions, but also from a forward perspective which includes, among others, important trends like future projected residential growth of the area and the increases in hours and extent of operations.

Response 36-8

As discussed in Responses 36-6 and 36-7, above, the Draft EIR includes substantial evidence pertaining to the proposed project blasting methods and impact evaluations. Additionally, the Draft EIR evaluates potential cumulative effects of the project, including blasting, in Chapter 5, "Cumulative Impacts," in consideration of future

anticipated development within the project area (see Draft EIR Table 5-1, "List of Nearby Projects," and Figure 5-1, "Cumulative Projects") The commenter does not explain why additional information or demonstration of blasting events under future conditions is required for evaluation of the potential environmental effects of blasting.

Comment 36-9

- For decades now, the existing plant has been operating without an EIR. An extension was granted several years ago that ignored the changed conditions of the area even though changes in conditions is supposed to be at the heart of every extension given. The public deserves to know why the continuation of that plant should not be addressed prior to when the Quarry proposal and the Draft EIR are even considered.

Response 36-9

In July 2023, CEMEX received final approval from the Board of Supervisors for the extension of the CUPs. CEQA Guideline Section 15301 applied which provided a CEQA valid existing facilities exemption for the extension. This approval also considered that CEQA Guidelines Section 15162 did not apply as the extension was not subject to the preparation of a supplemental EIR.

As part of the extension approval, a Notice of Exemption was approved on July 20, 2023, covering both the Plant Site and Quarry Site, based in part on the existing physical conditions baseline. The extension of the CUPs allowed operations to continue so that the EIR for the Modification Project could be finalized (CEQA Guidelines Section 15061(b)(3); *North Coast Rivers Alliance v. Westlands Water Dist.* (2014) 227 Cal.App.4th 832, 872 – 873. ["Where a project involves ongoing operations or a continuation of past activity, the established levels of a particular use and the physical impacts thereof are considered to be part of the existing environmental baseline"]).

Thus, the existing site has been operating with a valid CEQA document. Please see Collective Response #2 pertaining to previous permit extensions and the relevance to the proposed project and environmental review process.

Comment 36-10

Again, an overlay of the conditions that exist now at site 1 versus those that existed decades ago would represent an objective approach to assessing if mining operation of ANY kind should be permitted in the river bottom.

Response 36-10

The Draft EIR properly evaluates the proposed project in consideration of the site conditions existing at the time of the Notice of Preparation, i.e. the environmental baseline, for the purpose of environmental review of the proposed project, in accordance with CEQA.

Comment 36-11

- The public hearing meetings need to be held at times that better accommodate public participation. When the Ball Ranch development was proposed, Supervisors like Sharon Levy, seemed to make it easier for multiple voices to be heard. Even prior to the hearings, Supervisors should make themselves available to hear comments and questions at a series of open public meetings.

Response 36-11

The suggestion in the comment regarding public hearing scheduling is noted. The comment does not address the adequacy of the Draft EIR and no further response is warranted.

Comment 36-12

- The governmental process used which resulted in Cemex obtaining its last extension raised the public's awareness of things that impact decision-making in the County. First, CEMEX has many more resources in terms of time and money at its disposal to communicate what it wants.

Response 36-12

The comment does not address the adequacy of the Draft EIR, and no further response is warranted. Please see Collective Response #2 pertaining to previously approved permits and extensions.

The commenter's position is noted and will be considered by County decision-makers during hearings on the project. There will be a public hearing on the project EIR, and all public commenters will have opportunity to be heard and considered by the County decision-makers (CEQA Guidelines Section 15202). Please see Collective Response #2 pertaining to previously approved permits and extensions.

Comment 36-13

Second, CEMEX served up payroll for less than 60 people as the only thing that mattered which had the effect of being

> dismissive the views of not only many other stakeholders, but also contradicted the principle of changed conditions which had implications for how the findings of the staff were treated. If that process and result is repeated in any form or function, then this entire EIR process should be viewed as an accommodation to a foreign company and that the real decisions were made in a dark room.

Response 36-13

The County prepared the Draft EIR and this Final EIR in compliance with CEQA requirements for evaluation and disclosure of potential environmental effects of the proposed project. The comment does not address the adequacy of the Draft EIR, and no further response is warranted.

Comment 36-14

2. EIR Flaws: In reviewing the EIR itself, there are two things that appear to be missing:

   - Oversight, Sanctions, Financial Reserves: CEMEX is requesting—among other things-- to use risky drilling methods, increase traffic, expand operating times, and for a 100- year period. This is such an overreach that it seems like a corporate strategy which aims very high with the expectation that negotiations could be characterized as give and take, and, seemingly, resulting in a compromise solution, when, in fact, getting the project through in just about any form and over any time frame is really the CEMEX objective.

Response 36-14

Potential environmental impacts of the project associated with mining methods, vehicle trips, hours of operation, and the duration of the requested use permit extensions are described and evaluated in the Draft EIR. The comment does not address the adequacy of the Draft EIR evaluation of these issues, and no further response is warranted.

Comment 36-15

> What is missing in the EIR is any systematic discussion of what happens if the current major assumptions and claims made by CEMEX prove wrong, or even if CEMEX just exhibits bad operational behavior.

Response 36-15

The Draft EIR evaluates potential environmental impacts of the project based on detailed technical evaluations and documentation of reasonably foreseeable physical changes in

the environment, in accordance with CEQA. Additionally, the Draft EIR identifies several mitigation measures that involve monitoring of site conditions and adaptive management actions based on future observed conditions (e.g., see Mitigation Measures 4.7-6, 4.7-7a, 4.7-7b, 4.7-7c, 4.10-1, 4.10-5a, 4.10-5b, 4.10-10a, 4.10-10b, 4.13-2, and 4.13-3,). Such adaptive mitigation measures would serve to address future conditions that may vary from those predicted or anticipated through the environmental analysis in the Draft EIR.

The comment does not explain or provide evidence of any instances in which assumptions or conclusions of the Draft EIR analyses are insufficient, and no further response is warranted.

Comment 36-16

> We view the omission of oversight as a very serious shortcoming. Planners may suggest that the EIR is not required to address this matter, but that has proven to be a very dangerous position to take. It this cannot be addressed directly in the EIR, then there should be a collateral document which does provide for oversight, sanctions, and financial reserves. The Draft EIR invites bad assumptions because there are no consequences for making them. There is no requirement for CEMEX to set aside annually a portion of its revenues. There is no provision for CEMEX to pay for inspectors; we must all rely on CEMEX's good faith that they will self-report and self-correct. There is no provision for sanctioning CEMEX if it violates operating tenets. The Draft EIR lacks common sense based on first, that things go wrong, and second, that the longer the perspective, the less valid are the assumptions underlying that perspective.

Response 36-16

See Response 36-15, above, for discussion of future conditions and adaptive mitigation. Please also see Collective Response #4b pertaining to liability and fund for potential damages. Mitigation measures adopted for the project would be incorporated to a Mitigation Monitoring and Reporting Program (MMRP) that would provide for County oversight to ensure implementation of adopted mitigation measures. Additionally, the Operator is responsible for reclamation of the project sites in accordance with the approved reclamation plan. Both Fresno County and the state Surface Mining and Reclamation Act (SMARA) require that surface mining operators maintain a financial assurance mechanism payable to the SMARA lead agency (here, Fresno County) and to the State of California sufficient to accomplish reclamation as prescribed by the surface mining operation's approved reclamation plan, including conditions of approval and

mitigation measures associated with reclamation. The Operator is required to annually prepare and submit for County review and approval a financial assurance cost estimate and evidence of a financial assurance mechanism in an amount at least equal to the cost estimate to ensure reclamation in accordance with the approved reclamation plan would be available in the event of the Operator's failure to reclaim the site in accordance with the approved reclamation plan.

Comment 36-17

> Ignoring oversight, sanctions, and financial reserves based on negotiations which reduce the timeline of the project would not resolve anything' in fact, that should be considered as somewhat of a red herring. Approval of the project in any form or timeline must still be viewed as generating risks and insecurity for the people of Fresno County.

Response 36-17

Please see Response 36-16, above, regarding oversight of mitigation and reclamation obligations.

Comment 36-18

> The degree of oversight, specifying violations which would generate sanctions (including work stoppages or a total closure), and the amount of reserves that should be very high on the list of the County's responsibilities and should not be ignored or even delayed. Considering the project as it is now proposed, nothing today in the Friant corridor or north Fresno or across the river in Madera or in downturn Fresno is likely to look exactly like it does today 100 years from now, and everyone involved will be gone in 100 years.

Response 36-18

See Response 36-16, above, regarding oversight of mitigation and reclamation obligations.

Comment 36-19

- Taken as a whole, the quarry project is a completely different project than the current project. The proposed project is not simply an extension of current operations and simply moving these to a different site.

  The Draft EIR should, at least, contain a discussion that the current operations have existed for decades without an EIR and have been extended. It should point out that the staff

analysis regarding the changed conditions in the areas--even though changed conditions in the given area are supposed to be the basis for extending or denying operations in the river bottom – was effectively ignored.

Response 36-19

The proposed project is an extension and a modification of existing operations. See Response 36-9 above. See also Collective Response #2 pertaining to previously approved permits and extensions. As discussed in Response 36-10, above, the Draft EIR properly evaluates the proposed project in consideration of the existing site conditions and activities which represent the environmental baseline for the purpose of environmental review of the proposed project. The comment does not address the adequacy of the existing conditions environmental baseline used in the Draft EIR, nor does the comment explain how considering past conditions is required for evaluation of the proposed project.

Comment 36-20

It should also discuss changed conditions around site 2 as well. As will be discussed later, the existence of the River Parkway alone represents a major change in area conditions.

This discussion in the EIR will set the record straight and would resolve a basic question about the legitimacy of the Draft EIR process. Before this Draft EIR is even considered, should a question be put to the Planning Staff and the public which asks whether ANY industrial operation is compatible with respect to the conditions extant in north Fresno, Friant Road, and river corridor, and which, of course, considers the current and future growth prospects and the plans for the River Parkway?

Response 36-20

See Collective Response #2 pertaining to previously approved permits and extensions. As discussed in Response 36-10 above, the Draft EIR properly evaluates the proposed project in consideration of the existing site conditions and activities, i.e. the CEQA baseline, for the purpose of analyzing the project's potential environmental impacts. With regards to the commenter's concerns with the proposed project's compatibility with the San Joaquin River Parkway, Draft EIR Section 4.11, "Land Use and Planning," analyzes the proposed project's compatibility with the goals and policies set forth in the San Joaquin River Parkway Master Plan (Draft EIR page 4.11-44). The Operator is a longtime neighboring landowner to several properties that are a part of the San Joaquin River Parkway and would continue to support and assist with Parkway goals, policies, and

operations (see Draft EIR page 4.11-44). County decision-makers will assess whether to approve the proposed project based on information in the EIR and factors including compatibility between the proposed project and existing and anticipated future conditions within the project area.

Comment 36-21

Part B: Comments Relating to Environmental Issues

Most of our comments are going to relate to untrue statements or implied claims made by Cemex, or the insufficiency of mitigation, or that the assumptions about cause and effect related to a particular issue are too speculative to be relied upon.

1. CEMEX claims that the Quarry and Plant Site 2 is an "extension" of its current aggregate surface mining operations and its current plant at Willow and Friant.

   Comment: This is untrue.

   The project utilizes vastly different methods, is not surface mining, and has much larger environmental impacts.

Response 36-21

Draft EIR Chapter 2, "Project Description," provides a detailed description of the proposed project, including discussion of existing and proposed operations and reclamation within the two project areas – the Quarry Site and Plant Site. Proposed mining methods, processing methods, and reclamation activities and reclaimed conditions at both sites are discussed sufficiently for disclosure and to inform the environmental analysis in the Draft EIR. Please refer to Response 58-5 for further discussion of the definition of surface mining. The comment does not discuss or provide evidence of any incorrect information nor does the comment discuss or provide evidence of "much larger environmental impacts" in comparison to the impact evaluations and conclusions in the Draft EIR.

Comment 36-22

2. The Conditional Use Applications are a continuation and modification of its current mining and processing operations.

   Comment: This statement is somewhat misleading.

   The current method of mining is not the planned method. Also, the current uses are not based on an approved EIR and, thus, the conceptualization of an application for continuing and

modifying current operations that is not supported by an EIR is a false proposition.

Response 36-22

See Response 36-21 pertaining to the Draft EIR project description and evaluations. The Draft EIR provides a clear description of proposed mining methods, processing, and reclamation under the proposed project in Draft EIR Chapter 2.

The Draft EIR addresses the concern regarding the need for an EIR for the project. As described in the Draft EIR, the project proposes to modify the method of mining and processing at the sites (see Draft EIR, pages 2-3 through 2-4 and 2-29 through 2-44). The Draft EIR has been prepared with a sufficient degree of analysis to provide decision-makers with the information needed for evaluation and review of environmental impacts (see CEQA Guidelines Sections 15151 and 15124).

The existing operations for both the Plant Site and Quarry Site are originally covered by an EIR that was certified on July 28, 1987. As also explained in Response 36-9 above, the 2023 extension was approved via a CEQA Notice of Exemption on July 20, 2023, covering both the Plant Site and the Quarry Site, and taking into consideration the existing physical conditions baseline. (CEQA Guidelines Section. 15061(b)(3); *North Coast Rivers Alliance v. Westlands Water Dist.* (2014) 227 Cal.App.4th 832, 872 – 873). Thus, the current operations are appropriately supported by the required CEQA documents.

Moreover, the purpose of the Draft EIR is to evaluate the potential effects of the proposed project compared to the conditions existing at the time of the Notice of Preparation (i.e. the CEQA baseline). Because the comment does not address the adequacy of the analyses of significant environmental impacts in the Draft EIR, no further response to this comment is required.

Comment 36-23

3. Cemex wants to obtain a conditional use permit for 100 years.

   Comment: This time period represents a gross over-reach and calls into question the basic assumptions and claims of mitigation into question. This period represents such a mismatch with respect to business and economic cycles that plans and risk assessment which utilize this time period should be viewed as speculative and, therefore, unreliable.

   It is a commonly accepted principle of planning, and associated attempts to forecast outcomes and consequences of plans, that the longer time period assigned to the forecast,

the less accurate the current assumptions and conclusions become.

The corollary of that principle is that long-term forecasts are inherently riskier than shorter ones.

When rooted in the concept of considering changing conditions which serves as one of the core principles to be applied to a project approval or extension, the Cemex project contradicts this principle. Instead, it serves to improperly instruct the reviewer to abandon consideration of changing conditions to put a private company's benefit in its place.

Response 36-23

Please see Response 36-21 pertaining to the Draft EIR project description and evaluations. See also Response 58-5 regarding the definition of surface mining. The comment does not address the adequacy of the Draft EIR, and no further response is required.

Comment 36-24

4. CEMEX wants approval to blast a 600-foot deep hole in the land in the San Joaquin River bottom for hard rock mining.

   (Note: We do not have direct experience in hard rock mining with blasting; however, Dr. Penbera is drawing on experience with lateral well drilling in hard rock formations).

   Comment: The use of blasting in hard rock mining (sometimes called deep-rock mining), presents significant, unpredictable risks to humans, inanimate objects (like structures, equipment and machinery), and the environment, including other forms of life.

   The following environmental impacts regarding hard rock mining are not sufficiently considered or mitigated in the EIR. Assumptions made in the context of hard rock mining and over a 100-year time frame do not appear to have been empirically tested.

   - Destruction of habitats

Response 36-24

Section 4.4 of the Draft EIR provides an analysis of the potential for the project to adversely affect sensitive biological resources. The commenter does not provide substantial evidence that the project would result in significant impacts to biological resources.

Blasting impacts upon biological resources, including habitats, are analyzed in Section 4.4 of the Draft EIR. With regard to the project's potential impacts to habitats, the proposed blasting activities would be brief and would occur within the existing quarry pit, which is already disturbed by approximately 30 years of continuous mining operations. A typical blasting event would occur for approximately one to two seconds. As such, the proposed blasting would not significantly impact surrounding habitats.

Blasting activities would be conducted in accordance with detailed Blasting Protocols and supporting technical analyses, including the Blast Impact Analysis and Blasting Effects on San Joaquin River Embankments (Draft EIR Appendix H-3, "Blast Impact Analysis," and Appendix H-4, "Blasting Effects on San Joaquin River Embankments"). These analyses evaluate potential groundborne vibration and air overpressure and conclude that blasting would not result in adverse effects on surrounding structures, the San Joaquin River, or adjacent habitats. Mitigation Measure 4.10-1, requires monitoring and control of blasting activities to ensure impacts remain less than significant.

Accordingly, no additional assessment beyond what has already been conducted in the Draft EIR is required.

Comment 36-25

- Preservation of river bottom parkway trail connectivity

Response 36-25

The proposed blasting is not expected to interfere with future trail connectivity. Please see Collective Response #22 pertaining to trail connectivity.

Comment 36-26

- Above ground level energy bursts

Response 36-26

As discussed in Responses 36-6 and 36-24 above, the Draft EIR includes substantial evidence regarding the proposed project's blasting methods and associated impact evaluations. It is unclear what the commenter means by an "above ground level energy burst." However, blasting impacts and thresholds for groundborne vibration and air overpressure are discussed in Section 4.13 of the Draft EIR.

The Surface Mining and Reclamation Plan, Blast Impact Analysis, and Blasting Effects on San Joaquin River Embankments (Draft EIR Appendices B-1, " Surface Mining and Reclamation Plan," Appendix H-3, and Appendix H-4, respectively) describe the

extraction methods, use of explosives, and potential effects on slope stability and nearby resources.

Blast designs would be adjusted based on the distance to the nearest receptors to ensure that applicable vibration and air overpressure criteria are not exceeded. The analyses conclude that the Quarry Site can be developed without adverse effects on surrounding structures or residences from groundborne vibration or air overpressure. Pursuant to Mitigation Measure 4.10-1, the project would implement Blasting Protocols that include monitoring, control, and reporting requirements for blasting-related effects. In addition, best practices would be implemented to control and reduce potential impacts from flyrock. With implementation of these measures, impacts would be less than significant.

Comment 36-27

- Fracturing of ground level rock

Response 36-27

As discussed in Responses 36-6 and 36-24 above, the Draft EIR includes substantial evidence regarding the proposed project's blasting methods and associated impact evaluations. The comment does not provide factual evidence to support the assertion that the Draft EIR's analysis of vibration or geology and soils is insufficient.

Blast designs would be adjusted based on the distance to the nearest receptors to ensure that applicable vibration and air overpressure criteria are not exceeded. The analyses conclude that the Quarry Site can be developed without adverse effects on surrounding structures or residences from groundborne vibration or air overpressure. Pursuant to Mitigation Measure 4.10-1, the project would implement Blasting Protocols, including monitoring, control, and reporting requirements for blasting-related impacts.

Additional analysis of site geology, including foliation and fracture characteristics, is provided in the Geological and Geotechnical Assessment (see Draft EIR Appendix F, "Geology and Soils Report"). See Section 4.7, "Geology and Soils," for further discussion of geology impacts. With implementation of these measures and based on the supporting analyses, impacts would be less than significant, and no further analysis is required.

Comment 36-28

- Fracturing and caving in of blast area walls

Response 36-28

As discussed in Response 36-6 above, the Draft EIR includes substantial evidence pertaining to the proposed project blasting methods and impact evaluations. See also

Response 36-24, which provides an overview of the Draft EIR's evaluation of blasting impacts. The Draft EIR addresses slope stability of the quarry pit walls in Section 4.7. Please refer to Impact 4.7-7 regarding the potential for slope stability to occur at the Quarry Site (see Draft EIR page 4.7-32). The Quarry Site Geotechnical Memorandum (included as Appendix F-3 to the Draft EIR) included a slope stability analysis that determined that the potential of the proposed project to result in overall slope instability is low and that, with Mitigation Measure 4.7-7a, 4.7-7b, and 4.7-7c, potential risks of slope instability at the Quarry Site would be reduced to less than significant (see Draft EIR page 4.7-37). Additionally, Mitigation Measures 4.7-7b and 4.7-7c would require field observations and surveys mapping kinematic conditions, operational activities, water seepage and groundwater conditions, and failure potential assessments to minimize impacts on slope stability in the project vicinity.

The comment provides no factual evidence to support its assertion that the Draft EIR's analysis of slope stability is insufficient. Thus, no further response is required.

Comment 36-29

- Release of blast energy and seismic waves weakening rock stability, based on topography, at distances beyond the plant site

Response 36-29

As discussed in Response 36-6 above, the Draft EIR includes substantial evidence regarding the proposed project's blasting methods and associated impact evaluations. Blasting would occur at the Quarry Site and would not occur at the Plant Site.

Drilling and blasting are methods that would be used for mining hard rock at the project's Quarry Site. The Surface Mining and Reclamation Plan, Blast Impact Analysis, and Blasting Effects on San Joaquin River Embankments (Draft EIR Appendices B-1, H-3, and H-4, respectively) describe the extraction methods, use of explosives, and slope stability impacts associated with blasting activities. Blast designs would be adjusted based on the distance to the nearest receptors to ensure that applicable vibration and air overpressure criteria are not exceeded. The analyses conclude that the Quarry Site can be developed without adverse effects on surrounding structures or residences from groundborne vibration or air overpressure. Pursuant to Mitigation Measure 4.10-1, the project would implement Blasting Protocols, including monitoring, control, and reporting requirements for blasting-related effects.

As discussed in Section 4.13, seismic attenuation is the rate at which ground vibration amplitude decreases as it propagates away from the blast location (Draft EIR page 4.13-

9). This process results in almost all of the ground vibration energy being dissipated within the Quarry Site, with limited remaining energy that may produce perceptible vibrations at some distance. Seismographs are used to measure vibrations and ensure that applicable thresholds are not exceeded. Potential impacts related to groundborne and airborne vibration are further evaluated in Impact 4.13-6 (Draft EIR pages 4.13-65 through 4.13-67).

The comment does not provide factual evidence to support the assertion that blasting would result in significant impacts.

Comment 36-30

- Noise abatement and open noise carry and reverberation

Response 36-30

As discussed in Responses 36-6 and 36-24 above, the Draft EIR includes substantial evidence regarding the proposed project's blasting methods and associated impact evaluations, including evaluation of noise and vibration impacts as discussed in Section 4.13, "Noise."

It is not clear to which specific component of the Draft EIR the comment refers; however, sound propagation and reverberation are addressed in the noise analysis. Sound may travel more freely in open areas without intervening shielding or vegetation, and reverberation may occur where sound is generated within more confined spaces, such as the quarry pit. The noise analysis prepared for the project considered these factors affecting sound propagation between project noise sources and nearby sensitive receptors (see Draft EIR Appendix H-1).

Where the analysis determined that there is potential for exceedance of Fresno County noise standards or a substantial increase in ambient noise levels, potentially significant impacts were identified, and mitigation measures were specified. These include Mitigation Measures 4.13-2 and 4.13-3, which require implementation of noise reduction measures and monitoring to ensure effectiveness.

The comment does not provide factual evidence that the Draft EIR's analysis of noise or vibration is insufficient.

Comment 36-31

- Leaking of chemicals and explosive charge materials into groundwater

Response 36-31

As discussed in Responses 36-6 and 36-24 above, the Draft EIR includes substantial evidence regarding the proposed project's blasting methods and associated impact evaluations, including evaluation of potential water quality impacts in Section 4.9 and Section 4.10.

The potential for chemicals related to blasting agents to affect groundwater quality is addressed in the analysis of Impact 4.10-1 (Draft EIR, pages 4.10-88 through 4.10-92) and Impact 4.10-6 (Draft EIR, pages 4.10-98 through 4.10-100). The discussion for Impact 4.10-6 cites several studies evaluating the effects of blasting on groundwater (Draft EIR, page 4.10-100).

Mitigation Measure 4.10-1, including the Blasting Protocols provided in Appendix H-5 of the Draft EIR, includes measures and monitoring requirements to prevent impacts to groundwater quality associated with blasting activities.

See also Responses 20-8, 22-8, 35-8, 38-8, and 64-8.

Comment 36-32

- Water contamination from rock fracturing and acid leeching into area wells used by humans and livestock

Response 36-32

The water quality analysis presented in Section 4.10 of the Draft EIR, and related Appendices G-3, G-4, and G-5 do not indicate any potential for the presence of acidic conditions in the weathered rock and hard rock as a result of mining activities (Draft EIR pages 4.10-88 through 4.10-89). The potential for chemicals related to blasting agents to contaminate groundwater is addressed in the analysis of Impact 4.10-1 and 4.10-6. The discussion of Impact 4.10-6 in particular cites several studies that evaluate the effects of blasting on groundwater. Mitigation Measure 4.10-1, including the Blasting Protocols provided in Appendix H-5 of the Draft EIR, provides appropriate mitigation measures and related monitoring to prevent impacts to groundwater quality.

Also see Responses 20-8, 22-8, 35-8, 38-8, and 64-8.

Comment 36-33

- Dust and rock and other particulate matter diffusion into the air

Response 36-33

As discussed in Responses 36-6 and 36-24 above, the Draft EIR includes substantial evidence regarding the proposed project's blasting methods and associated impact evaluations, including evaluation of potential air quality impacts. See Appendix D-4, "Revised Section 4.3, Air Quality." See also Collective Responses #6 and #9 pertaining to common nuisance complaints on mining operations and the project's potential impact on air quality, respectively.

The Draft EIR quantifies particulate matter impacts associated with the project, which are determined to be less than significant after mitigation (Appendix D-4, Section 4.3.4).

Comment 36-34

- Loss of asset value of properties proximate to the quarry and plant

Response 36-34

Please see Collective Response #7 for discussion of economic effects and property values.

Comment 36-35

- Long-term health issues and risks associated with air or water contamination

Response 36-35

As discussed in Responses 36-6 and 36-24 above, the Draft EIR as updated by the Final EIR includes substantial evidence regarding the proposed project's blasting methods and associated impact evaluations, including evaluation of potential health risks associated with air and water quality in Section 4.10, as updated by the Final EIR (see Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10 and Appendix D-4, "Revised Section 4.3, Air Quality").

A Health Risk Assessment (HRA) was performed and includes a multi-pathway analysis to ensure that the dose received by receptors from air and other media to which they may be exposed is properly evaluated. The HRA determined that impacts would be less than significant before and after mitigation (see Final EIR, Appendices D-3 and D-4, for additional information).

The comment does not provide additional evidence regarding potential health risks associated with air or water quality impacts.

Comment 36-36

- Fumes emanating from blasting, equipment machinery, trucks and traffic

Response 36-36

As discussed in Responses 36-6 and 36-24 above, the Draft EIR includes substantial evidence regarding the proposed project's blasting methods and associated impact evaluations, including evaluation of potential air quality impacts in Appendix D-4. The air quality analysis also evaluates emissions associated with operational equipment and vehicles, including trucks and other on- and off-site traffic.

The Draft EIR, as updated by this Final EIR, quantifies particulate matter and gaseous pollutant emissions associated with blasting, equipment, and vehicle activity, and concludes that these impacts would be less than significant after mitigation (see Impact 4.3-2).

Comment 36-37

- Light pollution effects on habitat and on residents proximate to the quarry

Response 36-37

The Draft EIR discusses existing and proposed project lighting with both the Plant Site (Draft EIR page 2-35) and Quarry Site (Draft EIR pages 2-40 and 2-41). Potential light and glare impacts of the proposed project are evaluated under Impact 4.1-4 (Draft EIR pages 4.1-62 through 4.1-64) and potential lighting impacts of the project on biological resources (e.g., special-status species and their habitat) are evaluated under Impact 4.4-3 (Draft EIR pages 4.4-52 and 4.4-53) and Impact 4.4-4 (Draft EIR pages 4.4-53 through 4.4-55).

Comment 36-38

5. Cemex wants to move open pit mining operations to what it is calling a quarry site and shut down its current processing site. This implies some mitigation effect by shutting one site and moving to another.

   Comment. The implication is untrue. The EIR does not adequately compare the effects of operations on the current site to the new site. As such, it does not directly address the massive increase in the scale of operations that will occur at the quarry site, and along the Friant Road corridor.

   Viewing project site 2 as merely an extension of current operations is misleading. Cemex wants to more than double

rock production to 3 million metric tons annually, double the amount of direct and collateral truck trips, expand operating hours, and move all of its operations which brings a massive amount of buildings and equipment to site 2.

Response 36-38

The commenter is confused about the nature of existing operations at the Quarry and Plant sites. Quarrying has occurred on both the Plant Site and the Quarry Site for decades. As such, the Draft EIR properly evaluates the potential environmental impacts of the proposed project as compared to the existing conditions of both the Plant and Quarry sites, in accordance with CEQA.

Draft EIR Chapter 2 provides a detailed description of the proposed project, including discussion of existing and proposed operations and reclamation within the two project areas – the Quarry Site and Plant Site. Proposed mining methods, processing methods, and reclamation activities and reclaimed conditions at both sites are discussed sufficiently for disclosure and to inform the environmental analysis in the Draft EIR. To clarify, the Draft EIR includes a detailed analysis of impacts associated with increasing production and introducing blasting at the Quarry Site.

The comment states that future closure of the Plant Site "implies some mitigation effect" and the comment then states that "the implication is untrue." The Draft EIR does not consider closure of the Plant Site to be mitigation; rather, the Draft EIR evaluates the impacts of the proposed continued operations at the Plant Site until such time as Plant Site operations cease and the site is reclaimed. The comment asserts that the project does not adequately address the scale of operations; however, the comment does not discuss or provide evidence of any incorrect information in the Draft EIR nor does the comment discuss or provide evidence that the impact evaluations and conclusions in the Draft EIR are inadequate. Thus, no further response is warranted.

Comment 36-39

6. The effects of the Quarry site with respect to impacts on existing residential areas and planned growth areas, and effects of increased Fraint Road traffic, have been properly assessed, are not material, and can be sufficiently mitigated.

   Comment: This claim is --either by fact or implication --not true.

   Friant Road represents a major residential growth corridor. Major new residential construction includes hundreds of

residences at Copper River. Friant Rd. joins with Willow Ave. and to major residential developments in all directions along Willow. Fraint Road leads to major residential developments occurring around and above Friant Dam and Millerton Dam. There are 13 houses directly across Friant Road facing the site. There are 2 residences on the same side of Friant close to the Quarry site.

Friant Road is the main traffic artery along the River Parkway and leads from Woodward Park entrances and a growing retail area at Audubon to new residential and commercial areas as well as to route 41. The newly opened Table Mountain Casino has materially increased traffic. Friant Rd. leads to the Millerton Lake recreation area which has experienced great demand and to new developments on 145.

The number of accidents and damages caused by debris on Friant Road has increased significantly over the last 10 years.

In terms of changing conditions and growth, the Quarry site would be placed on one of Fresno's highest growth corridors and a main artery for transit of residents and visitors.

Industrial operations should be regarded as among the most unsuitable and incompatible activities for such corridors.

Response 36-39

The Draft EIR evaluates potential impacts of the proposed project on surrounding areas and evaluates potential transportation impacts associated with the project including project-related vehicle trips on Friant Road and other area roads (see Draft EIR Section 4.17). The Draft EIR transportation impact evaluation considers traffic and road conditions under existing conditions with the project and future conditions with the project and anticipated increases in regional trips and evaluates vehicle miles traveled (VMT), road conditions, potential hazards associated with project vehicles, and emergency access to the project sites (see Draft EIR Impacts 4.17-1 through 4.17-4 on Draft EIR pages 4.17-27 through 4.17-42). Additionally, please see Collective Response #29 pertaining to traffic impacts and road improvements and Collective Response #30 pertaining to traffic safety and road damage. The comment does not address the adequacy of the Draft EIR transportation evaluation, and no further response is warranted.

Comment 36-40

C. The River Parkway: A Much Better Choice

The direct and indirect impacts on the River Parkway are not the focus of the EIR. Although this is a seemingly neutral statement, the reality is that there is only an EIR under review because Cemex wants to plunk an industrial operation right down in the middle of the River Parkway.

The EIR process is of little value if one does not appreciate the extent to which Cemex's corporate interests conflict with the River Parkway and good planning. Cemex's proposal clearly conflicts with the peace and serenity of the bordering Ledger Island Nature Reserve and the Beck Ranch Nature Reserve, as well as adjacent and proximate ag land and private homes. While other rock operations have been good citizens in terms of avoiding such conflicts by locating their operations away from the river corridor, river bottom, and the Parkway, CEMEX has proposed a project that is so risky in it approach and so grandiose in its scale that it virtually disregards what the River Parkway is and represents.

The San Joaquin River Parkway is a 23-mile stretch of land along the San Joaquin River which is the 3rd longest river in California. The Parkway came into existence through certain core values that we should encourage in our children: preservation and public stewardship of various natural habits and open space, supporting the work and perseverance of volunteers and the entire community in gathering the land, getting influential and enlightened business and public leaders to share the vision of creating a place for all, and securing the resources to put it all together. This job is not done. The Parkway is developing further through its professional staff, Board and volunteers who work diligently towards educating and involving the public through events held at the Hallowell Center (about 3 miles from the quarry site), and in public buildings and in private homes.

The Parkway embodies all that is good and hopeful about Fresno. It represents one of our area's greatest (if not the greatest) most recognizable and patronized local natural asset. We know this because it is a point of interest that brings people together from all walks of life from dawn to dusk. Families from all cultures hold events there. Bicyclists often comment about how much they enjoy the "nature ride" on Friant Road from Woodward Park to Millerton Lake. During Covid, the Parkway proved to be a haven for children and families. We are hopeful that the Planning Department staff will see that the CEMEX project ---no matter how

one tries to dress it up-- is not only dismissive of responsible planning, but it is also an attack on the public interest.

We are aware that attempts may be made to pigeonhole public comments as being either for or against business and jobs. We are by no means anti-business people and we are not novices in creating jobs. When it comes right down to it, were it not for the Draft EIR, it would be unimaginable that some foreign company would even suggest putting an industrial project of the kind and magnitude that Cemex has proposed in the river bottom. Fresno deserves better. And the best way for us to get better is to preserve and protect the great natural asset that we have. The Parkway enhances the quality of life for virtually all people of our area. And that, in the end, holds the greatest attraction for people to come to live and work here.

Response 36-40

The concerns and preferences explained in the comment are noted and will be considered by the decision-makers. Please see Collective Response #18 pertaining to the project's consistency with the San Joaquin River Parkway Master Plan. To comply with CEQA, the County's EIR must evaluate the project as proposed based on the entitlements requested by the Operator. Thus, the Draft EIR "Project Description" reflects the requested entitlements and the evaluation in the Draft EIR appropriately evaluates potential effects of the proposed project.

Letter #37 February 25, 2025, Juan Serrano, Jim Crawford Construction

Comment 37-1

On behalf of Jim Crawford Construction Co., Inc., I am writing in support of Cemex's Rockfield Quarry Modification Project.

I have been working with Cemex personnel for over 30 years. Cemex has been one of our main suppliers of aggregates in the Fresno Metropolitan area for many projects throughout the years. Cemex's Rockfield Quarry has been providing the Fresno Region with a reliable source of construction aggregate for the past 100 years. Having a local and affordable source of construction aggregate is an important consideration for businesses when they choose to expand or locate to Fresno County or when public agencies invest taxpayer dollars in public infrastructure. The demand for new construction in the Fresno region is projected to grow, requiring over 6 million tons of construction aggregate per year for the next 50 years. This demand should be supplied locally, as opposed to being trucked and shipped in from outside the region.

Transporting aggregate from distant sources results in increased construction costs, fuel consumption, greenhouse gas emissions, and would contribute to existing traffic congestion. According to the Department of Conservation, transportation costs alone can increase 22 cents per ton for every additional mile traveled. Consequently, these higher construction costs are passed on to businesses, homeowners and county taxpayers.

Cemex has been a steadfast and reliable supplier of building materials needed to grow the region's economy and the county's investments in public infrastructure. Aggregates from their Rockfield Quarry have been used in the businesses, homes, roads and schools found in most of our neighborhoods.

Importantly, Cemex's proposed modification plan also includes considerable resources for wildlife and habitat protection, 470 acres of open space with riparian areas, ponds, lakes, and native vegetation, and an easement for the Parkway Plan to expand the existing pedestrian and bicycle trail along the San Joaquin River that will benefit the local community.

Cemex has developed a constructive and thoughtful plan that serves the region's building, water, environmental and recreational needs, while remaining committed to being a good corporate citizen and responsible neighbor.

Thank you for recognizing the benefits of having a quarry located in your community.

Response 37-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #38 February 26, 2025, Marvin Hoogendam, Fresno Fly Fishers for Conservation

Comment 38-1

As a member of Fresno Fly Fishers for Conservation and a concerned resident of Fresno County, I am writing to express my deep opposition to the CEMEX proposal that would extend commercial mining operations on the banks of the San Joaquin River for the next 100 years.

Response 38-1

See Response 20-1.

Comment 38-2

This area is one of the most spectacular parcels of land in the region, yet public access remains extremely limited. Instead of prioritizing conservation and community use, this agreement would extend private and commercial restrictions, preventing generations of Fresno County residents from enjoying this vital natural resource.

Response 38-2

See Response 20-2.

Comment 38-3

I am particularly concerned about the expedited approval process for this 100-year commitment. The brief public comment period, which ends on March 10th is far too little time for Fresno County residents to learn about the project's consequences. A project of this magnitude demands thorough consideration, not a rushed decision that will impact future generations.

Response 38-3

See Response 20-3.

Comment 38-4

The environmental consequences of this project cannot be ignored. The California Department of Fish and Wildlife (CDFW) has made significant strides in reintroducing salmon to the San Joaquin River, yet this mining operation could jeopardize these efforts.

Response 38-4

See Response 20-4.

Comment 38-5

The increased truck traffic, potential river pollution and habitat destruction would be devastating for local wildlife.

Response 38-5

See Response 20-5.

Comment 38-6

Fracking and blasting a 600-foot mine so close to the river could lead to accidental discharges, seepage, and contamination of the

surrounding water table endangering both aquatic ecosystems and local wells.

Response 38-6

See Response 20-6.

Comment 38-7

Beyond the environmental harm, this project poses economic concerns. CEMEX, a foreign-owned LLC, is granted limited liability by design, meaning if damages occur, there may be little accountability.

Response 38-7

See Response 20-7.

Comment 38-8

Moreover, the current agreement lacks measurable performance oversight, and

Response 38-8

See Response 22-8.

Comment 38-9

reports indicate repeated violations of work schedules and environmental standards.

Response 38-9

See Response 20-9.

Comment 38-10

The increased truck traffic alone—up to 1,000 trucks per day will degrade our roads and impact local residents, with little assurance that CEMEX will be held responsible for the consequences.

Response 38-10

See Response 20-10.

Comment 38-11

Fresno County deserves better. Rather than approving a destructive mining operation, this land should be preserved and made accessible to the public. A park or conservation area would not only protect the environment but could also generate long-term revenue through

recreation, tourism, and sustainable business opportunities. A private mine will only benefit a foreign corporation, while our community bears the long-term costs.

Response 38-11

See Response 20-11.

Comment 38-12

I urge you to reconsider this agreement and advocate for a better future for Fresno County. Our community has the right to more input and a greater say in how this land is used. Please extend the public comment period and conduct a thorough review of the environmental and economic impacts before making a decision that will affect our region for the next century.

Response 38-12

See Response 20-12.

Letter #39 February 27, 2025, Rob Chapman, B&B Surplus, Inc.

Comment 39-1

On behalf of B&B SURPLUS, I am writing in support of Cemex's Rockfield Quarry Modification Project.

Cemex has been one of our main suppliers of aggregates in the Fresno Metropolitan area for many projects throughout the years. Cemex's Rockfield Quarry has been providing the Fresno Region with a reliable source of construction aggregate for the past 100 years. Having a local and affordable source of construction aggregate is an important consideration for businesses when they choose to expand or locate to Fresno County or when public agencies invest taxpayer dollars in public infrastructure. The demand for new construction in the Fresno region is projected to grow, requiring over 6 million tons of construction aggregate per year for the next 50 years. This demand should be supplied locally, as opposed to being trucked and shipped in from outside the region.

Transporting aggregate from distant sources results in increased construction costs, fuel consumption, greenhouse gas emissions, and would contribute to existing traffic congestion. According to the Department of Conservation, transportation costs alone can increase 22 cents per ton for every additional mile traveled. Consequently, these higher construction costs are passed on to businesses, homeowners and county taxpayers.

Cemex has been a steadfast and reliable supplier of building materials needed to grow the region's economy and the county's investments in public infrastructure. Aggregates from their Rockfield Quarry have been used in the businesses, homes, roads and schools found in most of our neighborhoods.

Importantly, Cemex's proposed modification plan also includes considerable resources for wildlife and habitat protection, 470 acres of open space with riparian areas, ponds, lakes, and native vegetation, and an easement for the Parkway Plan to expand the existing pedestrian and bicycle trail along the San Joaquin River that will benefit the local community.

Cemex has developed a constructive and thoughtful plan that serves the region's building, water, environmental and recreational needs, while remaining committed to being a good corporate citizen and responsible neighbor.

Thank you for recognizing the benefits of having a quarry located in your community.

Response 39-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #40 February 28, 2025, John Cameron, Fresno Fly Fishers for Conservation

Comment 40-1

As a member of Fresno Fly Fishers for Conservation and a concerned resident of Fresno County, I am writing to express my deep opposition to the CEMEX proposal that would extend commercial mining operations on the banks of the San Joaquin River for the next 100 years.

Response 40-1

See Response 20-1.

Comment 40-2

This area is one of the most spectacular parcels of land in the region, yet public access remains extremely limited. Instead of prioritizing conservation and community use, this agreement would extend private and commercial restrictions, preventing generations of Fresno County residents from enjoying this vital natural resource.

Response 40-2

See Response 20-2.

Comment 40-3

I am particularly concerned about the expedited approval process for this 100-year commitment. The brief public comment period, which ends on March 10th is far too little time for Fresno County residents to learn about the project's consequences. A project of this magnitude demands thorough consideration, not a rushed decision that will impact future generations.

Response 40-3

See Response 20-3.

Comment 40-4

The environmental consequences of this project cannot be ignored. The California Department of Fish and Wildlife (CDFW) has made significant strides in reintroducing salmon to the San Joaquin River, yet this mining operation could jeopardize these efforts.

Response 40-4

See Response 20-4.

Comment 40-5

The increased truck traffic, potential river pollution and habitat destruction would be devastating for local wildlife.

Response 40-5

See Response 20-5.

Comment 40-6

Fracking and blasting a 600-foot mine so close to the river could lead to accidental discharges, seepage, and contamination of the surrounding water table endangering both aquatic ecosystems and local wells.

Response 40-6

See Response 20-6.

Comment 40-7

Beyond the environmental harm, this project poses economic concerns. CEMEX, a foreign-owned LLC, is granted limited liability by design, meaning if damages occur, there may be little accountability.

Response 40-7

See Response 20-7.

Comment 40-8

Moreover, the current agreement lacks measurable performance oversight, and

Response 40-8

See Response 20-8.

Comment 40-9

reports indicate repeated violations of work schedules and environmental standards.

Response 40-9

See Response 20-9.

Comment 40-10

The increased truck traffic alone—up to 1,000 trucks per day will degrade our roads and impact local residents, with little assurance that CEMEX will be held responsible for the consequences.

Response 40-10

See Response 20-10.

Comment 40-11

Fresno County deserves better. Rather than approving a destructive mining operation, this land should be preserved and made accessible to the public. A park or conservation area would not only protect the environment but could also generate long-term revenue through recreation, tourism, and sustainable business opportunities. A private mine will only benefit a foreign corporation, while our community bears the long-term costs.

Response 40-11

See Response 20-11.

Comment 40-12

I urge you to reconsider this agreement and advocate for a better future for Fresno County. Our community has the right to more input and a greater say in how this land is used. Please extend the public comment period and conduct a thorough review of the environmental and economic impacts before making a decision that will affect our region for the next century.

Response 40-12

See Response 20-12.

Letter #41 February 28, 2025, Timothy Cone, Fresno Fly Fishers for Conservation

Comment 41-1

As a member of Fresno Fly Fishers for Conservation and a concerned resident of Fresno County, I am writing to express my deep opposition to the CEMEX proposal that would extend commercial mining operations on the banks of the San Joaquin River for the next 100 years.

Response 41-1

See Response 20-1.

Comment 41-2

This area is one of the most spectacular parcels of land in the region, yet public access remains extremely limited. Instead of prioritizing conservation and community use, this agreement would extend private and commercial restrictions, preventing generations of Fresno County residents from enjoying this vital natural resource.

Response 41-2

See Response 20-2.

Comment 41-3

I am particularly concerned about the expedited approval process for this 100-year commitment. The brief public comment period, which ends on March 10th is far too little time for Fresno County residents to learn about the project's consequences. A project of

this magnitude demands thorough consideration, not a rushed decision that will impact future generations.

Response 41-3

See Response 20-3.

Comment 41-4

The environmental consequences of this project cannot be ignored. The California Department of Fish and Wildlife (CDFW) has made significant strides in reintroducing salmon to the San Joaquin River, yet this mining operation could jeopardize these efforts.

Response 41-4

See Response 20-4

Comment 41-5

The increased truck traffic, potential river pollution, and habitat destruction would be devastating for local wildlife.

Response 41-5

See Response 20-5

Comment 41-6

Fracking and blasting a 600-foot mine so close to the river could lead to accidental discharges, seepage, and contamination of the surrounding water table endangering both aquatic ecosystems and local wells.

Response 41-6

See Response 20-6.

Comment 41-7

Beyond the environmental harm, this project poses economic concerns. CEMEX, a foreign-owned LLC, is granted limited liability by design, meaning if damages occur, there may be little accountability.

Response 41-7

See Response 20-7.

Comment 41-8

Moreover, the current agreement lacks measurable performance oversight, and

Response 41-8

See Response 20-8

Comment 41-9

reports indicate repeated violations of work schedules and environmental standards.

Response 41-9

See Response 20-9

Comment 41-10

The increased truck traffic alone—up to 1,000 trucks per day will degrade our roads and impact local residents, with little assurance that CEMEX will be held responsible for the consequences.

Response 41-10

See Response 20-10.

Comment 41-11

Fresno County deserves better. Rather than approving a destructive mining operation, this land should be preserved and made accessible to the public. A park or conservation area would not only protect the environment but could also generate long-term revenue through recreation, tourism, and sustainable business opportunities. A private mine will only benefit a foreign corporation, while our community bears the long-term costs.

Response 41-11

See Response 20-11.

Comment 41-12

I urge you to reconsider this agreement and advocate for a better future for Fresno County. Our community has the right to more input and a greater say in how this land is used. Please extend the public comment period and conduct a thorough review of the environmental and economic impacts before making a decision that will affect our region for the next century.

Response 41-14

See Response 20-12.

Letter #42 February 28, 2025, John Lawson, John R. Lawson Rock and Oil

Comment 42-1

On behalf of John R. Lawson Rock and Oil Inc., I am writing in support of Cemex's Rockfield Quarry Modification Project.

Cemex's Rockfield Quarry has been providing the Fresno Region with a reliable source of construction aggregate for the past 100 years. Having a local and affordable source of construction aggregate is an important consideration for businesses when they choose to expand or locate to Fresno County or when public agencies invest taxpayer dollars in public infrastructure. The demand for new construction in the Fresno region is projected to grow, requiring over 6 million tons of construction aggregate per year for the next 50 years. This demand should be supplied locally, as opposed to being trucked and shipped in from outside the region.

Transporting aggregate from distant sources results in increased construction costs, fuel consumption, greenhouse gas emissions, and would contribute to existing traffic congestion. According to the Department of Conservation, transportation costs alone can increase 22 cents per ton for every additional mile traveled. Consequently, these higher construction costs are passed on to businesses, homeowners and county taxpayers.

Cemex has been a steadfast and reliable supplier of building materials needed to grow the region's economy and the county's investments in public infrastructure. Aggregates from their Rockfield Quarry have been used in the businesses, homes, roads and schools found in most of our neighborhoods.

Importantly, Cemex's proposed modification plan also includes considerable resources for wildlife and habitat protection, 470 acres of open space with riparian areas, ponds, lakes, and native vegetation, and an easement for the Parkway Plan to expand the existing pedestrian and bicycle trail along the San Joaquin River that will benefit the local community.

Cemex has developed a constructive and thoughtful plan that serves the region's building, water, environmental and recreational needs, while remaining committed to being a good corporate citizen and responsible neighbor.

Thank you for recognizing the benefits of having a quarry located in your community.

Response 42-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #43 February 28, 2025, Ben Nydam, Dellavalle Laboratory, Inc.

Comment 43-1

On behalf of Dellavalle Laboratory, Inc., I am writing in support of Cemex's Rockfield Quarry Modification Project.

Cemex's Rockfield Quarry has been providing the Fresno Region with a reliable source of construction aggregate for the past 100 years. Having a local and affordable source of construction aggregate is an important consideration for businesses when they choose to expand or locate to Fresno County or when public agencies invest taxpayer dollars in public infrastructure. The demand for new construction in the Fresno region is projected to grow, requiring over 6 million tons of construction aggregate per year for the next 50 years. This demand should be supplied locally, as opposed to being trucked and shipped in from outside the region.

Transporting aggregate from distant sources results in increased construction costs, fuel consumption, greenhouse gas emissions, and would contribute to existing traffic congestion. According to the Department of Conservation, transportation costs alone can increase 22 cents per ton for every additional mile traveled. Consequently, these higher construction costs are passed on to businesses, homeowners and county taxpayers.

Cemex has been a steadfast and reliable supplier of building materials needed to grow the region's economy and the county's investments in public infrastructure. Aggregates from their Rockfield Quarry have been used in the businesses, homes, roads and schools found in most of our neighborhoods.

Importantly, Cemex's proposed modification plan also includes considerable resources for wildlife and habitat protection, 470 acres of open space with riparian areas, ponds, lakes, and native vegetation, and an easement for the Parkway Plan to expand the existing pedestrian and bicycle trail along the San Joaquin River that will benefit the local community.

Cemex has developed a constructive and thoughtful plan that serves the region's building, water, environmental and recreational needs, while remaining committed to being a good corporate citizen and responsible neighbor.

Thank you for recognizing the benefits of having a quarry located in your community.

Response 43-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #44 March 1, 2025, Raaktin Praseutsy, Fresno Fly Fishers for Conservation

Comment 44-1

As a member of Fresno Fly Fishers for Conservation and a concerned resident of Fresno County, I am writing to express my deep opposition to the CEMEX proposal that would extend commercial mining operations on the banks of the San Joaquin River for the next 100 years.

Response 44-1

See Response 20-1.

Comment 44-2

This area is one of the most spectacular parcels of land in the region, yet public access remains extremely limited. Instead of prioritizing conservation and community use, this agreement would extend private and commercial restrictions, preventing generations of Fresno County residents from enjoying this vital natural resource.

Response 44-2

See Response 20-2.

Comment 44-3

I am particularly concerned about the expedited approval process for this 100-year commitment. The brief public comment period, which ends on March 10th is far too little time for Fresno County residents to learn about the project's consequences. A project of this magnitude demands thorough consideration, not a rushed decision that will impact future generations.

Response 44-3

See Response 20-3.

Comment 44-4

The environmental consequences of this project cannot be ignored. The California Department of Fish and Wildlife (CDFW) has made significant strides in reintroducing salmon to the San Joaquin River, yet this mining operation could jeopardize these efforts.

Response 44-4

See Response 20-4.

Comment 44-5

The increased truck traffic, potential river pollution and habitat destruction would be devastating for local wildlife.

Response 44-5

See Response 20-5.

Comment 44-6

Fracking and blasting a 600-foot mine so close to the river could lead to accidental discharges, seepage, and contamination of the surrounding water table endangering both aquatic ecosystems and local wells.

Response 44-6

See Response 20-6.

Comment 44-7

Beyond the environmental harm, this project poses economic concerns. CEMEX, a foreign-owned LLC, is granted limited liability by design, meaning if damages occur, there may be little accountability.

Response 44-7

See Response 20-7.

Comment 44-8

Moreover, the current agreement lacks measurable performance oversight, and

Response 44-8

See Response 20-8.

Comment 44-9

reports indicate repeated violations of work schedules and environmental standards.

Response 44-9

See Response 20-9.

Comment 44-10

The increased truck traffic alone—up to 1,000 trucks per day will degrade our roads and impact local residents, with little assurance that CEMEX will be held responsible for the consequences.

Response 44-10

See Response 20-10.

Comment 44-11

Fresno County deserves better. Rather than approving a destructive mining operation, this land should be preserved and made accessible to the public. A park or conservation area would not only protect the environment but could also generate long-term revenue through recreation, tourism, and sustainable business opportunities. A private mine will only benefit a foreign corporation, while our community bears the long-term costs.

Response 44-11

See Response 20-11.

Comment 44-12

I urge you to reconsider this agreement and advocate for a better future for Fresno County. Our community has the right to more input and a greater say in how this land is used. Please extend the public comment period and conduct a thorough review of the environmental and economic impacts before making a decision that will affect our region for the next century.

Response 44-12

See Response 20-12.

Letter #45 March 2, 2025, Donna Mackiewicz, Redbud Audubon Society

Comment 45-1

We are writing to formally express our opposition to the proposed 100-year permit for the CEMEX mining operation and to challenge the adequacy of the Draft Environmental Impact Report (EIR) prepared for this project.

The Environmental Impact Report (EIR) fails to adequately address key concerns including air quality, water impacts, and threats to local bird populations such as the endangered Tricolored Blackbird.

We request that the Planning Department reconsider this permit in light of the inadequacies of the EIR and demand a more thorough environmental review before any decisions are made.

Thank you for your time and consideration.

Response 45-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential air quality impacts are addressed in Appendix D-4, "Revised Section 4.3, Air Quality." The Draft EIR addresses potential water impacts in Section 4.4, "Biological Resources" (wetlands), Section 4.10, "Hydrology and Water Quality" (water quality, groundwater, flooding hazards), and Section 4.19, "Utilities and Service Systems" (water supply and infrastructure). The Draft EIR addresses potential impacts to special status and migratory bird species in Section 4.4, Section 4.4.1.5, "Nesting Birds," on page 4.4-18 and addresses potential impacts to tricolored blackbird in Section 4.4.1.8, "Special-Status Biological Resources," on page 4.4-37. As shown in Draft EIR Table 4.4-1, "Special-Status Wildlife Species," on page 4.4-25, it was determined that there is low potential for tricolored blackbird on both project sites. Mitigation Measure 4.4-1c is provided on Draft EIR page 4.4-50 and requires the implementation of pre-construction surveys for nesting birds, including raptors, prior to the initiation of each mining phase. See Final EIR Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. See also Collective Response #15 for further discussion of the project's potential impacts to bird species.

Letter #46 March 5, 2025, Bart Jones, JWT Site Management

Comment 46-1

It is my pleasure to write a letter in support of Cemex's Rockfield Quarry Modification Project.

As a contractor, I have worked with Cemex for many years and have found them reliable and efficient to work with. Their leadership in health and safety and attention to environmental needs are exceptional.

As the county and city grow continue to grow and demand for construction aggregate rises, it would benefit Fresno County to supply this demand locally instead of sourcing from outside of the area. By using a local company, we can reduce transportation costs, product prices and greenhouse gas emissions. It also provides more local job opportunities. Cemex will help meet the future demands for our area thoughtfully and responsibly.

In conclusion, I fully support CEMEX's modification plan for the Rockfield Quarry. This venture will be exciting and beneficial for local contractors such as myself, as well as the local community's development.

Response 46-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #47 March 5, 2025, Garrett Jones, Material Movers, Inc.

Comment 47-1

It is my pleasure to write a letter in support of Cemex's Rockfield Quarry Modification Project.

I have worked with Cemex for many years. They work closely with their contractors to make sure everything runs smoothly at their jobsites, their leadership in safety, health and environmental are excellent.

As the county and city grow simultaneously, Cemex's Rockfield Quarry Modification Project will help meet the future demands for our area. It will also reduce traveling long distances to receive product and local companies will save time and money with this facility being located close by.

In conclusion, I fully support CEMEX's modification plan for the Rockfield Quarry. This venture will be exciting and beneficial for local contractors such as myself, as well as the local communities.

Response 47-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #48 March 5, 2025,Janae McCarthy, Xerces Society, Inc.

Comment 48-1

I am writing to strongly oppose Cemex and provide a summary of key environmental impact findings. After reviewing the document, it is clear that the project poses significant risks to water availability, water quality, air quality, recreation, and land use planning that have not been adequately addressed. Below, I have outlined specific areas where the DEIR falls short, and I urge you to reconsider this project in its entirety.

Response 48-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. This is an introductory comment that does not address the adequacy of the Draft EIR. No further response is warranted. See responses below that address specific issues raised in this comment letter.

Comment 48-2

Water Availability and Quality (Section 4.10)

The DEIR fails to sufficiently account for the significant impacts the Rockfield Modification Project will have on **water resources, particularly groundwater levels.** According to **Impact 4.10-12,** the project has the potential to **substantially decrease groundwater levels** in a manner that could result in the **flow of substantial volumes of water from the San Joaquin River** to the Quarry Site. Currently, "no surface water from the San Joaquin River is used at the Quarry Site… Similar to the Plant Site, these ponds are all temporary water features that contain surface runoff from rainfall and/or groundwater (4.10.1.4).

Response 48-2

As discussed in Impact 4.10-12, with the implementation of Mitigation Measures 4.10-10a and 4.10-10b, the project's potential impacts related to decreasing groundwater would be reduced to less than significant (Draft EIR page 4.10-114). Mitigation Measure 4.10-10a requires implementation of the Quarry Site Groundwater Adaptive Management Program. For further discussion of the project's potential impacts to groundwater supplies, please also see Responses 65-34 and 65-36.

Comment 48-3

Questions:

- Where does Cemex think groundwater, approximately 200ft from the San Joaquin River, comes from?
- If Cemex does not currently use "surface water" why shouldn't they be held to the same standard?

Response 48-3

See Responses 6-12, 6-14, and 9-9, in addition to Collective Response #25.

At the Plant Site, "[t]otal consumptive use of river water would be reduced from approximately 295 acre-feet/year to an estimated 125 acre-feet/year . . . groundwater consumptive use [would increase] from approximately 35 acre-feet/year to approximately 60 acre-feet/year (a reduction of 145 acre-feet/year)." (Draft EIR page 2-36.) (total change from this is a reduction of 145). At the Quarry Site, groundwater use through direct and evaporative use "would increase from the existing 440 acre-feet/year to an estimated . . . 510 acre-feet per year during Stage 2 operations. In addition, approximately 56 acre-feet/year of groundwater from the existing well . . . would be consumed (an addition of 126 acre-feet/year)." (Draft EIR page 2-42). Thus, the total change in water use would be a reduction of 19 acre-feet/year.

The groundwater studies provided in Appendices G-4 and G-5 of the Draft EIR show that the groundwater flow direction within the deeper bedrock units is predominantly from the northeast to the southwest, in other words, toward the San Joaquin River, not away from it. The substantial evidence provided in the Draft EIR and its appendices indicates that much of the groundwater within the deeper bedrock units is sourced along the Friant Kern Canal. The volume of groundwater that flows under the site, and the volume that would be pumped from the Quarry during dewatering, are miniscule fractions of the total flow within both the canal and the river.

While direct rainfall and localized surface runoff from the side slopes of the ponds on the Quarry Site enter the temporary ponds, most of the water present in these surface water features is groundwater pumped from the existing mining excavation as part of the current dewatering. It should also be noted that the surface water ponds, or temporary water features, that were present at the time the Draft EIR was prepared no longer exist at the Quarry Site because the alluvial material in those areas has recently been mined under the existing permit, with the exception of the Northeast Pond, which would remain in place permanently.

Comment 48-4

- What is the current water quality of the "temporary water features" which are being used as groundwater recharge?

Response 48-4

Regarding the "temporary water features," located on the project site, surface water samples were collected for the Plant Site and the Quarry Site. The samples were then tested for a series of analytes shown in Table 4.10-3, "Plant Site Surface Water Quality Data," and Table 4.10-4, "Quarry Site Surface Water Quality Data," included in the Draft EIR pages 4.10-24 and 4.10-26.

The sample results were compared against potentially relevant water quality standards, including primary and secondary maximum contaminant levels (MCLs) for drinking water and Regional Water Quality Control Board Basin Plan limits (RWQCB, 2018).

For the Quarry Site, the samples tested were all within the water quality standards identified above, with the exception of the pH being above the secondary MCL range, which is likely due to the uptake of carbon dioxide and release of oxygen by aquatic plant growth in the ponds. The three surface water ponds exceeded the Basin Plan Limits for conductivity; however, those standards do not apply because this water is not discharged into the San Joaquin River.

For the Plant Site, baseline conditions indicate conductivity, and total arsenic, iron, lead, and manganese concentrations are above their respective water quality standards. The dissolved concentrations of arsenic, iron, lead, and manganese were below the respective water quality standards. The total and dissolved phase concentration levels for these constituents are consistent with the range of naturally occurring background levels.

As for the elevated baseline conductivity associated with the silt pond, if the project were to result in an additional impact, it would apply solely to a discharge to the San Joaquin River, since there is an established water quality objective for that receiving water. However, this project is designed as a zero-discharge facility, and would not discharge to the San Joaquin River.

Regarding the metal constituents analyzed as part of the hydrogeologic study prepared for the project, it is important to note that both filtered and unfiltered samples were collected. With respect to establishing baseline conditions, the total concentrations of arsenic, iron, lead, and manganese exceed their respective water quality standards within the unfiltered sample; however, the dissolved concentrations within the filtered sample were within water quality standards. The total metal concentrations represent

interference from suspended sediment, which is comprised of naturally occurring earthen material and minerals.

Comment 48-5

- Is the San Joaquin River labeled "groundwater"?

Response 48-5

The San Joaquin River is a surface water feature. The Draft EIR describes the San Joaquin River in Section 4.10.1.3, "Surface Water Drainage." Current operational water uses and supplies are described in Draft EIR 4.10.1.4. It is unclear which figure is referenced in the comment. Figures 2-4, "Quarry Site Existing Conditions ," 2-5, "Conditional Use Permits and Surrounding Land Uses," and 2-8, "Proposed Quarry Site Mining Plan," which each depict the San Joaquin River, label the feature as "San Joaquin River."

The water quality of the temporary water features at the Quarry Site is provided in Table 4.10-4 of the Draft EIR.

Comment 48-6

This is unacceptable and not what the San Joaquin River should be used for.

Response 48-6

The commenter's opinion regarding use of the San Joaquin River is noted for the consideration of the decision-makers.

Comment 48-7

Mitigation measures are proposed but they are not sufficient to ensure the long-term preservation of water resources in the region.

Response 48-7

The comment does not reference specific mitigation measures and provides no evidence that any of the mitigation measures in the Draft EIR are insufficient.

Comment 48-8

The report does not adequately address the broader implications of this water loss on surrounding communities or agricultural operations that rely on these vital water sources.

Response 48-8

The commenter does not explain or provide evidence of the "broader implications of this water loss" or what such implications might mean for surrounding communities or agricultural operations.

The Draft EIR evaluates potential impacts to groundwater supplies in Section 4.10, "Hydrology and Water Quality," including Impacts 4.10-8, 4.10-9, 4.10-10, and 4.10-11, which address groundwater conditions during project operations and following reclamation. As discussed therein, impacts to groundwater supplies would be less than significant with implementation of Mitigation Measures 4.10-10a and 4.10-10b (see also Draft EIR Appendices G-3 through G-6).

Comment 48-9

The inadequate mitigation and lack of clear, enforceable measures to safeguard water supply and quality are particularly concerning, as this is a **critical resource** for the area.

Response 48-9

The commenter does not reference specific mitigation measures, nor does the comment explain or provide evidence of inadequate mitigation in the Draft EIR.

The Draft EIR evaluates potential impacts to groundwater supply and water quality in Section 4.10. See Collective Response #24 regarding mitigation of impacts to groundwater supply. Impacts 4.10-1 through 4.10-7 address potential impacts to water quality, and identify mitigation measures, including Mitigation Measures 4.10-5a and 4.10-5b, to reduce impacts. With implementation of these measures, impacts to water quality would be less than significant.

Comment 48-10

Groundwater recharge is a long-term, and slow-moving process like so much of conservation efforts. Additionally, if toxic or hazardous materials (4.9-2) enter the groundwater system, this could create expensive and dire consequences for the entire community. To quote, "The transport, transfer, storage, and use of these substances would create a potential for their accidental uncontrolled release. Such releases could result in contamination to soils or surface waters if not properly controlled and cleaned-up. Flammable or other hazardous materials improperly stored or disposed or accidently released to the environment would create fire hazard, risk to human health, and environmental degradation, including surface and groundwater contamination. This is a potentially significant impact."

Response 48-10

The commenter quotes statements from Draft EIR Impact 4.9-2 which pertain to potential effects associated with creating hazards through the transport, transfer, storage, and use of petroleum-based fuels and oils during project operations (Draft EIR page 4.9-17). As discussed in the Draft EIR, Impact 4.9-2 is considered potentially significant and would be reduced to less than significant through compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001 for Storm Water Discharges Associated with Industrial Activity, Water Quality Order No. 2014-0057-DWQ (Industrial General Permit), compliance with waste discharge requirements (WDRs) established by the Regional Water Quality Control Board (RWQCB) for any discharges of wastewater not authorized under the Industrial General Permit, implementation of applicable programs overseen by the Fresno County Environmental Health Division, including a Hazardous Materials Business Plan and a Spill Prevention, Control, and Countermeasure (SPCC) Plan, and implementation of Mitigation Measure 4.10-1.

Comment 48-11

Air Quality Impact (Section 4.3)

The DEIR states their will be a **cumulatively considerable net increase** of criteria pollutants, particularly in areas where the region is in nonattainment under federal or state ambient air quality standards (Impact 4.3-2). Specifically, **Impact 4.3-2** notes that the project could result in a **cumulatively considerable net increase** of criteria pollutants, exacerbating existing air quality issues in an already nonattainment area for federal and state air quality standards. While a Fugitive Dust Control Plan is proposed, the mitigation measures are **insufficient** and do not fully address the long-term air quality impacts.

The project's reliance on construction-related emissions and dust generation will contribute to elevated levels of particulate matter (PM10 and PM2.5), which are known to have serious health implications for local communities.

- In 2024, Fresno County received failing grades for ozone, short-term particle pollution, and long-term particle pollution, according to the American Lung Association
- In 2024, Fresno County ranked 7th among the most polluted counties in the United States, according to GV Wire

Residents, educational program participants, recreationalists, and community members are suffering. Extending Cemex mining operations

in our community is detrimental to the health and quality of life of residents.

Response 48-11

As shown in Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," after mitigation the project would result in less PM_{10} and $PM_{2.5}$ than currently emitted (see Draft EIR page 4.3-61). The Fugitive Dust Control Plan has been prepared and shall be submitted to the SJVAPCD for review and approval prior to project implementation (see Final EIR, Appendix D-4, Mitigation Measure 4.3-2b). Mitigation Measure 4.3-2b, along with Mitigation Measure 4.3-2a, is sufficient to reduce potential impacts to less than significant. The commenter makes no suggestions regarding other feasible measures that could be implemented to further reduce emissions, and the impact determination does not warrant such additional measures.

Comment 48-12

Recreation and Land Use (Sections 4.11 and 4.16)

The project's potential to increase demand on existing recreational facilities and lead to physical deterioration (Impact 4.16-1) has not been fully evaluated. The DEIR dismisses the potential strain on local parks (Ball Ranch, Sumner Peck, Woodward Park) and other recreational facilities without considering the cumulative impact of ongoing mining operations and associated traffic, noise, and air pollution. The increase in industrial activity and truck traffic is likely to negatively affect the **quality of life** for residents, including their access to safe, clean recreational spaces.

Response 48-12

Draft EIR Section 4.16, "Recreation," discusses recreational facilities near the project sites (see Draft EIR Table 4.16-1, "Recreation Facilities Near the Project Sites") and Draft EIR Impact 4.16-1 (Draft EIR page 4.16-5) discusses that construction, operation, and reclamation of the project sites would not cause a substantial increase in local population, either directly or indirectly, and that the project would not require the removal of any existing parks or recreational facilities and that the project impact associated with recreational facilities would be less than significant. Additionally, the Draft EIR evaluates potential transportation impacts (Section 4.17, "Transportation"), noise impacts (Section 4.13, "Noise"), and air quality impacts (see Appendix D-4, "Revised Section 4.3, Air Quality"). The comment does not provide evidence for the comment's assertion that the project would strain local parks and other recreational facilities.

Comment 48-13

The DEIR mentions the Parkway Master Plan (2018) and discusses trail easements in section 2.5.8. Cemex had 100 years to create a trail easement to connect communities- they did not. I'd like a significant more detail on the proposed plan.

Response 48-13

Please see Collective Response #21 pertaining to public access to the San Joaquin River and Collective Response #22 regarding trail easement along the San Joaquin River.

Comment 48-14

At the time the DEIR was released, Sumner Peck Ranch was open the public and now- Ball Ranch is open 7 days a week, free of charge. This project is not consistent with the Parkway Master Plan.

Questions:

- Is Cemex has not prioritized recreational access, why would they now? Especially if they receive approval?

Response 48-14

Please see Collective Response #18 pertaining to project consistency with the San Joaquin River Parkway Master Plan, Collective Response #21 pertaining to public access to the San Joaquin River, and Collective Response #22 regarding trail easement along the San Joaquin River.

Comment 48-15

- Anyone who has driven on N. Friant Road knows the **dangers of driving** during mining activities, why would recreationalists want to use a trail that endangers their lives and is listed as a significant impact to scenic and natural landscapes?

Response 48-15

See Collective Response #30 regarding traffic safety and vehicle damage resulting from haul trucks. It is unclear to what the commenter refers. The project proposes to dedicate easements at each project site to facilitate the extension of trails through the project area consistent with the Parkway Master Plan. See Draft EIR page 4.11-44 through 4.11-47 for discussion of the project's consistency with applicable goals and policies in the San Joaquin River Parkway Master Plan. The comment does not provide any reasoning or evidence that such trails would be dangerous to users.

The commenter appears to also reference the project's anticipated significant and unavoidable impacts to public views of the Quarry Site as disclosed in Draft EIR Section 4.1, "Aesthetics and Visual Resources," under Impact 4.1-1 (Draft EIR page 4.1-51). These impacts would occur at two locations (Locations #12 and #13) west of the river with clear, long range views of the excavation walls. Views from all other locations would be less than significant with mitigation.

Comment 48-16

- My understanding is Cemex had brief conversations with SJRC in 2021. Have they built relationships with current leadership? Have they shown any active participation in the Parkway effort and Master Plan? Have attend PACE meetings? What is their track record for river protection and participation?

Response 48-16

The comment does not raise environmental issues and thus does not require a response. (PRC Section 21091(d)(2)(B); Title 14 CCR Sections 15088(c), 15132(d), 15204(a).)

The Operator has been in contact with the San Joaquin River Conservancy. The project sites have been in place and operating since before 1995, when the Parkway Master Plan goals and policies were adopted. The proposed project would implement measures to further protect the San Joaquin River (SJR) and the Conservancy properties within the vicinity. The Operator has also been in discussions with the San Joaquin River Conservancy's Executive Officer towards providing trail easements at the Plant Site and Quarry Site (see Section 2.5.8, "Trail Easements," within the Draft EIR). The project was also found to be consistent with County General Plan Policy LU-C.8, which requires that the County preserve and protect identified wildlife corridors along the San Joaquin River (Draft EIR page 4.11-13).

The Operator would continue to coordinate with the San Joaquin River Conservancy to protect valuable resources within the SJR area.

Comment 48-17

- If this project stops the creation of the most used facilities and trails in the County, why does that not qualify as dividing an established community? (Impact 4.11-1)

Response 48-17

As discussed under Draft EIR Impact 4.11-1 on page 4.11-48, the project would not construct any roads, walls, or other linear features that could impede vehicle, bicycle, or

pedestrian mobility in the area and the project would not involve the removal of any roads, bridges, trails, or other means of access in the area. Thus, the project would not physically divide an established community. The Draft EIR properly evaluates the proposed project against the existing condition, in accordance with CEQA.

Comment 48-18

In terms of land use planning (Impact 4.11-2), the project fails to demonstrate that it will not conflict with existing land use plans, policies, and regulations. Despite the claim **of** consistency with local policies, the project introduces substantial risks to surrounding land uses by threatening local communities with increased pollution, noise, and disruption, particularly in areas that are already struggling with recreational infrastructure and air quality issues.

Response 48-18

Draft EIR Table 4.11-1, "Project Consistency with Local Planning Documents," provides a detailed evaluation of the project's consistency with the Fresno County General Plan, Madera County General Plan, Fresno County zoning ordinances, and San Joaquin River Parkway Master Plan. Based on that detailed evaluation, the proposed project would not result in conflicts with any land use plan, policy, or regulations adopted for the purpose of avoiding or mitigating an environmental effect (Draft EIR Impact 4.11-2 at page 4.11-50). The evaluation was performed in consideration of resource impacts of the project including air pollutant emissions and noise. See Collective Response #9 regarding the project's potential impact on the region's existing air quality conditions.

Comment 48-19

The DEIR also does not adequately address the **fragmentation** of natural habitats (4.4.1.6) and recreational spaces that could result from project expansion and land disturbance. While some mitigation measures are proposed, they do not go far enough to **protect vital community assets** and ensure sustainable land use in the area.

Response 48-19

The commenter does not provide explanation or substantial evidence for the comment's assertions that the Draft EIR does not adequately address fragmentation of natural habitats and recreational spaces and that mitigation measures do not go far enough to protect community assets. The proposed project would stay within the existing footprint, and would thus not differ greatly from the baseline conditions. Although the project proposes to increase the depth of the quarry pit, it remains within the existing footprint

of the site, which is already disturbed by 30 years of continuous mining operations. The Draft EIR analyzes impacts to wildlife species movement, corridors, or nursery sites in Impact 4.4-6 and determined this impact to be less than significant due to the fact that mining operations have been continuous at each site for decades (Draft EIR page 4.4-62).

Comment 48-20

Conclusion and Request for Action

The Rockfield Modification Project poses substantial risks to **local water resources**, **air quality**, **recreational spaces**, and **land use planning**, which the DEIR has not properly addressed. The mitigation measures proposed are insufficient and fail to ensure long-term protection of public health, the environment, and local communities. **I strongly urge the lead agency and County Board of Supervisors to: stop this project from moving forward!** Ensure that land use planning concerns are fully incorporated into the project's design, with a focus on maintaining local community integrity and preserving natural habitats. The current DEIR, as written, fails to meet these critical standards and should be reconsidered.

Thank you for your attention to this urgent matter. I look forward to your response and to further discussions on how we can protect the community and the environment from the significant adverse effects of the Rockfield Modification Project.

Response 48-20

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #49 March 6, 2025, Clay Davis, Teter Architects and Engineers

Comment 49-1

I am writing to you today in regard to the proposed CEMEX mining pit expansion that is currently seeking entitlement approvals and for which the county is seeking public comments.

I live at 10672 N. Lanes Rd., Fresno, CA on the San Joaquin River, approximately 7 miles downstream of the proposed mining pit. My wife and I have been at this location for 33 years. While I am generally not opposed to CEMEX continuing their operations and deepening their mining pit, I do have a few concerns that I would like to have the county address in their Conditions of Approval (COA's).

Response 49-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 49-2 through 49-5 below that address specific issues raised in this comment letter.

Comment 49-2

We have 2 wells on our property. Both wells have a fairly high ground water level (20-30 feet) and have historically never varied much over the years we've lived on the river bottom. We've also enjoyed a great water quality in both wells with no issues with contaminants. We suspect that the ground water in our area remains high due to natural ground seepage due to the influence of the river.

My concerns are as follows:

- What mitigation measures will the county impose upon CEMEX to ensure the deepening of their mining pit will not adversely impact surrounding domestic water wells?

Response 49-2

Draft EIR Section 4.10, "Hydrology and Water Quality," provides detailed analyses of potential groundwater and water quality effects of the proposed project. The analyses are based on the *Revised Hydrology and Water Quality Analysis Report* (Draft EIR Appendix G-5) which utilizes information from groundwater conditions reports included as Appendices G-3 and G-4 of the Draft EIR and groundwater and surface water monitoring and sampling data collected for the project sites to draw conclusions on the existing groundwater hydrology conditions on the project sites and to evaluate the potential impacts to groundwater hydrology under the proposed project. Detailed methodology and findings are provided in Appendix G-5.

The Draft EIR concluded, supported by the technical studies contained in Appendix G of the Draft EIR, that the project would not result in significant impacts to groundwater quality or groundwater supply. See discussion of Impacts 4.10-4, 4.10-5, 4.10-6, and 4.10-7 for further discussion of the project's potential impacts to groundwater quality and Impacts 4.10-8, 4.10-9, 4.10-10, 4.10-11, and 4.10-12 for further discussion of potential impacts to groundwater supply. Therefore, the wells described in the comment would not be adversely affected by the proposed project.

As discussed in Draft EIR Section 4.10, mitigation measures are identified in the Draft EIR that require groundwater quality protection measures and groundwater monitoring and adaptive management (see Mitigation Measure 4.10-1 on Draft EIR page 4.10-92,

Mitigation Measures 4.10-5a and 4.10-5b on Draft EIR pages 4.10-96 through 4.10-98, and Mitigation Measures 4.10-10 and 4.10-10b on Draft EIR pages 4.10-108 through 4.10-111). See Response 49-3 below for further discussion of the referenced mitigation measures.

Comment 49-3

I recommend the following measures be a part of the COA's:

- Require a series of monitoring wells around the pit site
- Require CEMEX to regularly test the wells, both from a water level as well as water quality
- Require the testing be performed by an independent third-party testing lab (Krazan, Kleinfelder, etc)
- Require CEMEX to publicly post the results on their website
- Require periodic testing of private domestic wells surrounding the mining pit
- If the ground water drops in the testing wells or the quality is adversely impacted, require CEMEX to immediately cease operations

Response 49-3

The commenter recommends additional groundwater monitoring, testing, reporting, and operational controls. These recommendations are noted.

See Collective Response #24 regarding groundwater monitoring during project implementation, as well as Response 10-3 above. Extensive groundwater monitoring and mitigation measures would be implemented as part of the project. Specifically, Mitigation Measures 4.10-5a, 4.10-5b, 4.10-10a, and 4.10-10b require that the Operator, in consultation with the County, establish the Plant Site Pond Adaptive Management Program and Quarry Site Groundwater Adaptive Management Program, with associated funding mechanisms to cover costs associated with monitoring and reasonably foreseeable actions to address groundwater conditions, including excessive drawdown, if necessary. These programs require monitoring, comparison of results to established action levels, and implementation of corrective measures if those levels are exceeded.

As stated in the Draft EIR, a qualified professional is responsible for monitoring and reporting under the Adaptive Management Programs. The Operator would continue to use qualified third-party firms to conduct water testing and analysis in accordance with Mitigation Measures 4.10-5a and 4.10-5b. These measures also require preparation of

annual monitoring reports documenting methodologies, results, and any corrective actions taken, which are submitted to Fresno County. These reports are prepared by a Professional Geologist or Certified Hydrogeologist, and the County has discretion to make such reports available for public review.

Mitigation Measure 4.10-10a requires implementation of corrective measures if monitoring indicates that groundwater levels in monitored wells decrease beyond specified thresholds. If monitoring demonstrates that such changes are attributable to project-related dewatering, additional measures would be implemented, including restrictions on further mining progression until performance criteria are met.

The commenter also recommends additional monitoring of private domestic wells; however, the comment does not provide evidence that such additional measures are necessary beyond those already included in the Draft EIR. Through implementation of the Adaptive Management Programs described above, impacts to groundwater supply and quality would be reduced to less than significant.

See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10 and the mitigation measures referenced in this response.

Comment 49-4

- Should issues arise with neighboring domestic wells due to CEMEX mining activities, how does the county plan to mitigate those issues in their COA's? Would the only recourse of the impacted property owners be to sue CEMEX? To avoid unreasonable legal costs by owners of impacted wells, I would recommend the following:

    - As part of the COA's, require CEMEX to post a bond to pay for any domestic wells adversely impacted by their activities, including the cost for drilling new wells and/or the installation of water treatment systems to remove any contaminants.

Response 49-4

The recommendations in the comment are noted. Mitigation measures discussed in Responses 49-2 and 49-3, above, provide for groundwater monitoring and adaptive management actions that reduce potential groundwater quality and supply impacts to less than significant. Mitigation Measure 4.10-5b requires the Operator to provide a funding mechanism for the Plant Site Adaptive Management Program. Mitigation Measure 4.10-10b requires the Operator to provide a funding mechanism for the Quarry Site Groundwater Adaptive Management Program.

As described in Chapter 3, "Draft EIR Errata," Mitigation Measures 4.10-5b and 4.10-10b have been revised to clarify and strengthen the funding mechanisms and associated implementation requirements. These revisions further specify that the funding mechanism must be sufficient to support long-term monitoring and reasonably foreseeable adaptive management actions, and ensure that funding remains available for the duration of monitoring and any necessary corrective actions.

Mitigation Measure 4.10-10b provides, as revised in Chapter 3, "Draft EIR Errata," in part, the following:

> The post-reclamation funding mechanism [for the Quarry Site Groundwater Adaptive Management Program] shall be sufficient to cover costs associated with the annual monitoring, the technical analysis and reporting described in Mitigation Measure 4.10-10a, and reasonably foreseeable actions that may be required to address excessive drawdown, including continuing to pump water to the Northeast Pond and recharge trenches indefinitely, if necessary (Final EIR Chapter 3, "Draft EIR Errata").

With these clarifications and strengthened requirements, the mitigation measures ensure that adequate financial resources are available to implement monitoring and adaptive management actions as needed to protect groundwater resources. Accordingly, impacts to groundwater quality and supply remain less than significant with mitigation incorporated.

Comment 49-5

As I'm in a construction related industry, I agree with the need for a steady, sustainable and cost effective supply of sand and gravel for the construction industry. I have no concerns with the proposed drilling and blasting activities due to the distance from our home to the proposed mining pit. In general, I am supportive of CEMEX's plans, and I would encourage the Planning Commission to approve their application, provided that mitigation measures are put in place to address potential impacts to surrounding domestic water wells.

Response 49-5

The comment is noted and will be considered by County decision-makers.

Letter #50 March 6, 2025, Michelle Heredia-Cordova, Table Mountain Rancheria

Comment 50-1

Table Mountain Rancheria, a federally recognized Tribe (Tribe), is in receipt of a letter from the Fresno County Public Works and Planning Department, dated January 2, 2025, regarding the proposed CEMEX Rockfield Quarry Modification Project. As part of the Tribe's initial response, Tribal Cultural Resources staff submitted a request for consultation pursuant to AB-52 in a letter dated January 9, 2025, requesting a site visit, copies of all cultural resources reports, and the results of a record search. Tribal staff was able to secure a site visit on February 24, following outreach by the Tribal Liaison with the California Department of Conservation-Division of Mine Reclamation. Please understand that the Tribe strongly opposes the extension of mining operations at this site and submits formal comments for your consideration. The Tribe feels that this project will continue to pose significant adverse impacts to Fresno County's human population, biological resources, air, water and Native American cultural heritage.

Response 50-1

The Table Mountain Rancheria's opposition to the extension of mining operations at the project sites is noted and will be considered by County decision-makers.

As discussed on page 4.18-8 of the Draft EIR, in accordance with PRC Section 21080.3.1, in 2019 after receiving and deeming complete the application for the proposed project, the Fresno County Planning Department notified by letter the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notification of projects, including the Dumna Wo-Wah Tribal Government, Table Mountain Rancheria, and Picayune Rancheria of the Chukchansi Indians. The notification letters were mailed via certified mail on December 9, 2019, and are included in Appendix J of the Draft EIR. At the time the Draft EIR was completed in December 2024, five years following the initial notification, none of the notified tribes had requested consultation.

The January 2, 2025, letter referenced in the comment was provided to announce the availability of the Draft EIR for review and comment. As described in the comment, the County and Operator invited the Table Mountain Rancheria to the project sites for a visit on February 24, 2025, and the County has provided all project notifications as requested.

Please see Responses 50-2 through 50-12 below for further information.

Comment 50-2

Environmental and Safety Violations

CEMEX, a Mexican multinational building materials company, has a long history of environmental and safety violations. According to GoodJobsFirst.org, a Washington, DC-based nonprofit, CEMEX has amassed over $43 million in environmental penalties and more than $6 million in safety related violations in the US and Puerto Rico, including $2,348,916 in environmental penalties and $1,695,972 in safety penalties incurred in California alone. In 201 7, CEMEX Construction Materials Pacific LLC settled with the California Air Resources Board(ARB), paying $59,063 to the ARB and $59,062 to the San Joaquin Valley Air Pollution Control District for failing to comply with cargo-handling equipment regulations. Additionally, in 2009, CEMEX was forced to pay $2 million in settlement fees after increasing *emissions* at one of its California facilities without obtaining required permits or installing mandated controls. These actions resulted in increased nitrogen oxide pollution, a harmful contaminant that contributes to smog and respiratory problems, in violation of the Clean Air Act. CEMEX's long pattern of environmental neglect and regulatory non-compliance underscores their unfitness for further operations. This history raises deep concerns about their suitability for expanding operations at this location a mere 200 feet from edge of the San Joaquin River, as required by the existing CUP and the CUP currently under consideration. Please be aware that since at least 2014, it appears that heavy equipment mining operations have occurred at the Rockfield Quarry site less than 100 feet from the proximal edge of the San Joaquin River.

Response 50-2

The majority of the comment is not germane to the Draft EIR, or the analysis or impact determinations found therein. The Draft EIR provides a detailed evaluation of potential project impacts associated with environmental issues that could be associated with air quality and air pollutant emissions, in accordance with CEQA standards. Please see Collective Response #4a pertaining to the Operator's regulatory history.

The Plant Site is located approximately 0.6 miles from the San Joaquin River (SJR) (Draft EIR page 4.4-19). The Quarry Site is located adjacent to the SJR; however, quarry operations are not and would not be conducted within 200 feet of the river as the commenter suggests (Draft EIR page 2-17 and 2-18).

The commenter asserts without factual evidence that mining operations have occurred fewer than 100 feet from the proximal edge of the San Joaquin River. Fresno County has

no record of any reports or violations related to encroachment of the required 200-foot setback. Draft EIR Figure 2-2, "Quarry Site Aerial," depicts the aerial view of the existing Quarry Site, and its relative proximity to the San Joaquin River. Current operations are required to maintain a 200-foot setback from the San Joaquin River (Draft EIR page 2-18). The proposed project would also be required to maintain this setback requirement. The comment does not address the adequacy of the Draft EIR, and no further response is warranted.

Comment 50-3

Adverse Impacts on Biological Resources

The proposed mining activities pose significant threats to Fresno County's biological resources, particularly the threatened spring-run Chinook Salmon that is protected by the Endangered Species Act (ESA) and the San Joaquin River Restoration Settlement Act (PL 111-11, MAR. 30, 2009). Excavating a 600-foot-deep pit adjacent to the San Joaquin River raises serious concerns under the ESA, which prohibits the "take" of threatened species. The term "take" encompasses actions that harm, harass, or kill listed species.

The noise and vibrations from heavy machinery and blasting bedrock can disrupt salmon spawning and migration, as they are highly sensitive to environmental disturbances.

Response 50-3

The project's potential effects on special-status species are evaluated in Impact 4.4-1, beginning on Draft EIR page 4.4-48. The Federal ESA applies only if endangered species are present and could be impacted or critical habitat adversely affected. The proposed project is designed to avoid direct impacts to sensitive habitats along the San Joaquin River. Mining and processing activities are confined to previously disturbed areas at the Quarry and Plant sites, which do not support high-quality riparian, wetland, or riverine habitats. Habitat impacts would be limited to existing project areas. Salmon habitat in particular was carefully analyzed in the report, *Effect of Nearby Blasting on Salmon in San Joaquin River,* prepared by Vibra-Tech Engineers (see Draft EIR Appendix E-4), based on the Alaska Department of Fish and Game standards, as described in detail in Response 65-13. The Draft EIR further confirms that any impacts on salmon habitat at either the Plant Site or Quarry Site would be less than significant, requiring no mitigation (see Draft EIR, page 4.4-63).

As described in Chapter 3, "Draft EIR Errata," the biological resources analysis has been revised to clarify and amplify the evaluation of special-status species and aquatic

resources. These revisions strengthen the analysis and confirm that impacts to salmon and other aquatic species remain less than significant.

The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. As a result, there is minimal potential for habitat destruction of native aquatic or terrestrial species, including Chinook salmon. See also Collective Response #12 regarding the project's potential effects on salmon and river restoration projects in the region and Collective Response #16 regarding potential effects on salmon spawning.

Comment 50-4

The DEIR references a study on fish in Alaska However, landscape, biological diversity and wildlife are very different in Central California from those in Alaska.

Response 50-4

See Response 65-13, which provides further discussion regarding the efficacy and sufficiency of the Alaskan Blasting Standards for analyzing the project's potential impacts to salmon in the San Joaquin River.

Comment 50-5

Additionally excavation of a 600-foot-deep hard rock pit immediately adjacent to the San Joaquin River poses a significant risk of introducing pollutants such as sediment, heavy metals, oil, and fuel spills into the river, threatening water quality and salmon habitats.

Response 50-5

With respect to the potential for increases in concentration levels for constituents associated with mining and aggregates processing, and specifically blasting agents and petroleum products used in the equipment, the proposed project includes spill prevention, controls and countermeasure plans, as well as best management practices, which when implemented would eliminate or reduce water quality impacts to levels that would not have any adverse effect to the San Joaquin River or groundwater (Draft EIR page 4.10-88 through 4.10-93). The proposed project is designed to be a zero-discharge facility with respect to offsite discharges and thus would not discharge into the San Joaquin River or other surface water bodies. With continued compliance with the State Industrial General Permit, there would be no significant impact to the San Joaquin River since this permit is based on water quality criteria deemed to be protective of aquatic species and habitats.

Comment 50-6

The threat increases when the required minimum 200-foot setback is violated, as it appears to have been in the past.

Response 50-6

The commenter expresses concern regarding potential past violations of the 200-foot setback from the San Joaquin River. See Response 50-2 above. See also Collective Response #4a regarding the Operator's regulatory history and alleged violations.

As described in the Draft EIR, the proposed project has been designed to maintain a minimum 200-foot setback between planned disturbance areas within the Quarry Site and the San Joaquin River. The project is consistent with Fresno County General Plan Policy OS-E.2, which requires adequate buffer zones between construction activities and significant wildlife resources, and Policy OS-E.14, which provides for a minimum 200-foot-wide wildlife corridor along portions of the San Joaquin River. As discussed under Impact 4.4-4, project activities would not extend into designated wildlife corridors.

Potential indirect impacts associated with project activities, including blasting-related dust, noise/vibration, and water quality effects, are addressed through mitigation measures, including Mitigation Measures 4.3-2, 4.10-1, and 4.10-5a, 4.10-5b, 4.10-10a, and 4.10-10b.

In addition, the Effect of Nearby Blasting on Salmon in the San Joaquin River technical study (Draft EIR Appendix E-4) concludes that ground vibrations at the crest of the river embankment would be limited to 0.5 in/sec, which is well below the 2.0 in/sec threshold identified for protection of salmon embryos. Accordingly, blasting-related impacts to aquatic habitat would be less than significant.

Comment 50-7

Increased sedimentation from continued mining could smother salmon eggs and reduce oxygen levels,

Response 50-7

Best management practices would be implemented to ensure sediment from the project sites remains onsite. The proposed mining project is designed to avoid direct impacts to sensitive habitats along the San Joaquin River. Mining and processing activities are confined to previously disturbed areas at the Quarry and Plant sites, which do not support high-quality riparian, wetland, or riverine habitats. Habitat impacts would be limited to existing project areas. Salmon habitat in particular was carefully analyzed in the report, *Effect of Nearby Blasting on Salmon in San Joaquin River*, prepared by Vibra-Tech

Engineers (Appendix E-4), based on the Alaska Department of Fish and Game standards, as described in detail in Response 65-13. The Draft EIR further confirms that any impacts on salmon habitat at either the Plant Site or Quarry Site would be less than significant, requiring no mitigation (see Draft EIR, page 4.4-63). The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. As a result, there is minimal potential for habitat destruction of native aquatic or terrestrial species, including Chinook salmon.

Comment 50-8

while changes to groundwater and surface water flow from excavation may deplete vital water sources.

Response 50-8

The commenter does not provide evidence of a significant impact associated with water sources. For additional discussion of the Draft EIR's analysis and conclusions regarding potential water resources impacts associated with the project's proximity to the San Joaquin River, please see Collective Response #25.

Comment 50-9

Habitat destruction near the river could further harm salmon by increasing water temperatures, reducing shade, and disturbing aquatic vegetation. These potential impacts violate both state and federal environmental laws, including the California Environmental Quality Act (CEQA) and the Clean Water Act (CWA), which mandate the protection of water quality and aquatic habitats.

Response 50-9

The project's potential impacts to salmon would be less than significant based on existing studies. The proposed mining project is designed to avoid direct impacts to sensitive habitats along the San Joaquin River. Mining and processing activities are confined to previously disturbed areas at the Quarry and Plant sites, which do not support high-quality riparian, wetland, or riverine habitats. Habitat impacts would be limited to existing project areas. Salmon habitat in particular was carefully analyzed the report, *Effect of Nearby Blasting on Salmon in San Joaquin River,* prepare by Vibra-Tech Engineers (Appendix E-4), based on the Alaska Department of Fish and Game standards, as described in detail in Response 65-13. The Draft EIR further confirms that any impacts on salmon habitat at either the Plant Site or Quarry Site would be less than significant, requiring no mitigation (Draft EIR, page 4.4-63). The measures proposed fully comply with requirements of CEQA and the Clean Water Act. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in

activity. As a result, there is minimal potential for habitat destruction of native aquatic or terrestrial species, including Chinook salmon.

Comment 50-10

Cultural Resource Concerns under CEQA and AB-52

The Rockfield Quarry project fails to adequately address the protection of Tribal Cultural Resources (TCRs) as required by AB-52 and CEQA. This location includes the site of one of the Tribe's ancestral villages and salmon spearing places in use before the construction of Friant Dam in 1941. Fresno County, as the lead agency, must consult with local Tribes to identify, avoid, and mitigate impacts to sacred sites, landscapes, and cultural artifacts. The continued excavation disregards the significance of these resources, violating CEQA Guidelines §21084.3 and the legislative intent of AB-52. Please be aware that the entire stretch of the San Joaquin River in this area of Fresno County is a sacred and Traditional Cultural Landscape pursuant to Public Resources Code§ 21074.

Response 50-10

The Draft EIR's discussion of Impacts 4.18-1 on 4.18-8 under the heading "AB 52 Consultation" discusses the County's outreach to Native American tribal representatives in accordance with PRC 21080.3.1. As discussed there, in 2019 after receiving and deeming complete the application for the proposed project, the Fresno County Planning Department notified by letter the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notification of projects, including the Dumna Wo-Wah Tribal Government, Table Mountain Rancheria, and Picayune Rancheria of the Chukchansi Indians. The notification letters were mailed via certified mail on December 9, 2019 (Draft EIR Appendix J). No tribe requested consultation as a result of the tribal notification letters and no responses were received during the project's scoping period. However, Table Mountain Rancheria representatives subsequently provided comments on the Draft EIR, and those comments and the County's responses are provided here at Comment Letters 50 and at Comment Letter 52 .

The Draft EIR provides a sufficient description of the results of records searches, physical surveys, and tribal outreach conducted for the project. Based on these analyses, the Draft EIR properly concluded that the project's potential to result in adverse effects to cultural resource and tribal cultural resources would be less than significant. Although the commenter asserts that "the entire stretch of the San Joaquin River in this area of Fresno County is a sacred and Traditional Cultural Landscape pursuant to PRC Section 21074,"

the commenter does not provide evidence of this traditional cultural landscape, nor does the commenter provide or reference evidence that such a cultural landscape was identified by tribal representatives through the County's AB 52 efforts summarized above.

See also Responses 50-1 and 52-2.

Comment 50-11

Overproduction and Unsustainability

Local aggregate production levels far exceed Fresno County's needs for the foreseeable future. According to the 2018 report, Aggregate Sustainability in California by the California Geological Survey, the Fresno Production-Consumption (P-C) Region is projected to need 305 million tons of aggregate over the next 50 years. As of January 1 2017, the region possessed 556 million tons of permitted aggregate reserves, representing 182% of the projected demand and ensuring a supply exceeding 90 years. If there is no extension of the Rock: field aggregate mine operation, production levels will still significantly surpass the Fresno PC Region's aggregate needs. If allowed to continue, within 50 years, the region will have extracted over 200% of the region's aggregate requirements. This excessive extraction would be unsustainable and conflicts with CEQA's mandate to prevent unnecessary environmental degradation.

Response 50-11

Please see Collective Response #3 pertaining to regional aggregate demand and supply.

Comment 50-12

Request for Action

The Tribe firmly believes that Fresno County has a legal and ethical obligation to reject this project in its current form. As the lead agency under CEQA, the County must uphold its responsibility to protect endangered biological resources, water quality air quality, human safety, and Tribal Cultural Resources. The continuation of CEMEX's mining operations along the San Joaquin River Corridor will result in irreversible harm to our environment, community, and cultural heritage. Additionally, the once beautiful San Joaquin River viewshed has suffered almost irreparable harm from a century of surface aggregate mining. Another century of mining on the river, including blasting bedrock on 493 acres down to 600 feet, is inconceivable. The Tribe urges the County to deny

this permit and prioritize sustainable and legally compliant alternatives.

Response 50-12

Table Mountain Rancheria's concerns and opposition to the project are noted and will be considered by County decision-makers.

Letter #51 March 6, 2025, Carole Laval, Laval and Associates

Comment 51-1

I am writing in opposition to the CEMEX expansion proposals; the extension of the mining contract and the 600' excavation.

Add me to the list of those opposed.

Response 51-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #52 March 6, 2025, Multiple Signers, Table Mountain Rancheria

Comment 52-1

On behalf of the Table Mountain Rancheria, we are writing to express our vehement opposition to the proposed 100-year lease for the Cemex Rockfield Quarry Modification Project. This project poses an unacceptable threat to the ecological integrity of the San Joaquin River, the biological resources it sustains, and the cultural heritage deeply tied to this land. We urge you to consider the profound and irreversible consequences this lease would have on the environment, our community, and our cultural identity.

Response 52-1

Table Mountain Rancheria's concerns and opposition to the project are noted and will be considered by County decision-makers. Please see responses below to specific comments. Please also see the County's response to comments provided submitted by Table Mountain Rancheria Tribal Chairperson Michelle Heredia-Cordova at Responses to Comment Letter #50, above.

Comment 52-2

This land is not just a resource to be exploited - it is a place of profound cultural significance. It is home to culturally identified sites that connect Table Mountain and other Tribes to our ancestors and our heritage. These sites are irreplaceable, and

their destruction would sever our ties to the land and the traditions that define us. The river and the land are intertwined with our identity, providing sustenance, spiritual nourishment, and a sense of belonging. To allow this project to proceed would be to disregard the cultural and historical value of this place.

Response 52-2

The County acknowledges the commenter's statements regarding the cultural, spiritual, and historical importance of the project area to Table Mountain Rancheria and other Tribes. These views are noted for consideration by County decision-makers.

Under CEQA, Tribal Cultural Resources may be identified through the Assembly Bill 52 (AB 52) consultation process or through other information available to the lead agency that meets the definition set forth in PRC Section 21074. As discussed in Response 50-1 and on page 4.18-8 of the Draft EIR, the County complied with the notification requirements of AB 52 by notifying all California Native American tribes that requested notice and that are traditionally and culturally affiliated with the project area, including the Table Mountain Rancheria, Dumna Wo-Wah Tribal Government, and Picayune Rancheria of the Chukchansi Indians. Notification letters were sent by certified mail on December 9, 2019, and are included in Appendix J of the Draft EIR. No tribe requested consultation within the statutory 30-day timeframe; however, Table Mountain Rancheria subsequently provided comments on the Draft EIR, which are addressed in this chapter.

As described in Section 4.18.1.2, "Known Tribal Cultural Resources Within the Project Sites," of the Draft EIR, record searches, archival research, and intensive pedestrian surveys were conducted to identify cultural and tribal resources within the project sites. Two historic-era roads and two isolated artifacts were identified; however, none were determined eligible for listing in the National Register of Historic Places or the California Register of Historical Resources. In addition, a search of the Native American Heritage Commission Sacred Lands File identified one or more sacred sites at the Quarry Site, and the NAHC recommended outreach to potentially affiliated tribes, which the County conducted through the AB 52 notification process.

Based on the information available, no Tribal Cultural Resources, as defined in PRC Section 21074, have been identified within the project area. The Draft EIR provides a sufficient description of records searches, field surveys, and tribal outreach, and concludes that impacts to cultural and tribal cultural resources would be less than significant.

Comment 52-3

The proposed 100-year lease is not only environmentally reckless but also morally indefensible. It prioritizes short-term economic gain over the long-term health of our planet and the well-being of future generations. We have a responsibility to protect this land and the San Joaquin River, not only for ourselves but for those who will come after us.

Response 52-3

Table Mountain Rancheria's request for denial of the project is noted and will be considered by County decision-makers. The comment does not address the adequacy of the Draft EIR, and no further response is warranted.

Comment 52-4

There are alternatives that do not require sacrificing our environment and our cultural heritage. I implore you to explore these options and to reject this destructive proposal.

Response 52-4

Table Mountain Rancheria's request for rejection of the project is noted. Draft EIR Chapter 6, "Alternatives," identifies and evaluates a reasonable range of alternatives to the proposed project in compliance with CEQA. The comment does not provide specific alternatives to the project and does not discuss the adequacy of the Draft EIR Alternatives evaluation. Please also see Collective Response #3 pertaining to regional aggregate supply and demand.

Comment 52-5

We stand with countless others in our community who oppose this project. We urge you to listen to our voices, to honor the cultural and ecological significance of this land, and to take immediate action to protect it. Please deny the 100-year lease for the Cemex Rockfield Quarry Modification Project and instead work with us to preserve this invaluable resource for generations to come.

Thank you for your attention to this critical matter. We trust that you will make the right decision and prioritize the health of our environment, the protection of our cultural heritage, and the well-being of our community.

Response 52-5

Table Mountain Rancheria's request for denial of the project is noted and will be considered by County decision-makers.

Letter #53 March 6, 2025, Joe Salazar, Happy Panels

Comment 53-1

I'm not sure if this message will reach you regarding the public comments against the Cemex Rockfield Expansion proposal, but I just learned about this project this morning.

My wife is a former Fresno County employee, we own and operate a small business in Fresno and we currently live Madera County within a 5-mile radius of this mining operation, I strongly oppose the expansion and the method of rock quarrying.

Response 53-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 53-2

My wife and I often hike and bike to the San Joaquin River from the Tesoro Viejo community. From the hills overlooking the river, you can see, hear, and smell the quarry, even in its current state.

Response 53-2

See Collective Response #6 regarding common nuisance complaints on mining operations.

Comment 53-3

With the proposed changes, I am concerned that the noise pollution from the quarry operations will worsen, negatively affecting both humans and wildlife in the area.

Response 53-3

The issue of noise pollution affecting humans is addressed in Draft EIR Section 4.13, "Noise." Mitigation Measures 4.13-2 and 4.13-3 would require the Operator to implement noise reduction measures at the Plant Site and Quarry Site, respectively. Mitigation Measure 4.10-1 requires the Operator to implement the "Blasting Protocols" (see Draft EIR Appendix H-9) which include measures to reduce noise impacts associated with blasting events.

The issue of noise pollution affecting wildlife is addressed in multiple locations within Draft EIR Section 4.4, "Biological Resources." Noise impacts to nesting birds are discussed in Impact 4.4-1, which begins on Draft EIR page 4.4-48. Mitigation Measure 4.4-1c addresses these impacts by requiring pre-construction surveys prior to the initiation

of each mining phase and implementation of avoidance measures, if nesting birds are present. Potential noise impacts to special-status species in the riparian habitat surrounding the project sites are discussed in Impact 4.4-2, which begins on Draft EIR page 4.4-52. Potential vibration impacts on fish species in the San Joaquin River are discussed in Impact 4.4-6, which begins on Draft EIR page 4.4-62.

See Final EIR Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced in this response. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 53-4

This location is one of the few places where people can visit for peace and serenity without needing to travel far out of town.

Additionally, the destruction of the beautiful natural habitats surrounding the river and the plant will lead to other harmful consequences.

Response 53-4

The project's potential impacts to riparian and other sensitive natural habitats are addressed in Draft EIR Section 4.4, in Impact 4.4-4, which begins on page 4.4-55. See Final EIR Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.4. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 53-5

I strongly suspect that if this quarry were a completely new operation, rather than a century-old, grandfathered facility, the permit would likely be denied.

Please take my concerns seriously. I do not want this expansion project in my backyard. It is detrimental to the people and wildlife who live and thrive in this area.

Response 53-5

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. Impacts to wildlife are addressed in Draft EIR Section 4.4. See Final EIR Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.4. See Collective Response #6 regarding common nuisance complaints on mining operations.

Letter #54 March 7, 2025, Don Simmons, Creative Potential Consulting and Training

Comment 54-1

Please register my opposition to the proposed expansion plans for the CEMEX project on the San Joaquin river.

Response 54-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 54-2

The proposed 100 year operation, the new pits and the new mining methods will continue to do irreparable harm to not only the SJ river, but, to miles of it's banks, add more air pollution and allow CEMEX to pollute even more water.

Response 54-2

See Collective Response #5 related to the proposed duration of the use permit. Potential impacts to the San Joaquin River are addressed primarily in Draft EIR Section 4.10, "Hydrology and Water Quality." See Final EIR Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #25 regarding the project's potential impacts to river flows and effects to downstream users and Collective Response #12 regarding potential impacts to recent restoration projects along the San Joaquin River.

The issue of air pollution is addressed in Appendix D-4, "Revised Section 4.3, Air Quality," while the issue of water pollution is addressed in Draft EIR Section 4.10. See Final EIR Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. Each of the impacts identified in these sections was determined to be less than significant with implementation of the mitigation measures provided.

No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 54-3

The Project does not need to proceed, but needs to be halted, and a plan to close the CEMEX facility needs to be in place-especially due to the coming decrease in building and construction projects due to other costs.

Response 54-3

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 54-4

Fresno County needs to be serious about our air, water and soil environment, and stop the CEMEX destruction.

Response 54-4

The commenter's opposition to the proposed project is noted for the decision-makers.

Letter #55 March 9, 2025, Diane Dimon, Matters of the Mind

Comment 55-1

My name is Diane Dimon. I have been a residence of Fresno County for 37 years. I am very concerned about the possibility of the Country approving the CMEX Drilling Project. Here are my concerns:

1. Blasting and drilling for such a large, deep, and potentially destructive project just don't make sense. Sound, vibration, noise, air, water, and traffic pollution. And as yet unforeseen pollution.

Response 55-1

The project's potential impacts resulting from blasting and other mining operations are evaluated throughout the Draft EIR, as updated by the Final EIR. The issues of sound, vibration, and noise pollution are addressed in Section 4.13, "Noise." The issue of air pollution is addressed in Appendix D-4, "Revised Section 4.3, Air Quality," and the issue of water pollution is addressed in Section 4.10, "Hydrology and Water Quality." Impacts associated with project truck traffic are addressed in Section 4.17, "Transportation." Pollution resulting from unforeseen circumstances is addressed in Section 4.9, "Hazards and Hazardous Materials." See Final EIR Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 55-2

2. Truck Traffic: If approved, CEMEX will not only continue to transport their existing quota (and surplus) of aggregate, but will increase substantially, potentially

damaging Friant Road, as well as increase truck traffic. Note: Friant Road is a residential road.

Response 55-2

See Collective Response #29 regarding project truck trips, traffic congestion, road maintenance, and the funding and timing of necessary traffic improvements. As stated in Draft EIR Section 4.17.1.3, "Local Road Network," on page 4.17-3, Friant Road adjacent to the project sites is designated as an expressway in the *Fresno County General Plan*. North of the project sites, Friant Road is designated as an arterial.

Comment 55-3

3. Air Pollution: Fresno already has horrible air quality. If CEMEX is approved, this project will add significant and unnecessary impact by way of exploding debris particles and other unforeseen events.

Response 55-3

The issue of air quality is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). See also Collective Response #9 regarding the project's potential impact on the region's existing air quality and air emissions from blasting events.

Comment 55-4

4. Breach of our precious River Banks: If the water seeps into the wall of CEMEX's pit(s), it could easily breach the wall's structural integrity, pollute ground water, collapse, and who knows what kind of damage that would create downstream to human, wildlife, and agricultural life in the San Juaquin Valley.

5. Contaminating Groundwater: As state above, Fresno residents are dependent upon well waters, and a potential CMEX disaster would destroy ability to live in the area.

Response 55-4

The project's potential impacts to groundwater levels and supplies are addressed in Draft EIR Section 4.10. See Impacts 4.10-8 through 4.10-13 beginning on Draft EIR page 4.10-102. Each of these impacts was determined to be less than significant with implementation of the mitigation measures provided. See Final EIR Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See Collective Response #17 related to riverbank stability and the potential for breach, flooding, and resulting impacts

to groundwater and the San Joaquin River. See also Collective Response #24 regarding groundwater monitoring during project implementation.

Comment 55-5

6. Effect upon neighboring real estate. I have heard arguments lobbying for CEMEX to guarantee reimbursement for real estate value that have been damaged by any kind of mismanagement by CEMEX. This is a real possibility, and therefore should not be entertained.

Response 55-5

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 55-6

All of these very real environmental threats seem to me to require an obvious denial of approval of CEMEX expansion. As our community leaders, please respond to this CEMEX request with farsightedness and wisdom. Please vote NO.

Response 55-6

The commenter's opposition to the proposed project is noted for the decision-makers.

Letter #56 March 9, 2025, Rick Grijalva, Fresno Audubon Society

Comment 56-1

Dear Mr Randall:

Please accept the following comments from the Fresno Audubon Society regarding the draft Environmental Impact Report (EIR 7763).

Background

The Central Valley is one of the major migratory bird routes in the United States. In the spring of 2024 an estimated 44,028,000 migrating birds traversed Fresno County according to Cornell's Lab of Ornithology's BirdCast[1] (*Footnote 1: BirdCast is an avian nocturnal migration monitoring system developed by the Cornell Lab of Ornithology. It utilizes weather radar data and computer analysis to provide real-time bird migration data as well as migration forecasts across the United States. It tracks both spring migration (from March 1 to June 15) and fall migration (August 1-November 15). Its information is available on both a county-*

specific and statewide basis, and is freely accessible by the general public) migration monitoring system. This was followed last fall by an estimated 44,088,000 birds.

The San Joaquin River Corridor is a critical component in California's bird migration framework, providing essential stop-over habitat that enables transitory birds the opportunity to rest, recover, and replenish along their long journeys, many of which extend over several thousand miles. The DEIR itself recognizes its importance:

The San Joaquin River corridor is considered a significant wildlife movement corridor that provides natural areas for wildlife to move through the region in search of food, shelter, or nesting habitat. Additionally, the San Joaquin River can be used as a wildlife movement corridor to facilitate movement further into the Central Valley. (DEIR 4.4.1.6, p. 4.4-19)

Response 56-1

The comment provides background and general discussion and does not address the adequacy of the Draft EIR. Please see responses to specific comments below.

Comment 56-2

The projected 100 year duration of the CEMEX Project and the massive physical scale of the Project, when coupled with its location in the heart of the biologically sensitive San Joaquin River Corridor, require a most thoughtful and thorough consideration of the environment consequences to birds and other wildlife species. The DEIR has not provided an adequate analysis of these impacts as the following will demonstrate.

Response 56-2

The commenter's observations regarding the project location, duration, and the sensitivity of the San Joaquin River corridor are noted.

The Draft EIR evaluates the project's potential impacts to biological resources, including nesting birds, migratory corridors, and sensitive habitat areas, in Section 4.4, "Biological Resources," in compliance with CEQA. Please see the responses to specific comments below for additional discussion of these topics.

Comment 56-3

Inadequacies of Avian Species Surveys

The DEIR undertook only two field surveys of wildlife in the area: April 30, 2019 and June 14, 2021. (DEIR 4.4.1.2, PDF p. 346) These generated counts of 27 bird species for the Plant Site (Appendix E-1 Table B-2, PDF p. 1160) and 31 bird species for the Quarry Site (Appendix E-2 Table B-2, PDF p. 1237).

Fresno Audubon Society (FAS) members and others have been actively birding along the San Joaquin River for many years, particularly at Lost Lake Park, which borders the northern edge of the Quarry Site. Data accumulated from over two thousand such observations along the San Joaquin River Corridor is maintained with eBird, the global database of avian observations developed by the Cornell Lab of Ornithology.[2] (*Footnote 2:* eBird's searchable database of bird observations (checklists) contain the date, time, location, and count for each species reported by the observers. eBird employs statistical analysis as well as expert review of rare or unusual species observations to assure accuracy of its data. eBird data has been utilized for scientific research and environmental policy issues, among other things.)

Several eBird "hotspots"—specific geographic birding locations—abut either the Plant or Quarry Sites. These are: Ball Ranch, Fresno, US-CA (corresponding to Ball Ranch Natural Reserve in DEIR); Sumner Peck Ranch, Fresno, US-CA (Peck Ranch Pkwy Trust in DEIR); Ledger Island, Madera, US-CA (Ledger Island Natural Reserve in DEIR); and Lost Lake Rec Area (FRE Co.), Fresno, US-CA (Lost Lake Park and Beck Ranch in DEIR) (See maps, DEIR Figure 2-5 [PDF p. 127] and Figure 4.1-1 [PDF p. 187].)

- **San Joaquin River Parkway Surveys.** Monthly surveys sponsored by FAS encompass areas along the river both upstream downstream near the CEMEX mining operations. These have been undertaken over a number of years. eBird data for these surveys document the presence of 185 species along the River Corridor.

- **Ball Ranch eBird Hotspot.** Ball Ranch eBird checklists report161 bird species from 160 checklists as of February 2025. Ball Ranch is immediately to the north of the Plant Site. (**https://ebird.org/hotspot/L4131177**)

- **Sumner Peck/Ledger Island Hotspots.** Sumner Peck Ranch is immediately to the south of the Quarry Site. Ledger Island is directly across the river from the Quarry Site. eBird data

documents 120 bird species from 96 checklists at Sumner Peck Ranch and 98 species from 16 checklists from Ledger Island as of February 2025. (**https:// ebird.org/hotspot/L13905811, https://ebird.org/hotspot/L4931237**)

- **Lost Lake Rec. Area Hotspot.** The Lost Lake Hotspot encompasses both Lost Lake Park and adjoining Beck Ranch. Both lie to the immediate north of the Quarry Site. eBird checklist data for this Hotspot records the observation of 228 bird species as the result of 1886 observations as of February 2025. (**https://ebird.org/hotspot/L188972**) It is particularly noteworthy that the the historical monthly species count observed at the Lost Lake Hotspot during April are 158 species and 103 species for June. This contrasts sharply to the 27 species for the Plant Site and 31 species for the Quarry Site from the combined April 2019 and June 2021 field surveys relied upon for the DEIR.

- Additional local avian population data is available from the Audubon **Christmas Bird Count (CBC)** which has been conducted annually for decades within the geographic area encompassing the Project and the adjacent river corridor. Survey results for the CBC from December 2023 reflect a count of 127 bird species within the Lost Lake CBC zone. As with the eBird data, CBC data is publicly accessible. (**https://netapp.audubon.org/CBCObservation/Historical/ResultsByCount.aspx#Countcode:CALL**)

Response 56-3

Based on California Natural Diversity Database (CNDDB) observations, including the expanded 9-quad CNDDB search conducted as part of this Final EIR and incorporated through errata in Chapter 3, "Draft EIR Errata," and several onsite biological surveys, sufficient data was gathered to meet CEQA's analytical requirements. A nesting bird clearance survey would be conducted to ensure impacts to nesting birds would be less than significant. Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds prior to the initiation of a mining phase as shown on the Plant Site Mining Plan (see Figure 2-7, "Proposed Plant Site Mining Plan") and Quarry Site Mining Plan (Figure 2-8, "Proposed Quarry Site Mining Plan"). Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR pages 4.4-50 through 4.4-51). With the mitigation measures, the project's impact upon nesting bird habitat would be less than significant (see Draft EIR page 4.4-52). See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.4, and Mitigation Measure 4.4-1c.

Comment 56-4

The treatment of Species of Special Concern in the DEIR is also problematic. The DEIR states that governmental agency databases for Special Status plant and wildlife species were examined for four USGS quadrangle areas to determine the possible presence of such species on Project properties. The searches generated a total of 15 avian species of Special Concern between the two sites. (Table C-1 Appendix E-1 PDF page 1163 for the Plant Site and Table C-1 Appendix E-2 PDF page 1240 for the Quarry Site.)

Fresno Audubon has compared the observation data for the Lost Lake Rec Area eBird Hotspot with the January 3, 2025 California Department of Fish and Wildlife's CNDDB Special Animals List. Twenty-eight CNDDB bird species of interest have been reported at Lost Lake Park, thirteen more than is reflected in the DEIR. (One species in the DEIR inventory has not been reported at Lost Lake.) (See Table 1 attached to this letter.) This discrepancy needs to be examined and explained.

Response 56-4

See Response 56-3. Given existing conditions at the project sites and the history of mining, processing, and associated activities at these sites, the baseline review and assessments performed are sufficient for a CEQA analysis of the proposed project.

Comment 56-5

Moreover, the failure to consider the impact of the Project on non-specially designated bird species needs to be justified given the number of species known to be in the area.

Response 56-5

Based on California Natural Diversity Database (CNDDB) observations and several onsite biological surveys, sufficient data was gathered to meet CEQA analytical requirements for all nesting bird species known to inhabit the project sites. A nesting bird clearance survey would be conducted to ensure impacts to nesting birds would be less than significant. Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds prior to the initiation of a mining phase as shown on the Plant Site Mining Plan (see Figure 2-7) and Quarry Site Mining Plan (Figure 2-8). Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR pages 4.4-50 through 4.4-51). With the mitigation measures, the impact on nesting bird habitat would be less than significant (Draft EIR page 4.4-52). The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. As such, no

additional impacts on non-listed avian species are anticipated. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.4 and Mitigation Measure 4.4-1c.

Comment 56-6

The understatement of avian species, both specially designated or general species, is problematic as the DEIR specifically declines to address impacts on any species not identified as having been "known to be present or have a moderate or higher potential for occurrence on the Plant Site and/or Quarry Site…" (DEIR 4.4.1.8, p. 4.4-20). Thus limited, the DEIR does not evaluate the effects of the project on well over one hundred fifty bird species known to have been observed at the adjoining Lost Lake Park, including thirteen bird species recognized by CDFW as deserving special consideration. Therefore, the assessment of the impacts and proposed mitigation measures under the Biological Resources component of the DEIR is deficient. (See Impacts 4.1-1 to 4.4-7 [ES-14 to ES-19; PDF pp. 39-43])

Response 56-6

Based on CNDDB observations and several onsite biological surveys, sufficient data was gathered to meet CEQA analytical requirements for all nesting bird species known to inhabit the project sites. A nesting bird clearance survey would be conducted to ensure impacts to nesting birds would be less than significant. Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds prior to the initiation of a mining phase as shown on the Plant Site Mining Plan (see Figure 2-7) and Quarry Site Mining Plan (Figure 2-8). Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR pages 4.4-50 through 4.4-51). With the mitigation measures, the impact on nesting bird habitat would be less than significant (Draft EIR page 4.4-52). The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. As such, no additional impacts on non-listed avian species are anticipated. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.4 and Mitigation Measure 4.4-1c.

Comment 56-7

The DEIR Does Not Adequately Address the Impacts on Birds of Noise, Air Pollution and Other Project-Related Disturbances

An understanding of bird migratory behavior is necessary to fully consider the impact of the CEMEX project on the health of avian species. Migration is a nocturnal activity. Birds travel at night in order to avoid predators and to take advantage of usually more

favorable weather conditions. Consequently, birds must rest and forage during the daylight hours. Foraging is particularly critical to birds during migration, given the tremendous amount of energy prolonged flight requires. This daylight stop-over time, however, will be occurring during the peak operations of the CEMEX Plant and Quarry Sites, when Project-generated disturbances of noise, vibration, dust and air pollution levels will be at their highest.

The DEIR analysis of the effects of these disturbances merely asserts that some bird species have become habituated to activities, providing a list of 19 birds—almost every one of which is commonly found in urban settings. The fact that pigeons frequent parking lots does not establish the the parking lot as suitable bird habitat. Because of the underreporting of bird species known to the area, the DEIR does not address how the mining activities and disturbances may affect over 150 bird species. The examples of other mining projects are presented without any proof of comparability.

There is a significant body of scientific knowledge on the effects of noise for birds.[3] (*Footnote 3: See, for example Francis CD, Ortega CP, Cruz A. Noise pollution changes avian communities and species interactions. Curr Biol. 2009 Aug 25;19(16):1415-9. doi: 10.1016/j.cub.2009.06.052. Epub 2009 Jul 23. PMID: 19631542.*) However, none of the numerous studies were consulted for the DEIR. These studies have documented the following negative consequences for birds of noise and sound disturbances:

Physiological: cardiovascular consequences such as heart rate increase, immune response decline, hearing loss, increase in stress hormone levels.

Behavioral: habitat abandonment, changes in foraging behavior, reduced vigilance, territory shift, navigation difficulties

Acoustic Perception: frequency interference, vocal adjustments, vocalization timing adjustment, impaired song learning, mate attraction.

Response 56-7

See Responses 56-3 and 56-6. It is assumed that a variety of bird species may be present in the vicinity of the project sites, including transient individuals during migration. The baseline for the Draft EIR's analysis is both disturbed existing conditions and a history of routine mining and associated activities at the project sites. The proposed project would not substantially alter this baseline. The commenter has not provided any substantial

evidence that the effective continuance of these project activities (during daylight hours) would result in potentially significant impacts to birds that are migrating or otherwise in the vicinity of the project sites.

Comment 56-8

The DEIR must include a comprehensive and scientifically supported assessment of the impacts of noise and other Project-generated disturbances on the variety of bird species that are actually present in and around the Project sites. This must include adopting acoustic testing measures calculated to take into account the projection of noise into areas where impacted wildlife species are likely to reside in the Corridor areas, such as tree-level monitoring.

Response 56-8

See Responses 56-6 and 56-7. No additional studies or measures to address noise impacts on birds are warranted.

Comment 56-9

Further, the mitigation requirements for noise monitoring program under the DEIR for the Plant Site (DEIR 4.13-2, PDF p. 802) and the Quarry Site (DEIR 4.13-3, PDF p. 804) as well as those relating to the blasting protocols, must be revised to address the consequences of Project-generated disturbances to wildlife in the adjacent habitat. Monitoring stations, equipment and monitoring protocols must take into account the requirements necessary to protect animal species known to the area.

Response 56-9

In terms of indirect impacts from noise, the commenter does not provide substantial evidence that these activities would result in a significant impact to wildlife. The Draft EIR does provide an analysis of potential impacts from the project in Section 4.4 (supported by studies provided as Appendix E-1 and E-2). Appendix E-4 of the Draft EIR provides an evaluation of the potential for blasting to impact salmonids in the San Joaquin River. The proposed project activities would avoid direct impacts to sensitive habitats along the San Joaquin River. Based upon the blast designs used to maintain safe ground vibration levels for the stability of the slope, the resulting overpressures in the waters of the San Joaquin River due to blasting associated with the proposed project would be less than 1 psi. This level of overpressure is significantly below the 7.3 psi limit established for the safety of salmon. Though information is not available for indirect effects of blasting on all wildlife in the area, it is reasonable to assume that the low amount of overpressure that would result from the proposed project would not have a significant

impact on these species, especially given the long duration of mining activities that the project sites have been subjected to over the past 30-100 years. For these reasons, no additional studies or measures to address noise impacts on wildlife are warranted.

Comment 56-10

The Riparian Corridors

The DEIR considers riparian and wildlife corridors at 4.4.1.6 (p. 4.4-18 to -19, PDF pp. 343-344). It recognizes wildlife corridors as "significant features for dispersal, seasonal migration, breeding, and foraging" which "can provide a buffer against both human disturbance and natural fluctuations in resources." It acknowledges the San Joaquin River Corridor as "a significant wildlife movement corridor that provides natural areas for wildlife to move through the region in search of food, shelter, or nesting habitat…." The DEIR discusses three wildlife or riparian corridors in the area:

(1) The area extending approximately 0.6 miles to the west of the Plant site consisting of a portion of the Willow Unit of California DWF (Willow Unit Corridor)

(2) Little Dry Creek, being a portion of the Willow Unit, lying to the north of the Plant Site and between the Plant Site and Ball Ranch

(3) An approximate 1.4 mile section of river frontage along the western boundary of the Quarry Site featuring a 200 foot wide area between the western boundary of the Quarry site and the San Joaquin River.

Response 56-10

The commenter summarizes information presented in the Draft EIR regarding riparian and wildlife corridors. No specific comments regarding the adequacy of the Draft EIR analysis are provided.

Comment 56-11

The Willow Unit Corridor

This corridor lies to the west of the Plant Site. The DEIR assumes the constancy of this area as providing "abundant nesting sites," etc., for birds. However, given the protracted duration of the Project, the long term viability of the Corridor as wildlife habitat is a relevant consideration. Therefore, the impact of climate change and projected increasing significance of drought

conditions should be considered. Although the Report appears to tout the Willow Unit as an ecologically redeeming feature of this area, it's relevance as an ameliorative consideration in the overall scheme of the project will diminish as the focus of operations shift from the Plant Site to the Quarry Site some distance away.

Response 56-11

The commenter raises concerns regarding the long-term viability of the Willow Unit Corridor, including potential effects of climate change and drought conditions.

Under CEQA, the Draft EIR evaluates the potential impacts of the proposed project on the environment, rather than the effects of the environment (e.g., climate change) on the project or surrounding resources (see California Building Industry Assn. v. Bay Area Air Quality Management Dist. (2015) 62 Cal.4th 369, 392; PRC Sections 21002 and 21002.1(c)). Accordingly, an analysis of potential future climate change effects on the Willow Unit Corridor is outside the scope of the CEQA analysis.

As described in Section 4.4, the proposed project avoids direct impacts to the San Joaquin River and associated riparian habitats. The Draft EIR evaluates project-related impacts to wildlife movement and habitat and does not rely on the Willow Unit Corridor to reduce or offset project impacts. Potential future changes to the corridor due to regional factors, such as climate change, would occur independent of the proposed project and are not attributable to project-related activities.

Comment 56-12

The Little Dry Creek Corridor

The DEIR identifies Little Dry Creek as a "riparian corridor with a connection to the San Joaquin River." It consists of a seasonal creek bed with sparse vegetation, featuring a number of dead trees and dead shrubs. The creek bed largely sits at a lower elevation than the adjacent Plant Site and Ball Ranch and provides virtually no acoustic or aesthetic buffer from the Plant Site's activities. It offers little meaningful cover for wildlife so it cannot be considered to be a "wildlife corridor" as defined in the DEIR. If it is intended by CEMEX to suggest that Little Dry Creek is a biological mitigating consideration for its project, then it should be required to implement a program for its revegetation.

As is the case with the Willow Unit Corridor, the DEIR does not address how climate change and drought may further affect this area. The creek appears particularly vulnerable to these factors given the seasonality of the water flow and the notable presence

of dead trees and plant materials. Here again, the relevance of Little Dry Creek as an ameliorative consideration, if it may be considered such, will decline with the shift of activities from the Plant Site to the Quarry Site.

Response 56-12

The intention of the Draft EIR was not to represent Little Dry Creek as a regionally significant wildlife corridor in the same sense that the San Joaquin River (SJR) is a significant wildlife corridor. While Little Dry Creek may provide some connectivity to SJR and provide some habitat for wildlife, it is not a regionally significant wildlife corridor because it does not provide connection between two larger habitat blocks or provide migratory passage between two habitat types.

Additionally, the project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. No significant impacts to the Little Dry Creek Corridor are anticipated.

Please note that the Draft EIR is not required to analyze climate change's impacts upon the project (see *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 392; Citing PRC Sections 21002 and 21002.1(c)).

Comment 56-13

The Quarry Site Corridor

The DEIR identifies the area adjacent to the western boundary of the Quarry Site as part of the San Joaquin River Corridor. This riverfront is approximately 1.4 miles in length. The width of the area between the Quarry Site and the River is stated to be 200 feet, however, that will be reduced by the anticipated grant of an an easement for the River Parkway trail which size requirements are undetermined. The DEIR does not disclose the condition of the riverfront on the opposite bank.

Response 56-13

The riverfront on the opposite bank is not part of the project footprint and is not required to be analyzed.

Comment 56-14

The Project proposes a qualitative change in the operations of the Quarry Site which will include a significant increase in mining activity accompanied by extensive excavation and blasting, and in turn, an extraordinary increase in Project-generated disturbances (noise, vibration, dust, air and water pollution) from which the

Corridor must shield wildlife, both resident and migratory, over the course of the projected 100 years. Additionally, the shift in the locus of operations from the Plant Site a half mile from the San Joaquin River to the Quarry Site only 200 feet from the river requires special attention be given to the adequacy of this portion of the Corridor to protect wildlife.

Response 56-14

The project sites have already been exposed to mining activities for several decades at a minimum and as such is highly disturbed. The off-site corridor, which is adjacent to the project functions now and in previous decades within the context of ongoing mining activities within the project sites. It is not reasonably foreseeable that the proposed operational changes would result in significant impacts to natural resources and the comment does not provide substantial evidence that such impacts would result. The Draft EIR does analyze impacts from the proposed project sufficient to establish that the corridor and the wildlife it supports would not be significantly impacted.

Comment 56-15

The following must be considered in the DEIR, especially with reference to the Quarry Site area:

- The width of corridor necessary to buffer wildlife from the Project-related disturbances. The DEIR does not consider the scientific research on features such as corridor width, although a number of studies exist. Much of the research indicates the necessity of corridors well in excess of the 200 foot width proposed. Rather than address the research, the DEIR merely adopts the minimum standard width required under the Fresno County General Plan. This requires further study, including consideration of the science relating to the effects of noise and other disturbances, as discussed above.

Response 56-15

The 200-foot setback is part of the existing baseline conditions of the Quarry Site. The proposed project would maintain this 200-foot setback in accordance with the Fresno County General Plan. The project sites are already disturbed by ongoing mining activities and would not result in a substantial increase in disturbance relative to existing conditions.

The analysis and conclusions in the Draft EIR are based on the existing context of mining and associated activities at the project sites, which have been ongoing for many years. The proposed project would not substantially alter this baseline. The Draft EIR evaluates

potential impacts related to wildlife movement, habitat, noise, and other disturbances, including blasting operations, and concludes that impacts would be less than significant with mitigation.

The Fresno County General Plan, which establishes the 200-foot minimum buffer, was itself subject to CEQA review. The Draft EIR evaluates the project's consistency with these established standards and does not identify a need for a wider buffer based on project-specific impact analysis. See also Response 58-31 for further discussion of potential impacts to wildlife corridors and connectivity.

Comment 56-16

- How will the development of the anticipated multi-use River Parkway trail impact the suitability of the corridor as a wildlife corridor, given the proposed initial width of only 200 feet for the boundary?

Response 56-16

The proposed project would be consistent with applicable County land use policies requiring a minimum 200-foot-wide wildlife corridor (Draft EIR page 4.11-30). Given the narrow footprint of a potential multi-use trail relative to the overall corridor width, the preservation of natural vegetation, and the implementation of design and mitigation measures, the project would not substantially reduce the suitability of the corridor as a wildlife movement pathway.

As discussed in Section 2.5.8, "Trail Easement," of the Draft EIR, the Operator is in discussions with the San Joaquin River Conservancy regarding potential trail easements at the Plant Site and Quarry Site. The Plant Site trail easement would be located along the eastern boundary of the Plant Site within the 50-foot setback from North Friant Road, and the Quarry Site trail easement would be located along the western boundary of the Quarry Site within the 200-foot setback from the San Joaquin River. These easements would set aside areas that could be developed for trails during the mining period.

The Draft EIR evaluates potential impacts to riparian habitats and wildlife movement corridors (see Impacts 4.4-4 and 4.4-6) and concludes that impacts would be less than significant with mitigation. The detailed design and implementation of any future trail would be subject to separate planning and environmental review, as applicable.

Comment 56-17

- What mitigation measures, such as ongoing revegetation programs, soil conservation projects and the like, are necessary to sustain an appropriate buffer to protect

wildlife over the lifespan of the Project? How will these measures be determined and monitored? How will performance of mitigation measures be enforced and how will that performance be secured?

- What mitigation measures should be required in order to restore suitable biological buffer zone in the event of collapse or compromise due to flooding or other geologic or hydraulic event causing the berm to collapse?

Response 56-17

The proposed project includes a comprehensive approach to maintaining appropriate buffers and protecting wildlife over the lifespan of operations. Because the project sites are already disturbed by ongoing mining activities, key measures focus on enhancing and maintaining habitat in areas adjacent to operational zones. These measures include a Revegetation Program and Soil Conservation and Erosion Control. Proposed revegetation is described in Draft EIR Appendix B-1, "Surface Mining and Reclamation Plan," Section 5.1.7, "Reclamation."

Please see Collective Response #17 regarding flooding and Response 65-37 regarding the stability of the San Joaquin riverbank. The Draft EIR is not required to engage in speculation, and as such is not required to provide mitigation measures for an unlikely, extreme flood event.

Comment 56-18

The DEIR is incomplete in its assessment of the impacts likely to result from the CEMEX Project. Substantial data and research are available from which a comprehensive and accurate impact report can be generated. Our community deserves to have a fully developed analysis to consider.

On behalf of Fresno Audubon Society, I thank you for this opportunity to present the foregoing comments.

Response 56-18

The County disagrees with the commenter's general opinion that the Draft EIR is incomplete and should include additional analysis. As discussed in Responses 56-3 through 56-17, the Draft EIR was prepared in accordance with CEQA and contains substantial evidence supporting its analysis and conclusions regarding biological resources, wildlife movement, riparian corridors, noise, and related project impacts. The Draft EIR relies on site-specific surveys, agency database searches, technical studies, and mitigation measures to evaluate the project's potential environmental effects.

The Draft EIR is not required to evaluate every conceivable issue or to address impacts in the manner preferred by the commenter; rather, it must provide sufficient information to permit informed decision-making and public participation. The County finds that the Draft EIR satisfies that standard. To the extent the comment reiterates concerns regarding avian species, wildlife corridors, noise, disturbance, corridor width, trail easements, revegetation, and long-term buffer protection, those concerns are addressed in Responses 56-3 through 56-17, which are incorporated herein by reference.

Accordingly, while the comment is noted, it does not identify any specific deficiency in the Draft EIR that would require recirculation or revision of the impact analysis beyond the clarifications provided in the Final EIR.

Letter #57 March 10, 2025, Kay Bertken and Robin Chiero, League of Women Voters of Fresno

Comment 57-1

The League of Women Voters of Fresno (League) is a nonpartisan political organization that encourages the informed and active participation of citizens in government, works to increase understanding of major public issues and helps shape public policy through education and advocacy.

Response 57-1

This is an introductory comment that does not address the adequacy of the Draft EIR. No further response is warranted. See Responses 57-3 through 57-15 below that address specific issues raised in this comment letter.

Comment 57-2

In preparing these comments, the League reviewed the following documents:

- Surface Mining and Reclamation Act of 1975
- Special Report 158 (Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region, California Department of Conservation – Division of Mines and Geology, 1988)
- Fresno County General Plan Policy Document (February 2024)
- Fresno County Zoning Ordinance, Division 6 of the Fresno Ordinance Code (February 2024)

- San Joaquin River Parkway Master Plan Update (April 2018)
- Draft Environmental Impact Report for the CEMEX Rockfield Quarry Modification Project (December 2024)

CEMEX proposes to modify its Rockfield mining operation to include hard rock mining.

Response 57-2

This is an introductory comment that does not address the adequacy of the Draft EIR. No further response is warranted. See Responses 57-3 through 57-15 below that address specific issues raised in this comment letter.

Comment 57-3

The League asserts that such use is inconsistent with current land use plans and, therefore, that the Draft EIR is incorrect in concluding that the proposed project will not conflict with current land use plans. With respect to the use of river bottom land below Friant Dam, current plans do not entertain, embrace, encourage, envision, or even mention such use.

The only type of mining addressed in local land use plans is the excavation of alluvial deposits — not the blasting and crushing of bedrock.

Response 57-3

Draft EIR Section 4.11, "Land Use and Planning," provides a detailed evaluation of the proposed project's consistency with policies of the Fresno County General Plan, Madera County General Plan, Fresno County Zoning Ordinances, and San Joaquin River Parkway Master Plan (see Draft EIR Table 4.11-1, "Project Consistency with Local Planning Documents," on pages 4.11-10 through 4.11-47). The Draft EIR analysis of Impact 4.11-2, "Conflict with Land Use Plans, Policies, and Regulations," (Draft EIR pages 4.11-49 and 4.11-50) concludes that the proposed project would not result in conflicts with any land use plan, policy, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Please see responses below for further discussion of the project's consistency with Fresno County General Plan policies, zoning code, and San Joaquin River Parkway Master Plan.

Fresno County decision-makers will consider the analysis in the EIR, public comments (including those submitted by the commenter), and other information in making a finding of whether the project is consistent with the Fresno County General Plan.

Comment 57-4

Surface Mining and Reclamation Act of 1975 (SMARA)

The principal aim of the Surface Mining and Reclamation Act of 1975 (SMARA) is to protect the environment while allowing responsible mineral extraction. More specifically, the act ensures that the adverse environmental impacts from mining are minimized, that mined lands are reclaimed to a usable condition and that lands bearing mineral resources are protected from encroachment by land uses that could preclude future mining.

With regard to protecting mineral bearing lands from encroachment, SMARA § 2761 requires the Office of Planning and Research to identify areas within the state that are being urbanized or are subject to urban expansion or other irreversible land uses that could preclude mineral extraction. The State Geologist is required to map those areas, and local jurisdictions are required to incorporate that information into their respective general plans and zoning codes.

Areas known to contain PCC-grade aggregate (aggregate suitable for making high-quality portland cement concrete) are classified as Mineral Resource Zone 2 (MRZ-2).

Response 57-4

The comment is noted. Draft EIR Section 4.12, "Mineral Resources," discusses the mineral resource designations of the Plant Site and Quarry Site. Components of the project area are within areas where aggregate resources are classified as MRZ-2 (Draft EIR page 4.12-1).

Comment 57-5

Special Report 158 — Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region

In 1988, the State Geologist published Special Report 158, which described in detail the location of aggregate resources on the valley floor that could be extracted and used in the Fresno area. The State Geologist mapped 31 square miles containing in excess of 2.1 billion tons of aggregate — nearly all which was located within floodplains created by the San Joaquin and Kings Rivers.

In 1988, mining permits in the Fresno area allowed the excavation of 119 million tons of aggregate — only 44% of the projected need for the Fresno area for the next 50 years.[1] (Footnote 1: Special Report 158 - Mineral Land Classification: Aggregate Materials in

the Fresno Production-Consumption Region, prepared by the State Geologist, 1988, page x.) Absent the approval of additional mining permits, the projection was that the Fresno area would run out of mined aggregate by 2010. But that shortfall never occurred. Over the next 30 years, a considerable amount of new acreage was opened to mining, and by 2018, although the 50-year need had grown to 306 million tons, aggregate resources under permit totaled 556 million tons, which was 182% of the Fresno area need through 2068.[2] (*Footnote 2: Map Sheet 52 – Aggregate Sustainability in California (updated 2018), published by the California Department of Conservation, page 5.*)

For this discussion it's important to note that the only aggregate resources evaluated by the State Geologist were those found in alluvium — the particulate rock material (sand and gravel) deposited by streams and rivers.[3] (*Footnote 3: Page ix of the Executive Summary for Special Report 158 reads, " This report presents the results of the classification of aggregate resources by the Division of Mines and Geology (DMG) in the Fresno Production-Consumption (P-C) Region.* ***The primary goals of the study were…to delineate within the P-C region all land containing sand and gravel deposits*** *suitable for production as high-quality, Portland cement concrete (PCC) aggregate. (Highlighting added.*) Special Report 158 did not assess the excavation (blasting) of bedrock.

Response 57-5

Please see Collective Response #3 pertaining to regional aggregate demand and supply.

The comment references the 1988 report, "Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region," (Special Report 158) and quotes one of three primary goals of the study, "[t]o delineate within the P-C region all land containing sand and gravel deposits suitable for production as high-quality, Portland cement concrete (PCC) aggregate.

However, in 1999 the Department of Conservation (DOC) Division of Mines and Geology (DMG) prepared an "Update of Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region" (DMG Open-File Report 99-02, 1999). The updated classification identifies that "[t]he potential resources mentioned in Special Report 158 that lie within the Fresno P-C Region include areas underlain by Quaternary alluvium, Tertiary sediments and volcanic rocks, and pre-Cretaceous intrusive and metamorphic basement rocks" (Open File Report 99-02, page 26).

Comment 57-6

Fresno County General Plan Policy Document (February 2024)

In accordance with SMARA and Special Report 158, the County included in its General Plan update in 2000[4] (*Footnote 4: 2000 General Plan Policy Document, pages 5-9 and 5-10.*)several policies designed to conserve and protect sand and gravel resources.

Policy OS-C.1 The County shall not permit incompatible land uses within the impact area of existing or potential surface mining areas.

Policy OS-C.2 The County shall not permit land uses incompatible with mineral resource recovery within areas designated as Mineral Resource Zone 2 (MRZ-2). (See Figures 7-9, 7-10, and 7-11 in Fresno County General Plan Background Report.)

Policy OS-C.3 The County shall require that the operation and reclamation of surface mines be consistent with the State Surface Mining and Reclamation Act (SMARA) and special zoning ordinance provisions.

Policy OS-C.4 The County shall impose conditions as necessary to minimize or eliminate the potential adverse impact of mining operations on surrounding properties.

Policy OS-C.5 The County shall require reclamation of all surface mines consistent with SMARA and the County's implementing ordinance.

Policy OS-C.6 The County shall accept California Land Conservation (Williamson Act) contracts on land identified by the State as containing significant mineral deposits subject to the use and acreage limitations established by the County.

Policy OS-C.7 The County shall require that new non-mining land uses adjacent to existing mining operations be designed to provide a buffer between the new development and the mining operations. The buffer distance shall be based on an evaluation of noise, aesthetics, drainage, operating conditions, biological resources, topography,

lighting, traffic, operating hours, and air quality.

Policy OS-C.8 The County shall, where feasible along the San Joaquin River, site recreational trails, bikeways, and other recreation areas at least three hundred (300) feet from the edge of active aggregate mining operations and separate them by physical barriers.

Recreational trail/bikeway crossings of active haul routes should be avoided whenever possible; if crossings of haul routes are necessary, separate where feasible.

Policy OS-C.9 The County shall require that any proposed changes in land use within areas designated MRZ-2 along the San Joaquin and Kings Rivers comply with the provisions of the State Surface Mining and Reclamation Act (SMARA).

Policy OS-C.10 The County shall not permit land uses that threaten the future availability of mineral resource or preclude future extraction of those resources.

Policy OS-C.11 The County shall undertake a comprehensive, watershed-based planning effort to assess future extraction of the aggregate resources and recreation uses along the Kings River as a part of an update of the Kings River Regional Plan. Such a planning effort would help to facilitate use of the resource while protecting other Kings River watershed resources and functions, including floodplain areas. (See Policy OS-H.10, Policy LU-C.5, and Program LU-C.A)

These same policies remained unchanged when, in 2024, the County updated its General Plan Policy Document.

Response 57-6

This comment and the referenced policies are noted. As discussed in Response 57-3, above, Draft EIR Section 4.11, provides a detailed evaluation of the proposed project's consistency with policies of the Fresno County General Plan, Madera County General Plan, Fresno County Zoning Ordinances, and San Joaquin River Parkway Master Plan (see Draft EIR Table 4.11-1, on pages 4.11-10 through 4.11-47). Of the policies listed above,

Draft EIR Table 4.11-1 assesses project consistency with Policy OS-C.3, Policy OS-C.4, Policy OS-C.5, Policy OS-C.9, and Policy OS-C.10. Other policies listed in the comment above are not considered applicable to the project for the following reasons:

Policy OS-C.1 pertains to permitting incompatible land uses in proximity to mining areas. The project does not propose land uses that are potentially incompatible with mining and therefore this policy is not applicable to the proposed project.

Policy OS-C.2 pertains to permitting incompatible land uses in proximity to mineral resource recovery areas. The project does not propose land uses that are potentially incompatible with mineral resource recovery areas and therefore this policy is not applicable to the proposed project.

Policy OS-C.6 pertains to allowing California Land Conservation (Williamson Act) contracts within mineral resource recovery areas. The project does not involve California Land Conservation (Williamson Act) contracts and therefore this policy is not applicable to the proposed project.

Policy OS-C.7 pertains to new non-mining land uses adjacent to existing mining operations. The project does not propose new non-mining land uses adjacent to existing mining operations and therefore this policy is not applicable to the proposed project.

Policy OS-C.8 pertains to the siting of recreational trails, bikeways, and other recreation areas in proximity to existing mining operations and pertains to recreational trail/bikeway crossings of active haul routes. While the project proposes a trail easement along the western boundary of the Quarry Site and eastern boundary of the Plan Site, the project does not propose the actual development of recreational trails, bikeways, or other recreation areas and therefore this policy is not applicable to the proposed project. As noted in the Draft EIR, the proposed trail envisioned in the San Joaquin River Parkway Master Plan would undergo a project-level CEQA review process. See discussion of Impact 4.16-2 on Draft EIR page 4.16-6.

Policy OS-C.11 pertains to Kings River aggregate resources and recreational uses. The project does not involve Kings River aggregate resources or recreational uses and therefore this policy is not applicable to the proposed project.

Fresno County decision-makers will consider the analysis in the EIR, public comments (including those submitted by the commenter), and other information in making a finding of whether the project is consistent with the Fresno County General Plan.

Comment 57-7

Fresno County Zoning Ordinance, Division 6 of the Fresno Ordinance Code (February 2024)

On May 18, 1999, the Board of Supervisors added to the County's Zoning Ordinance Section 858 — *Regulations for the Development of Material Extraction Sites in all Districts*.[5] (*Footnote 5: With the update of the Zoning Ordinance in February 2024, Section 858 was renamed 834.4.220 – Material Extraction Sites*)

Section 858 describes the process for permitting new mines, lists standards for mine operation and reclamation and explains obligations related to annual inspections and financial assurances.

The ordinance does not mention hard rock mining, It does, however, directly refer to sand and gravel operations. As shown below, for example, Section 858(D)(3) states that a mining plan must include cross section drawings showing the extent of **sand and gravel** deposits.

3. Mining plan.

a. A site plan which includes all of the following:

(1) Existing and proposed roads, including ingress-egress roads and on-site roads; proposed surface treatment and means to limit dust.

(2) Processing and storage areas including locations of equipment, structures, and facilities.

(3) Proposed setbacks, screening, fencing, gates, parking, and signs.

(4) Proposed phasing for the mining operation and reclamation work.

(5) Cross section (typical) defining planned slopes, extent of overburden, extent of sand and gravel deposits, and water table." (Highlighting added.)

At the time the County was preparing the Draft EIR for the CEMEX Rockfield Quarry Modification Project, it was also reviewing Ordinance Section 858 as part of the County's 2024 update of its Zoning Ordinance. Although the opportunity presented itself, the

County did not revise Section 858 to include a discussion of hard rock mining.

Response 57-7

See Response 58-5 which explains that hard rock quarry operations can be surface mined. See also Responses 58-71.

Comment 57-8

San Joaquin River Parkway Master Plan Update (April 2018)

The San Joaquin River Conservancy last updated its Parkway Master Plan in April of 2018. Just as with the Fresno County Zoning Ordinance, the San Joaquin River Master Plan refers to sand and gravel operations — not to blasting operations.

Printed below are the Parkway Master Plan's two mineral resource goals.[6] (*Footnote 6: Citation from the San Joaquin River Parkway Master Plan, Section 6 (Goals and Policies) as adopted by the San Joaquin River Conservancy by Resolution 18-01 on April 11, 2018.*)

> Goal MR1: Work with gravel mining companies to acquire high priority properties after they have been reclaimed. Promote reclamation plans that enhance and complement Parkway goals and are Parkway-ready to the extent practicable. (Highlighting added.)
>
> Goal MR2: Design, construct, and manage the Parkway in a manner that will not conflict with sand and gravel mining operations. (Highlighting added.)

Response 57-8

This comment and the referenced goals of the San Joaquin River Parkway Master Plan are noted as is the reference in Mineral Resource Goal (MR2) to "sand and gravel mining operations." As discussed in Response 57-3, above, Draft EIR Section 4.11, provides a detailed evaluation of the project's consistency with policies of the Fresno County General Plan, Madera County General Plan, Fresno County Zoning Ordinances, and San Joaquin River Parkway Master Plan (see Draft EIR Table 4.11-1, on pages 4.11-10 through 4.11-47). Draft EIR Table 4.11-1 includes two applicable policies that are related to the goals cited in the comment (Policy Mineral 2 and Policy Mineral 3 on Draft EIR page 4.11-46). As explained there, the Draft EIR concludes that the project would not conflict with the applicable policies. See also Response 11-26.

Comment 57-9

Draft Environmental Impact Report for the CEMEX Rockfield Quarry Modification Project

The Draft EIR for the CEMEX Rockfield Quarry Modification Project does not discuss the fact that there is no accommodation for hard rock mining in the San Joaquin River floodplain in either the Fresno County General Plan, the Fresno County Zoning Ordinance or the San Joaquin River Parkway Master Plan. Nonetheless, the Draft EIR claims that the proposed use is consistent with these plans.

Response 57-9

See Response 58-5 which explains that hard rock quarry operations can be surface mined. The Draft EIR accurately concluded that the proposed project would be consistent with the Fresno County General Plan and Fresno County Zoning Ordinance (Draft EIR page 4.11-50). See also Response 58-71.

Comment 57-10

The Draft EIR claims "the proposed project would be consistent with each of the applicable Fresno County General Plan goals and policies,"[7] (*Footnote 7:* Draft EIR Volume 1, page 4.11-49) but this claim is incorrect. The County promotes mining activities only where aesthetic impacts can be adequately mitigated. General Plan Goal OS-C[8] (*Footnote 8: Draft EIR Volume 1, page 4.11-26*) reads as follows:

> Fresno County General Plan Goal OS-C: To conserve areas identified as containing significant mineral deposits and oil and gas resources for potential future use, while promoting the reasonable, safe, and orderly operation of mining and extraction activities within areas designated for such use, where environmental, aesthetic, and adjacent land use compatibility impacts can be adequately mitigated. (Highlighting added.)

According to the Draft EIR, the project's impact on aesthetic and visual resources cannot be mitigated.[9] (*Footnote 9:* Draft EIR Volume 1, page ES-11) The impact remains significant and unavoidable even with the application of feasible mitigation. Plainly, the Draft EIR erred in finding consistency with the County's General Plan.

In addition, the Fresno County General Plan contains two identical, unequivocal directives that the County support policies of the San Joaquin River Parkway Master Plan that protect the Parkway as an aesthetic resource.[10] (*Footnote 10: Draft EIR Volume 1, Volume 1,*

page 4.11-23; 2024 Fresno County General Plan Policy Document, page 2-137.)

Fresno County General Plan Policy OS-A.15: San Joaquin River Protection. The County shall support the policies of the San Joaquin River Parkway Master Plan to protect the San Joaquin River as an aquatic habitat, recreational amenity, aesthetic resource, and water source. (Highlighting added.)

Fresno County General Plan Policy OS-H.10: San Joaquin River Parkway Master Plan. The County shall support the policies of the San Joaquin River Parkway Master Plan to protect the San Joaquin River as an aquatic habitat, recreational amenity, aesthetic resource, and water source. (RDR/PSP)

Response 57-10

The commenter is referring to Impact 4.1-1, which concludes that the impact to visual resources at two private viewpoints would be significant and unavoidable, even with the implementation of Mitigation Measure 4.1-1, which requires quarry pit staining. However, Mitigation Measure 4.1-1 reduces impacts to the greatest extent feasible. Please refer to Collective Response #8 for further discussion of the project's impacts to visual resources.

The proposed project is consistent with applicable goals, objectives, and policies set forth in the San Joaquin River Parkway Master Plan, the Fresno County General Plan, and the Fresno County Zoning Ordinance (Draft EIR page 4.11-50). The Draft EIR analyzed the project's potential impacts to two different viewpoints on San Joaquin River Conservancy properties, Viewpoint #5 (Ledger Island area) and #8 (Ball Ranch area) (Draft EIR page 4.1-16). The Draft EIR concluded that the project would have a beneficial impact for each of these viewpoints during operations and upon the completion of reclamation (Draft EIR page 4.1-53). As such, the proposed project would be consistent with General Plan Policy OS-A.15 and OS-H.10, as it pertains to aesthetic resources.

Comment 57-11

The Draft EIR also claims that the proposed project "would be consistent with the Fresno County Zoning Ordinance"[11] (*Footnote 11: Draft EIR Volume 1, page 4.11-49*) due to the fact that the company's current permits comply with Zoning Ordinance Section 834.4.220 - Material Extraction Sites (Formerly Section 858). But the these entitlements only permit the excavation of alluvial deposits (sand and gravel). And as previously explained, the County's surface mining ordinance was primarily designed to

accommodate the extraction of the high quality sand and gravel deposits identified in Special Report 185.

Response 57-11

See Response 58-5 which explains that hard rock quarry operations can be surface mined. See also Response 58-71.

Comment 57-12

The Draft EIR also lists reasons why "the project would be consistent with the policies of the San Joaquin River Parkway Master Plan."[12] (*Footnote 12:* Draft EIR Volume 1, page 4.11-23, 4-11-44 through 4-11.47.) They are these:

- The project applicant will offer potential trail easements at the Plant Site and the Quarry Site.
- The project applicant has installed and now maintains nest boxes for cavity-nesting songbirds.
- The proposed project will not disturb wildlife corridors along the river any more than it already has.
- Revegetation would include native plant species that provide food and habitat for wildlife.
- Reclamation will create approximately 500 acres of open water wildlife habitat (fenced with barbed wire).

While it is true that Parkway policies embrace constructing trails and improving wildlife habitat, it's also important to note that the Parkway Master Plan only acknowledges the existence of sand and gravel mining operations within its perimeter, not hard rock mining.

Furthermore, the Draft EIR fails to acknowledge that in an effort to protect wildlife along the river corridor, the San Joaquin River Conservancy, by law,[13] (*Footnote 13: Public Resources Code § 32510. The San Joaquin River Conservancy is hereby established in the Resources Agency to acquire and manage public lands within the San Joaquin River Parkway….The conservancy shall acquire and manage these lands in the parkway to provide a harmonious combination of low-impact recreational and educational uses and wildlife protection through the preservation of the San Joaquin River, existing publicly owned lands, the wildlife corridor, and natural reserves. (Amended by Stats. 1994, Ch. 605, Sec. 1. Effective January 1,1995.*) can only provide low-impact recreation for the

visiting public. It's difficult to imagine how the Parkway's mandate to protect wildlife through low-impact recreation is enhanced by a mining operation that is permitted to blast bedrock underlying the Parkway to the year 3025.

Response 57-12

The Draft EIR is consistent with applicable goals, objectives, and policies set forth in the San Joaquin River Parkway Master Plan and the Fresno County General Plan applicable to recreational opportunities in the County (Draft EIR page 4.11-44). See Response 12-72. The fact that the Parkway Master Plan does not explicitly mention hard rock mining operations does not affect the Draft EIR's analysis of the proposed project's consistency with local planning documents.

Comment 57-13

And finally, the claim in the Draft EIR that the Rockfield Quarry Modification Project is consistent with the Parkway Master plan because it conserves gravel reserves along the San Joaquin River needed for the San Joaquin River Restoration Program[14] (*Footnote 14: Draft EIR page 4.11-46*) is specious in that the mine operation has no control whatsoever over land uses on neighboring properties.

Response 57-13

Comment noted. The fact the proposed project would continue to operate within the existing boundaries, i.e. the footprint would not increase, would help to conserve other areas along the San Joaquin River containing sand and gravel reserves. Thus, the project would be consistent with Policy Mineral 3 of the San Joaquin River Parkway Master Plan (Draft EIR page 4.11-46).

Comment 57-14

Conclusion

The Draft EIR is incorrect in concluding that the project will not conflict with current land use plans. The Fresno County General Plan and Zoning Ordinance only support the mining of alluvium (sand and gravel) in the San Joaquin River floodplain — not hard rock mining. This is made abundantly clear in General Plan Policy LU-C.2,[15] (*Footnote 15:* Fresno County General Plan Policy Document (2024), page 2-36) which reads…

> Fresno County General Plan Policy LU-C.2: San Joaquin River Corridor Overlay Within the San Joaquin River Corridor Overlay, the County shall accommodate agricultural activities with incidental homesites, recreational uses, sand and gravel

extraction, and wildlife habitat and open space areas. (See Figure LU-2) (RDR)

Curing the inconsistency with existing plans necessitates revision of the Fresno County General Plan, the Fresno County Zoning Ordinance and the San Joaquin River Parkway Master Plan.

Environmental information in the accompanying EIRs would need to be updated as well.

Response 57-14

See Response 58-5 which explains that hard rock quarry operations can be surface mined. See also Responses 58-71. The proposed project is consistent with applicable goals, objectives, and policies set forth in the San Joaquin River Parkway Master Plan, the Fresno County General Plan, and the Fresno County Zoning Ordinance (Draft EIR page 4.11-50).

Comment 57-15

Please find attached a copy of Special Report 158 (Mineral Land Classification: Aggregate Materials in the Fresno Production-Consumption Region, California Department of Conservation – Division of Mines and Geology, 1988) and a copy of Map Sheet 52 (Aggregate Sustainability in California (updated 2018), published by the California Department of Conservation).

Response 57-15

The referenced letter attachments are noted and included in the record.

Letter #58 March 10, 2025, Kevin Bundy, San Joaquin River Parkway & Conservation Trust, Inc.

Comment 58-1

This firm represents the San Joaquin River Parkway & Conservation Trust, Inc. ("the Trust") in connection with the proposed Rockfield Quarry Modification Project ("Project"). We submit these comments to inform the County that this draft Environmental Impact Report ("DEIR"), is inadequate under the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 et seq. ("CEQA Guidelines").

Response 58-1

The comment is an introductory comment. See Responses 58-14 through 58-72, which further describe or clarify the information presented in the Draft EIR. The Draft EIR is adequate under CEQA (PRC Section 21000 et seq.).

Comment 58-2

The Project as proposed will have significant, adverse impacts on both the natural and the human environment in Fresno County. These impacts include, but are not limited to, potentially devastating effects on: local hydrology and water quality, habitat and movement corridors for both terrestrial and aquatic wildlife, local traffic, air quality, and noise. But none of these impacts or the inconsistencies of the Project can be discerned from reading the DEIR.

Response 58-2

The comment is introductory in nature. To the extent the introductory statements apply to subsequent comments, they will be addressed. See the relevant Draft EIR sections, indicated below, responding to comments regarding local hydrology and water quality, habitat and movement corridors for both terrestrial and aquatic wildlife, local traffic, air quality, and noise. The Draft EIR concluded that the project would not result in significant impacts to water quality or hydrological resources (Hydrology and water quality impacts are discussed on pages 4.10-88 through 4.10-119 of the Draft EIR). See also Responses 58-23 through 58-29 and 58-44 through 58-49 for discussion of the project's impacts to water quality and hydrological resources.

See Section 4.4,"Biological Resources," of the Draft EIR for the analysis of the project's impacts on biological resources, as well as Responses 58-30 through 58-52 for additional discussion. The Draft EIR analyzed the project's impacts to habitat and wildlife corridors, and concluded that these impacts would be less than significant. The Draft EIR's discussion of Impact 4.4-6 (impacts to wildlife corridors) is on page 4.4-62 through 4.4-63 of the Draft EIR, and the discussion of Impact 4.4-2 (impacts to wildlife habitat) is on page 4.4-52 through 4.4-53 of the Draft EIR.

The Draft EIR concluded that the project would result in material, unavoidable impacts to transportation (Impact 4.17-1 discussed on pages 4.17-27 through 4.17-40 of the Draft EIR). See Section 4.17, "Transportation," of the Draft EIR for discussion of traffic and transportation impacts and Collective Responses #29 and #30 regarding traffic increases, funding necessary road improvements, and pedestrian safety.

Regarding the project's impacts to air quality, the Draft EIR, as updated in the Final EIR, concluded that all impacts would be less than significant with implementation of Mitigation Measures 4.3-2a, 4.3-2b, and 4.3-4 (see Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.4, "Project Impacts and Mitigation Measures").

The Draft EIR also concluded that the project would not result in significant impacts pertaining to noise (see Section 4.13, "Noise," of the Draft EIR, pages 4.13-49 through 4.13-67).

Comment 58-3

With regard to each of CEQA's substantive requirements--a complete and stable project description, a thorough analysis of significant impacts, identification of feasible and enforceable mitigation measures, an analysis of a reasonable range of alternatives--the DEIR falls woefully short. As a result, the DEIR fails to meet CEQA's fundamental purpose of providing disclosure to the public of the Project's environmental effects. The County and the applicant need to start over--beginning with revised Project objectives that allow for consideration of a reasonable range of alternatives that would be consistent with the General Plan--and prepare and recirculate a new, legally adequate DEIR.

Response 58-3

The comment is introductory in nature. The introductory statements in this comment are addressed in subsequent responses where applicable. The EIR does not require revision and recirculation as it meets CEQA's requirements (Title 14 CCR Section 15088.5). See the relevant sections responding to comments regarding project description, significant impacts, mitigation measures, project alternatives, and whether recirculation is necessary, all of which are addressed. See Responses 58-14, 58-15, 58-16, and 58-17 for a discussion of adjacent land uses and the project description. See Responses 58-67 through 58-70 for a discussion of project alternatives.

Comment 58-4

This letter is submitted along with the reports prepared by Greg Kamman, Hydrogeologist with CBEC Eco Engineering, attached as Exhibit A ("CBEC Report"); Jeff Davis, Biologist with Colibri Environmental, attached as Exhibit B ("Colibri Report"); and Jeremy Decker, Acoustical Engineer with Salter and Associates attached as Exhibit C ("Salter Report"). We respectfully refer the County to the aforementioned attached reports, both here and throughout these comments, for further detail and discussion of the DEIR's inadequacies. We request that the County reply to each of the comments in this letter and to each of the comments in the attached reports.

Response 58-4

The comment is introductory in nature. The responses herein thoroughly and completely address the concerns raised in the reports prepared by CBEC Eco Engineering, Colibri Environmental, and Salter and Associates, the consultants listed. We note that a disagreement among experts does not make an EIR inadequate (Title 14 CCR Section 15151).

Comment 58-5

I. Introduction and Background

The Project site is located within Fresno County's jurisdiction on land designated as 'Agricultural' and falls within the San Joaquin River Corridor Overlay, which allows agricultural activities with incidental homesites, sand and gravel extraction, various recreational activities, wildlife habitat areas, and uses which serve the San Joaquin River Parkway. Fresno County General Plan at 2-25 and DEIR at 2-2. The Project site is zoned AE-20 Exclusive Agriculture, 20-acre minimum parcel size, which allows "surface mining" operations but not hard rock mining. We note that County General Plan Table LU-1 at p. 2-25 similarly allows "Surface Mining Operations" in AE and other agricultural zones, but omits any reference to hard rock mining.

Response 58-5

The comment raises introductory statements and statements regarding the General Plan and Zoning designations. See Responses 58-71 and 58-72 regarding the General Plan and Zoning Designations. The commenter misunderstands mining terminology. Surface mining includes subsets such as alluvial mining and hard rock mining. See, e.g., PRC Section 2735. The dichotomy is surface mining versus underground mining. The dichotomy is <u>not</u> hard rock mining versus surface mining. Hard rock quarry operations can be surface mined.

Comment 58-6

The proposed Project includes: two Conditional Use Permits (one to expand surface mining and processing for another 30 years and one to allow hard rock mining over a period of 100 years; approval of a Surface Mining and Reclamation Plan (SMRP) and the associated Financial Assurance Mechanism (FAM), a Landscape Plan (for revegetation), right-of-way permits; and a host of discretionary permits from resource agencies. DEIR at 2-52 and 2-53. The Project would expand extraction of material by almost double (from the current 1.4 million tons per year to 3 million tons) and would allow a total extraction of approximately 300 million tons of

material from the plant and quarry sites over a period of 100 years. DEIR at ES-4 and 2-5.

Response 58-6

The comment is introductory and does not address the adequacy of the Draft EIR.

Comment 58-7

The project site has been mined by various companies for many decades. The community anticipated that operations would be completed sometime between 2005 and 2008 and the site restored in accordance with the Project Reclamation Plan. Instead, the County granted several extensions and operations continue today.

Response 58-7

The comment is introductory in nature and does not address the adequacy of the Draft EIR.

Comment 58-8

Now, CEMEX proposes to extend and expand operations for *another* 100 years. The proposed Project would result in an enormous increase in the amount of material to be excavated and would include a substantial change from mining alluvial sands and gravel (i.e., surface mining) to hard rock mining (blasting for granite). CEMEX proposes to mine to a depth of 600 feet, which will result in much worse impacts to both human residents and wildlife and to the river and riparian ecosystems as a whole.

Response 58-8

The comment is introductory in nature. See Draft EIR Section 4.4, regarding analysis of impacts to biological resources and Section 4.10, "Hydrology and Water Quality," regarding impacts to hydrological resources. This comment does not raise any deficiencies with the Draft EIR (PRC Section 21091(d)(2)(B); Title 14 CCR Sections 15088(c), 15132(d), 15204(a)).

See Response 58-5, which clarifies what constitutes surface mining.

Comment 58-9

As discussed throughout this letter, the DEIR fails to adequately evaluate the project's impacts, fails to identify feasible mitigation measures, and presents an inadequate alternatives analysis.

Response 58-9

See Responses 58-14 through 58-72 regarding the sufficiency of Draft EIR's evaluation of environmental impacts, mitigation measures, and alternatives analysis, which address in detail all of the concerns raised in this comment.

Comment 58-10

The DEIR for the proposed Project suffers from several major problems. First, the DEIR generally downplays the importance of the Project site as part of the San Joaquin River Restoration Program and the site's location adjacent to conserved lands including Ledger Island to the west, Lost Lake County Park to the north, and Ball Ranch and Sumner Peck Ranch to the south. As discussed in detail below, the Project's expansion of operations, especially the change to allow hard rock mining, has the potential to result in significant, long-term impacts to both people and wildlife, yet the DEIR fails to conduct a thorough analysis of impacts to these areas.

Response 58-10

See Responses 58-14, 58-15, 58-16, and 58-17 for a discussion of adjacent land uses and the project description; see Section 4.4 of the Draft EIR, "Biological Resources," for more information regarding the project's impacts to biological resources. The Draft EIR addresses Ledger Island, Lost Lake County Park, Ball Ranch, and Sumner Peck Ranch on pages 4.11-2 through 4.11-3. Adjacent land uses are depicted on Figure 2-5, "Conditional Use Permits and Surrounding Land Uses," on page 2-25 of the Draft EIR. See also Collective Response #19 for further discussion of Draft EIR descriptions of adjacent parks and public access to these parks.

Comment 58-11

This Project will have serious long-term consequences, not only for area residents, but for the hydrology of the river and the ecology of the region. Those consequences include, but are not limited to: potentially devastating effects related to changes in drainage patterns and river flow; impacts to water quality; impacts to groundwater recharge and groundwater quality; impacts to recreational use in adjacent areas, impacts to multiple sensitive species and their habitats; visual impacts; increased truck traffic; increased noise; and increased air pollution. Moreover, as the DEIR acknowledges, the Project would result in significant, unmitigable impacts to visual resources. DEIR at ES-9.

Response 58-11

The Draft EIR analyzes the impacts described in the comment. It should be noted that the Draft EIR would not result in significant impacts to hydrology, water quality, sensitive species or their habitats, noise, or air quality. The Draft EIR concluded that there would be material, unavoidable impacts to transportation (Draft EIR Impact 4.17-1) and visual resources (Draft EIR Impacts 4.1-1, 4.1-3). For further discussion of the issues raised in this comment, please see below:

- **For more information on drainage patterns and river flow:** See Impact 4.7-4 on page 4.7-29 of the Draft EIR. See Impact 4.10-14, 4.10-15, 4.10-16 on pages 4.10-116 through 4.10-118 of the Draft EIR. See Collective Response #25 for further discussion on river flows.
- **For more information on water quality:** See Impacts 4.10-1, 4.10-2, 4.10-3 on pages 4.10-88 through 4.10-93 in the Draft EIR. See also Responses 58-23 through 58-29, and 58-44 through 58-49 for further discussion of impacts to hydrologic resources.
- **For more information of groundwater recharge:** See Impacts 4.10-9, 4.10-10, 4.10-11, 4.10-12, 4.10-13, on pages 4.10-104 through 4.10-115 in the Draft EIR. See also Collective Response #24 for further discussion of groundwater monitoring. Responses 58-23 through 58-29, and 58-44 through 58-49 address impacts to hydrologic resources.
- **For more information on groundwater quality:** See Impacts 4.10-4, 4.10-5, 4.10-6, 4.10-7 on pages 4.10-93 through 4.10-101 in the Draft EIR. See also Responses 58-23 through 58-29, and 58-44 through 58-49 for further discussion of impacts to hydrologic resources.
- **Regarding impacts to recreational use in adjacent areas:** See Impact 4.16-1 on pages 4.16-5 of the Draft EIR. See Collective Responses #21, #22 and #27 for further discussion of the project's impacts on recreational users.
- **Regarding impacts to species:** See Impacts 4.4-1, 4.4-2, 4.4-3, 4.4-4, 4.4-5, 4.4-6 and 4.4-7 on pages 4.4-48 through 4.4-64 of the Draft EIR. See also Responses 58-30 through 58-52 for further discussion of impacts to biological resources See Collective Responses #12, #13, #14, #15, and #16 for further discussion of the project's analysis of impacts to biological resources.
- **Regarding visual impacts:** See Impacts 4.1-1, 4.1-2, 4.1-3, 4.1-4 on pages 4.1-51 through 4.1-64 in the Draft EIR. See Collective Response #8 for further discussion of the project's mitigation of impacts to visual resources.
- **For more information regarding the project's impacts on truck traffic:** See Impacts 4.17-1, 4.17-2, 4.17-3, 4.17-4 page 4.17-27 through 4.17-42 in the Draft EIR.

See also Collective Responses #29 and #30 for further discussion of traffic and transportation impacts.

- **For more information regarding the project's impact on noise:** See Impacts 4.13-1, 4.13-2, 4.13-3, 4.13-4, 4.13-5, 4.13-6 on pages 4.13-49 through 4.13-67 in the Draft EIR. See Responses 58-61 through 58-66 and Collective Response #27 for further discussion of the project's noise impacts.
- **Regarding the project's impacts on air quality:** See Impacts 4.3-1, 4.3-2, 4.3-3, 4.3-4 in Section 4.3.4 of Appendix D-4, "Revised Section 4.3, Air Quality." See Responses 58-53 through 58-60 and Collective Response #9 for further discussion of the project's impacts to air quality.

Comment 58-12

In addition, as discussed in more detail below, the DEIR presents overly narrow project objectives that preclude uses other than the project being proposed, as well as an incomplete description of the project setting and of the project itself. It also substantially understates the severity and extent of a range of environmental impacts and fails to provide adequate mitigation. These inadequacies require that the DEIR be revised and recirculated so that the public and decision-makers are provided with a proper analysis of the Project's significant environmental impacts and feasible mitigation for those impacts. *See* CEQA Guidelines § 15002(a)(1) (listing as one of the "basic purposes" of CEQA to "[i]nform governmental decision makers and the public about the potential, significant environmental effects of proposed activities").

Response 58-12

See Responses 58-67 and 58-68 for a discussion of the project objectives. See Responses 58-14 through 58-20 for a discussion of the project description and project setting. As discussed in these responses, extensive revision and recirculation is not warranted (CCR Title 14, Section 15088.5).

Comment 58-13

To ensure that the public and the County's decision-makers have adequate information to consider the effects of the proposed Project--as well as to comply with the law--the County must require revisions in the Project to make it compliant with the General Plan and other applicable plans, then prepare and recirculate a revised DEIR that properly describes the Project, analyzes its impacts, and considers meaningful alternatives and mitigation measures that would help ameliorate those impacts.

Response 58-13

As described throughout the Draft EIR, the project is consistent with all applicable state and local regulations and policies, including the Fresno County General Plan. (See Table 4.11-1 on page 4.11-10 of the Draft EIR.) The Draft EIR adequately analyzes the project's impacts, in accordance with CEQA Guidelines Sections 15126, 15126.2, and 15126.4.

Comment 58-14

II. The DEIR's Flawed Description of the Existing Setting and the Project Does Not Permit Meaningful Public Review of the Project.

A. Project Setting

Accurate and complete information pertaining to the setting of the project and surrounding uses is critical to an evaluation of a project's impact on the environment. San Joaquin Raptor/Wildlife Center v. Stanislaus County, 27 Cal.App.4th 713, 728 (1994); see also Friends of the Eel River v. Sonoma County Water Agency, 108 Cal.App.4th 859, 875 (2003) (incomplete description of the Project's environmental setting fails to set the stage for a discussion of significant effects). Here, the DEIR's deficiencies in describing the Project's setting undermine its adequacy as an informational document.

The DEIR fails to present important contextual information related to biological and hydrological resources on the Project site. For instance, as described by American Rivers:

> [T]he health of the San Joaquin River has suffered the impacts of hundreds of dams, levees stretching thousands of miles, and countless water diversions. More than 95 percent of floodplain and freshwater tidal marsh habitat has been converted to development or agriculture. Once-iconic

salmon runs teeter on the brink of extinction. The problems are so acute that American Rivers named the San Joaquin River one of America's Most Endangered Rivers® in 2014. In 2016, it rose to the No. 2 position on the list. [1](*Footnote 1:* American Rivers, San Joaquin River, at https://www.americanrivers.org/river/sacramento-and-san-joaquin-rivers/ (attached as Ex. D).)

Response 58-14

The environmental setting of the project sites is discussed in Draft EIR Section 4.4.1, "Environmental Setting," (biological resources) and 4.10.1 (hydrology), which provide

sufficient contextual information about the project sites to meet CEQA Guidelines Section 15125. The general project description provided in Chapter 2, "Project Description," of the Draft EIR details the proximity of the San Joaquin River several times, sufficiently disclosing the project sites' regional setting (see Sections 2.4.1, "Project Location and Access Road," and 2.4.5, "Surrounding Land Uses," of the Draft EIR).

Section 2.4.5 adequately characterizes the adjacent San Joaquin River and ecological preserves, including Willow Unit Ecological Preserve, Ball Ranch Nature Preserve, Lost Lake Regional Park, and Ledger Island Natural Reserve. Draft EIR Section 2.4.5 is revised in this Final EIR through errata presented in Chapter 3, "Draft EIR Errata," to include the acreage of these preserves. The Draft EIR also provides an aerial photograph indicating the location of the Plant and Quarry sites in proximity to the SJR and ecological preserves (Draft EIR Figure 2-5 on page 2-25).

Draft EIR Section 4.10.1, which discusses the environmental setting for the hydrological resources, provides the following information: climate and precipitation within the region, topography of the project site, surface water drainage, an image of current regulatory floodways and floodplains, the current level of erosion and sedimentation along the San Joaquin River adjacent to the project site, flood hazards, surface water quality, groundwater conditions, and groundwater-surface water interaction. The information provided in this Section is based upon a detailed hydraulic analysis (Draft EIR Appendix G-1), Surface Runoff and Drainage Plan (Draft EIR Appendix G-2), groundwater conditions reports (Draft EIR Appendices G-3 and G-4), Hydrology and Water Quality Analysis Report (Draft EIR Appendix G-5), and the Addendum to the Hydrology and Water Quality Analysis Report (Draft EIR Appendix G-6). The discussion of the proximity of the river to the project sites in the Project Description and the detailed environmental setting provided for the hydrological resources section of the Draft EIR include sufficient details for the purposes of CEQA (see CEQA Guidelines Section 15125: "The description of the environmental setting…shall be no longer than necessary to provide an understanding of the significant effects of the proposed project and its alternatives"). It should also be noted that the Draft EIR analyzes potential impacts to water quality, including the San Joaquin River, and concludes that the project would not significantly impact the San Joaquin River (see Section 4.10.4, "Project Impacts and Mitigation Measure," of the Draft EIR).

Comment 58-15

The majority of the proposed Project site is located in the flood plain for the San Joaquin River. The plant site is located approximately 2,800 feet from the River and encroaches on the San Joaquin River Willow Unit of the San Joaquin River Ecological

Reserve managed by the CA Department of Fish and Wildlife. The Plant site is surrounded by the Willow Unit, which is adjacent to Ball Ranch, conservation lands owned by the State of California San Joaquin River Conservancy (SJR Conservancy) and operated by the Trust. The quarry site is adjacent to Lost Lake Recreation Area, which is land purchased by the Wildlife Conservation Board[2] *(Footnote 2:* The Wildlife Conservation Board is a state grant-making agency dedicated to safeguarding California's spectacular biological diversity and wild spaces for the benefit of present and future generations. Cal. Wildlife Conservation Board, About WCB, at https://wcb.ca.gov/About.)and operated by the County; and Sumner Peck Ranch, which is owned by the SJR Parkway & Conservation Trust, Inc. Ledger Island, which is also owned by the SJR Conservancy, is located immediately to the southwest of the quarry site.

Response 58-15

The project is located adjacent to the San Joaquin River; the river is approximately 0.6 miles west of the Plant Site and 200-ft west of the Quarry Site (see Draft EIR Section 4.10.1.3, "Surface Water Drainage"). However, the comment misstates the project's location in proximity to the FEMA designated flood plain. Only some small portions of the project sites are located in the FEMA San Joaquin River floodplain. See Draft EIR Figure 4.10-1, "Current and Regulatory Floodways and Floodplains," for a depiction of the project site's proximity to the FEMA floodplain.

Comment 58-16

Furthermore, the Project site is located within Reach 1A of the San Joaquin River Restoration Program ("SJR Restoration Program"), which is a comprehensive, long-term effort to "restore flows to the San Joaquin River from Friant Dam to the confluence of the Merced River and restore a self-sustaining Chinook salmon fishery in the river while reducing or avoiding adverse water supply impacts from Restoration Flows."[3] (*Footnote 3:* See San Joaquin River Restoration Program, Annual Report (2007) (attached as Ex. E); see also generally San Joaquin River Restoration Program, at https://www.restoresjr.net/.)The restoration came out of a legal settlement following an 18-year lawsuit and was signed into federal law as the SJR Restoration Act in 2009. Pub. L. 111-11, 123 Stat. 1349 (Mar. 30, 2009). Both the Federal and State Governments have invested substantial effort and funds to establish and maintain the Restoration Program, and the result is a successful fishery for a species widely protected under laws including the federal Endangered Species Act (ESA).[4] *(Footnote 4: See, e.g., 64 Fed. Reg. 50394 (Sept. 16, 1999) (listing Central Valley Spring-Run Chinook*

salmon as threatened under the federal ESA); Cal. Dept. of Fish & Wildlife, Chinook Salmon, at https://wildlife.ca.gov/Conservation/Fishes/Chinook-Salmon (attached as Ex. F).)

Despite the importance of the SJR Restoration Program, the DEIR mentions it only twice. It is mentioned once in an isolated sentence about the reintroduction of Chinook salmon under the program (DEIR at 4.4-63), and in another instance where the DEIR evaluates the Project's consistency with SJR Parkway Master Plan Policies. DEIR 4.11-46. In both cases, the DEIR fails to provide any context about the importance of the habitat areas in and around the River to the success of the Restoration Program. The DEIR also fails to disclose that under the federal ESA, San Joaquin River Spring-Run Chinook are listed as an experimental population. See 78 Fed. Reg. 79622 (Dec. 13, 2013). Finally, the DEIR does not mention steelhead at all, even though San Joaquin River steelhead are listed as threatened in the Project area. 50 C.F.R. § 223.102(a)(16); 71 Fed. Reg. 834 (Jan. 5, 2006).

Response 58-16

A description of the land uses adjacent to the project sites can be found in Section 2.4.5 of the Draft EIR. The Draft EIR discusses the environmental setting pertaining to biological resources in Section 4.4.1, "Environmental Setting" (CEQA Guidelines Section 15125, subd. (a)). The Draft EIR provides an adequate description of the environmental setting of the project's biological resources, which is based upon literature reviews and field surveys and includes a comprehensive list of species observed on the project site.

Central Valley Chinook salmon and Steelhead are both federally listed as endangered but are not expected to be impacted by the project. No Chinook salmon or Steelhead were observed during the field surveys. See Chapter 3, "Draft EIR Errata," for further discussion of Central Valley Chinook salmon. The SJR Restoration Program is a federal and state-funded conservation effort which is aptly discussed in conjunction with the analysis of impacts on native resident or migratory fish or wildlife species' movement, corridors, or nursery (see discussion of Impact 4.4-6 in the Draft EIR). Draft EIR Impact 4.4-6 specifically discusses possible impacts upon species within the SJR, such as Chinook Salmon, and discusses the reintroduction efforts undertaken by the SJR Restoration Program (Draft EIR page 4.4-63). The Draft EIR concludes that impacts to native resident or migratory fish would be less than significant. See Collective Response #12 for further discussion of the SJR Restoration Program. See also Chapter 3, which amplifies and clarifies the information pertaining to the San Joaquin River Restoration Program.

Comment 58-17

Perhaps most egregiously, the DEIR fails to adequately describe the existing hydrologic setting of the site and the vicinity. Specifically, the DEIR fails to accurately describe baseline groundwater conditions especially at the quarry site. Kamman Report at 1. This is important information from which to establish a baseline. As explained in the Kamman report, without a proper description of baseline conditions, the DEIR is unable to provide an adequate analysis of Project-related increases or decreases in groundwater recharge relative to existing conditions. *Id.* A revised analysis must include a Hydrology and Water Quality section that adequately describes the hydrologic and hydraulic setting.

Response 58-17

The comment asserts that the Draft EIR fails to accurately describe baseline groundwater conditions, especially at the Quarry Site, citing the Kamman Report. However, the "Kamman Report" makes no such assertion.

Hydrology and water quality are discussed in Section 4.10 of the Draft EIR. The hydrologic and water quality environmental setting are specifically discussed in Section 4.10.1 of the Draft EIR. See Draft EIR Section 4.10.1.7, "Local Geologic and Groundwater Conditions," for more information about the baseline groundwater conditions at the project sites.

Comment 58-18

B. Project Description

Under CEQA, the inclusion in the EIR of a clear and comprehensive description of the proposed project is critical to meaningful public review. *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193 ("*Inyo II*"). The court in *Inyo II* explained why a thorough project description is necessary:

> A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance.

Id. at 192-93. Thus, "[a]n accurate, stable and finite project description is the sine qua non of an informative and legally

sufficient EIR." *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3d 818, 830.

Here, the DEIR lacks sufficient detail on specific activities needed to mine and process the aggregate material. The DEIR references these activities at only the most general level. *See e.g.*, DEIR at 2-36 ("The hardrock would then be mined in approximately 50-foot-high benches by drilling and blasting of the hardrock material to a depth of approximately 600 feet bgs using a drill rig and truck with blasting supplies" but provides no information on the amount of area to be disturbed each day); at 2-39 ("If necessary, secondary breakage of oversize material within the quarry pit would be accomplished by conventional methods including, but not limited to, drop ball or hydraulic breaker," but provides no information on either one of these types of equipment or the process involved with each); at 2-42 ("The estimated borehole depth at the Quarry Site quarry would be approximately 50 feet. Boreholes would be drilled using a percussion drill rig" but provides no information on the length of time the drilling process to prepare for each blast day would take).

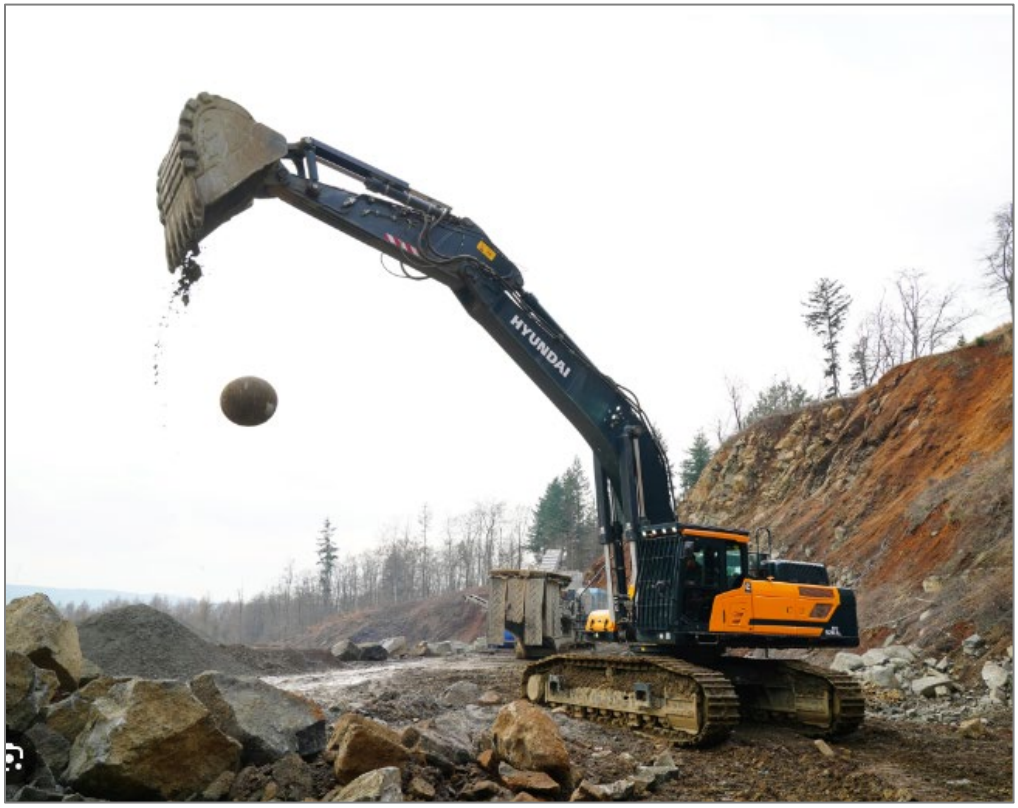
Response 58-18

The level of detail provided in the EIR is consistent with CEQA Guidelines Section 15124. CEQA requires that the project description disclose "the nature of the project and its main features." (CEQA Guidelines Section 15124, subd. (a)). The degree of specificity required depends on the type of project. (See *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20; See also *Tiburon Open Space Committee v. County of Marin* (2022) 78 Cal.App.5th 700, 294 Cal.Rptr.3d 56). The main features include "the project's technical, economic, and environmental characteristics" (CEQA Guidelines Section 15124, subd. (c)). The project overview is provided in Draft EIR Section 2.2, "Project Overview," which includes the project location, project stages, and summary of project characteristics. Section 2.5, "Proposed Project Elements," of the Draft EIR contains a description of the proposed project elements.

The project description "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact." Title 14 CCR Section 15124; *Save Round Valley Alliance v County of Inyo* (2007) 157 Cal.App.4th 1437. Furthermore, an EIR need not contain a design level description of the project; a conceptual description of project components is sufficient. (See *The Claremont Canyon Conservancy v. Regents of University of California*, 92 Cal.App.5th 474, 309).

In addition, in response to the three specific comments provided in the comment we note as follows:

- The average area disturbed per average blasting event would be approximately 0.37 acres (16,200 sq. ft.);
- A drop ball is displayed below in Example 1 of this response and is used for splitting boulders; a hydraulic breaker is displayed below in Example 2 and is used to reduce oversized boulders into a more manageable size for entering crusher systems.



Example 1. Drop Ball



Example 2. Hammer/Hydraulic Breaker

- The length of time for the drilling process to prepare for a typical 30,000-cubic-yard blast would take approximately 4 days to complete using a single drill rig operating under normal conditions.

Comment 58-19

These gaps in the project description are important because they implicate other inadequate analysis in the DEIR. For example, the amount of daily ground disturbance implicates the air quality analysis; and the use of drop balls or hydraulic breakers and the amount of time required for drilling boreholes in preparation for each blast implicate the

noise analysis. On the latter point, the DEIR states that blasting would occur up to twice a week, but if drilling boreholes for explosives took a day to complete, receptors would suffer increased noise from drilling and blasting four days a week. Therefore, the DEIR fails to give the reader a clear sense of what these activities entail and how these activities would affect particulate matter emissions and noise impacts to nearby receptors.

Response 58-19

See Response 58-18. CEQA Guidelines Section 15124 requires only a general description of the project's technical, economic, and environmental characteristics. (Title 14 CCR Section 15124.) The description should not "supply extensive detail beyond that needed for evaluation and review of the environmental impact" (Title 14 CCR Section 15124; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437). Courts have

previously refuted arguments asserting that technical perfection and full completion of the project design are required under CEQA (see *Citizens of Goleta v. Board of Supervisors* 197 Cal.App.3rd 1167, 1176; *Sierra Club v. County of Fresno* 6 Cal.App.5th. 502, 515; *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* 227 Cal.App.4th 1036, 1052). Details such as the exact amount of time required for drilling boreholes and the use of drop balls versus hydraulic breakers are not necessary to analyze the impacts of the project. CEQA allows for some flexibility for changing conditions. For example, the project's blasting designs would change based on the distance between the planned blasting location and the nearest sensitive receptors.

Regardless of the additional details described in the comment, the project would stay within the noise thresholds set forth in the Fresno County General Plan. See Draft EIR Section 4.13, "Noise," for more information regarding noise impacts analysis. Similarly, the project would stay within the San Joaquin Valley Air Pollution Control District's air quality thresholds and comply with applicable County regulations (see Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.2, "Regulatory Setting," and Section 4.3.3, "Significant Thresholds and Analysis Methodology").

Comment 58-20

Moreover, the DEIR indicates that the Project has a lighting design, but fails to provide it. DEIR at 2-40. Instead, it states only that "[H]igh pressure sodium and/or cutoff fixtures (or equivalent International Dark-Sky Association [IDA]-approved fixtures) would be used instead of mercury-vapor fixtures," and that illumination would be confined to the Quarry Site. *Id.* If the Project has a lighting design, it should have been disclosed as part of this DEIR so that the public and decision-makers can understand the planned illumination for the Quarry Site. Lighting on the site would affect light and glare experienced by nearby residents, yet these impacts cannot be properly evaluated because the lighting design has not been included.

Response 58-20

The Draft EIR includes sufficient information about the critical components of the project's lighting design, which allow for sufficient analysis of the project's impacts on lighting and glare on nearby sensitive receptors (see *The Claremont Canyon Conservancy v. Regents of University of California*, 92 Cal.App.5th 474, 309, holding that an EIR need not contain a design level description of the project; a conceptual description of project components is sufficient).

The impact of a new source of substantial light was analyzed in Impact 4.1-4, "Creation of a New Source of Substantial Light and Glare That Would Adversely Affect Day or Nighttime Views in the Vicinity of the Project Sites" (see Draft EIR pages 4.1-62 through 4.1-64). The impact was determined to be less than significant after complying with Fresno County Zoning Ordinance Section 834.4.220.I.22, which provides that "any night lighting established on the property shall be arranged and controlled so as not to illuminate public rights-of-way or adjacent properties." It should also be noted that all sources of lighting would be removed after completion of both stages of the project.

At the Plant Site, existing nighttime lighting would be used, and new lighting would be installed at the proposed hot-mix asphalt plant (Draft EIR page 4.1-62). New light fixtures would also be installed at the Quarry Site to provide a safe working environment (Draft EIR page 4.1-62). At both the Plant and Quarry sites, mining would occur during daylight hours only, and therefore nighttime lighting would not be required throughout the excavation areas, even under expanded hours of operation (see Impact 4.1-4 on pages 4.1-62 through 4.1-64).

Regarding the installation of new light fixtures at both the Plant and Quarry sites, high-pressure sodium and/or cutoff fixtures would be used instead of mercury-vapor fixtures for any nighttime lighting, which minimize the occurrence of light pollution. The lighting design is intended to confine illumination to the Quarry Site and/or to areas that do not include light-sensitive uses. The "lighting design" referenced in the Draft EIR is not a separate document but rather the information provided in the Draft EIR as described in part above. The Draft EIR ultimately concludes that the combined usage of high-pressure sodium and/or cut-off fixtures and the limited placement of new fixtures would result in a less-than-significant impact of light and glare (Draft EIR page 4.1-64).

For more information regarding the project's lighting elements, please see Draft EIR Section 2.5.2.1, "Plant Site Mine Plans," and Section 2.5.2.2, "Quarry Site Mine Plans," of Chapter 2, and Section 4.1, "Aesthetics and Visual Resources."

Comment 58-21

III. The DEIR Fails to Analyze and Mitigate the Project's Significant Environmental Impacts.

CEQA requires that an EIR be detailed, complete, and reflect a good faith effort at full disclosure. CEQA Guidelines § 15151. The document should provide a sufficient degree of analysis to inform the public about the proposed project's adverse environmental impacts and to allow decision-makers to make intelligent judgments. *Id.* Consistent with this requirement, an EIR must contain "extensive, detailed evaluations of the impacts of the

proposed plans on the environment in its current state" in order to serve its function as an "informative document." *Environmental Planning and Information Council of Western El Dorado County v. County of El Dorado*, 131 Cal.App.3d 350, 358 (1982) (finding an EIR for a general plan amendment inadequate where the document did not make clear the effect on the physical environment).

Response 58-21

The comment provides an introductory explanation of CEQA standards regarding analysis contained within an EIR and thus requires no further response (CEQA Guidelines Sections 15088(c), 15132(d), 15204(a); See also *Citizens for E. Shore Parks v. State Lands Comm'n* (2011) 202.Cal.App.4th 549).

Comment 58-22

Meaningful analysis of impacts effectuates one of CEQA's fundamental purposes: to "inform the public and responsible officials of the environmental consequences of their decisions before they are made." *Laurel Heights Improvement Ass'n v. Regents of the University of California*, 6 Cal.4th 1112, 1123 (1993) (*Laurel Heights II*). To accomplish this purpose, an EIR must contain facts and analysis, not just an agency's bare conclusions. *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 568 (1990). Nor may an agency defer its assessment of important environmental impacts until after the project is approved. *Sundstrom v. County of Mendocino*, 202 Cal.App.3d 296, 306-07 (1988). An EIR's conclusions must be supported by substantial evidence. *Laurel Heights Improvement Ass'n v. Regents of the University of California*, 47 Cal.3d 376, 409 (1988) (*Laurel Heights I*).

CEQA does not allow a lead agency to defer critical studies regarding environmental impacts until after project approval. *See Sundstrom*, 202 Cal.App.3d 296. Nor may a lead agency satisfy CEQA by approving a project subject to conditions requiring the applicant to prepare future studies and mitigation measures, because in so doing the agency would be improperly delegating its legal responsibility to assess a project's environmental impact. *Id.* at 307. In contrast, CEQA requires the lead agency itself to prepare or contract for the preparation of impact assessments (citing CEQA § 21082.1) that reflect the agency's "independent judgement." *Id.* The fundamental concern underlying *Sundstrom* was that even if the required conditions of project approval had been adequate, the need for post-approval studies demonstrated the inadequacy of the County's environmental review prior to project approval. *Id.*

Finally, the DEIR may not avoid conducting a thorough analysis of the Project's impacts under the assumption that such impacts would be temporary. CEQA requires analysis of temporary or short-term impacts. CEQA Guidelines § 15126.2(a) (agency must analyze both short- and long-term impacts). CEQA defines a "significant effect on the environment" as "a substantial or potentially substantial adverse change in the environment." Pub. Resources Code § 21068. The CEQA Guidelines expand on the statute and define "significant effect on the environment" as:

a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance.

CEQA Guidelines § 15382. As a leading CEQA treatise explains,

> An effect on the environment need not be "momentous" or "important" to meet the CEQA test for significance. . The term "significant" covers a spectrum ranging from "not trivial" through "appreciable" to "important" and even "momentous." See *No Oil, Inc. v City of Los Angeles* (1974) 13 Cal.3d 68, 83. An agency has discretion to find a project's impacts insignificant on the basis of the scale of the project, particularly when the project's impacts are indirect and cannot reliably be predicted. *Save the Plastic Bag Coalition v City of Manhattan Beach* (2011) 52 Cal.4th 155. An effect need not be either long term or permanent to be significant, but duration is a factor that may affect the significance of an environmental impact. *Running Fence Corp. v Superior Court* (1975) 51 Cal.App.3d 400, 416.

1 Kostka and Zischke, Practice Under the California Environmental Quality Act (Cont.Ed.Bar 2024) §6.44. As documented below, the Rockfield Modification Project fails to identify, analyze, or support with substantial evidence its conclusions regarding the Project's significant environmental impacts.

Response 58-22

The comment provides an introductory explanation of CEQA standards regarding improper deferral of analysis. This is an introductory comment that does not address the adequacy of the Draft EIR and contains no EIR or project-specific comments. No further response is necessary (CEQA Guidelines Sections 15088(c), 15132(d), 15204(a); See also *Citizens for E. Shore Parks v. State Lands Comm'n* (2011) 202 Cal.App.4th 549). Regarding the reference in the comment to the 37-year-old *Sundstrom* case from 1988, that case

involved a cursory negative declaration and is not in any way comparable to the extensive EIR prepared for this project.

Comment 58-23

A. The DEIR's Evaluation of Hydrology and Water Quality Impacts is Inadequate.

The DEIR's analysis of the Project's impacts to hydrology, water quality, and flooding is inadequate because it: (a) presents an inaccurate hydraulic analysis; (b) presents an inaccurate estimate of impacts on groundwater resources; (c) fails to analyze downstream impacts; (d) fails to support its conclusions with the necessary facts and analysis; and (e) fails to identify mitigation capable of minimizing the Project's significant environmental impacts.

Response 58-23

This is an introductory comment regarding comments that are presented and responded to below in detail.

Comment 58-24

Greg Kamman, Senior Ecohydrologist with CBEC Eco Engineering, reviewed the Rockfield Modification Project DEIR hydrology and water quality analysis and the document's hydrological appendices. His report (CBEC Report), attached as Appendix A, provides a detailed evaluation of the DEIR's Hydrology and Water Quality section. We summarize some of the most critical points of that report below.

Response 58-24

This is an introductory comment regarding the Commenter's provided CBEC Report. The CBEC Report is responded to in Responses 58-25 to 58-29, 58-39, 58-44, 58-45, and 58-49.

Comment 58-25

1. The DEIR Presents an Inaccurate Hydraulic Analysis of the Project's Flood Impacts.

As explained in the CBEC Report, the DEIR fails to accurately analyze the Project's potential impacts related to flooding. CBEC Report at 2. The DEIR's analysis of Project-related flood impacts used the Federal Emergency Management Agency ("FEMA")100 -year flow rate estimate to conclude that that existing floodplain does not encroach into the Quarry site or the western portion of the Plant site. *Id.* However, the DEIR's approach to the analysis failed

to account for the long-term climate change effects on the River flood flow rates at both sites. *Id.* When the analysis is conducted using more recent data models by the California Department of Water Resources ("DWR") that include climate change information, the result indicates drastically higher 100-year flow rates.

The related DWR report discussed in the CBEC Report[5] *(Footnote 5: Nemeth, K., Tjernell, K.A., and Lippner, G. (2021). Revised Draft Central Valley Flood Protection Plan Conservation Strategy 2022 Update. California Department of Water Resources)* states that under climate change, peak flows in the snow-dominated upper San Joaquin River watershed will shift to earlier in the winter and spring. CBEC Report at 2. This change in peak flows will result in high flow events (like the 100-year flow) that cannot be fully contained by Lake Millerton and will be released downstream. *Id.* Specifically, future (year 2072) 100-year flow rates will increase to 126,800 cubic feet per second because of climate change[6] (*Footnote 6:* The related DWR report states that under climate change, peak flows in the snow-dominated upper San Joaquin River watershed will shift to earlier in the winter and spring and high flow events like the 100-year flow cannot be fully contained by Lake Millerton and will be released downstream. CBEC Report at 2). This is a flow rate that is 179% of the FEMA estimate used in the DEIR. *Id*.

According to the CBEC Report, an increase of flow rate of this magnitude would encroach into and inundate both the Quarry and Plant sites. CBEC Report at 2. Importantly, the estimated increase in 100-yr flood flow rates under climate conditions represents a condition only halfway through the life of the Project. *Id.* In fact, 100-year flood flow rates are likely to continue to rise even further through the second 50 years of proposed Project operations. *Id.* Therefore, the DEIR's analysis of flood hazards evaluating the potential impacts from encroachment of the Project site into the floodplain is erroneous.

Response 58-25

Analyzing the potential future floodplains or flood flows from Lake Millerton as a result of 100 years of climate change is not reasonably foreseeable, is too speculative, and is not required to be analyzed under CEQA because that would require analyzing the impacts of the environment on the project.

The Draft EIR Hydraulic Analysis' use of the FEMA 100-year floodplain to analyze the project's flood hazards is compliant with County General Plan Policies LU-C.7 and HS-C.16 (see Draft EIR, pages 4.11-6 and 4.11-37).

Impact 4.10-17 addresses Lake Millerton's potential release during a 100-year flood event. The Draft EIR provides that an unforeseen event of water being released "from the Friant Dam or Millerton Lake Reservoir is not required to be addressed under CEQA since the releases are not "reasonably foreseeable" (see Draft EIR, Impact 4.10-17, page 4.10-119). "While a lead agency must use its 'best efforts' to evaluate environmental effects, including the use of reasonable forecasting, 'foreseeing the unforeseeable' is not required, nor is predicting the unpredictable or quantifying the unquantifiable" (see *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1060–1061; citing Guidelines, Section 15064, subd. (d)(3).)

In response to comments and in accordance with the Fresno County General Plan, Chang Consultants conducted hydraulic analyses evaluating the 200-year flood, a more rare and severe flood event, which demonstrate that the 200-year flood would neither enter the Quarry Site nor the Plant Site (see Appendix G-7, "200-Year Hydraulic Analysis for CEMEX Rockfield Modification Project—Quarry Site," and Appendix G-8, "200-Year Hydraulic Analysis for CEMEX Rockfield Modification Project—Plant Site").

In addition, the California Supreme Court has held that purpose of an EIR is "to analyze the 'environmental effects' of a project … not … the environment's effects on a project." (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 392; Citing Cal. PRC Sections 21002 and 21002.1(c).) The California Supreme Court explained that this holding is consistent with *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455 (*Id*.) In *Ballona*, the Court held that "an EIR need not identify or analyze effects on the environment resulting from climate change (*Id.* at page 473) CEQA requires an analysis of the "impacts on the environment caused by the development rather than impacts on the project caused by the environment" (*Id*. at page 474, FN 9).

Comment 58-26

2. The DEIR's Analysis of Groundwater-Surface Water

Interaction at the Project Site Is Inaccurate and Unsupported.

As the DEIR explains, understanding the interaction between groundwater on the site and surface water during different river stages[7] (*Footnote 7: The water level in the River, in this case, above the alluvium on the river bed)* is important because when the water level in the river is high enough that the water surface is above the adjacent groundwater table surface, there is seepage of water from the river into groundwater flowing towards the quarry. DEIR Appendix G-5 at 20-21 and CBEC Report at 3. The DEIR's analysis inappropriately uses stream gage data from below Friant

Dam, which is located 4.0 miles and 6.5 miles from the Quarry site and Plant sites respectively, to compare river stages to on-site groundwater levels. CBEC Report at 3. As explained in the CBEC Report, extrapolating data from these distances results is an invalid comparison because of differences in channel geometry and water flow between the sites. *Id.* Instead, to make an accurate comparison between river water levels and groundwater levels at the Quarry and Plant Sites, the DEIR should have included monitoring of channel geometry and flow differences immediately adjacent to the project sites. The DEIR concludes that there is no correlation between river stage and pond water levels at the Quarry site location; however, this conclusion is unsupported. *Id.*

Until the analysis is revised to correct the aforementioned flaws, the DEIR's conclusions regarding the interaction between groundwater and surface water, and the corresponding potential for river water to seep into the Quarry site, are unsupported and the DEIR is inadequate under CEQA.

Response 58-26

The stream gauge data is only presented to extrapolate river levels to conditions at the Quarry Site and not the Plant Site (see Appendix G-5, Section 2.2.3).

The comment states that the Draft EIR improperly extrapolates river level stream gauge from the Department of Water Resources' stream gauge data from below the Friant Dam. Instead, the comment suggests that stream gauge monitoring should have been conducted immediately adjacent to the Quarry Site.

While the magnitude of the San Joaquin River stage may vary from location to location along the river, the nature of the stage over periods longer than a few hours would be comparable over the distances addressed in Section 2.2.3 of Appendix G-5 of the Draft EIR. Put differently, the height of the water within the river may vary from the actual stage reading at the gage location, due to variations in channel depth and width. However, after accounting for travel times downstream from the gage, when the gage is reporting sustained high stage readings, the San Joaquin River level at other locations within a few miles downstream of the gage would also be elevated to a similar stage level. Likewise, when the gauge is consistently reporting base flow stage readings, the San Joaquin River elevation at other locations downstream would also be at base flow elevations.

The CBEC Report also appears to be unaware of the datum of the Friant gage and the location of Beck Ranch. As noted on the California Department of Water Resources California Data Exchange Center (CDEC) website and the U.S. Geological Survey

National Water Information System (NWIS) website, the elevation of the referenced river gage is 294 feet. Figure 16 in Appendix G-5 of the Draft EIR is taken from another report, in which the author determined that there was no shift in the river datum as stated in the CBEC Report, because the approximate gage datum as reported by the California Department of Water Resources and the U.S. Geological Survey was used.

The comment does not describe why the data from the stream gauge station below the Friant Dam cannot be used in the Draft EIR. The comment also fails to describe why monitoring the river immediately adjacent to the Quarry Site would be more accurate given that the existing stream gauge analysis has more comprehensive data (from January 2014 to February 2023).

Comment 58-27

3. The DEIR Fails to Provide Evidence to Support Mitigation Measures Related to Lowering Groundwater Levels.

The DEIR purportedly analyzes the groundwater drawdown that would occur in the areas surrounding the Quarry Site due to dewatering of the quarry pit. DEIR Impact 4.10-10 at 4.10-105. The DEIR indicates that because the alluvium has already been removed from the Quarry site, no further effects related to dewatering (such as seepage of alluvial groundwater into the mining pit) can occur. *Id*. As explained in the CBEC report, this statement is incorrect because alluvial groundwater in off-site areas adjacent to and surrounding the Quarry site would still seep into the mining pit. CBEC Report at 4.

Nonetheless, the DEIR concludes that impacts to groundwater supplies related to the development of a large cone of depression radiating around the site due to pit dewatering and groundwater seepage into the Quarry site mining pit would be potentially significant. DEIR at 4.10-107 and 4.10-108. In addition, the DEIR concludes that potential impacts to the groundwater supply wells will occur "due to the local decrease in static groundwater levels as a result of the flow of groundwater to the proposed quarry pit." *Id*.

To mitigate these impacts of lowered groundwater levels in the cone of depression and increased groundwater seeping into the mining areas, the DEIR proposes Mitigation Measure 4.10-10a, which prescribes preparation of a Groundwater Adaptive Management Program. *Id.* The project includes recharge trenches along portions of the outer edge of the mining pit. As described in the CBEC report, water from mine pit dewatering would be discharged into the recharge trenches and various recharge ponds with the idea

that 50% of the water delivered to the recharge trenches would recharge the underlying groundwater and reduce the amount of drawdown by fifty percent, reducing the amount of groundwater level decline around the pits to less than significant levels. CBEC Report at 4.

The DEIR does not substantiate the benefits and effectiveness of the recharge trenches. *Id*. As explained in the CBEC Report, the DEIR presents no data or analysis to support the claim that 50% of the water delivered to the trenches will recharge the underlying groundwater and the amount of drawdown would be reduced by fifty percent. *Id*. Even if the fifty percent estimate of trench infiltration to recharge the underlying groundwater was accurate, which has not been demonstrated, the drawdown effects would not be fully mitigated. *Id*. The DEIR fails to evaluate how the residual drawdown (after assumed benefits of the recharge trenches) would impact surrounding Groundwater Dependent Ecosystems ("GDE") or increased groundwater flow gradients between the San Joaquin River and mining sites. *Id*.

In sum, the DEIR must revise the necessary analyses as described in the CBEC Report to accurately disclose Project-related impacts to groundwater systems, and substantiate with data and/or analysis the benefits of the recharge trenches. Without this information the DEIR's analysis of the Project's impact related to on-site groundwater impacts is inadequate. As to downstream impacts, the DEIR's analysis is wholly inadequate. A revised DEIR must include an analysis of the aforementioned significant impacts and identify feasible, effective mitigation or alternatives to avoid or minimize the impacts.

Response 58-27

The commenter incorrectly suggests that the Draft EIR fails to substantiate the benefits and effectiveness of the recharge trenches, and that the drawdown effects would not be fully mitigated.

There have been both recharge trenches and ponds used for decades at the Quarry Site, and at numerous other aggregate mining sites in the region. Throughout the life of the quarry, water produced during dewatering of the excavation has been pumped to perimeter recharge trenches on the west side of the site and to the Northeast Pond to reduce or eliminate the effects of dewatering outside of the Quarry Site boundary (see Draft EIR, Section 2.4.2.2, "Quarry Site Existing Conditions," page 2-21, and Section 2.5.2.2, "Quarry Site Mine Plans," page 2-39). Furthermore, Draft EIR Appendix G-6, "Addendum to: Revised Hydrology and Water Quality Analysis Report," provides a

quantitative assessment of the efficacy of the use of recharge trenches to mitigate effects on groundwater levels. That analysis is based on the comparison of water year rainfall over a six-year period with groundwater levels measured over the same period using downhole pressure transducers and dataloggers in 14 Quarry Site monitoring wells. The downhole pressure transducers record water level readings every six hours. Thus, over 1,450 data points are measured in each well every year (see Draft EIR, Appendix G-6, page 3). Additionally, Mitigation Measure 4.10-10a requires mining operations to cease if groundwater recharge cannot be maintained within 85 percent of the CEQA baseline.

Finally, the comment characterizes ongoing seepage from adjacent alluvial groundwater into the Quarry Site as an impact of the proposed project. However, this condition is part of the existing CEQA baseline (see *North Coast Rivers Alliance v. Westlands Water Dist.* (2014) 227 Cal.App.4th 832, 872).

Thus, substantial quantitative analyses support the conclusions in the Draft EIR regarding the mitigation measures to address potential lowering of groundwater levels.

Comment 58-28

4. The DEIR's analysis of potential impacts on Groundwater Dependent Ecosystems Is Inadequate.

As discussed above, in the CBEC report, and further in sections III.B.2(a) and III.B.3 below, the DEIR's incomplete analysis of potential impacts to groundwater dependent ecosystems ("GDEs") is a glaring flaw. CBEC at 5. The DEIR presents contradictory information regarding the effects of dewatering on groundwater supplies and GDEs. In one instance the DEIR erroneously claims that the effects of dewatering would be the same as effects already occurring because alluvium on the Quarry Site has already been removed. *Id.* and DEIR at 4.4-56.

As discussed above and in more detail in the CBEC Report, this statement in the DEIR is incorrect. *Id.* The GDEs located adjacent to the river and north of the Quarry site are rooted in alluvium with rooting depths of less than 30 feet below ground service. *Id.* Far from being identical to current conditions, lowering the alluvium groundwater levels, dewatering remaining alluvium, and ending operation of the infiltration trenches after mining is completed would result in effects that are significantly different. *Id.* The effects would be complete dewatering of the alluvium and associated GDE rooting zone adjacent to the river and north of the quarry. *Id.* This would result in potential adverse impacts on the GDE after, and possibly during, mining operations.

The CBEC Report shows that the DEIR itself presents evidence to support a conclusion that impacts to GDEs would be significant and would threaten the viability and sustainability of existing and future GDEs. A revised DEIR must correct these errors and identify mitigations or alternatives to avoid these significant impacts.

Response 58-28

The comment asserts that the Draft EIR does not adequately analyze the effects of dewatering on groundwater-dependent ecosystems (GDEs).

Dewatering of the alluvium at the Quarry Site has been occurring for many decades and mining of the alluvium is effectively completed (see Draft EIR, Impact 4.10-10, page 4.10-105). All future dewatering as part of the proposed Modification Project would occur within the weathered rock and hard rock zones (*Ibid.*). These zones have effectively no primary porosity and very limited secondary fracture porosity (see Draft EIR, Impact 4.10-11, page 4.10-112). Thus, dewatering of the deeper bedrock zones would have little or no effect on water levels in the overlying alluvium (*Id*. at pages 4.10-112 through 4.10-113). Furthermore, as shown on Figure 1 in the CBEC Report at page 11, the GDEs are all located adjacent to the San Joaquin River. Appendix G-5 of the Draft EIR demonstrates that the project would not have any effect on water levels in the San Joaquin River because the project impacts would be identical to those that are already occurring (e.g., compared to the CEQA baseline), and therefore, would not affect GDEs along the river (Draft EIR, Appendix G-5, Section 5.0(b), page 56).

As noted in the CBEC Report at page 6, the depth to groundwater at the Plant Site is approximately 30 feet below ground surface (ft bgs) and at that depth the groundwater levels at and adjacent to the Plant Site are already deeper than depths that could support riparian vegetation, streamflow, and wetlands (see Draft EIR, Appendix G-5, Section 5.0(b), page 56). Without citing any data or other substantial evidence, the CBEC Report asserts that groundwater levels must be much shallower away from the Plant Site and that dewatering would then lower these hypothetically shallower groundwater levels and affect GDEs. While the cone of depression created during dewatering at the Plant Site would extend offsite, the amount of drawdown within the cone of depression would diminish away from the Plant Site boundary, as demonstrated on Figures 11 and 12 of Appendix G-3 (Draft EIR, Appendix G-3, pages 41 and 45). As a result, if there is no impact to GDEs under the Plant Site, where the drawdown would be greatest, there would be no impact to GDEs away from the Plant Site (see Appendix G-5, Section 3.2.3, page 50).

Finally, as discussed in Response 58-27, the implementation of the recharge trenches and Mitigation Measure 4.10-10a would minimize the offsite effects of dewatering.

Comment 58-29

5. The DEIR Fails to Conduct A Quantitative Analysis of Streamflow Depletions From the San Joaquin River.

The DEIR at 4.10-114 and 4.10-115 presents an incomplete and inadequate analysis of the Project's potential to interfere with groundwater recharge at both mining sites such that the Project would conflict with the requirements of the California Sustainable Groundwater Management Act (SGMA) and sustainable management of the Basin. It claims that related impacts at both sites would be less than significant. However, as explained in detail in the CBEC Report, the DEIR itself presents findings and conclusions that show this conclusion to be inconsistent. CBEC Report at 7 and 8.

The DEIR shows that the San Joaquin River and groundwater in the alluvium, weathered rock and hard rock beneath and adjacent to the river are in hydraulic connection. CBEC Report at 7. For example, as discussed in detail in the CBEC Report and above, the DEIR indicates that mining operations in the Quarry and Plant Sites will increase the water table flow gradients moving from the river towards the mining pits. DEIR at 4.10-114. The result of an increased groundwater hydraulic gradient causing an increased rate of groundwater flow holds true for any saturated aquifer material, whether it is alluvium, weathered rock or fractured hard rock. CBEC Report at 7 and 8. Therefore, when groundwater that is in hydraulic connection to the San Joaquin River experiences an increase in hydraulic gradient toward the Quarry or Plant Sites, there will be an increase in the rate of depletion of water from the river into the groundwater system. *Id.*

Similarly, the DEIR acknowledges that San Joaquin River flows will be depleted due to mining operation. CBEC Report at 8 and DEIR Appendix G-3 at 48 (acknowledging that groundwater and river water are connected so that river water would enter the reclamation pond or mining pit). Therefore, the DEIR fails to demonstrate that it complies with SGMA requirements regarding interconnected surface water depletions because it presents no data or analyses that: a) identify potential unreasonable impacts to beneficial uses of surface water; b) quantify the amount of depletions; or c) develop mitigations for any potential undesirable results due to Project depletions of San Joaquin River flow.

Response 58-29

While the stable isotope data, as referenced in the CBEC Report pages 7 and 8, indicate that the groundwater within the weathered rock and hard rock layers were derived from

high elevations in the Sierra Nevada, like the water in the San Joaquin River, the groundwater flow directions based on the groundwater contours in these units indicate that the flow is from the northeast toward the river, not away from the river (see Draft EIR, Appendix G-5, page 32; see also groundwater contour maps of the Quarry Site area in Appendix G-4 of the Draft EIR). Plausible sources for the groundwater in the deeper bedrock units include Millerton Reservoir and leakage from the Friant-Kern Canal (see Draft EIR, Appendix G-5, page 32). The volume of groundwater flow in the deeper bedrock is very small compared to the volume of water in the reservoir and the flow within the canal (*Id*. at pages 32 through 33). Thus, only incidental, nominal leakage would be sufficient to provide the recharge necessary to sustain the groundwater flow directions within the fractures in the weathered rock and hard rock units (*Id*. at page 33). Furthermore, Section 2.2.3, "Summary of Project Characteristics," of Draft EIR Appendix G-5 provides a quantitative analysis of groundwater and surface water interactions while Section 3.2.2 of Appendix G-5 evaluates the potential effects of the project on flows in the San Joaquin River.

Finally, the comment states that "the Draft EIR acknowledges that San Joaquin River flows would be depleted due to the mining operation." This statement does not accurately characterize the Draft EIR's analysis. Appendix G-3 confirms that the shallow groundwater and the river water are connected, sufficient to offset the total consumptive use during the mining phase and the reclamation phase, in order to make a water balance (Draft EIR, Appendix G-5, page 46). The Draft EIR adequately demonstrates that it complies with SGMA, as the Draft EIR quantifies the amount of depletions (see Draft EIR, Impacts 4.10-12 and 4.10-13 pages 4.10-113 through 4.10-115, and Mitigation Measures 4.10-10a and 4.10-10b); and develops mitigation measures for any potential undesirable results due to project depletions of San Joaquin River flow (see Draft EIR, Impact 4.10-12, pages 4.10-113 through 4.10-114). See also Response 58A-6.

Comment 58-30

B. The DEIR's Evaluation of Biological Resources Is Inadequate.

The DEIR's treatment of biological impacts suffers from substantial deficiencies and fails to meet CEQA's well established standards for impacts analysis. The document's analysis both understates the severity of the potential harm to biological resources within and adjacent to the proposed Project site and neglects to identify sufficient mitigation to minimize these impacts. Given that analysis and mitigation of such impacts are at the heart of CEQA, the DEIR will not comply with these laws until these serious deficiencies are remedied. *See Sundstrom v. County of Mendocino*, 202 Cal.App.3d 296, 311 (1988) ("CEQA places the

burden of environmental investigation on government rather than the public.").

As discussed above, the proposed Project site is surrounded by conserved lands that protect habitat important to biodiversity and long-term sustainability of river and adjacent lands ecosystems. Furthermore, the Project site is located in Reach 1 of the San Joaquin River Restoration Program.[8] (*Footnote 8: See Ex. E (San Joaquin River Restoration Program Annual Report) at 3 (Fig. 1).*) The Project will result in significant direct and indirect impacts to sensitive habitats, especially adjacent to the Quarry site and downstream. *Id*.

Given the importance of the affected biological resources, one would expect the DEIR's analysis to provide careful and thorough evaluation of the Project's potential impacts. Unfortunately, the DEIR's analysis is nowhere close to meeting CEQA's well-established standards for evaluating biological resource impacts. As detailed in the attached Colibri Report, and summarized below, the DEIR presents a cursory and incomplete evaluation and lacks evidence for its conclusions. The DEIR downplays the Project Site's importance to the ecological health of the region; is based on an inadequate search radius for records of special-status species; inadequately analyzes impacts to sensitive species such as burrowing owl, Swainson's hawk, tricolored blackbird, and western red bat; fails to analyze impacts to sensitive species from blasting and fugitive dust emissions; neglects to analyze impacts to riparian areas and downstream habitats; and proposes vaguely defined mitigation measures that do not address all the impacts to species that the Project will cause.

Under CEQA, decision-makers and the public must be given sufficient information about impacts and mitigation to be able to evaluate the impacts of a proposed project for themselves. *See* Pub. Res. Code 21061. Furthermore, analysis of impacts cannot be deferred to a later date but must be performed prior to project approval.

Sundstrom, 202 Cal. App. 3d at 307 ("By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process."). Accordingly, a revised DEIR must fully analyze and disclose these impacts and propose and evaluate feasible mitigation measures for each significant impact.

The report prepared by Colibri provides detailed comments on the DEIR's biological resources analysis. *See* Colibri Report attached

as Appendix B. The discussion below highlights the most egregious deficiencies.

Response 58-30

The comment cites a case involving a mitigated negative declaration. That case involved a different type and scope of environmental review than the EIR prepared for the project. See Responses 58-34 and 65-4 regarding the CNDDB search radius for records of special-status species. See Responses 58-37 and 58-38 regarding analysis of impacts to burrowing owl, Swainson's hawk, tricolored blackbird, and western red bat. See Responses 58-40 through 58-43 regarding impacts to sensitive species from blasting and fugitive dust emissions. See Responses 58-44 through 58-49 regarding analysis of impacts to riparian areas and downstream habitats. See Section 4.4.4, "Project Impacts and Mitigation Measures," of the Draft EIR for further discussion of impacts to biological resources.

Comment 58-31

1. The DEIR's Description of the Existing Biological Setting Is Incomplete and Misleading.

An EIR's description of a project's environmental setting crucially provides "the baseline physical conditions by which a Lead Agency determines whether an impact is significant." CEQA Guidelines § 15125(a). Here, the DEIR fails to accurately portray the site's underlying environmental conditions and therefore undercuts the legitimacy of the environmental impact analysis. Specifically, the DEIR lacks sufficient information regarding the biological resources at the Project site. It therefore fails to provide important contextual information and lacks a sufficient baseline for determining impacts.

As discussed in section I above, the DEIR dismisses the site's location adjacent to conserved lands and wildlife corridors. As explained in the attached Colibri Report, the Project site is located near conserved lands that play a key role in promoting biodiversity and the long-term sustainability of ecosystems in the area. Federally designated Critical Habitat for California tiger salamander, succulent owl's clover, and San Joaquin Valley Orcutt grass are located across the San Joaquin River from the Plant Site and Quarry Site, and Critical Habitat for California tiger salamander is located roughly 2.0 miles northeast of the eastern boundary of the project sites. DEIR at 4.4-37. Moreover, the San Joaquin River corridor—a significant wildlife movement corridor that provides critical natural areas—encompasses the western boundary of the Quarry Site and is roughly 0.6 miles west of the Plant Site. Little Dry Creek, which includes a riparian corridor

with a connection to the San Joaquin River, is located approximately 0.1 mile north of the Plant Site. *Id.* at 4.4-18-19. These areas are likely to be impacted by the Project. As explained in the attached CBEC and Colibri Reports, mining to 600 feet below ground surface at the Quarry Site adjacent to the San Joaquin River may impact river flows, leading to adverse impacts to sensitive species like Chinook salmon. Colibri Report at 6. And common sense dictates that fugitive dust emissions from blasting—which results in a significant amount of particulate matter—would be highly likely to carry to off-site areas, including these conserved lands and wildlife corridors, on windy days. The DEIR ignores this latter impact entirely.

Response 58-31

As described in the Draft EIR, the project sites are already highly disturbed by ongoing mining activities. The duration of this ongoing disturbance ranges from 30 to more than 100 years. Given this baseline, the proposed project would not have a significant increase in activity and is therefore unlikely to result in significant effects on biological resources.

Draft EIR Section 4.4 (supported by studies provided as Appendix E-1 and E-2), provides a detailed analysis of the potential for special status species to occur on the sites and/or be impacted by the project. This analysis considered the documented occurrences on and/or adjacent to the sites, habitat values within and adjacent to the sites, as is standard practice under CEQA (CEQA Guidelines Section 15125, see also *San Joaquin Raptor/Wildlife Rescue Ctr. v. Cnty. of Stanislaus*, 27 Cal.App.4th 713, 722, 32 Cal. Rptr. 2d 704 (1994), *as modified* (Sept. 12, 1994).

The Draft EIR provides the location and the extent of the adjacent conservation areas, in accordance with CEQA standards (CEQA Guidelines Section 15125, see also *San Joaquin Raptor/Wildlife Rescue Ctr. v. Cnty. of Stanislaus*, 27 Cal.App.4th 713, 722 (1994), *as modified* (Sept. 12, 1994).

The locations of adjacent conservation lands are discussed Draft EIR Section 2.4.5, "Surrounding Land Uses." The Draft EIR further discusses the proximity of the San Joaquin River and neighboring ecological reserves in Sections 2.2.1, 4.1.1.3, 4.1.1.4, 4.16.1. The acreage of the neighboring ecological reserves is included in other portions of the Draft EIR, namely Table 4.16-1, "Recreation Facilities Near the Project Sites." However, the section detailing the neighboring land uses, Draft EIR Section 2.4.5, has been revised to reflect the acreage of the adjacent ecological reserves. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 2.4.5.

The Draft EIR discusses Critical Habitats in Section 4.4.1.9, "Critical Habitat," of the Draft EIR. All the federally designated critical habitat is either located west of San Joaquin River or east of Friant Road. Neither the Plant Site nor the Quarry Site is located within nor adjacent to any designated Critical Habitat (see Draft EIR page 4.4-37). These sections of the Draft EIR do provide habitat descriptions of the areas onsite, which are in turn discussed in the context of their capacity to support special status wildlife. These include discussions on the presence of bullfrogs, barriers to egress, and the level of and duration of disturbance on the sites. As the commenter points out, and as is described in the above referenced Draft EIR appendices, the San Joaquin River corridor is a significant wildlife movement corridor located near the sites.

The Draft EIR analyzes the impacts to the San Joaquin River corridor in Impact 4.4-6. The Draft EIR concluded that the impact would be less than significant (Draft EIR page 4.4-62). For further discussion of the San Joaquin River corridor, see Section 4.4.1.6, "Migratory Corridors and Linkages."

Though not regionally significant, Little Dry Creek provides connection to the SJR corridor. These corridors have been in place and unaffected by the ongoing operations that are substantively similar to the proposed operations for many decades. There is no substantial evidence to suggest, and none is provided in the comment that the proposed new operations would significantly impact these areas.

See Response 58-29 for further discussion about the project's impact to river flows.

The impacts of fugitive dust emissions on wildlife and vegetation are discussed in Section 4.4 and further analyzed in Appendix D-4, "Revised Section 4.3, Air Quality," of the Draft EIR, as updated in the Final EIR. Mitigation Measures 4.3-2a and 4.3-2b are provided to address the impacts of fugitive dust emissions, which involves the development of a Fugitive Dust Control Plan. Furthermore, implementation of this mitigation measure would minimize the generation of particulate matter and the potential for dust to be generated from the project sites in amounts that could damage surrounding vegetation would be less than significant. This comment does not substantiate its assertion that fugitive dust is likely to carry to off-site areas. For a more detailed discussion regarding fugitive dust emissions, see Responses 58-40 and 58-41.

Comment 58-32

Notwithstanding the acknowledged rich array of biological resources on and adjacent to the Project site, the DEIR fails to sufficiently describe these resources because it relies on insufficient biological surveys. In some cases, surveys are impermissibly deferred until after Project approval. It seems, for

example, that the County did not conduct surveys for western pond turtle or western spadefoot. Rather, the DEIR merely notes that western spadefoot and western pond turtle were not observed on-site during a habitat assessment conducted *six years* ago, and relies on unsubstantiated presumptions to conclude that the species are unlikely to occur on the Project Site. DEIR at 4.4-35. Even though silt ponds are located on the Plant Site and pits that accumulate water are located on the Quarry Site, creating potential habitat for western pond turtle and western spadefoot, the DEIR presumes that western pond turtle and western spadefoot are unlikely to occur on the sites because the level of disturbance throughout the sites "severely limits movement opportunities" for spadefoot and pond turtle. *Id.* at 4.4-35, 3.3-36. This conclusory statement is no substitute for the analysis required under CEQA. Simply presuming the absence of western spadefoot and western pond turtle without conducting surveys constitutes deferred analysis, which is impermissible. *Sundstrom*, 202 Cal. App. 3d at 307. A revised DEIR must properly analyze whether western pond turtle and western spadefoot are present and in what numbers, and determine whether the project will result in permanent loss of habitat for these species.

Response 58-32

The Draft EIR properly analyzes the presence of western pond turtle and western spadefoot. The analysis presented in Draft EIR Section 4.4, demonstrates that blasting and mining activities are not expected to result in significant impacts to these species.

ELMT Consulting conducted a CNDDB query to identify sensitive species that may be present at the project sites and conducted field surveys in 2019 and 2021. Neither western spadefoot nor western pond turtle were observed during these surveys. The western pond turtle has not been observed near the site for over 20 years; the nearest recorded occurrence was approximately 2.75 miles from the Plant Site and 3.25 miles from the Quarry Site in 2004 (Draft EIR page 4.4-35). The nearest recorded occurrence of western spadefoot was approximately 1.80 miles northwest of the Plant Site and 1.20 miles northwest of the Quarry Site in 2008 (Draft EIR page 4.4-36). A subsequent CNDDB search conducted in 2024 revealed no changes in the identification of species potentially present at the project sites.

The comment asserts that the biological surveys are outdated; however, the project sites have not substantially changed in recent years, and no evidence is provided indicating that the survey data are inaccurate. Additional field surveys were conducted in 2021 (see Draft EIR page 4.4-22).

The comment also suggests that protocol-level surveys and population estimates are required. However, CEQA does not require protocol-level surveys or precise population counts where sufficient information exists to evaluate impacts (see *Save North Petaluma River & Wetlands v. City of Petaluma* (2022) 86 Cal.App.5th 207; *Association of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383).

To ensure protection of the western pond turtle and western spadefoot, Mitigation Measure 4.4-1b requires pre-construction clearance surveys by a qualified biologist within suitable habitat areas. If individuals are observed, they would be relocated to suitable habitat outside the disturbance area. With implementation of this measure, impacts would be less than significant. Please see Chapter 3, "Draft EIR Errata," for revisions to Mitigation Measure 4.4-1b.

Comment 58-33

The DEIR's description of the existing setting also mischaracterizes jurisdictional waters on the Project Site. The DEIR does not characterize the wash water conveyance ditch at the Plant Site at a stream. But as explained in the Colibri Report, the California Department of Fish and Wildlife generally considers a stream to be any feature with a bed, channel, and banks that conveys water and supports stream dependent life, regardless of the origins and use of that feature. The wash water conveyance ditch meets those criteria, and therefore likely qualifies as a stream—meaning that diverting or obstructing its natural flow, altering its bed, channel, or bank, or depositing any materials into the ditch is subject to the provisions of California Fish and Game Code Section 1600 et seq. Colibri Report at 3. By neglecting to characterize the conveyance ditch as a stream—and consequently failing to consider the impacts associated with the removal of the wash water conveyance ditch at the Plant Site—the DEIR fails to adequately portray the existing setting at the Plant Site.

Response 58-33

The commenter asserts that the wash water conveyance ditch at the Plant Site should be characterized as a jurisdictional stream subject to Fish and Game Code Section 1602.

The Draft EIR analyzes and categorizes the wash water conveyance ditch in accordance with applicable laws and regulations, as described in the Habitat Assessment (Appendix E-1, Section 5.0, Impact B-3). The ditch is an artificial feature excavated in uplands and used exclusively to convey process water associated with mining operations. These features are routinely maintained and have been continually used to store and convey process water incidental to mining activities.

Based on these characteristics, the wash water conveyance ditch and associated features were determined not to fall under the regulatory authority of the U.S. Army Corps of Engineers. In addition, under the Draft State Wetlands Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State, these features are not considered "waters of the state" because they are artificial features constructed and maintained for active surface mining.

The commenter's interpretation that such a feature constitutes a jurisdictional stream subject to Fish and Game Code Section 1602 is not supported by applicable statutory or regulatory authority. Accordingly, the Draft EIR appropriately characterizes the existing setting, and no revisions are required.

Comment 58-34

Moreover, the entire DEIR relies on outdated record searches and an inadequate search radius for records of special-status species. *See* Colibri Report at 3. The record searches cited in the DEIR were conducted in 2019—*six years* ago—meaning that any records added since 2019 were not considered. *Id.* Moreover, as the Colibri Report explains, the industry standard for EIR-level record searches is a nine-quadrangle search radius, including the topographic quadrangle containing the project site and the eight surrounding quadrangles. But the County only searched *four* quadrangles when preparing the DEIR. The DEIR's reliance on this insufficient, sub-standard search radius means that special-status species that may occur on or near the project site were almost certainly overlooked, and potential impacts to them were not considered. *Id.*

Response 58-34

The comment is noted. While often performed, a 9-quad CNDDB search is not specifically required for CEQA review. A query of the four relevant USGS quadrangles included all occurrences within five miles of both project sites, which was deemed sufficient for the proposed project, including the temporal and on-site expansion of mining activities at locations that are already thoroughly disturbed and subject to ongoing mining operations. Occurrences of additional species at greater distances would not invalidate the analysis in the Draft EIR or the proposed mitigation measures.

In response to comments on the Draft EIR, an updated CNDDB search was conducted for a nine-quad region. Table 4.4-1, "Special-Status Wildlife Species," was updated in the Final EIR to incorporate the results of the updated CNDDB query and is provided in Chapter 3, "Draft EIR Errata." See also Appendix E-6, "WRA Supplemental Biological Resources Evaluation Memorandum." The updated information does not alter the Draft EIR's analysis or conclusions regarding biological resources.

The comment regarding the age of the database results is also noted. For purposes of this Draft EIR, these results are sufficient to evaluate potential impacts and identify appropriate mitigation measures. The Draft EIR conservatively assumes the potential presence of special-status species (including listed species) in the vicinity of the project sites. Based on existing site conditions, any additional occurrences identified would not be expected to alter the Draft EIR's analysis or conclusions.

Comment 58-35

These errors result in a DEIR that does not accurately reflect the existing setting. Searching the California Natural Diversity Database today and extending the search radius to encompass nine quadrangles, for example, reveals several species not addressed in the DEIR that may occur on or near the Project Site, including California glossy snake, western mastiff bat, pallid bat, spotted bat, and Townsend's big-eared bat. *Id.* A revised DEIR must conduct a new record search using more up-to-date data and, at minimum, a nine-quadrangle search radius.

Because the DEIR does not provide an accurate description of the existing physical conditions on the Project site, it is incapable of adequately evaluating the Project's impact on sensitive biological resources.

Response 58-35

The comment is noted. While no bat species were documented during the habitat assessments (Appendices E-1 and E-2), the Draft EIR conservatively evaluated the potential for special-status species to occur within and adjacent to the project sites.

In response to comments received on the Draft EIR, additional review of special-status species occurrences was conducted, including an expanded nine-quadrangle California Natural Diversity Database (CNDDB) search. The results of this expanded search have been incorporated into the Final EIR. Revisions to the biological resources analysis, including updates to Table 4.4-1, are provided in Chapter 3, "Draft EIR Errata."

Additionally, the Final EIR has been revised to include further discussion of bat species with moderate potential to occur in the project vicinity. As described in the errata to Section 4.4, several bat species (e.g., western red bat, hoary bat, pallid bat, and fringed myotis) may utilize habitat features in the project area. To address this potential, Mitigation Measure 4.4-1d has been incorporated to ensure that any potential roosting habitat is identified and avoided during sensitive periods. Implementation of this mitigation measure reduces potential impacts to bats to a less than significant level.

With incorporation of the updated database search and additional analysis, the Final EIR provides an adequate and accurate description of existing biological conditions and a sufficient evaluation of potential impacts to special-status species consistent with CEQA. See also Appendix E-6, "WRA Supplemental Biological Resources Evaluation Memorandum."

Comment 58-36

2. Analysis of Significant Impacts on Biological Resources Is Incomplete and Cursory.

In some instances, the DEIR determines that the Project may have significant impacts, but then fails to determine the extent and severity of those impacts. Merely stating that an impact will occur is insufficient; an EIR must also provide "information about how adverse the adverse impact will be." *Santiago County Water District v. County of Orange*, 118 Cal. App. 3d 818, 831 (1981). This information, of course, must be accurate and consist of more than mere conclusions or speculation. *Id.* The DEIR's analysis of impacts to biological resources fails to fulfill this mandate in several instances.

(a) Failure to Disclose The Extent and Severity of Impacts to Sensitive Wildlife

For example, the DEIR concludes that construction of the Project has the potential to result in significant adverse impacts to a host of sensitive animal species, several of which are state-listed as threatened or proposed for federal listing. Nonetheless, the document fails to explain the actual and specific consequences to these species. *See, e.g.*, DEIR at 4.4-48. These sensitive species include burrowing owl, western pond turtle,[9] (Footnote 9: The U.S. Fish & Wildlife Service has proposed to list both the northwestern and southwestern pond turtle as "threatened" under the federal ESA. 88 Fed. Reg. 68370 (Oct. 3, 2023)) western spadefoot,[10] (*Footnote 10: The U.S. Fish & Wildlife Service has proposed to list both the northern and southern distinct population segments of the western spadefoot as "threatened" under the Federal ESA. 88 Fed. Reg. 84252 (Dec. 5, 2023))* Swainson's hawk,[11] (*Footnote 11: Swainson's hawk is listed as "threatened" under the California ESA. Cal. Dept. of Fish & Wildlife, Cal. Natural Diversity Database Special Animals List 18 (Jan. 2025), available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline (attached as Ex. G)*) bald eagle,[12] (Footnote 12: Bald eagle is a fully protected species under California law and listed as endangered under the California ESA. Id. at 18) and osprey. *Id.* Further, the DEIR notes that "[a]bundant nesting habitat for raptor

species" is found along the San Joaquin River west of the project site and along Little Dry Creek north of the Plant site, and that ground disturbances and noise impacts from mining could thus disturb nesting birds on or near the sites. *Id.*, at 4.4-49. Despite this disclosure, the DEIR fails to discuss the specific consequences to nesting birds. *Id.*, at 4.4-49. The DEIR provides insufficient information regarding the number of individuals of each species that will be affected or the degree to which the populations will be impacted.

Response 58-36

The analysis presented in Draft EIR Section 4.4 demonstrates that blasting and mining activities are not expected to result in significant impacts to these species with the implementation of the identified mitigation measures. While the commenter's concerns are noted, no additional or more robust analysis is warranted beyond that contained in the Final EIR.

The Draft EIR provides sufficient information about the impacts to sensitive species as it relies upon a literature search of the project sites and multiple biological field surveys. See *Save Round Valley All. v. Cnty. of Inyo*, 157 Cal. App. 4th 1437, 70 Cal. Rptr. 3d 59 (2007) holding that an EIR is not required to include a quantitative analysis to determine effect on population of affected species. CEQA requires that studies are sufficiently credible to be considered as part of the total evidence that supports the agency's decision.

The burrowing owl, western pond turtle, western spadefoot, Swainson's hawk, bald eagle, and osprey are discussed in Section 4.4.1.8, "Special-Status Biological Resources," of the Draft EIR. Impacts to burrowing owls and raptor species such as Swainson's hawk, bald eagle, and osprey are further discussed in Impact 4.4-1 of the Draft EIR, which states that implementation of Mitigation Measures 4.4-1a and 4.4-1c prior to the initiation of a mining phase would mitigate the potential adverse impacts to burrowing owls and nesting birds, including nesting raptors, to less than significant. Please see Chapter 3, "Draft EIR Errata." for revisions to Mitigation Measures 4.4-1a and 4.4-1c.

Comment 58-37

Moreover, the DEIR fails to adequately assess impacts to several listed species that have the potential to be harmed by the project. Tricolored blackbirds (a state-listed threatened species)[13] (*Footnote 13: Id.* at 22) have over a dozen breeding season occurrence records within two miles of the project site and potential nesting habitat in the southeastern portion of the Plant Site, but the DEIR ignores possible significant indirect impacts due to activities like blasting, excavating, trenching, or use of heavy equipment. Colibri Report at 5. These activities could cause

tricolored blackbird nests to fail, constituting a significant impact. *Id.* Western red bats, a sensitive species, have a moderate potential to occur on the project site, DEIR at Appendix C, Table C-1, yet the DEIR fails entirely to address the potential effects of the project on this species—including likely significant impacts from blasting given the western red bat's sensitivity to noise and vibration. Because bats are acoustic predators, noise from blasting could compromise their ability to effectively forage.

Response 58-37

Draft EIR Section 4.4 and its supporting studies (Appendices E-1 and E-2) provide an overview of habitat both within and adjacent to the Plant and Quarry sites and applicable habitat assessments. Mitigation Measure 4.4-1c addresses potential impacts to nesting birds resulting from the proposed project. Otherwise, blasting is not expected to result in sustained or long-term impacts.

As discussed in the Draft EIR, the Quarry Site does not provide suitable habitat for nesting sites for tricolored blackbirds (see Draft EIR at page 4.4-25). While some suitable nesting and foraging habitat is present on the Plant Site, the CNDDB records show no known occurrences of tricolored blackbirds within the vicinity of the Plant or Quarry sites, and the bird was not detected during the 2019 or 2021 Habitat Assessment field surveys (see Draft EIR page 4.4-25). Thus, the Draft EIR properly concludes that tricolored blackbirds have low potential to occur on the Quarry Site and Plant Site (see *Save North Petaluma River & Wetlands v. City of Petaluma* (2022) 86 Cal.App.5th 207, 226). Further, the Draft EIR addresses blasting impacts to wildlife, including nesting birds and specifically the tricolored blackbird, and concludes that impacts would be less than significant (Draft EIR page 4.4-51).

Although the western red bat has moderate potential foraging habitat on the project sites, no western red bats were observed on site during the habitat assessment (see Draft EIR, Appendix C, Table C-1). To strengthen the protections for bats, the Final EIR also includes additional discussion of bat species with moderate potential to occur in the project area, and incorporates Mitigation Measure 4.4-1d to ensure that any potential roosting habitat is identified and avoided during sensitive periods. Implementation of this measure reduces potential impacts to bats to a less than significant level. See Chapter 3, "Draft EIR Errata," to view the full description of Mitigation Measure 4.4-1d.

Comment 58-38

Swainson's hawks have more than four dozen breeding season occurrence records within two miles of the Project Site and numerous potential nest trees within half a mile of the Project

Site, yet the DEIR fails to address potential indirect effects of the Project on nesting Swainson's hawks. *Id* at 4. Noise and dust from blasting and other Project activity could cause Swainson's hawks' nests to fail, constituting a significant impact. *Id.* Similarly, the DEIR neglects to address potential indirect impacts to burrowing owls that could result from the Project. Noise and dust from blasting, excavating, scraping, or use of heavy equipment could cause burrowing owl nests to fail and/or substantially modify their habitat, constituting a significant impact. *Id.* The DEIR also presumes Sanford's arrowhead, a California Rare Plant, to be absent—even though this species occurs in aquatic habitats like those in the southeastern portion of the Plant Site, and could be present. *Id.* at 6.

Response 58-38

The comment is noted. See Response 15-13 regarding the sufficiency of Mitigation Measure 4.4-1c, as updated in the Final EIR, for nesting birds, including raptors. The Draft EIR analyzes the project's indirect impacts to Swainson's hawks in Impact 4.4-2, and specifically states that the birds have habituated well to existing mining operations (see Draft EIR pages 4.4-52 through 4.4-53). Within the discussion of the project's potential of noise and vibration impacts on wildlife, the Draft EIR concluded that wildlife has adapted well to active mining conditions, such that the impact of the proposed mining operations, including blasting, would be less than significant (see Draft EIR at pages 4.4-52 and 4.4-53). CEQA does not require mitigation measures where the impact is less than significant. The Draft EIR provides mitigation measures related to blasting that, while not species specific, would result in the reduction of impacts to special-status species and other wildlife and riparian areas. For example, the Draft EIR must comply with certain noise thresholds, which would reduce potential impacts to species. Additionally, the project would implement Mitigation Measure 4.3-2b, which would reduce fugitive dust emissions from blasting and would reduce the potential for fugitive dust emissions settling on vegetation and riparian areas (see Draft EIR page 4.4-58).

Mitigation Measure 4.4-1c has been revised to further mitigate potential impacts to nesting Swainson's hawk. Regarding impacts to burrowing owls, Mitigation Measure 4.4-1a stipulates preconstruction surveys for this species and has been revised in Final EIR Chapter 3, "Draft EIR Errata." Regarding potential indirect impacts, the Draft EIR concludes that blasting-generated dust would be temporary and minimized through enforceable measures in the Fugitive Dust Control Plan, including dust suppressants and stockpile management. See Appendix K of Appendix D-3 for the project's Fugitive Dust Control Plan. These standard measures are effective at reducing impacts to less-than-significant levels. The comment does not provide evidence that the proposed measures

would not be effective in reducing potential impacts to burrowing owls to less than significant levels.

The Draft EIR properly presumes the Sanford's arrowhead to be absent because it was not found on the Plant Site and only grows in swamp or marsh conditions which are not found on the project sites (see Appendix E-1, "Plant Site habitat Assessment"). This comment does not provide evidence to show that the project sites would support Sanford's arrowhead. A plant species' potential presence in the area must be considered in the baseline only if it could occur in the project area, which is not the case here (see *Nassiri v. City of Lafayette* (2024) 103 Cal.App.5th 910, 931 citing Guidelines Section 15332(c)). If the site has no value as a habitat for a listed species, then CEQA does not require analysis on impacts to those species (*Id.* at 926). No special-status plant species were observed in the Plant Site boundaries or within a half-mile buffer during a habitat assessment conducted in April 2019 and a survey conducted in 2021, and none are expected to occur based on habitat assessments, the presence of non-native grasses, the heavily disturbed nature of the majority of the sites, and the known distributions of the special-status plants (see Draft EIR Appendix E-1, ELMT Report at Executive Summary). See also Response 58B-9 for additional discussion of Sanford's arrowhead.

Comment 58-39

As explained in the attached CBEC Report, the DEIR also fails to adequately consider potentially significant impacts to species in groundwater dependent ecosystems that will result from the Project's interference with groundwater levels. CBEC Report at 5. Although groundwater dependent ecosystems are located near the Project Site, the DEIR contains no quantitative analysis of potential impacts to these ecosystems. *Id.* Groundwater dependent ecosystems are rooted in the alluvium extending outside the Project boundary. The Project may result in lowering the alluvium groundwater levels and dewatering remaining alluvium—which would totally dewater the alluvium and associated groundwater dependent ecosystem rooting zone adjacent to the San Joaquin River and north of the Quarry Site. This would result in potentially significant adverse impacts to groundwater dependent ecosystems, and the species that inhabit them, after— and possibly during—mining operations. *Id.* The DEIR fails to analyze these impacts.

A revised DEIR must properly document the biological resources on site and thoroughly evaluate the Project's impacts to both on- and off-site biological resources.

Response 58-39

The Draft EIR provides a comprehensive, site-specific analysis of groundwater and surface water interactions in Section 4.10. The adaptive management and monitoring procedures are also outlined in Mitigation Measure 4.10-10a to adaptively manage conditions in the event that mining is found to decrease groundwater supplies. Please see Final EIR Chapter 3, "Draft EIR Errata," for revisions to Mitigation Measure 4.10-10a.

Comment 58-40

(b) Failure to Analyze and Mitigate Impacts from Blasting and Fugitive Dust Emissions

The DEIR fails to analyze, let alone mitigate, impacts on sensitive wildlife and vegetation from dust emissions generated during blasting, aside from a cursory analysis of potential impacts to riparian habitats. DEIR at 4.4-57. The DEIR concludes that project operations associated with mining, processing, and reclamation activities would emit criteria air pollutants "from construction equipment and from mobile equipment and motor vehicles associated with excavation and blasting, and operation of an aggregate plant, ready-mix concrete plant, asphalt plant, and portable recycle plant on the Plant Site and Quarry Site." *Id.* at 4.3-57. However, the DEIR fails to consider particulate matter impacts of blasting on species—even though it admits in later sections that the generation of dust resulting from blasting would cause fine materials and dust to settle on vegetation, thereby indirectly harming habitats. *Id.* at 4.4-58. To address blasting impacts the DEIR proposes a Fugitive Dust Control Plan (Mitigation Measure 4.3-2), which prescribes upgrades to off-road engines, use of chemical dust suppressants, and daily application of water to stockpiles, but does not include any mitigation measures aimed at protecting sensitive wildlife and vegetation. *Id.*at 4.3-62

As the Colibri Report illustrates, fugitive dust emissions from the Project may adversely impact plants, and animals that depend on those plants, because fugitive dust may make plants unsuitable as habitat for insects and birds. Blasting results in a significant amount of particulate matter and would certainly carry to off-site areas on windy days. Blasting could thus harm or substantially modify the habitat of sensitive species like Swainson's hawks, tricolored blackbirds, burrowing owls, and western red bats, resulting in potentially significant impacts. Colibri Report at 4-6. The DEIR fails to address these impacts entirely (although it does admit, in its discussion of Project alternatives, that the no project alternative would "not create any new impacts to wildlife

or associated habitat" because there would be "no expansion of mining operation and no blasting." DEIR at 6-14).

Response 58-40

The Draft EIR analyzes the impact of fugitive dust emissions upon the surrounding environment in Section 4.3, "Air Quality," and concludes that the impacts of dust emissions from blasting would be temporary and minimized to less than significant levels after implementation of Mitigation Measure 4.3-2a and 4.3-2b (see Final EIR Appendix D-4, "Revised Section 4.3, Air Quality," at page 4.4-58). The Fugitive Dust Control Plan is adequate to reduce impacts of the project's fugitive dust emissions to less than significant, in accordance with CEQA standards. Although the Fugitive Dust Control Plan is not specifically directed towards protection of species, it would still have the effect of reducing impacts to special status species.

The Draft EIR also analyzes impacts to Swainson's hawks, tricolored blackbirds, burrowing owls, and western red bats in Section 4.4 of the Draft EIR. The Draft EIR provides mitigation measures for nesting birds, including Swainson's hawks, tricolored blackbirds, and burrowing owls, which would reduce possible impacts to these species to less than significant. See Mitigation Measure 4.4-1c on page 4.4-50.

The Draft EIR, as updated in the Final EIR, concludes that blasting-generated dust would be temporary and minimized through enforceable measures in the Fugitive Dust Control Plan, including dust suppressants and stockpile management. These standard measures are effective at reducing impacts to less-than-significant levels. The comment does not provide evidence that the proposed measures would not be effective in reducing potential impacts from dust to less than significant levels. No additional assessment or mitigation is required. See also Appendix K of Appendix D-3 for the Fugitive Dust Control Plan prepared for the project that would be submitted to the SJVAPCD for review and approval prior to project implementation.

Comment 58-41

The DEIR does conclude that the generation of dust by blasting could indirectly impact riparian habitats when fine materials and dust settle on vegetation. DEIR at 4.4-58. To address this, the DEIR proposes the Fugitive Dust Control Plan, which would require upgrades to off-road engines and would require that stockpiles be controlled through the application of dust suppressants. But as discussed further below, the Fugitive Dust Control Plan does not ensure that dust control measures will be properly implemented, let alone effective to reduce impacts to less-than-significant levels. A revised DEIR must include the prescribed analysis and

identify feasible mitigation measures that ensure minimization of impacts.

Response 58-41

The Draft EIR concludes that blasting-generated dust would be temporary and minimized through enforceable measures in the Fugitive Dust Control Plan, required by Mitigation Measure 4.3-2b, including dust suppressants and stockpile management. These standard measures are effective at reducing impacts to less-than-significant levels, and no additional mitigation or analysis is required.

Comment 58-42

In addition to inadequately analyzing the impacts of fugitive dust emissions, the DEIR fails to fully analyze the impacts of noise and vibration on wildlife. As described in the attached Salter Report, aside from its analysis of impacts to fish, the DEIR includes virtually no noise or vibration thresholds, analysis, or mitigation for wildlife in areas near the Project Site. Salter Report at 2. Although the DEIR concludes that "[g]round disturbance and noise impacts from mining could disturb nesting birds located on or near the project sites," DEIR at 4.4-49, and that mining could "result in potential adverse impacts to special-status species in the riparian habitat surrounding the project sites" due to substantial disturbances caused by noise and vibration, *Id.* at 4.4-52, it provides insufficient substantive analysis. Salter Report at 10. The County did not measure existing ambient noise levels in the neighboring wildlife areas; nor did it predict Project operational noise levels for these areas. Absent such analysis, the potential noise increase and ensuing impacts to wildlife cannot be evaluated adequately. *Id.* Indeed, the DEIR completely omits any analysis of blasting impacts on wildlife and other nearby riparian habitat. Because the DEIR's analysis of noise and vibration impacts is so deficient, impacts to wildlife remain largely unknown. *Id.* And since there are no noise and vibration mitigation measures that control operational noise or blasting vibration—such as stopping blasting during times when birds are nesting near the Project Site—noise and vibration from the Project will likely disrupt nearby wildlife. *Id.*

Response 58-42

The San Joaquin riverbank was identified as a sensitive receptor in the noise and vibration analysis (see Draft EIR at page 4.13-12). The comment incorrectly claims that ambient noise was not measured in neighboring wildlife areas (see Figure 4.13-4, "Blasting Vibration Receptors," for a map of the locations where ambient noise measurements were

taken). Locations 24F, 24P, and 25A are located on the San Joaquin riverbank and the noise measurements are disclosed in Table 4.13-4, "Existing Ambient Noise Environment at Nearest Receptors to Quarry Site." We also note that the Salter Report does not reference any wildlife noise studies. Furthermore, the Blasting Protocols (see Draft EIR Appendix H-9) specifically state that noise measurements would be continually measured at those receptor locations and if they were to exceed specified thresholds, then blasting activities would cease, the County would be notified, and a corrective action plan would be developed (see Draft EIR Appendix H-9 at page 5). This is sufficient to ensure that wildlife is protected because, as described below, the species have already adapted well to the ambient noise conditions on the sites, therefore it is sufficient to only cease blasting activities if the noise and vibration levels exceed established thresholds.

The Draft EIR discusses and analyzes the project's impacts of vibration in Section 4.13, "Noise," of the Draft EIR. Further discussion of vibration caused by the project is provided in detail in Appendix H-1 of the Draft EIR. The Draft EIR concluded that the impact of ground borne vibration or noise from mining operations would be less than significant, and thus does not require any mitigation (Draft EIR at page 4.13-63 to 64).

The Draft EIR recognizes the possibility that nesting birds and other wildlife may nest at the Quarry Site, and implements mitigation measures to ensure that impacts are lessened. The Draft EIR concludes that blasting impacts to wildlife is less than significant because of the examples that avian species and other wildlife have successfully habituated to land uses that generate substantial noise and vibration (Draft EIR at page 4.4-52). Given the history of mining operations and the continued existence of these species in neighboring areas, the Draft EIR properly concludes that wildlife would continue to habituate to the proposed project. Furthermore, the comment fails to provide any evidence that their proposed mitigation measure to halt blasting while birds are nesting is feasible given that blasting would need to occur twice per week. Blasting would occur up to two times per week, and a typical blasting event would occur for one to two seconds.

Comment 58-43

Project will likely disrupt nearby wildlife. *Id.*

(c) Failure to Disclose Impacts to Special Status Species After Reclamation of the Site.

The DEIR's analysis of impacts to special-status plant and wildlife species after mining and reclamation are complete suffers from similar deficiencies. The DEIR concludes that there would be no significant impacts once reclamation is complete because "all activities would cease, and all equipment would be removed," sources of lighting, noise, and vibration would be removed, and

the area would be reverted to open space. DEIR at 4.4-53. However, the current reclamation plan in place for completion of alluvial mining and the sites does not match the proposed one. The existing reclamation plan would leave a large, but comparatively shallow (approximately 20 feet deep) lake at the Quarry site; the proposed reclamation plan would leave an 108-acre, 600-foot-deep pit with a water surface elevation of approximately 500 feet below the surrounding grade. *Id.* at 4.4-53-54. Compared to the proposed reclamation plan, the existing reclamation plan would offer better opportunities for aquatic plant and animal life, as habitat value is often inversely related to water depth. Colibri Report at 6. But the DEIR ignores likely impacts to wildlife that would result from the creation of the 600-foot-deep pit and fails to analyze the impacts of the proposed reclamation plan compared to the existing plan.

Similarly, the DEIR notes that the formation of quarry pit ponds that would cover the majority of the Plant and Quarry Sites would constitute an "irreversible" environmental change that would preclude future land uses, but fails to analyze whether this change would result in impacts to sensitive species or their habitats. *Id.* at 7-3.

Response 58-43

The Draft EIR appropriately evaluates post-reclamation impacts based on the proposed reclamation plan. Existing physical conditions at the time of the Notice of Preparation "will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant" (Title 14 CCR Section 15125(a); see also *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 448; *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310, 320). It is appropriate for the Draft EIR to analyze impacts of the proposed Reclamation Plan relative to existing physical conditions, rather than comparing the proposed plan to a previously approved reclamation plan. The prior reclamation plan does not represent existing environmental conditions and would not provide an appropriate baseline for impact analysis.

Furthermore, the proposed Reclamation Plan is consistent with SMARA and is subject to approval by the County and the California Department of Conservation, Division of Mine Reclamation. The plan includes recontouring, slope stabilization, managed water levels, and revegetation in accordance with established performance standards (see Draft EIR Appendix B-1).

As described in the Draft EIR, the majority of both the Plant Site and Quarry Site has been heavily disturbed by decades of mining activity and does not support high-quality native habitat. The Quarry Site, in particular, is largely devoid of habitat value due to ongoing and historical disturbance. Accordingly, the analysis appropriately concludes that the proposed project would not result in a significant loss of habitat value.

In response to comments received on the Draft EIR, the biological resources analysis has been updated in the Final EIR to incorporate an expanded nine-quadrangle California Natural Diversity Database (CNDDB) search and revisions to Table 4.4-1 (see Chapter 3, "Draft EIR Errata").

Additionally, the Final EIR includes expanded discussion of special-status species with potential to occur in the project area, including bat species, and incorporates Mitigation Measure 4.4-1d to ensure that any potential roosting habitat is identified and avoided during sensitive periods. These updates further support the conclusion that impacts to special-status species, including under post-reclamation conditions, would be less than significant.

The comment's suggestion that the EIR must compare the proposed reclamation plan to a prior plan or evaluate speculative differences in habitat outcomes is not required under CEQA. The Draft EIR, as clarified and supplemented in the Final EIR, provides a sufficient and legally adequate analysis of post-reclamation conditions and associated biological impacts.

Comment 58-44

3. The DEIR Fails to Adequately Evaluate the Project's Adverse Impacts on On-Site and Downstream Habitat Areas.

As described in both the CBEC and the Colibri Reports, the Project's effects on site hydrology would result in water stress to existing riparian habitat areas on-site and downstream of the Project site. The Project would result in myriad changes including a substantial loss of groundwater due to increased evapotranspiration from large numbers of wetland and riparian plants proposed as part of the revegetation plan and increased evaporation in ponded areas. In addition, changes in Project site topography, hydraulics, and flow that will redirect flood waters have the potential to impact existing riparian areas on-site and sensitive habitat downstream. CBEC Report at 5 and Colibri Report at 6. The DEIR fails to evaluate these impacts.

Response 58-44

See Response 58-28, which addresses the issues raised in the comment.

The Draft EIR addresses impacts on riparian habitat or other sensitive natural communities under Impact 4.4-4 (Draft EIR, pages 4.4-55 through 4.4-58). With implementation of Mitigation Measures 4.10-1, 4.3-2a, and 4.3-2b, the impact would be less than significant. Further, the comment does not provide evidence or argument indicating that Mitigation Measure 4.10-10a would be inadequate to mitigate impacts to groundwater levels and associated effects on riparian habitat.

The comment states that the Draft EIR fails to evaluate a "substantial loss of groundwater due to increased evapotranspiration from large numbers of wetland and riparian plants proposed as part of the revegetation plan and increased evaporation in ponded areas." The Draft EIR evaluates the project's water use, including that due to evapotranspiration, at Impacts 4.10-9 and 4.10-10, and the overall water use, both existing and following reclamation, is summarized at Table 4.19-1, "Existing and Proposed Water Use Summary (Acre-Feet per Year)." As described at Table 4.19-1, water use following reclamation would be substantially reduced as compared to the existing baseline at both the Quarry Site and the Plant Site. The comment does not provide any evidence that the increased evapotranspiration would result in any impacts not already discussed in the Draft EIR and addressed by Mitigation Measures 4.10-10a and 4.10-10b.

The comment further states that changes in project sites' topography, hydraulics, and flow that would redirect flood waters have the potential to impact existing riparian areas on-site and sensitive habitat downstream. The comment is inconsistent with data and analyses in the Draft EIR. Impact 4.20-4 (Draft EIR, Impact 4.20-4, page 4.20-16) analyzes impacts to existing riparian areas; Impact 4.10-15 (Draft EIR, page 4.10-117) indicates that the project would not alter drainage patterns in a manner that would result in on- or off-site flooding or exceed the capacity of the existing storm drainage system. Impact 4.10-16 (Draft EIR pages 4.10-117 through 4.10-118) determined that the project would not alter drainage patterns in a manner that would impede or redirect flood flows. Impact 4.10-17 (Draft EIR, pages 4.10-118 through 4.10-119) determined that the enlarged mining excavation could help contain and minimize downstream flooding, which would reduce the overall potential for release of pollutants, including sediment. This comment does not identify evidence indicating that the Draft EIR's evaluation of these potential impacts is inadequate.

Comment 58-45

The San Joaquin River to the west of the project site supports a Great Valley Mixed Riparian Forest, and riparian habitat is also

located just north of the Plant Site and south of Little Dry Creek. DEIR at 4.4-55, The DEIR notes that pumping of quarry pits on the project sites and the ensuing formation of a quarry pit pond on the Plant Site and quarry pit lake on the Quarry Site "would result in decreased groundwater levels in the areas surrounding the project sites," which could lead to adverse impacts to riparian habitat should plant species lose access to groundwater or river flow water important to their survival. *Id.* at 4.4-55. Mulefat and sandbar willow, for instance, are groundwater dependent species that have been identified within 500 feet of the Plant Site. *Id.* at 4.4-11. As explained in the attached CBEC Report, the Project will interfere with groundwater dependent ecosystems, resulting in potentially significant impacts on these ecosystems after, and possibly during, mining operations. CBEC Report at 5.

Response 58-45

See Response 58-28 and 58-44. The comment does not provide any evidence that the project would result "in potentially significant impacts on" groundwater dependent ecosystems. While the comment cites to the Draft EIR page 4.4-55, that page indicates that at the Plant Site groundwater levels are more than 30 feet deep, "typically deeper than that which could support riparian vegetation." The level of drawdown related to the project would be "within normal seasonal fluctuations of groundwater and therefore would be unlikely to have an adverse effect on groundwater dependent ecosystems or on river flow dependent ecosystems" (Draft EIR page 4.4-56). Similarly, dewatering of the existing quarry pit currently affects most of the alluvium on and adjacent to the site. As provided in the EMKO Report attached to the Draft EIR as Appendix G-5, no further effects related to dewatering of the alluvium can occur (Draft EIR, Appendix G-5, page 46). Further, the comment does not provide any evidence or argument that Mitigation Measure 4.10-10a and Mitigation Measure 4.10-10b would not mitigate impacts to the groundwater dependent resources.

Comment 58-46

Moreover, blasting at the Quarry Site could impact riparian habitat by destabilizing the San Joaquin River bank, or by generating projectiles that could damage riparian habitat. *Id.* at 4.4-57. To address this, the DEIR proposes Mitigation Measure 4.10-1, which would implement blasting protocols that would require blasting to begin at the center of the Quarry Site so that "monitoring of groundborne vibration can occur and be used to verify that predicted maximum ground vibrations are consistent with actual ground vibration measurements and allow for adjustments in blasting design to occur based on the monitoring results." *Id.* If it is determined that blasting is causing instability (of the river

bank), a "corrective action plan must be developed that identifies changes to the blasting program to prevent future exceedances." *Id.* at 4.4-58. The blasting protocol would also require the development of an annual Blasting Plan submitted to the county each year for review. *Id.* These mitigation measures are both vague and impermissibly deferred. Indeed, these measures would allow significant impacts to occur before any steps are taken to avoid or minimize impacts; corrective action would be taken only after the damage is already done. CEQA prohibits a delay in implementation of mitigation until after a significant impact occurs. *See King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 860, 862; *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 738, 740. Compounding the problem, the DEIR fails to articulate exactly *what* corrective action must be taken if significant impacts occur. This is also unlawful. *See, e.g., California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 195-96; *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 280-81.

Response 58-46

Mitigation Measure 4.10-1 requires the implementation and compliance with the Blasting Protocols developed October 27, 2020, and updated April 29, 2026, by Vibra-Tech Engineers, Inc. The Blasting Protocols must be appended to the Mitigation Monitoring and Reporting Program and incorporated as a condition of approval for the project. The Blasting Protocols, which are attached at Appendix H-6 to the Draft EIR, and updated in Appendix H-9 of the Final EIR, are neither vague nor impermissibly deferred. The Blasting Protocols set out instrumentation requirements (Section A), instrumentation setup procedures (Section B), including locations of ground vibration measurement sensors and microphone placements for air overpressure measurements, discusses receptor locations and frequency of monitoring (Section C), discusses ground vibration and air overpressure control limits for receptors (Section D) and sets out the requirement for the inspection of the San Joaquin River Embankment pre-blast and post-blast as well as other significant requirements, including complaint response procedures, record keeping and annual reporting. The procedures are not vague. Moreover, the corrective action plan, in addition to setting out requirements that would need to be taken to prevent future exceedances, also provides for the "immediate suspension of all blasting until the corrective action is implemented" (Section F). These measures are also discussed extensively in the Draft EIR 4.4-57 to 4.4-58.

The adaptive requirements of the Blasting Protocols are not an impermissible deferral of mitigation, which "occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner

described in the EIR." (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) Title 17 Cal.App.5th 413, 442–443.) Here, the County clearly has analyzed the potential impacts and described a precise means of mitigating the potential effects of blasting. That a corrective action plan may need to be developed and implemented indicates the mitigation measure is adaptive to changing circumstances and thus more effective than a non-adaptive measure. (See *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) Title 17 Cal.App.5th 413, 442–443.)

The holding in *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 860, 862, is inapplicable. In *King,* the court held that the proposed mitigation measure in the EIR constituted a delay in implementation because the mitigation measure "allowed permits … to be issued (and wells to be drilled) without being subject to the measures contained in the plan." (*Id*. at page 860.) In contrast, Mitigation Measure 4.10-1's requirements would be effective immediately.

See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.4.

Comment 58-47

The DEIR also reaches unsupported and unreasonable conclusions about impacts to on-site and downstream wildlife from mining operations and blasting. For instance, it concludes that the project's interference with native resident or migratory fish or wildlife species movement, corridors, or nursery sites would be less than significant, DEIR at 4.4- 63, but justifies this conclusion by discussing post-operating conditions; the DEIR claims that mining operations on the Plant Site will not compromise wildlife movement, in part, because "[u]pon completion of mining and reclamation, the final reclaimed use on the site would be open space." *Id.* But the Project envisions operation for a period of 100 years. *Id.* at ES-4 and 2-5. That reclamation would take place at the end of this period does not mean that there will not be significant impacts in the interim. Disruption of the site over a 100-year period will cause significant impacts, even if the site will one day be reclaimed. The DEIR may not just ignore a century of adverse impacts to wildlife simply because the Project Site will be converted to open space thereafter.[14] (*Footnote 14:* Nor is there any guarantee that the site actually will be reclaimed even after another century of operation. As discussed above, the site would have been reclaimed decades ago had the County not repeatedly extended the expiration of existing permits.)

Response 58-47

See Responses 58-28 and 58-44, which adequately address impacts to on-site and downstream wildlife from mining operations. Impact 4.4-6 adequately analyzes groundborne noise and vibration from blasting that could impact fish in the San Joaquin River (Draft EIR pages 4.4-62 through 4.4-63). Regarding the Quarry Site, the Draft EIR found that the level of significance was less than significant because "level of ground vibration is significantly below the 2.0 in/sec limit for the protection of embryos in spawning gravels" (Draft EIR, page 4.4-63). Regarding the Plant Site, the Draft EIR found that there would be no impacts to wildlife because impacts would not change as compared to the CEQA baseline because the Plant Site is almost entirely disturbed (Draft EIR, page 4.4-62). Time extensions alone are not cognizable CEQA impacts because they do not increase the impacts over the baseline (see, e.g., *World Business Academy v. California State Lands Commission* (2018) 24 Cal.App.5th 476, 493-97 (use of CEQA Class 1 categorical exemption for 7-year extension of lease); *North Coast Rivers Alliance, supra,* 227 Cal.App.4th at 868 (use of CEQA Class 1 categorical exemption for 2-year extension of contract). Further, this comment alleges that the Draft EIR's evaluation of the Plant Site's impacts to wildlife are inadequate because the Plant Site would not be reclaimed for 100 years. However, the Plant Site would continue mining operations for only up to 30 years, not 100 years (see Draft EIR, pages 1-7 and 4.4-62).

Mitigation Measure 4.10-1 provides for Blasting Protocols to address any potential impacts to the San Joaquin River embankment, which require continuous pre-blast and post blast visual inspections of the portions of the San Joquin River embankment that are located within 1,000 feet of each blast and depths less than 100 feet within the hard rock portion of the quarry pit would be completed (see Draft EIR, pages 4.4-57 through 4.4-58; Mitigation Measure 4.10-1; and Appendix H-9, Section E, page 5).

Comment 58-48

Furthermore, the DEIR's discussion of impacts to special-status wildlife species in riparian habitat surrounding the Plant and Quarry sites during mining operations is devoid of any real analysis. Without providing a single citation to back its claims, the DEIR asserts that "wildlife is often observed to habituate well to daily recurring activities and noise associated with the operations," DEIR at 4.4-52. The DEIR provides several examples of species habituating—again, without offering any citations to substantiate these claims. *Id.* at 4.4-52-53. Many of these examples, including the primary example offered, Cajon Creek Conservation Bank, were projects involving alluvial surface mining without blasting, and are therefore not reflective of whether species exposed to blasting on the Quarry Site are likely to

habituate or not. *Id.* The DEIR's conclusion that impacts to special-status wildlife species in riparian habitat surrounding the Plant and Quarry sites during mining operations will be less than significant lacks any basis.

Response 58-48

See Response 58-28, 58-44, and 58-47, which adequately address impacts to special status wildlife species in riparian habitat surrounding the Plant and Quarry sites during mining and blasting operations. In addition, numerous hard rock mining sites in the Southern California desert are examples of where wildlife live in close proximity to blasting (see e.g. Castle Mountain Mine which has operated next to a bighorn sheep population for several decades). A single blasting event is about 1 second in duration (Draft EIR page 2-42).

As explained in Draft EIR Impact 4.4-2, only a few special-status wildlife species have a potential to appear on-site and all remaining special-status species have a low potential to occur on-site (Draft EIR, page 4.4-49). For the few special-status wildlife species that have a potential to appear onsite, although none have been observed on site, Mitigation Measures 4.4-1a, 4.4-1b, and 4.4-1c were established by Impact 4.4-2 to adequately reduce impacts to special status wildlife species in riparian habitats to less than significant (see Draft EIR, Impact 4.4-1; and Draft EIR, pages ES-14 through ES-18 and 4.4-48 through 4.4-52). Given that 1) most special status species are not likely to occur on site, 2) the duration of blasting is mere seconds (one to two seconds at the most) per week, and 3) the noise and vibration levels reached with blasting are not likely to exceed thresholds for humans or salmon, the project is not likely to result in significant adverse impacts to wildlife. See Response 58C-3 for further discussion and analysis of vibration thresholds for humans.

Comment 58-49

In addition, as discussed above, the Project proposes to excavate hard rock to a depth of 600 feet, leaving a large pit even after reclamation has taken place. As described in the attached CBEC report, groundwater in the alluvium beneath off-site areas will likely flow into the Quarry Site pit, resulting in potential groundwater contamination as well as potentially significant impacts to neighboring groundwater dependent ecosystems. CBEC Report at 4. The DEIR ignores these impacts to water quality and to downstream aquatic habitats. *Id.*

Response 58-49

See Response 58-28, 58-44, and 58-47, which discusses the Draft EIR's analyses of water quality and downstream impacts caused by the project.

The comment does not explain why the project would result in groundwater contamination.

The comment alleges that "groundwater in the alluvium beneath off-site areas will likely flow into the Quarry Site pit, resulting in potential groundwater contamination… CBEC Report at 4." First, page 4 of the CBEC report makes no such mention regarding potential groundwater contamination. Second, the project does not have the potential to cause groundwater contamination (see Draft EIR, Section 4.9.1.2, "Soil and Groundwater Contamination Setting," pages 4.9-3 through 4.9-4 [There are no known areas of soil and groundwater contamination within or near the Plant Site or Quarry Site]); Impact 4.9-1, pages 4.9-15 through 4.9-17; Impact 4.9-2, pages 4.9-17 through 4.9-19 [Requires implementation of mitigation measures and protocols to reduce to less than significant with mitigation the release of hazardous materials transported, used, or disposed during mining or final reclamation]; and Impacts 4.10-1, 4.10-4, and 4.10-6 which further analyze potential groundwater contamination.)

Comment 58-50

4. The Project's Approach to Mitigation of Impacts on Biological Resources is Inadequate.

The DEIR not only fails to adequately analyze potentially significant impacts on biological resources on-site and off-site in the adjacent wildlife refuges due to project- related hydrologic changes, fugitive dust emissions, and direct impacts from removal of habitat, but also fails to provide adequate mitigation to address all of the ways that biological resources will be impacted. An EIR is inadequate if it fails to suggest mitigation measures, or if its suggested mitigation measures are so undefined that it is impossible to evaluate their effectiveness. *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61 at 79. The County may not use the inadequacy of its impacts review to avoid mitigation: "The agency should not be allowed to hide behind its own failure to collect data." *Sundstrom*, 202 Cal.App.3d at 306. The formulation of mitigation measures may not properly be deferred until after Project approval; rather, "[m]itigation measures must be fully enforceable through permit conditions, agreements, or legally binding instruments." CEQA Guidelines § 15126.4(a). Here, the DEIR's identification and analysis of mitigation measures, like its analysis of biological impacts, are legally inadequate.

The DEIR concludes that the project could result in significant impacts to special- status species—including burrowing owls, western pond turtles, western spadefoot, Swainson's hawks, bald

eagles, and ospreys—on the Plant Site or Quarry Site during mining operations, DEIR at 4.4-48-49, and that ground disturbance and noise impacts from mining could disturb nesting birds on or near the sites. *Id.* at 4.4-49. But the mitigation measures it proposes, which involve conducting preclearance surveys and relocating any members of these species found on the Project Site, fail to mitigate potential irreversible impacts to these species' habitat. *Id.* at 4.4-50 to 4.4-52, 4.4-57 to 4.4-58. Activities such as mining operations, blasting, and the creation of the 600-foot deep pit could result in the irrevocable destruction of habitat. Even if sensitive species are relocated, loss of their habitat is nevertheless an impact that requires evaluation and mitigation. A revised DEIR should include mitigation measures that adequately address potential irreversible harms to species habitat.

Response 58-50

Preclearance surveys and relocating potentially effected species, which are measures typically used for species mitigation, are adequate for the purposes of mitigating impacts to sensitive species. Additionally, the relocation of species would be done in coordination with the CDFW, following the CDFW's expertise, and with a plan approved by the CDFW (see Draft EIR page 4.4-48). Moreover, the mitigation measures would be fully enforceable as condition of approval to the conditional use permit. Please see Response 65-11 for further discussion of the Mitigation Measures proposed for burrowing owls, western spadefoot, and western pond turtle.

The commenter ignores the current baseline. Both the Quarry and Plant sites are already heavily disturbed and have been for decades. The habitat impacts largely already exist. Although the depth of the pit at the Quarry Site would be increased, the perimeter of the area already disturbed by mining operations would not expand. As such, the project is not likely to result in habitat loss for burrowing owl, western spadefoot, and western pond turtle. Furthermore, as discussed in Response 65-11, and in Section 4.4.1.8 of the Draft EIR, burrowing owl, western spadefoot, and western pond turtle are not likely to occur within the project sites. As such, Mitigation Measures 4.4-1a, 4.4-1b, and 4.4-1c, as revised in the Final EIR, are sufficient to reduce impacts to less than significant (see Draft EIR pages 4.4-50 through 4.4-52).

Furthermore, potentially significant effect/indirect physical change is not required to be analyzed and/or mitigated if the effect would be speculative and therefore not reasonably foreseeable (CEQA Guidelines Section 15064(d)(3)).

To provide clarification and amplify the efficacy of the mitigation measure, Mitigation Measure 4.4-1c is revised in this Final EIR as presented in Chapter 3, "Draft EIR Errata."

The revisions provide additional specifics regarding the requirements of Mitigation Measure 4.4-1c for pre-construction surveys by the qualified biologist and required notification to CDFW in the event that nesting bird species are detected during pre-construction surveys.

Comment 58-51

The DEIR's biological mitigation measures are inadequate for additional reasons. For example, the measures calling for relocation of burrowing owls, western pond turtles, and spadefoot (4.4-1a and 4.4-1b) fail to discuss any potential adverse impacts on these species resulting from capture and relocation. An EIR must evaluate whether mitigation measures may cause significant environmental impacts of their own (CEQA Guidelines § 15126.4(a)(1)(D)), but this EIR fails to do so. Nor do these measures cite any evidence that suitable habitat is available in areas where relocation would be feasible and the relocated species would not be further disturbed.

Response 58-51

The safe relocation of species in coordination with the CDFW is not a mitigation measure with significant effects that would need further analysis under CEQA Guidelines Section 15126.4(a)(1)(D), particularly as the relocation plan would be approved by CDFW. This is a standard mitigation measure, and the comment does not offer any reason why it would be ineffective. Furthermore, a potentially significant effect/indirect physical change is not required to be analyzed and/or mitigated if the effect would be speculative and therefore not reasonably foreseeable (CEQA Guidelines Section 15064(d)).

Any identification of relocation sites at this time would also be premature given that relocation may not occur until decades from now when the suitability of surrounding potential relocation sites may have changed. Thus, identification of suitable habitat can be permissibly deferred. An EIR need not identify the exact location of off-site mitigation property (*Preserve Wild Santee v City of Santee* (2012) 210 Cal.App.4th 260).

Mitigation Measures 4.4-1a and 4.4-1b are appropriate as they prescribe specific actions to be taken should the stated species be located at the time of the pre-construction clearance surveys, and would be subject to CDFW approval. Under CEQA, an agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval (*Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261).

The burrowing owl relocation plan described in Mitigation Measure 4.4-1a would require CDFW approval and includes details about capture, handling, transportation, and the

relocation site(s). Given that the western burrowing owl was listed as a candidate species under CESA in October 2024, if burrowing owls are found onsite during pre-construction surveys, CDFW would be consulted regarding any required Incidental Take Permit and related measures. Mitigation Measure 4.4-1a is revised in this Final EIR through errata presented in Chapter 3, "Draft EIR Errata," to clarify that burrowing owl relocation is not a relevant option during the nesting season and that any burrowing owls found during that period would be assumed to be nesting and subject to a protective buffer of at least 500 feet around the occupied burrow(s), unless otherwise agreed to by CDFW. Similarly, a proposed relocation of western pond turtles or western spadefoot toad would require CDFW approval, and Mitigation Measure 4.4-1b is revised as shown in Chapter 3, to specify that a relocation plan be developed in such a circumstance and submitted to CDFW for review. See Chapter 3, to view this revision to the Draft EIR.

The safe relocation of species in coordination with the CDFW is not a mitigation measure with significant effects that would need further analysis under CEQA Guidelines Section 15126.4(a)(1)(D), particularly as the relocation plan would be approved by CDFW. This is a standard mitigation measure, and the comment does not offer any reason why it would be ineffective. Furthermore, a potentially significant effect/indirect physical change is not required to be analyzed and/or mitigated if the effect would be speculative and therefore not reasonably foreseeable (CEQA Guidelines Section 15064(d)).

Any identification of relocation sites at this time would also be premature given that relocation may not occur until decades from now when the suitability of surrounding potential relocation site may have changed. Thus, identification of suitable habitat can be permissibly deferred (see *Preserve Wild Santee v City of Santee* (2012) 210 Cal.App.4th 260 (an EIR need not identify exact location of off-site mitigation property).

Mitigation Measures 4.4-1a and 4.4-1b are appropriate as they prescribe specific actions to be taken should the stated species be located at the time of the pre-construction clearance surveys, and would be subject to the approval of CDFW (see *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261 (holding that an agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval).

Comment 58-52

Measure 4.4-1c for nesting birds is also arbitrary, inadequate and inconsistent. Although the measure contemplates that a buffer zone of 300 to 500 feet may be necessary to protect nests from disturbance, it would require surveys only within 50 feet of "the immediate area of the mining phase where construction is to be initiated." DEIR at 4.4-50. Nests outside this 50-foot buffer, but

within the 300- to 500-foot radius where nest protection is necessary, would receive no protection at all. This arbitrary limitation on survey distance is unlawful. *See Sierra Watch v. County of Placer* (2021) 69 Cal.App.5th 86, 106-07.

Response 58-52

The comment is noted. The Draft EIR's reference to a 50-foot survey area in Mitigation Measure 4.4-1c was a typographical error. As clarified and revised in the Final EIR, preconstruction nesting bird surveys would be conducted within 500 feet of the limits of disturbance, consistent with the buffer distances identified for protection of nesting birds. These revisions are provided in Chapter 3, "Draft EIR Errata."

Mitigation Measure 4.4-1c has also been expanded to provide additional specificity regarding survey requirements and protective measures. Surveys would be conducted by a qualified biologist prior to initiation of ground-disturbing activities, including blasting where applicable. If blasting is scheduled during the nesting season, pre-blasting surveys would be conducted within a 0.25-mile radius of blasting locations to address species with larger disturbance sensitivities, such as Swainson's hawk and bald eagle, consistent with applicable California Department of Fish and Wildlife (CDFW) guidance. These surveys would include multiple site visits and, where active nests are identified, appropriate avoidance buffers would be established, or activities would be modified or delayed in coordination with CDFW.

Given these revisions, the Final EIR does not limit surveys to an arbitrary or inadequate distance and instead provides a scientifically supported and species-appropriate survey and buffer framework. Implementation of Mitigation Measure 4.4-1c, as revised in the Final EIR, ensures that potential impacts to nesting birds would be avoided or minimized to a less than significant level.

Comment 58-53

C. The DEIR's Analysis of Project-Related Air Quality Impacts Is Inadequate.

The DEIR's analysis of Project-related air quality impacts contains numerous deficiencies that must be remedied in order for the public and decision-makers to fully understand the Project's impacts. Specifically, the evaluation of the Project's air quality impacts must be revised to address: (1) inadequate analysis of direct and indirect impacts of fugitive dust emissions, (2) an insufficient mitigation plan for particulate matter emissions; and (3) deficient analysis and mitigation of project-related public

health impacts. These issues, and other deficiencies, are discussed in greater detail below.

1. The DEIR Fails to Adequately Evaluate the Project's Direct and Indirect Impacts Resulting from Particulate Matter Emissions.

The DEIR concludes that Project-related particulate matter emissions (specifically fugitive dust emissions) would be significant. DEIR at 4.3-60. However, the DEIR fails to provide adequate details about dust-producing elements of the Project. As a result, readers of the evaluation cannot know whether all direct impacts were evaluated. For example, the DEIR fails to provide information about the area that would be disturbed at both sites each day; the anticipated size, number, and location of stockpiles; and how material would be transported to avoid fugitive dust emissions. This information is important for readers to understand the daily volume of exposed material and how handling of the material may or may not result in additional pollutant emissions.

Response 58-53

The Draft EIR's analysis of project-related air quality impacts is adequate and supported by substantial evidence. See also Response 58-55 for further discussion of the Draft EIR's analysis of direct and indirect impacts from fugitive dust emissions. See Response 58-56 regarding the sufficiency of mitigation measures for reducing particulate matter emissions. See Response 58-59 regarding analysis and mitigation of project-related health impacts.

Mitigation Measure 4.3-2b is sufficient to reduce the project's emissions of particulate matter to a less than significant level along with Mitigation Measure 4.3-2a (see Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.4).

The project would comply with all applicable SJVAPCD rules and regulations, which include measures aimed at reducing fugitive dust and particulate matter emissions (Appendix D-4 at Section 4.3.2.3, "Local"). For example, the project would comply with SJVAPCD's Rule 8041, which "prevents or limits fugitive dust emissions from carryout and trackout on paved public roads or the paved shoulders of paved public roads" (Appendix D-4, Section 4.3.2.3). The project must also comply with SJVAPCD's Rule 8051, which limits fugitive dust emissions from open areas and establishes control measures (e.g. applying water or chemical dust suppressants to unvegetated areas, establishing vegetation on previously disturbed areas) to limit visible dust emissions (VDE) to 20 percent opacity (see Appendix D-4, Section 4.3.2.3).

The Draft EIR, as updated in the Final EIR, contains detailed descriptions of each emissions source in Final EIR Appendix D-3. As discussed in Section 3.4.2 of the 2026 "Air Quality, Health Risk, And Climate Change Impact Assessment," "Emissions from dust sources associated with project include windblown dust and other storage pile area emissions (e.g., loading and handling), dozer/quarrying emissions, drop emissions from material transfer, and processing plants" (see Final EIR, Appendix D-3, Section 3.4.2). In Appendix D-3 of the Final EIR, Figure 4, "Stockpile Measurements," Figure 5, "Plant Site Haul Roads," and Figure 6, "Quarry Site Haul Roads," contain evidence for assumptions made regarding on-site stockpiles and haul roads (see Draft EIR Appendix D-3, Appendix A). Emissions are calculated in Draft EIR Appendix D-3, Appendix G using the methods further described in Draft EIR Appendix D-3 Section 3.4.2. The commenter does not identify a dust source that was omitted from the Draft EIR.

Comment 58-54

Similarly, the DEIR states that if topsoil or overburden stockpiles are expected to remain *longer than one year*, the stockpiles would be protected from wind and erosion with planted grasses. DEIR at 2-29, 2-36 (for both the Plant and Quarry sites; emphasis added). This suggests that unused stockpiles could be subject to uncontrolled wind erosion for up to 12 months before being seeded, which could generate substantial dust emissions that were not accounted for in the DEIR analysis.

Response 58-54

The topsoil or overburden stockpiles would not be "uncontrolled" because control is required by SJVAPCD Rule 8031 as discussed on Appendix D-4 Section 4.3.2.3. Thus, these piles would not create substantial dust emissions that were not accounted for in the Draft EIR, as updated by the Final EIR.

The comment also ignores that other mitigation measures would be in place prior to the one-year mark. Consistent with Mitigation Measure 4.3-2b, the Fugitive Dust Control Plan for the project has been prepared (see Appendix K of Appendix D-3), subject to SJVAPCD's approval (see Appendix D-4 Section 4.3-67). The Fugitive Dust Control Plan demonstrates how the project would control stockpile emissions use of a spray system to apply water to stockpiles at transfer point and/or on top of the piles (see Appendix D-4 Section 4.3.4 and Appendix K of Appendix D-3).

The stockpiles would be maintained to prevent the spread of fugitive dust with temporary methods before the more permanent methods would be used to prevent erosion and the spread of fugitive dust.

Comment 58-55

In addition, the DEIR fails to adequately evaluate the indirect impacts related to Project-related fugitive dust. Specifically, as discussed above and in the attached Colibri Report, the DEIR ignores potential impacts of particulate matter on adjacent wildlife and plant habitats. *See* Colibri Report at 3. The DEIR fails to evaluate the effects of fugitive dust drifting into immediately proximate ecological reserves and other open space.

A revised analysis must properly evaluate the Project's particulate emissions, disclose the corrected emissions of particulate matter, and identify feasible, effective mitigation to minimize the impacts.

Response 58-55

See Response 58-54. Neither CEQA nor the SJVAPCD require that fugitive dust emissions be evaluated specifically for plant or animal species either on-site or off-site. See Response 58-40 through 58-41 regarding fugitive dust emissions impacts to adjacent wildlife and plant habitats. NAAQS and CAAQS provide protection against damage to animals, crops, and vegetation, and as noted in the Draft EIR, the project would be required to comply with these standards (see Draft EIR page 4.3-4).

The Draft EIR, as updated in the Final EIR, identifies sensitive receptors in the area. The implementation of Mitigation Measure 4.3-2a and 4.3-2b sufficiently reduce the project's emissions of criteria air pollutants to less than significant (see Appendix D-4, Section 4.3.4). The impacts would be the emission of criteria air pollutants from construction which result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. The Draft EIR, as updated by this Final EIR, provides an appropriate analysis of these impacts.

Pre-existing requirements would also apply to the project. Specifically, as provided in Draft EIR Appendix D-3, SJVAPCD rules and regulations, which include but are not limited to SJVAPCD Rule 8051, consisting of specific control measures to limit fugitive dust emissions from open areas that have been disturbed. Mitigation Measure 4.3-2a and 4.3-2b would also minimize the potential impacts from fugitive dust and other particulate matter emissions (see Final EIR, Appendix D-4, at Section 4.3.4). With the proposed mitigations, the level of fugitive dust would decrease. Therefore, the potential impacts on wildlife and plants are less than significant as determined in the Draft EIR, as updated in the Final EIR (see Draft EIR Impact 4.4-1 on page 4.4-48).

Comment 58-56

2. The DEIR's Proposed Mitigation for Significant Project-Related Particulate Matter Emissions Is Insufficient.

The DEIR proposes Mitigation Measure 4.3-2 to address the Project's significant impact due to particulate matter emissions. DEIR at 4.3-62. However, as presented, the measure fails to ensure that impacts will be minimized to a less-than-significant level. The measure indicates that a Fugitive Dust Control Plan will be prepared sometime in the future. The deferred plan would include three elements. However, the measure is generic, vague, and fails to provide any mitigation at all for several potential sources of particulate pollution. As discussed above, the DEIR fails to address fugitive dust control in the mining pit area. DEIR at ES-13 and 4.3-62. During dry weather conditions, wind erosion and excavation equipment operation would generate a substantial amount of fugitive dust emissions if not properly controlled. Blasting also produces large amounts of particulate matter, and yet the mitigation measure fails to address these emissions. Finally, although the measure provides for controlling unpaved roads with dust suppressants, it fails to specify how often or under what conditions.

Response 58-56

In accordance with Mitigation Measure 4.3-2b a Fugitive Dust Control Plan has been prepared and would be approved prior to project implementation (see Appendix K of Appendix D-3). This ensures that impacts related to fugitive dust would be minimized to a less than significant level (see Final EIR, Appendix D-4, Section 4.3.4). Accordingly, the Fugitive Dust Control Plan is not deferred because it has been prepared and will be submitted to the SJVAPCD, which would be issuing the air permit as is required by existing rules and would not be approved until the project is approved (see *East Oakland Stadium Alliance v. City of Oakland* (2023) 89 Cal.App.5th 1226, 1267-68).

The comment's claim that the Draft EIR "fails" to address control of fugitive dust in the mining pit area cites only to the Executive Summary and ignores that as provided in Appendix D-1, as updated in the Final EIR at Appendix D-3, the project would comply with all applicable SJVAPCD rules and regulations, which include but are not limited to SJVAPCD Rule 8051, which consists of specific control measures to limit fugitive dust emissions from open areas that have been disturbed, including specifically the mining pit area (see also Draft EIR pages 4.3-24 through 4.3-29, as updated in the Final EIR at Appendix D-4, Section 4.3.2).

As provided in Appendix D-2 of the Draft EIR, as updated in Appendix D-3, blasting emissions were analyzed using the AP-42 methodology and speciation profiles for air toxics from the San Diego Air Pollution Control District (SDAPCD), which is appropriate here because SJVAPCD does not have specific guidance for blasting emissions. Mitigation measures are not required for what would otherwise be less than significant potential impacts (CEQA Guidelines Section 15126.4).

Mitigation Measure 4.3-2b does specify that fugitive dust from unpaved roads would be controlled at a 90 percent effectiveness with dust suppressants or other equivalent methods, and as explained in the Final EIR, a Fugitive Dust Control Plan has been prepared and would be submitted for approval to the SJVAPCD. See Appendix K of Appendix D-3.

With regard to the commenter's assertion that the Draft EIR fails to address fugitive dust emissions in the mining pit area, the mining emissions are based on San Diego Air Pollution Control District's quarrying emissions factor. This emissions factor includes excavation and material handling activities in the quarry. The control efficiency of 90 percent is assumed in the Final EIR (see Final EIR Appendix D-3).

Blasting emissions factors were developed based on activities at western surface coal mines which blasted benches into the side of a hill. The blasted material from western surface coal mines would explode from the side of the mountain creating dust for a long distance. In contrast, the blasting that would occur at the Quarry Site would be in-situ with rock (rather than overburden and coal) being fractured by blasting so that it can be ripped by a dozer and excavated by another machine. Given the material being blasted, the emissions are generally low as compared to the sources from which the emissions factor was derived. Nevertheless, fractured rock can create some dust even if the rock is still sitting in the ground. As such, dust suppressant application would be used to control visible dust and in conformity with manufacturer specifications.

Comment 58-57

In addition, the DEIR fails to evaluate the effectiveness of the control measures proposed in the Fugitive Dust Control Plan. Measures to mitigate the substantial amount of particulate matter that would result from this Project should be specific and substantially more stringent. For example, the measures should include periodic air monitoring by a third party (when triggered by complaints), and should include specific information about how unpaved roads, stockpiles, and disturbed areas would be stabilized to prevent wind erosion.

Response 58-57

The EIR does evaluate the effectiveness of measures that would be included as part of the Fugitive Dust Control Plan (Mitigation Measure 4.3-2b). See, for example, Table 4.3-25, "Mitigated Project Health Risk Impacts," at page 4.3-64 of the Draft EIR. The Draft EIR does also include specific measures for unpaved roads, stockpiles, and off-road engines to prevent the erosion, including wind erosion of particulate matter and fugitive dust that could potentially be created as a part of and an effect of the project (Draft EIR page 4.3-62). Additionally, as provided in Appendix D-1, as updated in Appendix D-3, the project would comply with the applicable SJVAPCD rules and regulations, which include but are not limited to SJVAPCD Rule 8051, which consists of specific control measures to limit fugitive dust emissions from open areas that have been disturbed and would be applied at the project site.

To clarify and amplify the efficacy of the mitigation measure, Mitigation Measure 4.3-2b is revised in this Final EIR as presented in Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.4. The revisions amplify and further clarify requirements regarding the monitoring and enforcement of the mitigation measure.

Use of monitoring capable of differentiating project dust from dust generated by other sources in the region (e.g., public roads, agriculture) would require establishment of a monitoring network which is infeasible and unwarranted given the air quality impacts of the mitigated project are determined in the Draft EIR to be less than significant (see discussion or air quality impacts in the Draft EIR page 4.3-57 through 4.3-70).

Comment 58-58

As discussed above, impacts from these fugitive dust emissions are not only harmful to people but can also impact animals and plants on adjacent sites. See Colibri Report at 3. The County must identify effective, enforceable measures that will minimize impacts to the sensitive plant and animal communities on- and off-site as well as sensitive receptors in adjacent residential areas.

Response 58-58

The Draft EIR identifies sensitive receptors in the area, including sensitive receptors in local residential areas. As described in the EIR, with the implementation of Mitigation Measure 4.3-2, which includes measures to mitigate impacts from the main sources of emissions, the project would not result in an increase in cancer, chronic, or acute health risks to residences or workers above the corresponding significance thresholds (Draft EIR pages 4.3-62 through 4.3-64). The model receptors used in the Health Risk Assessment in Appendix D-1 include residential receptors and can also be seen in Figure 4.3-1, "Non-

Residential Sensitive Receptor Locations," Figure 4.3-2, "Detailed Model Receptor Locations," and Figure 4.3-3, "Plant Site Labeled Receptor Locations," of the Draft EIR.

Neither CEQA nor the SJVAPCD require that fugitive dust emissions be evaluated specifically for plant or animal species either on-site or off-site that could potentially be impacted by fugitive dust emissions. As discussed above, the EIR includes specific measures to mitigate the potential impact from project fugitive dust emissions (Draft EIR pages 4.3-62 through 4.3-64).

Comment 58-59

3. The DEIR's Health Risk Assessment Lacks Substantial Evidence to Support Conclusions.

The DEIR presents a Health Risk Assessment evaluating cancer risk from exposure to Project-generated toxic air contaminants (TACs) of concern, including diesel particulate matter, silica dust and trace heavy metals. DEIR at Appendix D-1. However, giving that the Project more than doubles production from the mines, it is unclear how the evaluation concludes there would be a net reduction in cancer risk at the maximum exposed individual sensitive receptor (or MEIR). Specifically, the DEIR identifies an unmitigated cancer risk of 281 in a million. DEIR Table 4.3-24 at p. 4.3-63. However, the DEIR then claims that the cancer risk after implementation of mitigation measures would be reduced to less than zero. DEIR at Table 4.3-25 at p. 4.3-64. This seems to suggest that the mitigation causes a beneficial net reduction relative to baseline conditions, but the DEIR fails to explain how the analysis arrives at this confounding conclusion.

Response 58-59

Appendix D-3 contains calculations that quantify how the mitigation measures reduce project emissions. In essence, the baseline and project were assigned default control efficiencies that would be assigned by the SJVAPCD during emissions inventorying and/or permitting and which are described in Source Specific Policy 1610 (SJVAPCD 2013). Mitigation measures then increased the level of control required from those default values. These include Mitigation Measures 4.3-2a and 4.3-2b (see Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.4). Both measures contain enforceable metrics regarding the level of control required. Specifically, Mitigation Measure 4.3-2a would meet the Interim Tier 4 emission standard for particulates of 0.008 grams per horsepower-hour. The unpaved roads would be controlled by a method having 90 percent or greater effectiveness (Mitigation Measure 4.3-2b). In addition, the project includes a design feature that would pave roads at the Plant Site before Year 31 which is when the

throughput increases. As shown in Appendix D-3, the baseline and project were assigned 80 percent control efficiency for watering. The stockpiles areas would be controlled by a method having 90 percent or greater effectiveness (Mitigation Measure 4.3-2b). Mitigation Measure 4.3-4 requires blue smoke control systems on the asphalt plant a control system that would also be required by SJVAPCD as best available control technology (BACT) during stationary source permitting. In summary, Appendix D-3 provides sufficient details in the form of calculations and narrative to allow the reader to understand how emissions were quantified and the level of control assigned to each mitigation measure.

The negative values reported with implementation of the mitigation measures represent emissions reductions compared to baseline emissions, due to newer technology and lower emission equipment requirements, particularly those related to off-road and on-road diesel-fueled vehicles (Appendix D-4, Section 4.3.4). Draft EIR Table 4.3-25 indicates that, the project would not result in significant impacts regarding health risk with the implementation of emissions reductions measures noted above.

Comment 58-60

Furthermore, the health risk analysis assumptions are unclear. For example, it is unclear what baseline health risk scenario is assumed for the existing condition. The DEIR, at Appendix D, indicates that baseline data is based on data in Appendix G to Appendix D1. A review of that data, however, fails to clarify the baseline assumptions.

A revised DEIR must clearly state the baseline health risk scenario and how it was derived, and must include an apples-to-apples comparison between the existing conditions and the proposed net change for to project operations. The assumptions must also be clearly articulated so that the public and decisionmakers can understand the basis for the analysis

Response 58-60

For baseline data, Draft EIR Appendix D-1 explains how the baseline data was derived, which is restated below for emphasis:

> "Project emissions are quantified by subtracting existing emissions occurring at the Quarry and Plant Sites (Baseline) from emissions with the Project (Future). Baseline emissions are estimated using historical fuel use data from off-road vehicles, aggregates production records, and other specifications (e.g. engine information) provided by CEMEX" (Draft EIR

Appendix D-1, Executive Summary page i, as incorporated into Final EIR Appendix D-3).

This is further discussed in Final EIR, Appendix D-3, Executive Summary.

Baseline emissions are based on the approximately 1.6 MT/year excavation rates that occurred in 2005. See Collective Response #10 regarding use of production numbers from 2005. One hundred percent of rock mined from the Quarry Site was hauled in on-road trucks to the Plant Site for processing.

Offroad engines, as described in the Final EIR at Appendix D-3, were assumed to emit at CalEEMod 2012 default rates. Use of the 2012 rates is conservative because the 2005 rates could have been used and it is appropriate that the project benefit from having paid its fair share to mitigate the cumulative impacts on air quality by upgrading the vehicle engines that it owns. On-road vehicles were assumed to emit at EMFAC 2018 default rates. 2018 was chosen because it was the year when the environmental analysis commenced.

Furthermore, the Final EIR at Appendix D-3 also provides a detailed explanation of the sources of the baseline data and breakdown of the baseline data in Final EIR Appendix D-3 Tables 9 through 11. The Draft EIR as updated in the Final EIR clearly states the baseline data and health risk information and compares the baseline to the estimated project impacts. Additionally, Appendix G to Appendix D-3 includes labels, and further contextualizes the data used to determine the baseline.

Dust emissions factors do not change over time and baseline control efficiencies are those assigned by the APCD for compliance with Regulation VIII rules that have existed since 2004. One rule in Regulation VIII (Rule 8051) was amended in 2023, but those amendments include a "contingency provision" that may be triggered if the District fails to meet the $PM_{2.5}$ NAAQS causing smaller disturbed areas to be subject to the rule requirements. The project would not be affected by the 2023 amendments because it is larger than 1.0 acre and so requirements present in the pre-amended version of Rule 8051 adopted in 2004 have not changed.

The project consists of two phases.

- Phase 1 would last 30 years after which operations on the Plant Site would cease. Installation of an aggregates processing plant on the Quarry Site would result in the reduction of interplant haul from 1.4 MT/year in the baseline to 0.7 MT/year. Combined annual production from both sites may reach 2.0 MT/year within five years and up to 3.0 MT/year within ten years after project approval.

- Phase 2 would last an additional 70 years. Processing plants would be installed, on-road truck routes would be paved on the Quarry Site, and interplant hauling of aggregates between the two sites would cease. Production rates would remain unchanged from Phase 1.

The Final EIR contains emissions calculations and assesses associated impacts for both project phases.

- Phase 1 offroad engines emit at the CalEEMod 2018 default rates and on-road engines emit at the EMFAC 2025 default rates. Dust emissions factor and control efficiency assumptions are equal to those assumed in the baseline.
- Phase 2 offroad engines emit at the CalEEMod default 2018 rates and on-road engines emit at the EMFAC default 2025 rates. Dust emissions factor and control efficiency assumptions are equal to those assumed in the baseline.

Mitigation Measures 4.3-2a and 4.3-2b in Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.4, reduces emissions from the above descriptions by reducing emissions from the following sources:

- Offroad engines would be retrofit or replaced so that each engine emits less than the Tier 4i emissions standards.
- On-site haul routes would be further controlled to increase efficiency from 80 percent in the Baseline/project to 90 percent. In Phase 2, haul truck routes are paved which further controls road dust emissions.
- Stockpile area sources (wind erosion, loading in/out of stockpile, and movement on unpaved areas around piles) would be further controlled to increase efficiency from 80 percent in the Baseline to 90 percent for the proposed project.

See Final EIR Chapter 3, "Draft EIR Errata," and Appendix D-4 for revisions to Draft EIR Section 4.3. Further, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, Appendix D-3. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 58-61

D. The DEIR's Noise Analysis Is Inadequate.

1 The DEIR Uses Inappropriate Thresholds of Significance to Evaluate Blasting-Related Impacts on People.

The Project proposes frequent blasting (once or twice a week) for a period of approximately 70 years during the hard rock mining phase. DEIR at 2-42 and 2-43. Blast waves, or pressure waves, are also referred to as airblast. Salter Report at 3 through 7.

The DEIR acknowledges that the nearest sensitive receptors to the Project site are located approximately 250 feet from the noisiest operations at the Quarry site. DEIR at 4.13-59. While the DEIR purports to evaluate the impacts of blasting on nearby residents, it fails to actually do so. DEIR at 4.13-65. As further explained in the Salter Report, the DEIR's thresholds of significance for blasting-related impacts are based on U.S. Bureau of Mines thresholds that focus only on building damage resulting from blast waves, not on the potential for human disturbance. Salter at 3; DEIR at 4.13-65. As the Salter Report shows, human disturbance from vibration and "airblast" can occur at levels far below those that may cause structural damage. Indeed, multiple agencies in the United States and elsewhere have established standards addressing blasting impacts on people that are different from, and far more stringent than, thresholds for assessing the potential for structural damage. Salter at 3. By using a structural damage threshold to assess the potential for human disturbance, the DEIR effectively omits any analysis of potential vibration and airblast impacts on people.

Given that the DEIR's thresholds of significance for the project's ground-borne vibration and airblast impacts only address structural damage, it follows that the analysis of this impact is also limited only to structural damage. This approach does not comport with CEQA. People can perceive levels of motion and sound that are well below (by a factor of 100 to 1000 or more) those levels that could cause damage to the average structure.[15] (*Footnote 15:* See Wesley L. Bender, Understanding Blast Vibration and Airblast, Their Causes, and Their Damage Potential at 9 (2019), available at http://www.iseegoldenwest.org/articles/Blast%20Effects.pdf (attached as Exhibit H))People can detect the effects of airblast from a distance up to 2,000 feet. Salter at 8. The DEIR's analysis is therefore incomplete and inadequate.

Under CEQA, the public has a right to know just how disruptive noise and vibration from the Project's operations will be. California courts are clear on this subject. A DEIR may not "travel the legally impermissible easy road to CEQA compliance . . . [by] simply labeling the effect 'significant' without accompanying analysis . . . ." *Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs.*, 91 Cal.App.4th 1344, 1371 (2001). Rather, "a more detailed analysis of how adverse the impact will be is required." *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal.App.4th 1109, 1123 (1997).

The revised DEIR must use thresholds of significance that account for effects on people (not just structures) to evaluate and disclose the full extent and severity of the Project's blasting impacts on adjacent sensitive receptors. Absent identification of applicable thresholds, the DEIR's conclusions regarding the significance of human disturbance impacts fail to inform the public and lack evidentiary support.

Response 58-61

The comment is factually incorrect. The Draft EIR uses an appropriate threshold to analyze the potential vibration and airblast impacts on people. On page 4.13-65, Impact 4.13-6 discusses that the maximum safe airblast threshold for human tolerance as set forth by USBM RI-8485 establishes the 0.01295 psi threshold to prevent human disturbance from airblast (see Draft EIR, Impact 4.13-6, page 4.13-65; see Draft EIR, Table 4.13-12, "Airblast Damage Thresholds," page 4.13-36; see also Appendix H-3, page 10). The Blast Impact Analysis (Appendix H-3) further describes human reaction in substantial detail (see, e.g., Appendix H-3 at page 10, Table 1, discussing the human tolerance to airborne vibration criteria recommended in USBM RI-8485). Moreover, the Draft EIR explains that structural vibration impacts must be considered together with human tolerance to vibration as the two are related in that human reaction to vibration, like structural reaction, is dependent upon duration and amplitude of the vibration event among innumerable other factors beyond the blaster's control (see, e.g., Appendix H-3 at page 11).

To more fully analyze blasting impacts upon people, Vibra-Tech Engineers, Inc. prepared a technical memo, "Technical Note on Threshold of Significance for Human Response," on April 29, 2026. This analysis is also discussed in detail in Response 58C-3 below. The Blasting Protocols were updated in Appendix H-9 to reflect the addition of a blasting threshold that would further reduce the likelihood of human disturbance. Please see Chapter 3, "Draft EIR Errata," for further discussion of revisions to Section 4.13 and the updated Blasting Protocols.

Comment 58-62

2. The DEIR Fails to Adequately Analyze the Project's Impacts Related to Nighttime Noise and Extended Operational Hours.

The DEIR analysis indicates that operational noise at night is projected to exceed thresholds of significance, resulting in significant impacts. DEIR Tables 4.13-16 and 4.13-17, DEIR 4.13-57 through 4.13-60). Making things worse, the Project site would extend operational hours (DEIR at 4.1-62 and 4.1-63) to allow loading/unloading and aggregate trucking to regularly occur between the hours of 4 a.m. and 9 p.m. under the proposed project, compared to existing conditions where the earliest operations begin between 4 a.m. and 6 a.m. seasonally, and end at 6:00 p.m. year-round. As the Salter Report explains, extended operations before 6 a.m. and after 7 p.m. come with increased risk and potential for sleep and speech disturbance for the nearby sensitive receivers. Salter at 10. The DEIR omits analysis of these impacts. A revised DEIR should include an analysis of nighttime noise and the potential for sleep disturbance at nighttime hours (4 a.m. to 7 a.m.). The sleep disturbance study should evaluate both average and single- event maximum noise (i.e., Leq/L50 and Lmax noise levels) from processing, truck loading, and truck pass-by noise. Salter at 10.

Response 58-62

The Draft EIR acknowledges, adequately analyzes, and mitigates the potential increases in nighttime noise at the Plant Site and Quarry Site. Impact 4.13-2, Table 4.13-16, "Estimated Plant Site Noise Levels (dBA) at Nearest Receptors," analyzes estimated Plant Site noise levels (dBA) at the nearest receptors for nighttime noise specifically, including plant noise emissions, noise impact thresholds, and that the impact thresholds are not exceeded (Draft EIR, pages 5.13-57 through 5.13-58.) Impact 4.13-2 determined that the estimated Plant Site noise levels would not exceed the nighttime impact thresholds (see Draft EIR, Impact 4.13-2, pages 4.13-57 through 4.13-59). Regardless, with the implementation of Mitigation Measure 4.13-2, the non-exceeding nighttime noise impacts would further be reduced (Draft EIR, pages 4.13-58 through 4.13-59).

Impact 4.13-3, Table 4.13-17, "Estimated Quarry Site Noise Levels (dBA) at Nearest Receptors," analyzes estimated Quarry Site noise levels (dBA) at the nearest receptors for nighttime noise specifically, including plant noise emissions, noise impact thresholds, and that the impact thresholds are not exceeded (Draft EIR, pages 5.13-60 through 5.13-61). Impact 4.13-3 determined that the estimated Quarry Site noise levels would exceed the nighttime impact thresholds for Receptors Q-8, Q-9, Q-10, Q-11, Q-12, and Q-14, which was determined to be a potentially significant impact (see Draft EIR, Impact 4.13-

3, pages 4.13-59 through 4.13-62). With the implementation of one or more of Mitigation Measure 4.13-3's noise reduction measures, "it would be feasible to reduce operational noise from the Quarry Site to below the significance thresholds" (Draft EIR, pages 5.13-60 through 5.13-61).

See Responses 58C-13, 58C-14, 58C-15, and 58C-16 which further detail the sufficiency of the Draft EIR's noise analysis.

Comment 58-63

3. The DEIR Proposes Inadequate Mitigation and Fails to Provide Evidence That The Proposed Measures Will Reduce Noise to Less Than Significant Levels.

Notwithstanding the DEIR's deficient noise impact analysis, the document recognizes the need to mitigate for the Project's significant noise impacts. DEIR at ES-45 to ES-49; 4.13-58; and 4.13-61 and 4.13-62. Specifically, the DEIR concludes that changes in ambient noise levels at both the Plant Site and at the Quarry site, would be potentially significant during both stages of production. *Id*. The DEIR identifies two mitigation measures that it claims will reduce impacts to less-than-significant levels. *Id*.

Under CEQA, "[m]itigation measures must be fully enforceable through permit conditions, agreements, or legally binding instruments." CEQA Guidelines § 15126.4(a). Here, the DEIR's identification and analysis of mitigation measures are legally inadequate. The identified mitigation measures for the significant noise impacts at both sites include a laundry list of elements. DEIR at ES-45 and ES-46; 4.13-58; and 4.13-61 and 4.13-62. The measures provide that the facility operator "shall implement one or more of the following measures…" so that the operator can choose to implement measures at their discretion. *Id*. The measures include no performance standards to ensure that the combination of elements implemented would control noise to any particular level. *Id.* Without such standards, the measure is not enforceable and the DEIR cannot rely on either measure to conclude that noise would be reduced to less-than-significant levels. *See, e.g., King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 872-79.

Response 58-63

The comment asserts that Mitigation Measures 4.13-2 and 4.13-3 lack enforceable performance standards and are therefore inadequate under CEQA. The comment also asserts that the Draft EIR noise evaluation failed to consider the effects of nighttime

operations on sensitive receptors located within the project area. In addition to the response below, see Response 58C-15.

Ambient noise monitoring was conducted for a period of 65 total 24-hour periods at locations representative of baseline noise conditions at sensitive receptors. Those measurement results, which include hour-by-hour ambient conditions at each site, including all nighttime hours, are included in their entirety in Draft EIR, Appendix H-1 (project noise analysis). In addition, Draft EIR Tables 4.13-16 and 4.13-17 specifically include predicted average and maximum noise levels resulting from the project during nighttime hours (Draft EIR, page 4.13-57 and page 4.13-60). Furthermore, Draft EIR Impacts 4.13-2 and 4.13-3 identify nighttime noise thresholds being exceeded at noise-sensitive receptors, and potentially significant noise impacts were identified. Mitigation Measures 4.13-2 and 4.13-3 were developed in response to these impacts and include limitations on nighttime excavation and processing operations at the Quarry Site (Draft EIR, pages 4.13-58 through 4.13-62). Mitigation Measure 4.13-3 also limits asphalt and ready-mix plant operations to daytime hours unless construction contracts specifically require nighttime delivery of materials (Draft EIR, pages 4.13-61 through 4.13-62).

The comment further asserts that Mitigation Measures 4.13-2 and 4.13-3 are inadequate because they allow the implementation of "one or more" measures without enforceable performance standards. However, CEQA Guidelines Section 15126.4(a)(1)(B) provides that the specific details of a mitigation measure may be developed after project approval when it is impractical or infeasible to include those details during environmental review, provided that the agency adopts specific performance standards that the mitigation would achieve and identifies the types of actions that can feasibly achieve those standards.

Consistent with this requirement, both Measure 7 from Mitigation Measure 4.13-2 for the Plant Site and Measure 12 from Mitigation Measure 4.13-3 for the Quarry Site include performance standards to ensure effective noise control. Specifically, monitoring locations and estimated noise levels at the nearest sensitive receptors shall be consistent with the noise monitoring locations and methodology included in the Environmental Noise and Vibration Assessment, July 26, 2021. Changes to monitoring locations or methodology determined to be necessary by a qualified noise specialist shall be documented. If monitoring indicates that noise levels exceed applicable thresholds, additional noise reduction measures shall be implemented, and monitoring shall continue until compliance with the applicable thresholds is achieved. Quarterly reports documenting monitoring results and noise reduction efforts shall be submitted to the County until monitoring demonstrates that noise levels have been reduced to below applicable thresholds (Draft EIR, pages 4.13-59 and 4.13-61 through 4.13-62).

The applicable noise thresholds and performance criteria are provided in detail in the Environmental Noise and Vibration Assessment (Appendix H-1, pages 35 through 48), including Table 8 (FTA criteria for acceptable vibration levels), Table 9 (groundborne vibration impact criteria), Tables 10 through 12 (traffic noise analysis), and Tables 13 and 14 (Plant Site and Quarry Site noise levels at nearest receptors). These thresholds are incorporated by reference and provide the performance standards that the mitigation measures are required to achieve.

Accordingly, Mitigation Measures 4.13-2 and 4.13-3 establish enforceable performance standards and require implementation of additional measures, as necessary, to ensure that noise levels at sensitive receptors are reduced to below applicable thresholds. The measures also include provisions for ongoing monitoring and response to noise complaints, including additional monitoring if complaints are received (Draft EIR, pages 5-25 to 5-26). The Draft EIR also evaluates cumulative traffic noise impacts for the 5-year, 15-year, and 40-year scenarios (see Draft EIR Section 4.13.3.3, "Analysis Methodology," pages 4.13-43 through 4.13-44).

Comment 58-64

In addition, the DEIR fails to provide any analysis of the proposed mitigation measures' efficacy, and fails to provide evidence to support the conclusion that, with the mitigation, impacts would be reduced to less-than-significant levels. Instead, the DEIR defers analysis of the measures' efficacy until after project approval. Specifically, item 7 in Mitigation Measure 4.13-2 and item 12 in Mitigation Measure 4.13-3 call for noise monitoring to determine if the measures adequately lower noise levels. However, under well-established caselaw, when a lead agency relies on mitigation measures to find that project impacts will be reduced to a level of insignificance, there must be substantial evidence in the record demonstrating that the measures are feasible and will be effective. *Sacramento Old City Assn. v. City Council of Sacramento*, 229 Cal.App.3d 1011, 1027 (1991); *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692, 726-29 (1990). Because the DEIR defers analysis regarding the effectiveness of the proposed measures, there is no such evidence in the record for this Project.

Response 58-64

The comment asserts that the Draft EIR does not analyze the efficacy of the proposed noise mitigation measures and improperly defers such analysis until after project approval. See also Responses 58C-13 and 58-65.

The comment incorrectly characterizes Mitigation Measures 4.13-2 and 4.13-3 as deferring mitigation. As discussed in Response 58-63, the Draft EIR mitigation measures are tied to performance standards that ensure appropriate noise reduction measures are implemented to reduce project-related noise levels to below applicable thresholds at sensitive receptors. The comment fails to acknowledge these performance standards or explain why they would be ineffective.

Measures 7 and 12 of Mitigation Measures 4.13-2 and 4.13-3 require noise monitoring consistent with the Environmental Noise and Vibration Assessment (Appendix H-1). If noise levels exceed applicable thresholds, additional noise attenuation measures must be implemented, and monitoring must continue until compliance is achieved. These provisions ensure that mitigation effectiveness is verified and that corrective actions are taken as necessary.

The Draft EIR provides substantial evidence that the mitigation measures are feasible and effective, including identification of multiple feasible noise reduction strategies (Draft EIR, pages ES-46 through ES-49). The use of monitoring and adaptive implementation does not constitute improper deferral where, as here, mitigation is tied to performance standards and requires compliance with established thresholds. Accordingly, the Draft EIR does not improperly defer mitigation, and substantial evidence supports the conclusion that impacts would be reduced to less-than-significant levels.

Comment 58-65

Furthermore, as discussed above, the DEIR's mitigation measure for blasting impacts is impermissibly deferred, overly vague, and insufficient to support a conclusion that impacts will be less than significant. In particular, the measure relies on inadequate monitoring of blasting to determine whether thresholds are exceeded and requires preparation of a "Corrective Action Plan" if they are. See DEIR at 4.10-91 (MM 4.10-1); DEIR Appendix H-6 ("Blasting Protocols"). This measure thus impermissibly defers both analysis and mitigation of significant impacts; indeed, the DEIR proposes to allow significant impacts to occur before mitigation is even proposed, much less implemented. Compounding the problem, the mitigation measure does not identify any specific measures that must be included in a "Corrective Action Plan." Mitigation measure 4.10-1 is mentioned several times in the DEIR as the basis for concluding numerous impacts are less than significant. These conclusions are without evidentiary support, and the DEIR's failure to identify and describe adequate mitigation renders the document inadequate as a

Response 58-65

In addition to the response below, see Response 58C-13, which provides that mitigation is not deferred.

The rationale for the development of noise Mitigation Measures 4.13-2 and 4.13-3 is provided in the Response 58-63. Persons familiar with industrial noise control understand that the substantial evidence of the noise control measures identified in these mitigation measures (suspended barriers, acoustic silencers, lining of aggregate hoppers with urethane sheets, replacement of conventional back-up "beeper" type warning devices with broadband devices, etc.) is based on the effective use of these measures at multiple aggregate facilities throughout the state of California. As a result, the argument that, for example, noise barriers do not effectively reduce noise, is not supported by substantial evidence. Sound engineering practice is to apply the type of noise control device required to mitigate the specific noise source in question. Because there are a wide variety of noise sources associated with aggregate excavation and processing facilities, as wide range of noise control options is required. Rather than deferring mitigation, as asserted by the commenter, the Draft EIR mitigation measures are tied to performance standards that would ensure that appropriate noise mitigation measures are implemented for the project. The comment fails to acknowledge these mitigation measures or analyze why they are deficient. Accordingly, the mitigation measures are not deferred.

Comment 58-66

4. The DEIR Fails to Analyze Noise Impacts on Area Recreational Users.

Finally, the DEIR completely ignores Project-related noise impacts to recreational users of the San Joaquin River (e.g., kayaking, canoeing) and of nearby Sumner Peck Ranch, Ball Ranch, and Lost Lake Recreation Area, the southern border of which is adjacent to the Quarry site. Sumner Peck Ranch is open to the public daily from 12-5 pm thanks to Solitary Cellars Winery, which offers an outdoor wine tasting area. Ball Ranch is also open to the public daily and is operated by the Trust under contract to the Conservancy. In addition to recreation, Lost Lake County Park is the location of many elementary school field trips during the school year. According to the County's website, "[T]he primitive nature study area and 38 acre lake make Lost Lake one of the most popular County parks." [16] (*Footnote 16: See Fresno County, Lost Lake Recreation Area, at https://www.fresnocountyca.gov/Departments/Public-Works-and-Planning/divisions-of-public-works-and-planning/resources-and-*

parks-division/parks/lost-lake-recreation-area (attached as Ex. I) Lost Lake Recreation Area provides multiple features and activities, such as group picnic areas, softball field, volleyball courts, hiking trails, nature study area and trail, bird watching, hiking, kayaking, canoeing, fishing, camping and playgrounds, and serves various members of the community, including individuals, groups, students, scouts, and families. *Id.*

It is therefore improper for the DEIR to omit any analysis of impacts to recreational River users and to users of the park. A project that calls for blasting and hard rock mining operations would clearly impact recreational users because it would interfere with their use and enjoyment of the area and may result in safety concerns. One of the purposes of open space and parks is to provide urban users access to spaces away from the noise of urban life. The noise associated with drilling, blasting, excavation, and aggregate processing activities for 100 years would result in the loss of connection to the natural environment. Industrial noise – like second-hand smoke – is indiscriminating; there would be no way to escape the noise except to leave the area altogether. The revised DEIR must address this serious impact.

Response 58-66

The Draft EIR analyzes the Quarry Site's noise impacts to the nearest Receptors, which are located between approximately 250 feet to over 6,000 feet from the Quarry Site, and included: (1) five Receptors (Q-5 through Q-9) that are closer to the Quarry Site than Lost Lake Recreation Area; (2) Receptor Q-15, which is Sumner Peck Ranch, Solitary Cellars Winery; (3) Receptor Q-6, which is Ball Ranch; and (4) the San Joaquin River as Receptor Q-C (see Figure 4.13-2; see Draft EIR, Section 4.13.1.4, "Quarry Site Ambient Noise Environment," pages 4.13-21 through 4.13-23; Section 4.13.3.3, pages 4.13-43, 4.13-44 and 4.13-46 through 4.13-48; Impact 4.13-3, pages 4.13-59 through 4.13-62; Impact 4.13-5, pages 4.13-63 through 4.13-64; and Appendix H-1, Appendices B-19 through B-27). Furthermore, with implementation of Mitigation Measures 4.10-1 and 4.13-3, any potential noise impacts to the nearest Receptors to the Quarry Site are mitigated to less than significant.

Comment 58-67

IV. The DEIR Fails to Comply with CEQA's Mandate Regarding Alternatives Analysis.

Under CEQA, an EIR must consider a "reasonable range" of alternatives "that will foster informed decision making and public participation." CEQA Guidelines § 15126.6(a); *Laurel Heights I*, 47 Cal.3d at 404. ("An EIR's discussion of alternatives must contain analysis sufficient to allow informed decision making."). The

discussion of alternatives must focus on alternatives that are capable of avoiding or substantially lessening any significant effects of the Project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. CEQA Guidelines § 15126.6(b). In addition, a "lead agency may not give a project's purpose an artificially narrow definition," to shape this determination but rather must "structure its EIR alternative analysis around a reasonable definition of underlying purpose and need." *In re Bay-Delta etc.*, 43 Cal.4th 1143, 1166 (2008). In particular, using overly narrow objectives to dismiss reasonable and feasible alternatives constitutes prejudicial error. See *North Coast Rivers Alliance v. Kawamura*, 243 Cal.App.4th 647, 669-70 (2015) (where the lead agency's overly narrow project purpose caused it to "dismiss[] out of hand" a relevant alternative, this error "infected the entire EIR").

As a preliminary matter, the DEIR's failure to disclose the extent and severity of the Project's broad-ranging impacts necessarily distorts the document's analysis of Project alternatives. As a result, the alternatives are evaluated against an inaccurate representation of the Project's impacts. Proper identification and analysis of alternatives is impossible until Project impacts are fully disclosed.

Moreover, the DEIR's alternatives analysis fails to live up to CEQA standards because: 1) it defines the Project objectives too narrowly and 2) it fails to analyze a reasonable range of alternatives that could significantly reduce the Project's impacts.

Response 58-67

The Draft EIR reviewed four different alternatives, which is a reasonable range of alternatives, and it is in the County's discretion to determine that range. The Draft EIR need not analyze an infinite variety of alternatives (Title 14 CCR Section 15126.6(a), (c)). Please review prior responses discussing the sufficiency of the Draft EIR's analysis and disclosure of the environmental impacts of the project. See Responses 58-68, 58-69, and 58-70 for a discussion of the Draft EIR's analysis of project alternatives.

Comment 58-68

A. The DEIR Presents Overly Narrow Objectives.

An EIR violates CEQA if it defines project objectives so narrowly as to preclude any alternatives at all (*see North Coast Rivers Alliance v. Kawamura (2015) 243 Cal.App.4th 647, 667*), or proposes

purported alternatives that conflict with project objectives only so they can be easily eliminated (*see Watsonville*, 183 Cal.App.4th at 1089).

As discussed above, the DEIR presents overly narrow and self-fulfilling project objectives. The DEIR characterizes the "overall goal" of the Project as "continu[ing] and expand[ing] existing mining and processing operations at the Plant Site and Quarry Site." DEIR at 6-3. Objectives 2 and 4 effectively circumscribe and mandate selection of the Project or an alternative that is substantively similar. In particular, Objective 2 requires the project to continue to use "known aggregate reserves from existing partially mined properties." *Id.* Objective 4 demands the Project "maintain a local source of construction aggregate with enough annual sales capacity (3.0 million tons [MT])." *Id.* These objectives leave no room for consideration of anything other than expansion of the existing operation, at the capacity proposed, at this location.

Indeed, the DEIR rejects the possibility of using alternative site locations because use of a different location would "result in eliminating aggregate production and reclamation impacts that would occur at the project site," "introduce new impacts to a site with no previous aggregate mining activity," and "restrict the full mineral development of the Quarry Site." *Id.* at 6-7. Similarly, the DEIR dismisses the reduced operational life alternative because it would restrict the full mineral development of the Project Site, *id.* at 6-8, and rejects reduced mining depth (200 feet) alternative because this option would require finding "another aggregate source to supply the County's and Fresno regional needs." *Id.* at 6-9.

Because the objectives leave no room to consider—and are used to justify dismissal without analysis of—relevant, feasible alternatives, they preclude consideration of a reasonable range of alternatives and violate CEQA. *North Coast Rivers Alliance v. Kawamura*, 243 Cal.App.4th 647 at 669-70 (2015). The County should withdraw the DEIR and proceed with analysis of a reasonable range of alternatives, and recirculate the EIR for a complete and adequate environmental review.

Response 58-68

Alternate site locations were omitted from consideration because it is not feasible for an existing mining operation seeking continuation and expansion to consider different locations. Section 6.4.1, "Considerations for Mining and Reclamation Project

Alternatives," of the Draft EIR describes the consideration of an alternative location and explains why alternative locations for the project were rejected from further analysis, consistent with CEQA requirements (see Title 14 CCR Section 15126.6). The CEQA Guidelines Section 15126.6(f)(2)(B) explicitly discuss mining projects as the type of project for which there may be no feasible alternative locations due to "proximity to natural resources at a given location."

This comment misconstrues the holding in *North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 667, as it specifically allowed a lead agency to utilize their judgement in rejecting alternatives.

The project objectives are broad enough to offer a reasonable range of alternatives, in accordance with CEQA standards (Title 14 CCR Section 15126.6, subs. (c)). Each alternative meets some or many of the project's objectives while providing for reduction in significant environmental impacts of the proposed project. See Chapter 6, "Alternatives," of the Draft EIR for discussion of project alternatives.

Comment 58-69

B. The DEIR Fails to Consider a Reasonable Range of Alternatives

The DEIR analyzes four alternatives to the Project, aside from the No Project Alternative. The alternatives presented are:

- Alternative 2: Reduced Mining Depth Alternative (400 feet);
- Alternative 3: Reduced Mining Depth Alternative (300 feet);
- Alternative 4: Reduced Mining Depth Alternative (300 feet) with Additional Setback (100 feet); and
- Alternative 5: Reduced Mining Depth Alternative (400 feet) with Reduced Annual Sales (2.5 MT/Y). DEIR at 6-10.

However, these alternatives do little to address the DEIR identified significant impacts to visual resources and safety impacts to pedestrians and bicyclists. Indeed, the DEIR concludes that adverse impacts to the scenic vista and degradation of the existing visual character in nonurbanized areas would be the same in Alternatives 2, 3, and 5 as in the Project. DEIR at 6-60.

Critically, each of these alternatives would still include blasting and hard rock mining and would still result in significant impacts that have not been disclosed. Specifically, Alternatives 2 through 5 would conduct hard rock mining with blasting to a reduced depth of 300 or 400 feet. DEIR at 6-10. Thus, Alternatives

2, 3, 4, and 5 would still continue mining operations for 86, 68, 63, and 86 years respectively. DEIR at 6-20, 6-30, 6-39, 6-52.

Furthermore, the alternatives presented fail to address the undisclosed significant impacts to people and sensitive habitat and species in the area associated with blasting and changes in hydrology. Therefore, the alternatives fail to reduce the Project's significant biological, hydrological, and noise impacts and fail to meet CEQA standards for alternatives analysis. CEQA Guidelines § 15126.6. Similarly, Alternative 4 would allow hard rock mining to a depth of 300 feet and increase the setback from the river by 100 feet. DEIR at 6-39.

Response 58-69

Each alternative includes analysis of potentially significant impacts. The discussion of alternatives adequately assesses the merits of the proposed project and the alternatives. See Table 6-2, "Alternatives Impact Comparison Summary," providing a matrix comparing the impacts of the alternatives and the impacts of the proposed project, including impacts to hydrological resources, biological resources, and noise.

The significant adverse environmental effects of each alternative may be discussed in less detail than is required for the project's effects, and need not be exhaustive (CEQA Guidelines, Section 15126.6(d); *Save San Francisco Bay Ass'n v San Francisco Bay Conserv. & Dev. Comm'n* (1992) 10 Cal.App.4th 908). The Draft EIR need not discuss or include alternatives that are incompatible with the basic purpose of the proposed project, which here is to "continue and expand existing mining and processing operations at the Plant and Quarry sites and reclaim the two sites when mining operations are complete" (Draft EIR page 6-3) (see CEQA Guidelines Section 15126.6(a); *In re Bay-Delta Programmatic Envt'l Impact Report Coordinated Proceedings* (2008) 43 Cal.App.4th 1143).

An EIR need not consider separate alternatives for each impact. Each of the alternatives considered in the Draft EIR offered environmental advantages in comparison with the impacts of the project as a whole, which is sufficient under CEQA. See *Sequoyah Hills Homeowners Ass'n v. City of Oakland* (1993) 23 Cal.App.4th 704.

Comment 58-70

The DEIR should have also considered other feasible alternatives that would actually *substantially lessen* the Project's multiple significant impacts. The document provides no reasonable explanation as to why additional alternatives that reduce the inevitable damage from the proposed Project were not proposed. In this case, where the proposed Project would result in many significant environmental impacts for 100 years, it is especially

important that the DEIR analyze alternatives that could avoid or lessen those impacts. *See* CEQA Guidelines § 15126.6(c).

As discussed above, the Project will result in significant impacts related to hydrology, biological resources, air quality, and noise. Given the site's location in close proximity to residences, immediately adjacent to a river that provides important aquatic and riparian habitat for multiple sensitive wildlife species, the DEIR should have considered additional alternatives that would reduce impacts to a substantive degree. For example, the DEIR should have analyzed a reduced extraction alternative that would allow further shallow mining of aggregate resources at the Plant and Quarry sites, but limit the operation to excavation of shallow sand and gravel resources only. Such an alternative would reduce impacts to groundwater resources, avoid changes to hydraulics and flood flows, avoid on-site and downstream impacts to habitat through changes in flow and water temperature, and avoid impacts to people and wildlife from blasting.

Analysis of such an alternative would also reduce visual impacts and impacts to cyclists and pedestrians, which the current slate of alternatives fail to mitigate. DEIR at 6-60. A revised EIR should analyze these and other alternatives that will avoid or reduce the Project's impacts.

In short, the DEIR's alternatives analysis is riddled with flaws that improperly constrain to the County's consideration of project alternatives. Moreover, the DEIR fails to consider a reasonable range of alternatives that would "avoid or substantially lessen" the significant effects of the project. CEQA Guidelines § 15126.6.

Response 58-70

Alluvium in the Quarry area has been almost entirely exhausted, which is the entire reason for the proposed project, thus the alternative proposed in the comment is infeasible. The proposed project seeks to implement hard rock blasting due to the exhaustion of alluvial reserves at the Plant and Quarry sites. As such, the Draft EIR need not consider an alternative that does not include hard rock blasting (except for the No Project alternative) because it is one of the key components of the project (*In re Bay-Delta Programmatic Envt'l Impact Report Coordinated Proceedings* (2008) 43 Cal.App.4th 1143). The Draft EIR excluded an alternative providing for the reduced mining depth of 200 feet from further analysis because it would cause the premature development of other mine sites in the County and be inconsistent with the General Plan (Draft EIR page 6-9). The overall environmental impact of this alternative would be greater, and thus need not be analyzed.

The Draft EIR included reduced extraction alternatives that are in alignment with the project goals and CEQA standards (Title 14 CCR Section 15126.6). The Draft EIR provides a reasonable range of alternatives which reduce the project's environmental impacts and align with many or most of the project objectives (Title 14 CCR Section 15126.6).

Comment 58-71

V. The Project Is Inconsistent with the County's General Plan and Zoning Ordinance.

Neither the General Plan nor the Zoning Ordinance expressly allow hard rock mining and blasting in agricultural land use designations or the Exclusive Agriculture (AE) zone. The type of mining proposed in this Project is categorically different from the "surface mining" operations contemplated in the County's land use documents. The Project is therefore inconsistent with the General Plan and Zoning Ordinance.

As discussed above, General Plan Table LU-1 (at 2-25) allows "Surface Mining Operations" in AE and other agricultural zones, but does not expressly allow hard rock mining. The Zoning Ordinance similarly lists "Surface Mining Operations" as an allowable use in the AE zone (with a conditional use permit), but does not authorize hard rock mining. Zoning Ord. § 808.2.020, Table 2-2 (at 2-14).

In the AE zone, "[f]or land uses not listed in Table 2-2, the provisions of Section 802.1.020 (Rules of Interpretation) shall apply." *Id.*, § 808.2.020(D). Those "Rules of Interpretation" require specific findings regarding uses of land that are not specifically listed as allowable in particular zones. *See id.*, § 802.1.020(E). Among other things, the Director has to make a determination that "[t]he characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zone as allowable, and will not involve a greater level of activity, dust, intensity, noise, parking, population density, or traffic generation than the uses listed in the zone." *Id.*, § 802.1.020(E)(1)(a).

Here, the Project will entail a fundamental shift from surface mining of aggregates to hard rock mining of granite. Hard rock mining involves regular blasting and entails a "greater level" of intensity, activity, dust, and noise than surface mining. These uses are not "equivalent" as required by the Zoning Ordinance.

Response 58-71

The commenter attempts to draw a distinction that does not exist in the Fresno County Zoning Ordinance, General Plan or in SMARA. The Zoning Ordinance explicitly states it should be interpreted consistently with SMARA. The Zoning Ordinance and SMARA both apply to a specific type of mining, surface mining as compared with underground mining. PRC Section 2712 of SMARA clearly indicates that SMARA was enacted for the purpose of ensuring reclamation of "surface mining" sites to ensure that adverse environmental effects are minimized and the site reclaimed. It is the fact that this mining operation would be conducted on the surface, not how the mining is conducted, that results in it being regulated as a surface mining operation under both the Zoning Ordinance and SMARA. Moreover, both SMARA and the Zoning Ordinance provide a list of activities that are not subject to SMARA and the Zoning Ordinance at PRC Section 2714 and Zoning Ordinance Section 834.4.220(D). In neither SMARA nor the Zoning Ordinance is "hard rock mining" exempt from the definition of surface mining. Rather the Fresno County Zoning Ordinance at Section 858 834.4.220(B) defines "surface mining operations" as:

> All, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials and recovery of same. A surface mining operation may include the use of equipment, structures, and facilities as are necessary or convenient for the extraction, processing, storage, and transport of materials. (emphasis added)

SMARA Section 2735 contains a similar definition. The fact that hard rock mining is not explicitly listed does not affect the analysis. Moreover, a contrary interpretation would result in a State law and County Zoning Ordinance that did not regulate hard rock mining at all, despite the obvious intent listed in SMARA and in the Zoning Ordinance to ensure that surface mining operations are reclaimed according to the law. Accordingly, there is no legal support for this comment.

Comment 58-72

Nor does hard rock mining fit within the definition of "surface mining" in the Zoning Ordinance: "All, or any part of, the process

involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine." Zoning Ord. § 834.4.220. Nothing in this definition contemplates continuous, regular blasting and removal of materials from areas far deeper than those typically involved in surface mining operations. The proposed Project therefore cannot be found consistent with the General Plan or Zoning Ordinance.

Response 58-72

See Response 58-71.

Comment 58-73

VI. Conclusion

The Project will have a number of potentially significant impacts on the environment, including (but not limited to) impacts on groundwater resources, water quality, special status biological resources, noise, and air quality. Yet these impacts and others were not adequately analyzed and mitigated in the DEIR. As a result, the DEIR fails to serve as an adequate informational document and its conclusions are not supported by substantial evidence. For the foregoing reasons, the Trust urges the County to delay further consideration of the Project unless and until the County prepares and recirculates a revised DEIR that fully complies with CEQA and the CEQA Guidelines.

Response 58-73

As discussed in Responses 58-1 through 58-72, the Draft EIR as updated by this Final EIR, adequately addresses and analyzes the potential environmental impacts of the proposed project. The Draft EIR fully complies with CEQA and CEQA Guidelines, and recirculation is not required.

Letter #58A March 10, 2025, Kevin Bundy, San Joaquin River Parkway & Conservation Trust, Inc.; Exhibit A, CBEC Report, March 6, 2025

Comment 58A-1

I am a hydrologist with thirty-five years of technical and consulting experience in the fields of geology, hydrology, and hydrogeology. I have been providing professional hydrology and geomorphology services in California since 1991 and routinely manage projects in the areas of surface- and groundwater hydrology,

water supply, water quality assessments, water resources management, and geomorphology.

Most of my work has been in the Central Valley and Coast Range watersheds of California. My areas of expertise include: characterizing and modeling watershed-scale hydrologic and geomorphic processes; evaluating surface- and ground-water resources/quality and their interaction; assessing hydrologic, geomorphic, and water quality responses to land-use changes in watersheds and causes of stream channel instability; assisting and leading in the development of CEQA environmental compliance documents and project environmental permits; and designing and implementing field investigations characterizing surface and subsurface hydrologic and water quality conditions. I earned a Master of Science degree in Geology, specializing in sedimentology and hydrogeology as well as an A.B. in Geology from Miami University, Oxford, Ohio. I am a Certified Hydrogeologist (CHG #360) and a registered Professional Geologist (PG #5737) in the state of California. A copy of my resume is attached.

I have been retained by Shute, Mihaly & Weinberger LLP (SMW) to review the Draft Environmental Impact Report (DEIR) for CEMEX Rockfield Quarry Modification Project located in Fresno County, California, and evaluate if the proposed project may impact surrounding properties and the environment. Specifically, I have reviewed the DEIR, supporting technical reports, and reports cited in this letter. Based on my review of these materials, it is my professional opinion that the DEIR is inadequate in evaluating the potential significant impacts of project actions on surface water and groundwater supply and associated biological resources dependent on that water. The rationale for this opinion is presented in the comments below.

Response 58A-1

The comment is introductory in nature. See Responses 58A-2 through 58A-6 for further discussion of the Draft EIR's analysis of impacts to water quality and groundwater supply.

Comment 58A-2

1. No consideration of Climate Change in Flood Hazard Analysis

The hydraulic modeling analysis of existing conditions presented in Appendix G-1 of the DEIR used FEMA's effective 100-year flow rate of 71,000 cubic feet per second (cfs) to determine if the flooding along the San Joaquin River would encroach into the Quarry Site. The results of the flood hazard analysis indicate that the

existing conditions floodplain does not encroach into the Quarry Site. Using FEMA's water surface elevations and a 2018 topographic map, the flood hazard analysis also determined that the 100-yr event floodplain during a flow rate of 71,000 cfs does not encroach into the western portion of the Plant Site.

The flood hazard analysis does not consider or analyze the effects of long-term climate change on San Joaquin River flood flow rates at the Quarry and Plant Sites over the 100-year life of the project. A recent study completed by the California Department of Water Resources (DWR) (Nemeth et al., 2021) completed climate modeling analyses to inform the Central Valley Flood Protection Plan Conservation Strategy 2022 Update. An objective of these analyses is to identify current climate modeling data and results that can be used to assess the spectrum of changes in hydrologic and geomorphic processes that could impact Conservation Strategy's measurable objectives and target species. Appendix H of the Update report contains results of climate and hydrologic model analyses that quantify the changes in peak flood rates using regulated hydrology on the Upper San Joaquin River below Friant Dam for the year 2072. Results of these analyses indicate that future (2072) 100-year flow rates will increase to 126,800 cfs because of climate change[1] (*Footnote 1:* The report states that under climate change, peak flows in the snow-dominated upper San Joaquin River watershed will shift to earlier in the winter and spring and high flow events like the 100-year flow can't be fully contained by Lake Millerton and will be released downstream), a flow rate that is 179% of the FEMA estimate used in the DEIR.

Based on my hydrologic and hydraulic modeling experience and review of the floodplain inundation maps and water surface elevations for the 100-year flow rate of 71,000 cfs presented in Appendix G-1 of the DEIR, it is my professional opinion that an increase in the flow rate to 126,800 cfs would encroach into and inundate both the Quarry and Plant Sites. It is also important to note that this estimated increase in 100-yr flood flow rates under climate conditions represents a condition halfway through the life of the Quarry Modification Project and 100-year flood flow rates would likely continue to increase through the second half of the project lifespan.

Given this new information developed by DWR and the lack of considering and analyzing the effects of climate change, it is my opinion that the DEIR has not completed a flood hazard analysis that evaluates the potential impacts from encroachment of the project into the floodplain.

Response 58A-2

The Draft EIR Hydraulic Analysis' use of the FEMA 100-year floodplain to analyze the project's flood hazards is sufficient for the purposes of analyzing potential flooding impacts under CEQA, nevertheless. Analyses of the 200-year floodplain were also prepared for both the Plant and Quarry sites and showed no flooding impacts. See also Collective Response #17 regarding the 200-year flood analysis conducted for the Quarry Site. Climate change impacts to the floodplain are not required to be analyzed in the EIR.

Comment 58A-3

2. Inappropriate extrapolations of river level data below Friant to the Project sites

With regards to groundwater-surface water interactions, page 20-21 in Appendix G-5 of the DEIR contains the following statement.

> *The stage data can also be used to identify conditions or periods when the water surface in the San Joaquin River is above the geologic contact between the alluvium and underlying weathered rock. This is an important relationship to understand because the alluvium has a much higher transmissivity (i.e., permeability) than the underlying weathered rock and hard rock. Thus, when the stage of the river is high enough that the water surface is above the base of the alluvium, there may be a higher potential for seepage of water from the river into the quarry.*

The stage data referred to in this paragraph was measured on the San Joaquin River at a stream gage located below Friant, which was then applied to the river adjacent to the project site. Extrapolating these data over 4.0- and 6.5-miles to the Quarry and Plant sites, respectively, is not a valid comparison as the stage at the below Friant gage can be totally different than in the river adjacent to the mining site due to differences in channel geometry and potential gains or losses in flow between sites. To make an accurate comparison between river levels and hydrogeologic conditions at the Project site, monitoring these variables needs to be completed at the sites being compared.

Similarly, in Figure 16 of Appendix G-5, a comparison of San Joaquin River water levels (stage) at the below Friant gage are compared to pond water levels in a former mining pond at the Beck Ranch to conclude there isn't any hydraulic connection between the pond and adjacent river. However, to make this comparison, the river stage datum is shifted by 290-feet to transpose these data approximately 4.0 miles downstream to the San Joaquin River adjacent to the pond site. Again, transposing stage data from one

river location to another over this distance is fraught with potential uncertainties and errors.

The bed elevation of the channel adjacent to the pond appears to be derived from a 2-foot contour interval map for the project dated November 6, 2018. The mean daily flow rate on the San Joaquin River measured at the USGS stream gage below Friant (USGS gage No. 11251000) was 386 cfs on this date. This type of topographic mapping is not capable of capturing channel bed elevations submerged under water and thus does not accurately represent the channel bed surface elevation. Depending on local river channel geometry at the location adjacent to the Beck Ranch mining pond, the deepest part of the channel could feasibly be well below the 290-foot datum, and the stage levels could be lower than the bed of the pond. This would explain why there is no correlation between river stage and pond level at this location over the graphed period in Figure 16. It also means that it is quite feasible that Figure 16 does not support the conclusion that the pond and river are not in hydraulic connection, when in fact they could be.

Response 58A-3

The commenter alleges that the discussion on pages 20 through 21 of Appendix G-5 of the Draft EIR relates to both the Quarry Site and the Plant Site. However, as stated in the first sentence of Section 2.2.3, "Groundwater-Surface Water Interaction and Recharge Sources," the evaluation of potential interactions with the San Joaquin River applies only to the Quarry Site. There is no analysis presented related to conditions on the river and the Plant Site.

While the magnitude of the stage may vary from location to location along the river, the nature of the stage over periods longer than a few hours would be comparable over the distances addressed in Section 2.2.3 of Appendix G-5 of the Draft EIR. Stated another way, the height of the water within the river may vary from the actual stage reading at the gage location, due to variations in channel depth and width. For example, a change in gage reading of five feet during a release event from Friant Dam might result in a change in river elevation of four feet or six feet at other locations along the river. However, after accounting for travel times downstream from the gage, when the gage is reporting sustained high stage readings, the river level at other locations within a few miles downstream of the gage would also be elevated. Likewise, when the gage is consistently reporting base flow stage readings, the river elevation at other locations downstream would also be at base flow elevations.

It is important to note that the evaluation presented in this section of Appendix G-5 of the Draft EIR addresses existing, or baseline, conditions. It does not address conditions that

would be altered as part of the proposed modification project. The monitoring data from the shallow alluvial monitoring points at MW-1S and MW-2S provide actual measurements of the changes that occur within the alluvium between the river and the quarry excavation during changes in river stage and at different reported gage readings. Since the surface elevations of the monitoring points have been surveyed, the water elevations in the monitoring wells during high gage readings are known. Thus, the *magnitude* of change in the water levels in the shallow alluvium can be compared directly to the *magnitude* of change in the gage readings, without having to know details regarding channel geometry.

The commenter also appears to be unaware of the datum of the Friant gage and the location of Beck Ranch. As noted on the California Department of Water Resources California Data Exchange Center (CDEC) website and the U.S. Geological Survey National Water Information System (NWIS) website, the elevation of the referenced river gage is 294 feet. Figure 16 in Appendix G-5 is taken from another report, in which the author used a value of 290 feet, as opposed to 294 feet, to convert the gage readings to elevations, so that *changes* in the gage readings could be compared with *changes* in the elevation of the water levels in the Beck Ranch pond. There was no shift in the river datum as stated in the comment. In addition, the Beck Ranch pond is located less than one mile downstream from the river gage, not 4.0 miles downstream as stated in the comment.

Comment 58A-4

3. No quantitative analysis supports mitigation measures for lowering groundwater levels

In the description of Impact 4.10-10 on page 4.10-105[2] (*Footnote 2: The statement that alluvium has been removed from the Quarry Site is contradicted elsewhere in the DEIR. Page 4.4-56 of the DEIR includes the statement, "Since almost all (90%) of the alluvium has already been removed from the Quarry Site". Page 4.10-37 of the DEIR includes the statement, "In most of the Quarry Site, the alluvium has been removed by mining. Where present, alluvium on the Quarry Site is up to 60 feet thick."*), the DEIR states that because most of the upper alluvium has already been removed at the Quarry Site, there will be no groundwater seepage from the alluvium into the mining pit. This is incorrect as groundwater in the alluvium beneath off-site areas surrounding the site will still flow into the Quarry Site pit. Pumping water into the recharge trenches and ponds surrounding the Quarry and Plant Sites are stated to provide protection from this happening but the limited extent of these features may only prevent groundwater inflow in localized areas around the pits, especially the Quarry site. This

is because the stated benefits of the recharge trenches are completely unfounded and based on speculation.

DEIR Appendices G-3 and G-4 present detailed analyses that quantify the amount of excavation dewatering required during mining operations of the Plant and Quarry sites, respectively. Based on the volume and rates of dewatering required, the appendices present calculations that estimate the amount of drawdown in alluvium and hard rock water table elevations radiating away from the mining pits (i.e., quantifying the distance and depth of the cone of depression created by mine dewatering). The dewatering of the mining pits will create a cone of depression in the groundwater surrounding the mining sites. These cones of depression will increase the groundwater flow gradients and flow rates towards and into the mining pits. To mitigate this increase of groundwater inflow into the mining areas, the DEIR proposes the installation of recharge trenches along selected sections of the mining pit perimeters. Water from mining pit dewatering would be discharged into the recharge trenches and various ponds with the idea that these features would recharge the underlying groundwater and reduce the amount of drawdown, reducing the rate and volume of groundwater inflow to the pits.

The DEIR states (page 41-42 of Appendix G-3 to the DEIR), "*Overall, operation of the recharge ditches would decrease the projected off-site drawdowns by fifty percent, as half of the pumped water would recharge the off-site groundwater*." The DEIR continues (page 42 of Appendix G-3), "*Operation of the recharge ditches would decrease the projected drawdowns to insignificant (less than one foot)*." Page 49 of Appendix G-5 states, "*Due to the recharge trenches along the west side of the quarry, groundwater levels in the alluvium and the weathered rock will be maintained consistent with existing conditions*." These statements lack factual basis. First, there are no data or analyses presented in the DEIR that substantiates the claims that the recharge ditches would decrease off-site drawdown by fifty percent or maintain groundwater levels consistent with existing conditions- these claims are based on speculation. The quantification of groundwater recharge through trench infiltration is controlled by many variables including but not limited to: the infiltration rate through the trench bed; hydraulic properties of underlying unsaturated soil; heterogeneities of the underlying medium; and distance between trench bed and underlying groundwater table. Quantifying the amount of trench recharge and how that recharge alters the underlying groundwater table level is complex and highly variable based on localized conditions. Second, even assuming the estimate of fifty percent of trench infiltration would recharge the

underlying groundwater, that does not completely mitigate the drawdown effects on underlying groundwater. The DEIR does not evaluate how the residual drawdown (after assumed benefits of the recharge trenches) would impact surrounding Groundwater Dependent Ecosystems (GDE) or increased groundwater flow gradients between the San Joaquin River and mining sites.

The assumed benefits of the recharge trenches weigh heavily in the DEIR's evaluation of potential

impacts to surrounding water supply wells and mining pit water budgets. Given the benefits of recharge trenches have not been substantiated with data or technical analyses, it is my professional opinion that the DEIR has not provided the evidence necessary to reach valid conclusions pertaining to potential impacts to surrounding water supply wells, GDE, and streamflow depletions from the San Joaquin River.

Response 58A-4

The commenter does not appear to be aware that recharge trenches and ponds have been used for decades at the Quarry Site. Throughout the life of the quarry, water produced during dewatering of the excavation has been pumped to perimeter recharge trenches on the west side of the site and to the Northeast Pond to reduce or eliminate the effects of dewatering outside of the Quarry Site boundary. Thus, effective and successful use of recharge trenches to minimize or mitigate offset effects to groundwater levels is actually part of the existing baseline conditions for the project.

Furthermore, Appendix G-6, "Addendum to: Revised Hydrology and Water Quality Analysis Report," provides a detailed quantitative analysis of the potential efficacy of the use of recharge trenches to mitigate effects on groundwater levels. That analysis is based on the comparison of water year rainfall over a six-year period with groundwater levels measured over the same period using downhole pressure transducers and dataloggers in 14 Quarry Site monitoring wells. The downhole pressure transducers record water level readings every six hours. Thus, over 1,450 data points are measured every year.

The analysis in Appendix G-6 notes that:

> "The most significant observation at the Quarry Site is the rapid increase in groundwater levels in every well due to the very wet 2023 water year. Regardless of the magnitude of the water level decline due to the three-year drought from 2020 to 2022, groundwater levels responded rapidly to the elevated rainfall that occurred during the 2023 water year."

It is also important to note that the magnitude of increase due to the 2023 water year rainfall is comparable in all Quarry Site wells, whether they are completed in the alluvium, weathered rock, or hard rock. The rapid response to elevated rainfall, especially in the weathered rock and hard rock, demonstrates the viability and anticipated efficacy of recharge trenches to mitigate any potential decline in groundwater levels in nearby wells due to dewatering of the quarry. More specifically, since dispersed rainfall resulted in such a rapid increase in groundwater levels across the entire site, recharge trenches focused on areas where effects on groundwater levels in nearby wells may potentially occur due to dewatering would have the same localized effects in areas where mitigation may be called for in accordance with the adaptive management plans presented in the June 2023 *Revised Hydrology and Water Quality Analysis Report* (Appendix G-5) prepared by EMKO Environmental, Inc.

Comment 58A-5

4. No quantitative analysis of potential impacts on Groundwater Dependent Ecosystems

Quarry Site

Section 5.0 b) (Evaluation of Potential Impacts) of the DEIR addresses the question, "*Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*" Page 56 of this Section includes the following statement.

> *On a more local basis, dewatering and subsequent reclamation of the Quarry Site would lower groundwater levels outside of the Project boundary. However, this effect would be focused primarily within the weathered rock and the hard rock. As discussed above, the alluvium has already been removed from most areas of the Quarry Site and the remaining alluvium is being dewatered. Thus, any effects on groundwater dependent ecosystems within the alluvium or river-flow dependent ecosystems adjacent to the Quarry Site along the river and north of the quarry due to the Project would be identical to those that are already occurring.*

This statement is contradictory. As demonstrated further below, the riparian vegetation that makes up the GDE adjacent to the river and north of the quarry are rooted in the alluvium that extends outside of the project boundary[3] (*Footnote 3:* These GSP "Potential GDE" were determined to have rooting depths of less than 30 feet below ground surface). Lowering the alluvium groundwater levels,

dewatering remaining alluvium, and terminating operation of the infiltration trenches after mining operations would result in effects that are **not identical** to those that are already occurring, but significantly different. The effects would be to totally dewater the alluvium and associated GDE rooting zone adjacent to the river and north of the quarry. This would result in potential adverse impacts on the GDE after, and possibly during, mining operations.

Figure 1 illustrates the location of potential GDE relative to the Quarry and Plant Sites. The GDEs mapped in **Figure 1** were taken from the North Kings Groundwater Sustainability Agency Groundwater Sustainability Plan (Provost & Pritchard, 2022). **Figure 2** depicts the post-reclamation grades and maps some individual trees that will be retained by the Project on the alluvial terrace between the Quarry Site and San Joaquin River. These trees constitute some of the riparian GDE mapped on **Figure 1** and are rooted in the underlying alluvium. **Figure 2** also indicates the location of the groundwater recharge trenches on the alluvial terrace above the river.

Figure 3 is a location map of groundwater wells completed in and around the Quarry Site and alignments of subsurface cross-sectional profiles A-A' and B-B'. Profile A-A' is provided in **Figure 4** and depicts the stratigraphy beneath the Quarry Site, well depths, and Hard Rock groundwater table elevational profile on October 1, 2018. Based on review of groundwater level measurements collected from wells screened in the alluvium and hard rock at MW-1, the water level in the alluvium generally ranges 3- to 6-feet higher than the hard rock at the Quarry Site, thus a water table profile for the alluvium would be that much higher if plotted on **Figure 4**. Although not called out on **Figure 4**, the GDEs illustrated on **Figure 1** and **Figure 2** are located on the riverbank and upper alluvial terrace adjacent to the Northwest "Project Boundary" of profile A-A'. These GDEs are rooted within the alluvium and are fed by the alluvial groundwater.

As stated in the DEIR, "*dewatering and subsequent reclamation of the Quarry Site would lower groundwater levels outside of the Project boundary.*" **Figure 5** is another subsurface geologic profile along A-A' representative of post-reclamation conditions, which plots the range of hard rock groundwater table profiles. As depicted in this profile, the alluvium is completely dewatered beneath the GDEs and recharge trenches bordering the Northwest project boundary along the San Joaquin River. The DEIR also states (cite page/section), the post-reclamation pond level in the Quarry Site would remain approximately 500-feet below current grade, so

the groundwater table profiles would remain at the levels depicted in **Figure 5**. Comparison of the groundwater table profiles presented in **Figure 4** and **Figure 5** indicates that, post-reclamation, the alluvium would be dewatered, which would likely result in significant adverse impacts to the GDE on the terrace and banks of the San Joaquin River.

Figure 6 presents a geologic cross-section and hard rock water table profile for section B-B', which would intersect the San Joaquin River just southwest of Well MW-2. As indicated in **Figure 1**, GDE are in the immediate vicinity of well MW-2 and southwest end of cross-section B-B'. Review of groundwater level measurements collected from wells screened in the alluvium and hard rock at MW-2, the water level in the alluvium generally ranges 0.25- to 0.50-feet higher than the hard rock, thus a water table profile for the alluvium would be slightly higher if plotted on **Figure 6**. Although there is no post-mining subsurface cross-sectional profile for section B-B' in the DEIR, there will be a similar degree of water table drawdown in this area as depicted in **Figure 5**. This would completely dewater the alluvium and result in potential significant adverse impacts to GDE in and outside the southwest portion of the Quarry Site.

Given these findings presented herein, it is my opinion that the Project will impart significant adverse impacts to the viability and sustainability of existing and future GDE lying between the Quarry Site and San Joaquin River.

Plant Site

Page 56 of the DEIR Appendix G-5 states the following.

> *At the Plant Site, groundwater levels are currently approximately 30 ft bgs. At this depth, groundwater levels at and adjacent to the Plant Site area are already deeper than depths that could support riparian vegetation, streamflow, and wetlands. Thus, any lowering of groundwater levels at the Plant Site due to dewatering during mining or reclaimed conditions would not have an effect on any groundwater dependent ecosystems.*

This statement blurs the area being referenced. Per **Figure 1**, there are no GDE within the Plant Site boundaries. However, the widening, deepening, and dewatering of the Plant Site mine will create a large cone of depression in the groundwater levels at and surrounding the site, similar to that of a pumping well. The cone of depression in the alluvium and weathered rock extends beyond

the project boundaries into surrounding areas that underlie GDEs. The DEIR (Appendix G-3, Figures 11 and 12) demonstrates that the project will increase the depth and extent of the cone of depression beyond the project area during and after mining, thus potentially impacting GDEs outside of the project boundaries.

The project proposes recharge trenches along portions of the project boundaries to lessen the impact of the deepening and expansion of the mining cone of depression. However, nowhere in the DEIR or supporting technical appendices is there any data or quantitative analysis to demonstrate/support the stated benefits - they are based on complete speculation. Regardless, the recharge trenches are not a complete mitigation even if they could achieve the desired effect, as they would only lesson the depth and extent of the cone of depression (Appendix G-3, Figures 11 and 12) and associated impacts – they would not eliminate the potential impacts to surrounding water supply wells, impacts to GDE, and depletions of San Joaquin River flow.

Given these findings presented herein, it is my opinion that the Project will impart significant adverse impacts to the viability and sustainability of existing and future GDE lying between the Plant Site and San Joaquin River.

Response 58A-5

See Collective Response #25. As demonstrated in the 2025 Update to the North Kings Groundwater Sustainability Plan, and additional aerial image review, Groundwater Dependent Ecosystems are not present at or adjacent to the Quarry Site or the Plant Site.

In addition, as discussed in the Response 58A-4, above, recharge trenches have been used successfully for many decades at the Rockfield site, and at numerous other aggregate mining sites in the region, to minimize the offsite effects of dewatering. The effectiveness of recharge trenches is not based on speculation but has been demonstrated to be effective over many years of usage and are part of the existing baseline conditions at the project site.

Comment 58A-6

5. No quantitative analysis of streamflow depletions from the San Joaquin River

The DEIR presents consistent findings and conclusions that the San Joaquin River and groundwater in the alluvium, weathered rock and hard rock beneath and adjacent to the river are interconnected (i.e., in hydraulic or hydrologic connection). In addition, stable isotope analyses of samples collected from surface and groundwater

at the Quarry and Plant Sites indicate that these waters originated from snow or rain that fell high in the Sierra Nevada Range before flowing down the upper San Joaquin River toward the Project site (pg. 32, Appendix G-5). Thus, the isotope signature of the groundwater beneath the site indicates it came come San Joaquin River derived recharge and that the river and adjacent alluvium, weathered rock, and hard rock groundwater are in hydraulic connection.

Figure 7 illustrates the typical ways stream flow interacts with underlying groundwater systems whey the stream and groundwater are interconnected. These diagrams indicate that when flow in the San Joaquin River is in hydraulic connection with the underlying alluvium, the river surface is an aerial expression of the water table surface. Diagram B in **Figure 7** illustrates a losing stream where flow seeps out of the stream into the shallow aquifer. **Figure 8** illustrates how a stream and groundwater system interact when they are disconnected by an unsaturated zone. Diagram A in **Figure 8** illustrates how infiltration of stream water into the unsaturated zone migrates vertically to the underlying groundwater. Even when there is no groundwater within the alluvium beneath the river, the river will continue to recharge the lower weathered and hard rock aquifers. The amount of mounding in the water table surface depends on many variables including, but not limited to, the infiltration rate through the stream bed and unsaturated soil, the hydraulic properties of the aquifer, and distance between stream bed and water table. Diagram A in **Figure 8** is also representative of the processes occurring beneath the proposed recharge trenches proposed within the Quarry and Plant Sites.

As determined in the DEIR and discussed above, mining operations in the Quarry and Plant Sites will increase the water table flow gradients moving from the river towards the pits as discussed above. As stated on page 4.10-114 of the DEIR, "*The increased rate of groundwater inflow through the hard rock into the quarry would be caused by an increase in the hydraulic gradient, or slope of the groundwater surface, toward the quarry.*" *The response of an increased groundwater hydraulic gradient causing an increased rate of groundwater flow holds true for any saturated aquifer material, whether it is alluvium, weathered rock or fractured hard rock. Thus, when groundwater that is in hydraulic connection to the San Joaquin River experiences an increase in hydraulic gradient toward the Quarry or Plant Sites, there will be an increase in the rate of depletion of water from the river into the groundwater system. The DEIR also acknowledges that San Joaquin River flows will be depleted due to mining operations as exemplified in the following statement from page 48 of Appendix G-3.*

> *"However, because the shallow groundwater and river water are connected, an estimated 315 acre-feet per year (rounded) of river water would enter the reclamation pond through the subsurface (groundwater inflow) in order to make a water balance."*

The California Sustainable Groundwater Management Act (SGMA) defines Interconnected Surface Water (ISW) as follows. "Interconnected surface water refers to surface water that is hydrologically connected at any point by a continuous saturated zone to the underlying aquifer and the overlying surface water is not completely depleted (Title 23 California Code of Regulations § 351[o])." The California Department of Water Resources addresses depletions of ISW under SGMA as follows (DWR, 2024).

> *SGMA identifies that an undesirable result occurs if, among other reasons, groundwater use occurring in a basin causes depletions of ISW that significantly and unreasonably impact beneficial uses of the surface water (CWC § 10721(x)(6)). Depletions of ISW under SGMA are only related to impacts caused by groundwater use, although a GSA will likely need to have some understanding of the various causes of reduced surface water flow to accurately determine the component due to groundwater. To comply with SGMA requirements, the GSAs should identify where ISW exists; determine the location, timing, and quantity of depletions; and then develop sustainable management criteria for managing depletions of ISW. Projects and management actions addressing depletions of ISW may also be proposed to support sustainable groundwater management.*

The DEIR has not demonstrated that it complies with SGMA requirements with regards to ISW depletions because there are no data or analyses presented that: identify potential unreasonable impacts to beneficial uses of surface water; quantify the amount of depletions; or develop mitigations for any potential undesirable results due to Project depletions of San Joaquin River flow.

Please feel free to contact me with any questions regarding the material and conclusions contained in this letter.

Response 58A-6

See Collective Response #25 and the additional responses provided below.

The commenter misstates the data and conclusions regarding the stable isotope analysis. While the stable isotope data indicate that the groundwater within the weathered rock

and hard rock layers were derived from high elevations in the Sierra Nevada, like the water in the San Joaquin River, the groundwater flow directions based on the groundwater contours in these units indicate that the flow is from the northeast toward the river, not away from the river. Plausible sources for the groundwater in the deeper bedrock units include Millerton Reservoir and leakage from the Friant-Kern Canal, as discussed in Appendix G-5 of the Draft EIR. Note that the volume of groundwater flow in the deeper bedrock is very small compared to the volume of groundwater in the reservoir and the flow within the canal. Thus, only incidental, nominal leakage would be sufficient to provide the recharge necessary to sustain the groundwater flow directions within the fractures in weathered rock and hard rock units.

Furthermore, Section 2.2.3, of Appendix G-5 of the Draft EIR provides a quantitative analysis of groundwater and surface water interactions while Section 3.2.2 of Appendix G-5 of the Draft EIR evaluates the potential effects of the project on flows in the San Joaquin River.

The commenter also provides a quote attributed to page 48 of Appendix G-3. However, based on the version of Appendix G-3 present on the Fresno County website, page 48 consists of a single reference citation at the end of the report. There is no discussion of a water balance. However, at the bottom of page 46 of Appendix G-3 there is reference to 315 acre-feet of groundwater inflow, but no discussion of water coming from the river.

Finally, with respect to the Sustainable Groundwater Management Act, Figure 3-20 of the 2025 Update of the North Kings Groundwater Sustainability Plan (GSP) (https://provostandpritchard-my.sharepoint.com/:b:/g/personal/rquist_ppeng_com/EXPccPEPCtVIoECGOf5QzdYB5035-RctDoMV6elIaM3SEg?e=f6qjBw) does not indicate the presence of any geologic units conducive to groundwater recharge in the project area. Thus, the project would not conflict with or obstruct implementation of the GSP due to streamflow depletions.

Letter #58B March 10, 2025, Kevin Bundy, San Joaquin River Parkway & Conservation Trust, Inc.; Exhibit B, Colibri Report, March 7, 2025

Comment 58B-1

I am an ecologist with more than 35 years of professional experience who specializes in the identification, ecological requirements, and regulatory protection of the flora and fauna of central California. I oversee, manage, and carry out projects involving biological resource evaluations; environmental impact assessments; special-status species surveys; aquatic resources determinations and delineations; habitat restoration planning and monitoring; species population management and monitoring;

environmental permitting; environmental permit implementation; mitigation monitoring; and environmental compliance. I have contributed to the biological resource sections of hundreds of environmental impact reports, environmental impact statements, and other environmental compliance documents for projects throughout California. I earned a B.S. degree in wildlife and fisheries biology from the University of California, Davis, began working as an ecological consultant in California in 1992, and am a past president of the San Joaquin Valley Chapter and Western Section of The Wildlife Society.

At your request, I reviewed the Draft Environmental Impact Report (Draft EIR) for the CEMEX Rockfield Modification Project (State Clearinghouse Number 2020060123) to identify any biological resource issues. My review focused on Draft EIR Section 4.4 (Biological Resources) and Appendix E (Biological Resources).

Response 58B-1

The comment is introductory in nature. See Responses 58B-3 through 58B-12 for further discussion of the project's potential impacts to biological resources.

Comment 58B-2

The proposed project involves continuing, expanding, and modifying aggregate (rock, sand, and gravel) mining and processing operations on two properties between the San Joaquin River and North Friant Road in Fresno County, California. The two properties include the Plant Site, a 122-acre site approximately 1.5 miles north of the City of Fresno, and the Quarry Site, a 349-acre site approximately 2.0 miles north of the Plant Site.

The project includes two stages:

Stage 1 would involve continuing concurrent operations at both sites for up another 30 years. Operations at the Quarry Site would be modified to include (1) granite mining by drilling and blasting to a depth of 600 feet below the ground surface and (2) aggregate processing, involving washing, screening, crushing, and sorting aggregate.

Stage 2 would involve continuing granite mining and aggregate processing at the Quarry Site for approximately 70 more years.

Pursuant to California Code of Regulations (CCR) Title 14 Section 15002, the purposes of an Environmental Impact Report (EIR) and the California Environmental Quality Act (CEQA) more broadly are to:

(1) inform government decisionmakers and the public about the potential environmental effects of a project;

(2) identify the ways that environmental damage can be avoided or significantly reduced;

(3) prevent significant, avoidable environmental damage by requiring changes to the project, either by adopting alternatives or imposing mitigation measures; and

(4) disclose to the public why a project was approved if that project has significant environmental impacts that cannot be mitigated to a less than significant level.

An EIR must contain sufficient detail and analysis to serve as an adequate informational document, and it must support its conclusions with substantial evidence. That means an EIR must include enough relevant facts, reasonable assumptions based on facts, and expert opinion supported by facts that a fair argument can be made to support its conclusions. With that framework in mind, I identified the following issues in the Draft EIR that affect the soundness of the analysis of the potential environmental effects of the proposed project on biological resources:

Response 58B-2

The comment is introductory in nature. The Draft EIR contains sufficient detail and analysis to serve as an adequate informational document under CEQA.

Comment 58B-3

1. **The Draft EIR mischaracterizes a jurisdictional habitat.** An accurate description of the environmental setting is essential to establish the environmental baseline. The Draft EIR (Section 4.4.1.7) states the wash water conveyance ditch at the Plant Site is not a stream and therefore altering it would not require notifying the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code Section 1602. Fish and Game Code does not include the definition of a stream. However, CDFW generally considers a stream to be any feature with a bed, channel, and banks that conveys water and supports stream dependent life regardless of the origin and use of that feature. As the wash water conveyance ditch appears to meet those criteria, it likely qualifies as a stream, and diverting or obstructing its flow; altering its bed, channel, or bank; or depositing any material into it would be subject to provisions of Fish and Game Code Section 1600 et seq. This is important because the DRAFT EIR states

the ditch is maintained through dredging and vegetation clearing (Section 4.4.1.3) and will be removed with mining (Section 4.10.3.2).

Response 58B-3

The water conveyance ditch is an artificial feature that exists solely to serve quarry operations. It was deliberately constructed in disturbed uplands and does not originate from or connect to (supply water) a natural aquatic feature that would be considered a state-jurisdictional water body and thus is unlikely to qualify as a stream as would be regulated by CDFW. As noted by the commenter, the channel is a component of ongoing quarry operations and is maintained through both dredging and vegetation clearing. These activities occur without CDFW authorization, and the proposed, continued management/maintenance and eventual removal of the artificial channel are not regulated activities. See also Response 58-33.

Comment 58B-4

2. The Draft EIR relies on an outdated and incomplete analysis of potentially occurring special-status species. The cover pages of the Habitat Assessments for the Plant Site and Quarry Site indicate those assessments were updated in December 2024. However, the record searches cited in those assessments were from 2019. As the associated databases are regularly updated, any records added since 2019 would not have been considered. Furthermore, the industry standard for record searches, especially for EIRs, is a nine-quad search radius, which includes the topographic quadrangle containing the project sites and the eight surrounding quadrangles[1] (*Footnote: https://wildlife.ca.gov/Data/CNDDB/FAQ#563522977-what-is-a-9-quad-search*). Only four quadrangles were searched for this EIR (Section 4.4.1.8). Therefore, some special-status species that could occur on or near the project sites may not have been considered. It follows that the potential environmental effects of the proposed project on any such species would not have been disclosed and addressed. For example, searching the California Natural Diversity Database today and extending the search radius to encompass nine quads reveals several species not addressed in the Draft EIR that could occur on or near the project sites2 (Footnote 2: California Department of Fish and Wildlife (CDFW). 2025. California Natural Diversity Database (CNDDB) RareFind 5. https://apps.wildlife.ca.gov. Accessed March 1, 2025). Such species include California glossy snake, western mastiff bat, pallid bat, spotted bat, and Townsend's big-eared bat. Such species should be addressed before project approval.

Response 58B-4

The comment is noted. While often performed, a 9-quad CNDDB search is not specifically required for CEQA review. A query of the four subject USGS quadrangles included all occurrences within 5 miles of both project sites and was deemed sufficient for the proposed project due to the temporal and on-site expansion of mining activities at locations that are already thoroughly disturbed and subject to ongoing mining operations. Occurrences of additional species at greater distances would not invalidate the analysis in the Draft EIR and proposed mitigation measures.

To amplify and clarify the information in the Draft EIR, the CNDDB search was expanded to a 9-quad search and re-run in November 2025. These search results were reviewed by a qualified, County-retained consultant, and it was determined that no additional special-status species were observed within the new search results that would require additional mitigation measures. Thus, the results as reported in Draft EIR Appendices E-1 and E-2 are sufficient to address potential impacts and determine appropriate mitigation measures. Because the Draft EIR assumed the potential presence of special-status species (including listed species) in the vicinity of the project sites based on existing conditions, any additional occurrences identified in interim would not alter or invalidate the Draft EIR's analysis or its conclusions.

Regarding bats, the Draft EIR has been revised to include a discussion of relevant bat species that have been added to Table 4.4-1, "Special-Status Wildlife Species," and a new mitigation measures (Mitigation Measures 4.4-1d) to address potential impacts to sensitive bat species. See Chapter 3, "Draft EIR Errata," to view these proposed revisions to the Draft EIR.

Comment 58B-5

3. The Draft EIR provides an inadequate analysis of environmental impacts on special-status species.

(a) Swainson's hawk. With more than four dozen breeding season (March through August) occurrence records of this species within 2 miles of the project sites (eBird 2025[3] [*Footnote 3:* eBird. 2025. eBird: An online database of bird distribution and abundance [web application]. eBird, Cornell Lab of Ornithology, Ithaca, New York. Available: http://www.ebird.org. (Accessed March 1, 2025)) and numerous potential nest trees within 0.5 mile, the project may adversely affect nesting Swainson's hawks. Although the Draft EIR states there is a moderate potential for this species to forage over the project sites and nest

nearby (Table 4.4-1), it fails to address the potential indirect effects of the project on nesting Swainson's hawks. Noise and dust from blasting, excavating, scraping, or using other heavy equipment such as front-loaders and dozers that causes a Swainson's hawk nest to fail would constitute a significant impact. The unsubstantiated narrative provided in the Draft EIR (e.g., Impact 4.4-2) does not constitute substantial evidence. To sufficiently analyze those potential indirect effects, protocol surveys[4] (*Footnote 4:* Swainson's Hawk Technical Advisory Committee (SWTAC). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. 5 pages) should be conducted within a 0.5-mile radius around the project sites prior to project approval. If an active nest is identified within the 0.5-mile radius, consultation with the CDFW will be required. Depending on the risk for incidental take of Swainson's hawk, that consultation may lead to the need for the project owner to obtain an incidental take permit from the CDFW under Fish and Game Code Section 2081. Regardless, mitigating the potential for incidental take would likely require (1) conducting pre-construction surveys for Swainson's hawk during the nesting season within a 0.5-mile radius of work activities no more than 30 days before the start of those activities; (2) monitoring any Swainson's hawk nest within that area during project activities to determine if the nesting birds are exhibiting distress or abnormal behavior (e.g., swooping, stooping, giving distress calls, or failing to remain on the nest or deliver prey items) that could cause reproductive failure (i.e., though nest abandonment or loss of eggs or young); and (3) ceasing project activities until the behavior of the nesting birds has normalized.

Response 58B-5

CEQA does not require protocol surveys be conducted for the purpose of analyzing potential impacts to wildlife or special status species. See Collective Response #14 addressing avoidance measures for Swainson's hawk.

Comment 58B-6

(b) Tricolored blackbird. With more than one dozen breeding season (March-June) occurrence records of this species within 2 miles of the project sites (eBird 2025[5] [*Footnote 5:* eBird. 2025. eBird: An online database of bird

distribution and abundance [web application]. eBird, Cornell ab of Ornithology, Ithaca, New York. Available: http://www.ebird.org. (Accessed March 1, 2025]) and potential nesting habitat in the southeastern portion of the Plant Site (e.g., Photographs 1 and 2 of the Plant Site Habitat Assessment), the project could adversely impact nesting tricolored blackbirds. Although the Draft EIR (Table 4.4-1) states there is a low potential for this species to occur on the project sites, it fails to address the potential indirect effects of the project on nesting tricolored blackbirds. Noise and dust from blasting, excavating, scraping, or using other heavy equipment such as front-loaders and dozers that causes a tricolored blackbird nest to fail would constitute a significant impact. The unsubstantiated narrative provided in the Draft EIR (e.g., Impact 4.4-2) does not constitute substantial evidence.

Response 58B-6

See Collective Response #13 addressing avoidance measures for nesting birds, including those that may nest off-site. See also Collective Response #15 regarding impacts to bird species beyond those associated with nesting.

Comment 58B-7

(c) Burrowing owl. The Draft EIR fails to address the potential indirect effects of the project on burrowing owl. For the Plant Site, for example, the Draft EIR (Table 4.4-1) states the species is presumed absent but identifies "line-of-sight opportunities favored by this species". Noise and dust from blasting, excavating, scraping, or using other heavy equipment such as front loaders or dozers that causes a burrowing owl nest to fail would constitute a significant impact. To sufficiently analyze such potential indirect effects, protocol surveys[6] (*Footnote 6:* California Department of Fish and Game. 2012. Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency, Department of Fish and Game. 36 pages), involving evaluating all suitable burrows within 150 meters of the project sites, should be conducted before the project is approved.

Response 58B-7

Please see Response 58-38, which addresses the concerns raised by the commenter. See Collective Response #13 addressing avoidance measures for nesting birds, including those off-site and expanded measures including further surveys relating to nesting birds, including burrowing owls. See also Collective Response #15.

Comment 58B-8

> **(d) Western red bat.** The Draft EIR (Table 4.4-1) states this species has to roost on the Plant Site. Yet the potential a moderate potential effects of the project on this species were not addressed, and no mitigation was included. Direct impacts or indirect impacts associated with noise from processing and transporting materials that cause a western red bat roost to be abandoned could constitute a significant impact. Because bats are acoustic predators, anthropogenic noise can also compromise their ability to effectively forage. [7] (*Footnote 7:* Theobald, E., D. J. Hosken, P. Foster, and K. Moyes. 2020. Mines and bats: the impacts of open-pit mining on at activity. Acta Chiropterologica 22:157–166.) But such analysis was not included in the Draft EIR.

Response 58B-8

To amplify and clarify the information pertaining to the project's impacts on bats, the Draft EIR has been revised to include a discussion of potential impacts and mitigation measures for bats. See Chapter 3, "Draft EIR Errata," to view this proposed revision to the Draft EIR.

Comment 58B-9

> **(e) Sanford's arrowhead.** The Draft EIR (Appendix E-1, Table C-1) states this species is presumed absent based on the lack of habitat. However, this species occurs in aquatic habitats like that in the southeastern portion of the Plant Site. The special-status plant species surveys conducted at the Plant Site in 2017 (Appendix E-3) focused on state and federally listed species and their habitats, which are different than that of Sanford's arrowhead. Therefore, this species could be present, and the potential effects of the project on this species should be considered before project approval.

Response 58B-9

As noted by the commenter, this species was considered for this assessment and is discussed in Table A-1 of Appendix E-1. Habitats for this species include marshes and swamps up to approximately 2,300 ft in elevation. No marshes or swamps are present within the bounds of the project footprint, and elevations are approximately 3,250 ft to 3,325 ft. Any aquatic features within the sites are managed for mining purposes and are not categorized as either swamps or marshes (See Exhibit 7, Appendix E-1, and Exhibit 7, Appendix E-2). Elevations of the project are also above any known occurrences for this species. In the absence of suitable habitats and being outside the elevation range where the species is known to occur, the species is presumed absent and no further consideration is necessary.

Comment 58B-10

> **(f) Spring-run Chinook salmon.** The Draft EIR does not discuss the potential effects of mining to 600 feet below the ground surface at the Quarry Site on river flows in the adjacent San Joaquin River. River flows are known to impact juvenile Chinook salmon survival[8] (*Footnote 8:* Michel, C. J., J. J. Notch, F. Cordoleani, A. J. Ammann, and E. M. Danner. 2021. Nonlinear survival of imperiled fish informs managed flows in a highly modified river. Ecosphere 12(5):e03498. 10.1002/ecs2.3498). Therefore, such effects could constitute a significant impact and should be addressed before project approval.

Response 58B-10

See Collective Response #25 regarding potential effects on San Joaquin River flows. See also Collective Responses #12 and #16, respectively addressing the project's potential effects on salmon restoration efforts in the region and impacts to spawning.

Comment 58B-11

> **4. The Draft EIR (Section 6.5.2) provides an incomplete analysis of the effects of the proposed project on biological resources compared with the no project alternative at the Quarry Site.** Specifically, the Draft EIR does not address the relative post-reclamation habitat value of comparatively shallow (approximately 20 feet deep) lakes under the no project alternative compared with that of the proposed project that would result in a comparatively deep (approximately 100 feet deep) lake. As habitat value may be inversely related to water depth[9] (*Footnote 9:* Lopez, C. B., J. E. Cloern, T. S. Schraga, et al. 2006. Ecological values of shallow-water habitats:

implications for the restoration of disturbed ecosystems. Ecosystems 9:422–440), such analysis should be included before project approval.

Response 58B-11

The project's post-restoration elements are described in the proposed reclamation plan (Draft EIR Appendix B-1).

Comment 58B-12

The Draft EIR's failure to adequately address these issues and provide substantial evidence in support of its conclusions violates CEQA's fundamental requirements for disclosure and analysis and undermines informed decision-making.

Thank you for the opportunity to review and comment on this Draft EIR.

Sincerely,
Jeff N. Davis
Principal Scientist
(559) 721-6810
jdavis@colibri-ecology.com

EXHIBITS

A. Jeff Davis resume
B. 9-quad search description
C. 9-quad search centered on the Friant 7.5-minute topographic quadrangle
D. Screen shot of eBird breeding season occurrences of Swainson's hawk
E. Swainson's hawk survey protocol
F. Screen shot of eBird breeding season occurrences of tricolored blackbird
G. Staff Report on Burrowing Owl Mitigation
H. Primary literature references (3)

Response 58B-12

The Draft EIR adequately analyzes the potential impacts of the proposed project in accordance with CEQA standards, as discussed in the responses to Letter 58 and Attachment 58B. The exhibits are noted for the record.

Letter #58C March 10, 2025, Kevin Bundy, San Joaquin River Parkway & Conservation Trust, Inc.; Exhibit C, Salter Report, March 7, 2025

Comment 58C-1

Dear Carmen:

As requested, we reviewed Subchapter 4.13 Noise of the Draft Environmental Impact Report (DEIR) for the subject Project. We also reviewed information in several sections of Appendix H (Noise Assessment).

SUMMARY

In our opinion, the DEIR does not implement adequate thresholds for blasting and does not sufficiently assess or mitigate potential acoustical impacts to both nearby people and wildlife. The DEIR, therefore, fails to protect the community from future excessive noise and vibration. Our comments focus on the following issues:

- Blasting impact analysis thresholds fail to adequately address human disturbance at nearby sensitive receptors, while focusing solely on damage criteria instead. Therefore, nearby residences and recreational areas could be exposed to excessive vibration that could be startling and disruptive, resulting in complaints, and result in a significant impact under CEQA. The related blasting analysis and mitigation measures should be updated to be stricter and to ensure that noise and vibration impacts are adequately reduced, to the greatest extent feasible. In addition, the required community engagement and communication efforts should be improved. Finally, the blast monitoring, reporting, and review efforts should also be improved.

- Processing operations are projected to exceed noise impact thresholds at night and operating hours are to be extended. The proposed operational noise mitigation is inadequate as it fails to require specific noise reduction measures. The Project should "guarantee" a solution that mitigates the potential noise impacts in the original construction, rather than take a "wait-and-see" approach with a lengthy retrofit process that would follow complaints.

- The DEIR also fails to fully analyze the noise and vibration impact of the Project on wildlife. Beyond the impact analysis for fish, the DEIR includes no noise or vibration thresholds, analysis, or mitigation for other wildlife in nearby areas.

In particular, an analysis of blasting noise, vibration, and "airblast" should be included.

Response 58C-1

The comment is introductory. Please see Responses 58C-3 through 58C-12 for further discussion of the blasting analysis in the Draft EIR. Please see Response 58C-13 through 58C-16 below for further discussion of the project's potential impacts related to nighttime noise and vibration.

Comment 58C-2

BACKGROUND

The Project includes changes to the operation of the Rockfield Quarry sites in Fresno County. The existing aggregate (rock, sand, and gravel) mining and processing operations occur at the Plant Site and the Quarry Site. The proposed Project includes expanded mining operations in two stages as listed in the Project Description section of the DEIR Executive Summary. The Project would include 100 years of additional mining including new hard rock mining at the Quarry Site to a depth of 600 feet requiring the use of rock blasting that is anticipated to occur once or twice per week.

As currently proposed, blasting vibration would be clearly noticeable to nearby residents. At an unknown or unscheduled time of day, people would experience a mixed sensation of feelable vibration at the ground or in their home's structure and an impulsive air pressure wave. This is expected to be accompanied by secondary effects such as a rattle at windows, hung pictures, or other objects in their homes. Depending on the setting, people's activities, and their sensitivity, these weekly unanticipated experiences would likely be disturbing.

Response 58C-2

The comment is introductory. See Response 58C-3 below.

Comment 58C-3

SECTION 1 – COMMENTS ON BLASTING

#1.A – Thresholds for Evaluation of Blasting Vibration Ignore Human Disturbance

Impact 4.13-6 assesses the potential for the Project to generate substantial ground-borne vibration and airblast "vibration" as a

result of blasting. The analysis of ground-borne blasting vibration is based solely on the potential for Project-related blasting to cause damage to nearby structures. For reference, the

DEIR thresholds used to address potential blasting vibration impact vary from 0.75 inch/second to 2.0 inches/second, depending on the frequency of the resulting vibration. Thresholds for human disturbance from blasting vibration are not included. This is a notable oversight as there are several sensitive receptors as close as 250 feet from the Project area as well as recreational users of Lost Lake Park to the north. A revised analysis must employ stricter thresholds to facilitate analysis of impacts to nearby residents. We have the following supporting comments. Relevant excerpts of referenced documents are enclosed in the Appendix.

Response 58C-3

Given the short duration of the blasting events (typically 1-2 seconds per blast), the Draft EIR provided sufficient thresholds of significance to prevent damage and human disturbance. See discussion of Impact 4.13-6 on page 4.13-65 of the Draft EIR. However, to conservatively address potential concerns pertaining to human disturbances resulting from the proposed blasting, the blasting and vibration consultant (Vibra-Tech Engineers) reviewed and analyzed applicable research pertaining to blasting ground vibrations and human responses to provide blasting thresholds applicable to human sensitivities in *Technical Note on Threshold of Significance for Human Response CEMEX Rockfield Quarry Modification Project Fresno County, California* (April 29, 2026), included as Appendix H-8. Vibra-Tech Engineers concluded that significance thresholds of 0.60 in/sec PPV ground vibration and 0.01 psi for human response to blast-induced air overpressure at occupied residential structures adjacent to the Quarry Site would sufficiently minimize potential blasting-related disturbances to humans. These conservative vibration and air overpressure thresholds do not change the conclusions of the Draft EIR. See Final EIR Chapter 3, "Draft EIR Errata," for further discussion of the changes in the vibration significance thresholds.

The following analysis is largely reproduced from the *Technical Note on Threshold of Significance for Human Response CEMEX Rockfield Quarry Modification Project Fresno County, California* (Vibra-Tech Engineers 2026), included as Appendix H-8, and explains the origination and the sufficiency of the 0.60 in/sec PPV and 0.01 psi thresholds of significance.

Researchers for Caltrans developed the following human response table specifically for blast-induced ground vibrations, Table 4.3-1, "Human Response to Blasting Ground Vibration."

Table 4.3-1
Human Response to Blasting Ground Vibration

Average Human Response	PPV (in/sec)
Barely to distinctly perceptible	0.02-0.10
Distinctly to strongly perceptible	0.10-0.50
Strongly perceptible to mildly unpleasant	0.50-1.00
Mildly to distinctly unpleasant	1.00-2.00
Distinctly unpleasant and to intolerable	2.00-10.00

Table Sources: Jones & Stokes, 2004, *Transportation- and construction-induced vibration guidance manual*. June. (J&S 02-039.) Sacramento Prepared for California Department of Transportation, Noise, Vibration, and Hazardous Waste Management Office, Sacramento, CA

Because this table was specifically developed to address human response to blast-induced ground vibrations, it is useful to inform the proper threshold of significance for humans resulting from the project's blast-induced ground vibrations. However, to determine whether the 2004 Caltrans study is the most appropriate significance criteria, it is necessary to compare that table with other available studies.

The majority of the studies done on human tolerance to vibrations have been of steady-state sources, meaning that the amplitude and frequency of the vibration remain constant over the test period. This type of testing is usually performed with vibrations lasting much longer than the vibrations from a typical mine or quarry blast event. The purpose of these studies is usually to determine the vibration levels that people can perform tasks at a reasonable level of comfort, or to set occupational exposure limits for activities such as working in an office, traveling in an airplane, driving an automobile, or operating heavy equipment. Conclusions are drawn about the effects of vibration on the human body.

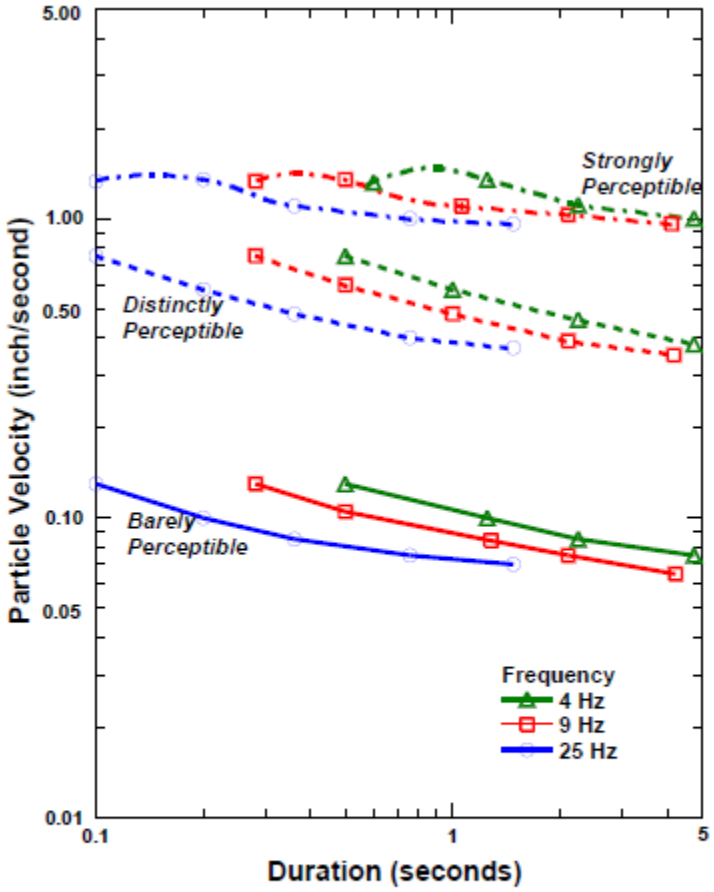


Figure 1. Human Response to Transient Vibrations of Various Frequency and Duration (from Wiss & Parmelee, 1974).

Based on available research, blast vibrations are certainly not detrimental to the human body, and the short period of time over which they occur does not produce physical fatigue. For these reasons, most studies of human response to vibration cannot be related to blast vibrations. However, three important facts become apparent from these studies. First, people can perceive vibrations over an extremely wide range of amplitudes, frequencies, and durations. Second, individual response to a given vibration level is highly subjective and varies not only with each individual but also on a daily basis. Third, an individual response is also dependent upon many factors unrelated to the vibration event.

Blast induced ground vibration is not a steady state vibration, but rather a transient vibration. A transient vibration is a vibration that begins near its maximum level, quickly decreases in amplitude, and usually becomes imperceptible after just a few seconds.

Figure 1 is derived from a study of subjective human response to transient vibrations completed by Wiss and Parmelee in 1974. The Wiss and Parmelee study involved subjecting forty people to transient vertical vibrations while standing on a test platform. Each person was exposed to vibrations of various duration and amplitude, at frequencies between 2.5 and 25 Hz, and asked to characterize their perception of the vibrations. Four levels of subjective human response to vibration were categorized: "Barely Perceptible, Distinctly Perceptible, Strongly Perceptible, and Severe." The mean response to the three lower categories is shown in Figure 2 for three tested frequencies. The mean response to the "Barely Perceptible" category is the level which half of the people tested could not perceive vibrations below. The mean for each of the other categories was found similarly. Human tolerance to vibration decreases as the duration of the vibration increases. The mean response curves for each frequency considered in Figure 1 are asymptotic; that is, they each approach a constant minimum level, or asymptote, as the duration increases, and each category has a common asymptote. These asymptotes provide a convenient method of assigning a subjective criterion to human response to transient vibrations that is independent of frequency or duration. Figure 2 depicts both the asymptotic mean response levels and the threshold response levels from the Wiss and Parmelee study. The threshold response levels are the levels cited by the most sensitive of the test subjects for each vibration category.

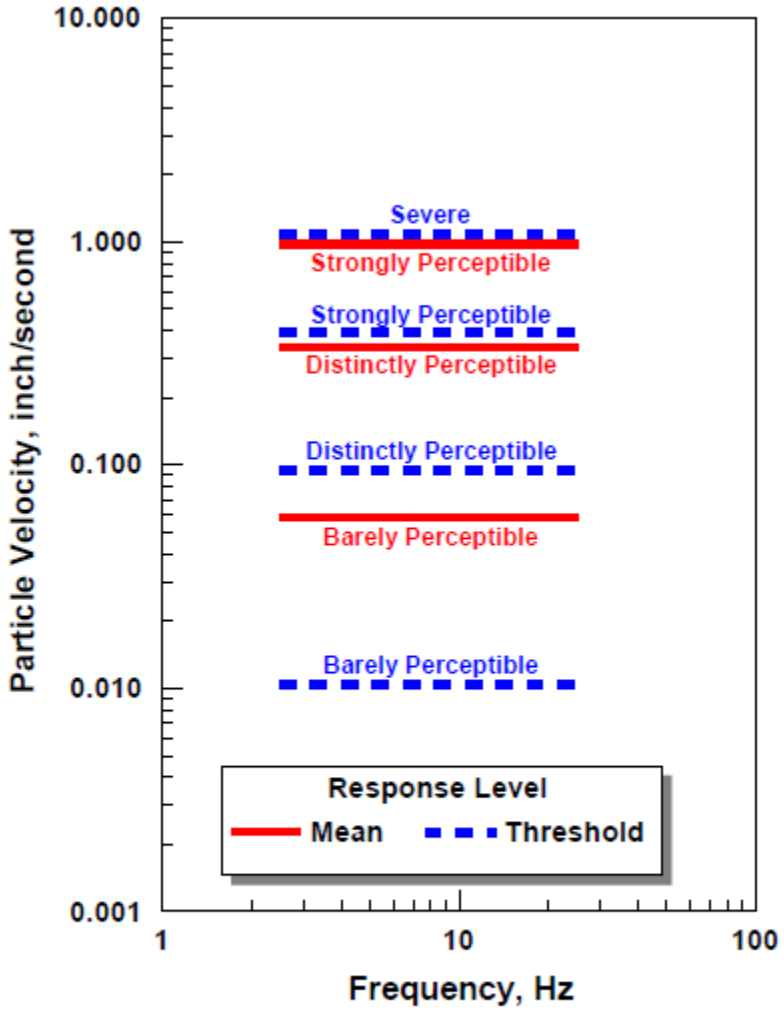


Figure 2. Generalized Human Response to Transient Vibrations (from Wiss & Parmelee, 1974).

The Wiss and Parmelee study was based on people standing and being subjected to vertical vibrations. Studies involving people in various body positions have found good correlation to the data from standing tests, suggesting that body position may not influence a person's sensitivity to vibration. The threshold levels defined by the broken lines in Figure 2 are generally accepted as quite conservative for both transient and steady state vibrations under most conditions.

Most scientific studies regarding human perceptibility to steady state and transient vibrations have been conducted in laboratories and other controlled environments. The levels at which people may perceive vibration would not change when they are in their homes, however, their classification of the vibration levels may. While no studies have

been able to adequately account for all the variables affecting the response of people in their homes to blast vibrations, it is reasonable to conclude that the tolerance to vibrations would occur at levels lower than those found in laboratory environments.

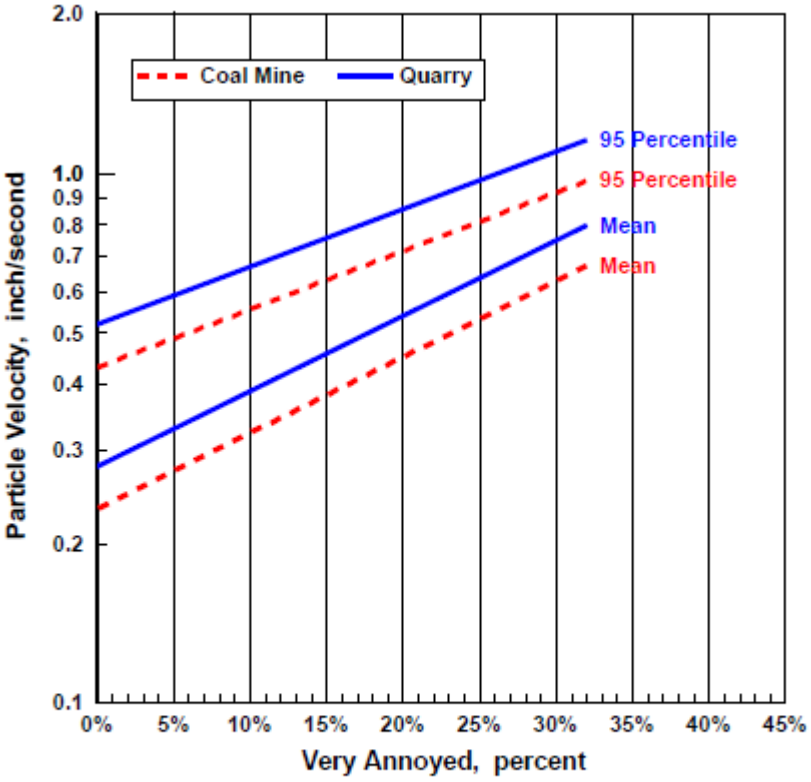


Figure 3. Reactions of Persons Subjected to Blasting Vibration in their Homes (from RI-8507).

To gain a better insight to the levels of vibration which evoke complaints from homeowners, the USBM calculated the ground vibrations necessary to produce structure response similar to that measured during an airblast study (USBM RI-8485). These calculated ground vibrations levels were then correlated to the human annoyance curves generated through the airblast study. The result of this correlation is shown graphically in Figure 3, above. The 95-percentile curve represents the level at which there would be 95 percent confidence in the data that if ground vibration levels reached 0.60 in/sec approximately 5 percent of the population would consider this to be very annoying.

This data, although based on calculated ground vibration levels, may be the most valid predictor of homeowner response to blast vibrations. It is based on human response to not only perceived vibration in their homes, but also the house rattle and other associated

sounds produced by vibration in a residential structure. This data also considered the fear homeowners feel concerning property damage.

Comparing the research described in the preceding section with the 2004 Caltrans study, the appropriate significance threshold for measuring the human response to blast-induced ground vibrations from the proposed Rockfield Quarry is a peak particle velocity of 0.60 inches/second. This threshold falls at the lower end of the "strongly perceptible to mildly unpleasant" average response in the 2004 Caltrans table, while still encompassing the 95th percentile of responses discussed in the USBM report.

Human Response to Air Overpressure

Since noise levels due to blasting are generally very low frequency (approximately 2 to 25 Hz), the human ear does not detect the total energy associated with the overall linear sound energy. Based upon research on blasting, the typical fundamental frequency (the frequency where the majority of sound energy is located) for a blast is at the 20 to 25 Hz range, below the level of human hearing.

Little research has been done on the subjective human reactions to blast noise, although annoyance studies have been made for sonic booms and other impulsive source and applied to blasting. As part of the development of the air overpressure criteria by the USBM, researchers not only had to consider the structural effect of the air overpressure limit but also determine if the limit would be acceptable in terms of annoyance. In studying the limits for air overpressure annoyance, the USBM compared blasting to previous government studies of sonic booms and artillery fire.

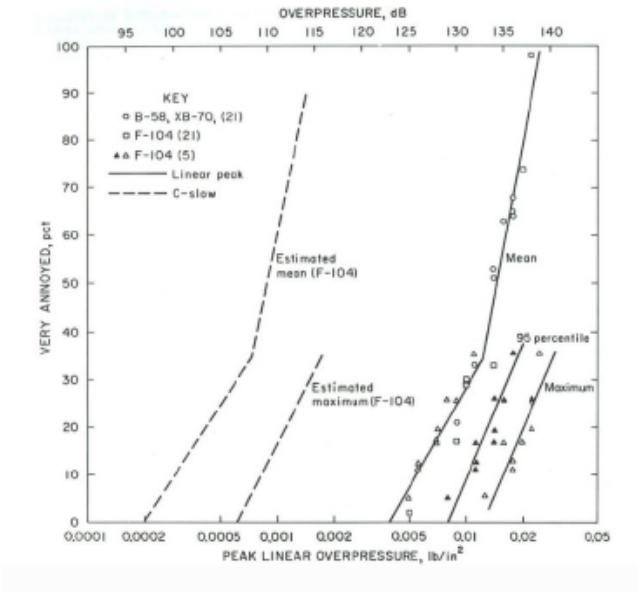


Figure 4. Population very annoyed by sonic boom-produced house rattles (after Siskind).

Figure 4 above shows the results of one study that was utilized for comparison by the USBM. The study was conducted in Oklahoma City and consisted of an average of eight booms per day for six months. Utilizing the 95-percentile line, there would be 95 percent confidence in the data that at 0.01 psi blast-induced air overpressure would be acceptable to all but 5 percent of the population. Therefore, the appropriate threshold of significance for human response to blast-induced air overpressure is 0.01 psi.

The distance to each receptor would change for each blast in the quarry pit as the blast location changes during the pit's development. Figure B1 and B2 in the Vibra-Tech Blast Impact Analysis Report shows 42 different blast designs and the corresponding maximum charge weight for the design that could be used. Table 4.3-2, "Maximum Charge Weight For Closest Distance to Meet Threshold of Significance," shows the closest distance that a blast could occur to the various adjacent structures and the maximum charge weight that would be required to be below the ground vibration and air overpressure threshold of significance of 0.6 in/sec and 0.01 psi. For many blast locations the distance to the receptor would be much greater resulting ground vibration and air overpressure levels significantly lower than 0.6 in/sec and 0.01 psi.

Table 4.3-2
Maximum Charge Weight For Closest Distance To Meet Threshold of Significance

Receptor	Distance (ft)	Max Pounds Per Delay (lbs.)
South Residential Structure	275	*41
East Residential Structures (Mesa View Ave.)	460	116
Lost Lake Park Structures	500	138
North Ranch Structures	1,000	550
Northeast Residential (North Friant Road)	1,430	1,125
Sumner Hill Residences	2,000	2,200

Table Notes: *To accomplish 41 lbs./delay near the closest residential structure a 53' deep hole, 3.5" diameter, 4 explosive decks, and an ANFO product with a density of 0.87 g/cc can be utilized. The maximum pounds per delay interval would be 34 lbs./delay.

Comment 58C-4

1. **Federal Transit Administration (FTA):** It is generally accepted that ground-borne vibration thresholds to address human disturbance are more strict than standards related to building damage. For example, the DEIR presents significance thresholds from the FTA [1] (*Footnote 1:* FTA reference document: Transit Noise and Vibration Impact Assessment Manual, FTA Report No. 0123 (September 2018) for both building damage and human annoyance. These are excerpted below (Tables 4.13-10

and 4.13-11, DIER page 4.13-35). These tables clearly indicate stricter standards for the evaluation of vibration with respect to human disturbance. However, the DEIR blasting vibration impact analysis ignored the thresholds listed in Table 4.13.11.

Table 4.13-10
FTA Thresholds for Assessing Damage to Structures

Building Category	Level RMS VdB[1]
I. Reinforced-concrete, steel or timber (no plaster)	102
II. Engineered concrete and masonry (no plaster)	98
III. Non-engineered timber and masonry buildings	94
IV. Buildings extremely susceptible to vibration damage	90

Table Source: Table 7-5 of FTA 2018.
Table Notes:
1. 1 RMS velocity in decibels (VdB) re 1 micro-inch per second.

Table 4.13-11
FTA Thresholds for Assessing Groundborne Vibration Annoyance Potential

Land Use Category	Impact Levels RMS (VdB)		
	Frequent Event[1]	*Occasional Events[b]*	*Infrequent Events[c]*
Category 1: Buildings where vibration would interfere with interior ops.	65[d]	65[d]	65[d]
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime uses	75	78	83

Table Source: Table 6-3 of FTA 2018.
Table Notes:
a. "Frequent Events" is defined as more than 70 vibration events of the same source per day.
b. "Occasional Events" is defined as between 30 and 70 vibration events of the same source per day.
c. "Infrequent Events" is defined as fewer than 30 vibration events of the same source per day.
d. This criterion limit is based on levels that are acceptable for most moderately-sensitive equipment such as optical microscopes. Vibration-sensitive manufacturing or research would require detailed evaluation to define the acceptable vibration levels.

Response 58C-4

The Federal Transit Administration Document entitled *Transit Noise and Vibration Impact Assessment Manual* is a document used to assess and guide projects involving rail transit. Ground vibrations resulting from rail transit are considered steady-state vibrations because of their longer duration, cyclic frequency and steady amplitudes. In addition, rail transit events can occur many times during the day or evening.

Gound vibrations from blasting are considered transient events, not steady-state events because their amplitude dissipates quickly over time. The blast events at the CEMEX Rockfield operation would only occur during daytime hours with only one event likely occurring in a day. Time between blast events is dependent on market

needs, but typically is several days. The duration of most blast events is about one to two seconds in duration.

Human response to vibration events is heightened by the duration of the event along with the number of occurrences. This is factored into the lower amplitude thresholds seen in Table 4.13-11, "FTA Thresholds for Assessing Groundborne Vibration Annoyance Potential." These criteria should not be applied to blasting events.

Comment 58C-5

2. **U.S. Bureau of Mines Commentary:** The DEIR references a report published by the U.S. Bureau of Mines (RI 8507[1] (*Footnote 1: U.S. Bureau of Mines Report of Investigations 8507, Structural Response and Damage Produced by Ground Vibration from Surface Mine Blasting (1980)*), DEIR page 4.13-35). Thresholds of significance for potential building damage from blasting vibration are drawn from this report. However, this report includes commentary related to human disturbance as follows:

> *"Human reactions to blasting can be the limiting factor. Vibration levels can be felt that are considerably lower than those required to produce damage. Human reaction to vibration is dependent on event duration as well as level. Particle velocities of 0.5 in/sec from typical blasting (1-sec vibration) should be tolerable to about 95 pct of the people perceiving it as "distinctly perceptible." Relevant to whole-body vibration reaction is the degree that the vibration interferes with activity (sleep, speech, TV viewing, reading), presents a health hazard, and affects task proficiency. For people at home, the most serious blast vibration problems are house rattling, fright (fear of damage or injury), being startled, and for a few, activity interference. Complaints from these causes can be as high as 30 pct at 0.5 in/sec, and this is where good public relations attitudes and an educational program by the blaster are essential."* (RI 8507, page 68)

These statements from the U.S. Bureau of Mines report (RI 8507) indicate that people can feel vibration at considerably lower levels than those required to produce damage. And complaint rates could be as high as 30 percent for blasting vibration at 0.5 inch/second.

Response 58C-5

This quote comes from bullet point 9 in the Conclusions of USBM RI-8507. For insight to this conclusion the reader is referred to Page 67 where it states, "In the absence of a public relations program, it is expected that a mean ground vibration level would produce 15 to 30 percent "very annoyed" neighbors. The 95 percent line gives 5 percent very annoyed at 0.5 in/sec. CEMEX has already started a public relations effort with the community and would continue this effort daily.

Comment 58C-6

3. **U.S. Office of Surface Mining Reclamation and Enforcement (OSMRE):** The DEIR also references the *Blasting Guidance Manual* (March 1987, DEIR Page 4.13-36) published by OSMRE in identifying significance thresholds for blasting vibration. This document also includes the following commentary:

> *"Most authorities agree that the threshold of human perception for blast vibration ground motion is around 0.03 inches per second. Depending on activity, sensitivity, and whether or not the subject knows when the event is to occur, a few humans can sense ground motion as low or lower than most instruments are able to: about 0.01 inch per second! Although complaints can occur at any level perceptible to humans, they are unusual below 0.08 inches per second or so. As peak particle velocities increase and as local and individual sensitivities increase, so will the number of complaints. At, say, 0.25 inches per second, a level that is eminently safe (*) and well within OSMRE limits, except below 2 Hz, complaints can be expected."* [emphasis added] (OSMRE Blasting Guidance Manual, page 37) [* note the author means "safe" with respect to building damage]

Response 58C-6

As the quote states, complaints can occur at any level perceptible to humans. Human reaction is dependent on the duration and amplitude of the vibration event, as well as innumerable other factors beyond CEMEX's control. Because of this great human subjectivity complaints about blast vibrations cannot be completely eliminated. Discernible vibrations cannot be used as a threshold of significance and are by no means a criterion for a significant impact.

Comment 58C-7

4. **Federal Highway Administration:** The U.S. Federal Highway Administration publication No. FHWA-HI-92-001 titled *Rock Blasting and Overbreak Control* (December 1991) also includes commentary on human sensitivity to vibration. The FHWA report states that "vibration is a fact of daily life" but that "other vibration that contrasts sharply, because it is not part of the daily experience but is unusual, has been designated acultural. It surprises a person, is disturbing, and causes an acute awareness." (FHWA, page 275). This FHWA publication also summarizes previous research on the subject, characterizing human response to vibration as listed in the excerpted Table 10.10 (FHWA, page 275). The DEIR selected threshold of significance or 0.75 inch/second would be considered "severe" according to the FHWA guidance. A "severe" human response to blasting vibration should not be considered acceptable for the next 100 years of hard rock mining at the Project site.

FHWA Table 10.10 Human Response

Response	Particle Velocity
Noticeable	0.02 in/s
Troublesome	0.2 in/s
Severe	0.7 in/s

Response 58C-7

Table 10.10 from the FHWA Report HI-92-001 entitled *Rock Blasting and Overbreak Control* (1991) was derived from Figure 61 on page 64 of USBM RI-8507. Figure 61 is a graph composed of three studies, Reiher and Meister (1931), Goldman (1948), and Wiss and Parmalee (1974). The vibration events for the responses in the Reiher and Meister study were 5-minute sinusoids in the frequency range of 4 to 25 Hz. Goldman also used steady state events. The frequency range was 2 to 50 Hz with a shorter duration of 5 seconds. As discussed previously, this is not characteristic of blast vibration events in mining. On page 62, of RI-8507 the USBM states, "Several researchers recognized that duration of the vibration event was critical to its undesirability. Most evident was that a higher level could be tolerated if the event was short. Consequently, steady-state vibration data could not be realistically applied to blasting, except for events that exceed several seconds duration." The USBM further cited Chang that noted Reiher and Meister's responses could be multiplied by a factor of 10 for short events.

The Wiss and Parmelee study is the only study that gets close to a vibration resembling a blast event. This study utilized 5 second, damped sinusoidal pulses. The damping ranged

from 0 to 16 percent and frequencies were 2.5 to 25 Hz. The descriptors and the vibration amplitudes for the mean of the 40 respondents in the Wiss and Parmelee study are given below:

Vibration Descriptor	Particle Velocity (in/sec)
Barely Perceptible	0.033
Distinctly Perceptible	0.28
Strongly Perceptible	0.63
Severe	1.13

It should be noted the only study that used a vibration descriptor of "Severe" was Wiss and Parmelee. This level was noted at 1.13 in/sec. not 0.7 in/sec.

Comment 58C-8

5. **Caltrans:** This comments above are also supported by the Caltrans *Transportation and Construction Vibration Guidance Manual* (April 2020), which states that " Ground vibration and air overpressure can be felt at levels that are well below those required to produce any damage to structures." (Caltrans Manual, page 75). Table 21 below (excerpted from the Caltrans Manual, Page 75), indicates that blasting vibration of 0.75 inch/second (threshold selected in the DEIR) would be considered between "strongly perceptible" and "mildly unpleasant." This characterization demonstrates that it is prudent to select thresholds of significance for blasting vibration that are lower or more strict that the thresholds related to building damage in order to adequately address human disturbance.

Table 21. Human Response to Blasting Ground Vibration and Air Overpressure

Average Human Response	PPV (in/sec)	Airblast (dB)
Barely to distinctly perceptible	0.02–0.10	50–70
Distinctly to strongly perceptible	0.10–0.50	70–90
Strongly perceptible to mildly unpleasant	0.50–1.00	90–120
Mildly to distinctly unpleasant	1.00–2.00	120–140
Distinctly unpleasant to intolerable	2.00–10.00	140–170

Response 58C-8

The threshold of significance that was selected in Response 58C-3 was 0.60 in/sec. As stated previously, if we compare the research conducted by the USBM for justifying their limits in terms of human response with the 2004 Caltrans study, the appropriate significance threshold for measuring the human response to blast-induced ground

vibrations from the proposed Rockfield Quarry is a peak particle velocity of 0.60 inches/second. This threshold falls at the lower end of the "strongly perceptible to mildly unpleasant" average response in the 2004 Caltrans table, while still encompassing the 95th percentile of responses discussed in the USBM report.

Comment 58C-9

6. **Australian Standards:** As further support, consider the Australian Standard AS 2187.2-2006 titled *Explosives – Storage and Use, Part 2: Use of Explosives*. In this standard, the recommended blasting ground vibration limits regarding damage are aligned with the Project DEIR blasting vibration damage thresholds. However, the Australian Standard further adds the following blasting "ground vibration limits for human comfort" (AS 2187.2-2006, Table J4.5(A))

Australian Standard AS 2187.2-2006: Excerpt of Ground Vibration Limits for Human Comfort

Category	Type of Blasting Operations	Peak Component Particle Velocity
Sensitive Site*	Operations lasting more than 12 months or more than 20 blasts	5 mm/s [0.2 inch/s] for 95% blasts per year, 10mm/s [0.4 inch/s] maximum unless agreement is reached with the occupier that a higher limit may apply
Sensitive Site*	Operations lasting for less than 12 months or less than 20 blasts	10 mm/s [0.4 inch/s] maximum unless agreement is reached with the occupier that a higher limit may apply
Occupied non-sensitive sites, such as factories and commercial premises	All blasting	25 mm/s [1 inch/s] maximum unless agreement is reached with the occupier that a higher limit may apply.

** A sensitive site includes houses and low-rise residential buildings, theatres, schools, and similar buildings occupied by people*

Due to the close proximity of sensitive receptors (as close as 250 feet) and the long-term nature of the Project, ground-borne vibration from blasting should be mitigated to a more conservative threshold than the building damage thresholds used in the DEIR. The DEIR has ignored the FTA human sensitivity thresholds offered in the DEIR and ignored commentary from the U.S. Bureau of Mines, the U.S. OSMRE, and the U.S. FHWA. These U.S. publications along with the referenced Australian Standard provide evidence that a stricter standard would be feasible and appropriate to address potential for human disturbance. By failing to incorporate human disturbance thresholds into the blasting analysis, nearby residences and recreational areas could be exposed to excessive vibration that could be startling and

disruptive, resulting in complaints, and should be considered a significant impact under CEQA. Therefore, the DEIR has failed to fully address the impact analysis required by CEQA and the related blasting analysis and mitigation measures should be revised.

Response 58C-9

Although the South Residential structure is 270 feet away from the closest blasting, the vast majority of the blasts would be much greater than this distance. This is true for all of the surrounding receptors at the site. The actual distance to the receptors would vary on a blast-by-blast basis. The Blasting Impact Analysis report has shown feasible blast designs that can control ground vibration and air overpressure at off-site receptors. As the mining operation develops, blast designs would be adjusted based upon distance to receptors and seismograph measurements. In actual practice, blasting operations do not regularly create ground vibrations or air overpressure at damage levels and endeavor to design all blasts to be below damage thresholds, therefore the premise of the Australian Standard is effectively achieved organically without codification.

Comment 58C-10

#1.B – Thresholds for Evaluation of Blasting "Airblast" also Focus on Building Damage

Impact 4.13-6 also assesses the potential for the Project to generate substantial "noise", "airborne vibration," or "airblast" as a result of blasting. "Airblast" refers to the low-frequency pressure wave transmitted through the air from an underground blast. The DEIR's analysis of airblast is based on guidance found in the U.S. Bureau of Mines publication RI 8485 *Structural Response and Damage Produced by Airblast* (1980). This document and the referenced thresholds focus on building damage. For reference, the DEIR threshold used to address potential impact from airblast is 0.01295 psi or 133 dB. This threshold is purported in the DEIR to "prevent damage and human disturbance." However, using the same threshold to address both concerns does not account for the fact that humans are more sensitive than buildings and can be disturbed by lower levels. The US Bureau of Mines Publication RI 8485 also includes this commentary on human disturbance, indicating the human annoyance occurs at lower thresholds than building damage:

> "*[Airblast] Levels exceeding 120 dB will produce some annoyance from rattling and fright, with as much as 5 to 10 pct of homes exhibiting such disturbances at the maximum level of 134 dB (0.1-Hz high-pass). Public reaction depends strongly on the blaster's public relations and the general attitudes of the*

neighbors to the economic and social requirement for the blasting." (RI 8485, page 66)

Focusing on the airblast damage threshold again pays inadequate attention to the potential disturbance of sensitive residential neighbors related to the secondary effects of blasting airblast, such as the rattling of windows.

The Caltrans *Transportation and Construction Vibration Guidance Manual* (April 2020), which states that "Ground vibration and air overpressure can be felt at levels that are well below those required to produce any damage to structures." (Caltrans Manual, page 75). Table 21 below (excerpted from the Caltrans Manual, Page 75) indicates that airblast overpressure of 133 dB (thresholds selected in the DEIR) would be perceived in the range of "mildly to distinctly unpleasant." These characterizations demonstrate that it is prudent to select a threshold of significance for blasting airblast that is lower or more strict that the thresholds related to building damage in order to adequately address human disturbance.

Table 21. Human Response to Blasting Ground Vibration and Air Overpressure

Average Human Response	PPV (in/sec)	Airblast (dB)
Barely to distinctly perceptible	0.02–0.10	50–70
Distinctly to strongly perceptible	0.10–0.50	70–90
Strongly perceptible to mildly unpleasant	0.50–1.00	90–120
Mildly to distinctly unpleasant	1.00–2.00	120–140
Distinctly unpleasant to intolerable	2.00–10.00	140–170

As further support, consider the Australian Standard AS 2187.2-2006 titled Explosives – Storage and Use, Part 2: Use of Explosives. In this standard, the recommended blasting damage airblast limits are aligned with the Project DEIR blasting vibration damage thresholds. However the Australian Standard further adds the following "airblast limits for human comfort" (AS 2187.2-2006, Table J5.4(A))

Australian Standard AS 2187.2-2006: Excerpt of Airblast Limits for Human Comfort

Category	Type of Blasting Operations	Peak Sound Pressure Level
Sensitive Site*	Operations lasting more than 12 months or more than 20 blasts	115 dBL for 95% blasts per year, 120 dBL maximum unless agreement is reached with the occupier that a higher limit may apply
Sensitive Site*	Operations lasting for less than 12 months or less than 20 blasts	120 dBL maximum unless agreement is reached with the occupier that a higher limit may apply
Occupied non-sensitive sites, such as factories and commercial premises	All blasting	125 dBL maximum unless agreement is reached with the occupier that a higher limit may apply.

** A sensitive site includes houses and low-rise residential buildings, theatres, schools, and similar buildings occupied by people*

Response 58C-10

As stated in the commentary provided for Comment 58C-3, the USBM did analyze the air overpressure data for both damage potential and annoyance. The recommended level of 133 dB provided a 95 percent annoyance acceptability. Response 58C-3 proposes reducing the threshold of significance for air overpressure to 0.01 psi of 130 dB. This is the midpoint of Caltrans "Mildly to Distinctly unpleasant" category based upon average human response. Regarding the Australian Standard, our response for air overpressure is the same as above, as the mining operation develops, blast designs would be adjusted based upon distance to receptors and seismograph measurements. In actual practice, blasting operations do not regularly create ground vibrations or air overpressure at damage levels and endeavor to design all blasts to be below damage thresholds, therefore the premise of the Australian Standard is effectively achieved organically without codification.

Comment 58C-11

#1.C – DEIR Should Include Additional Community Engagement and Relations Efforts

In addition to stricter thresholds or limits to be applied to blasting to address human disturbance, additional community relations efforts can and should be incorporated into the Project Blasting Protocols. As stated by the U.S. Bureau of Mines (in publication RI 8507, page 68) "*good public relations attitudes and an educational program by the blaster are essential.*" Clear

communication and notification of blasting events can benefit an adjacent community and reduce the impact of blasting activities. The blasting Mitigation Measure 4.13-6 and related Blasting Protocols (DEIR, Appendix H-6) includes monitoring and "complaint response procedures." However, the Project should not wait until after complaints are received to implement further community engagement. Additional effective community relations efforts should be incorporated into the standard blasting protocol procedures so they are implemented prior to and during blasting and monitoring (not only after complaints are received). The following measures should be included in the DEIR:

- Revise the mitigation measure to require blasting to be scheduled at the same time of day each day that blasting occurs (i.e., on the hour at a certain hour of the day). Based on our experience, awareness of blasting has helped people to more easily tolerate blasting vibration and airblast that is noticeable.

- Revise the mitigation measure to require notification of residents within 2,000 feet at the time of blast. This could be offered as a subscription for notifications via text message or similar means.

Response 58C-11

Please see Response 58C-5 regarding CEMEX's public relations effort. Regarding blasting to be scheduled at the same time of day each day, this is not necessarily achievable due to potential delays in delivery of explosives, loading conditions, and weather issues. CEMEX would endeavor to blast at a set time interval within reason.

Comment 58C-12

#1.D – The DEIR Should Require Peer Review of the Blast Monitoring Results

The blasting Mitigation Measure 4.13-6 and related Blasting Protocols (DEIR, Appendix H-6) includes monitoring requirements and mandatory reporting to the County. However, given the technical nature of the blasting protocols, it would be appropriate for blasting reports and monitoring results to be reviewed by a third party with expertise in assessing the results. This should occur at least at the early stages of blasting and when blasting within 600 feet of a sensitive receptor.

In addition, the current Blasting Protocols include monitoring only "at the closest residential/commercial property, the closest

well, and at three points to the San Joaquin River embankment." This measure does not take into account potential monitoring equipment failure or faulty results. The DEIR should have required blast monitors at the two closest residential properties, not just one. Doing so would improve confidence in the measurement results to ensure that blasting related noise and vibration is minimized.

Response 58C-12

The blasting reports would be produced by the blasting contractor. The monitoring would be conducted by an independent, third-party consultant that would review the blasting reports along with the monitoring results. This information would also be reviewed internally by CEMEX personal. Regarding the monitoring, the Draft EIR proposed a minimum number of monitoring locations, often time operations voluntarily increase the number of monitoring points to facilitate public relation efforts.

Comment 58C-13

SECTION 2 – COMMENTS ON OTHER OPERATIONAL NOISE SOURCES

#2.A – Proposed Operational Noise Mitigation is Inadequate

Impacts 4.13-2 and 4.13-3 assess increases in ambient noise levels from Plant Site and Quarry Site operations that could exceed local standards. The analysis indicates that operational noise at night is projected to exceed the thresholds of significance and the impacts without mitigation would be potentially significant (see Tables 4.13-16 and 4.13-17, DEIR pages 4.13-57 through 4.13-60). To address these potential impacts, the related mitigation measures (4.13-2 and 4-13.3) take the approach of requiring the operator to "implement one or more of the" measures listed to reduce noise from site operations. The mitigation measure does not identify which of these optional measures is actually required or appropriate. One of those measures is noise monitoring after operations have already commenced. Therefore, only after impacts occur, complaints are received, and excessive noise levels are found through review of monitoring data would additional noise reduction measures be identified and implemented. And that process of justifying, coordinating, and implementing the additional mitigation measures could take significant time and efforts.

The "wait and see" approach taken by this mitigation measure is insufficient to fulfill the mandate of identifying significant impacts and implementing effective mitigation measures to reduce noise BEFORE the community is exposed to excessive noise. Only AFTER the Project operation is confirmed to generate excessive noise will noise reduction measures be implemented. Meanwhile, the

operation continues to expose people to excessive noise during the potentially lengthy process developing further mitigation measures, conducting pricing and feasibility studies, and submitting the measures through an approval process. This noise mitigation approach is inadequate. Instead, the operational noise impact analysis must identify the specific sources or activities that are expected to generate significant construction noise and then develop specific, effective, and feasible noise reduction measures that would reduce noise to a less than significant level.

In summary, the proposed mitigation measures are inadequate as they fail to protect the community from excessive noise BEFORE it occurs. The mitigation fails to include specific measures that would be needed to reduce all potentially significant impacts.

Response 58C-13

The comment is correct that Draft EIR Impacts 4.13-2 and 4.13-3 assess increases in ambient noise levels from Plant Site and Quarry Site operations that could exceed local standards, including nighttime operations. However, the first paragraph on page 4.13-58 of the Draft EIR states the following:

> Because the identified exceedance of the significance criteria would be relatively small in magnitude (2 dB), it is anticipated that, with the implementation of one or more of the noise reduction measures, it would be feasible to reduce operational noise from the Plant Site to below the significance thresholds.

A 2 decibel increase in noise levels is commonly considered to be barely perceptible, so the magnitude of Impact 4.13-2 is overstated in the comment. Mitigation Measure 4.13-2 specifically requires the Operator to "implement one or more of the following measures to reduce noise from Plant Site operations:

1) Line aggregate hopper drop-points with heavy urethane sheets.
2) Ensure that all processing area conveyors are properly lubricated at all times.
3) Equip all mobile plant area equipment with acoustic growler-type backup warning systems, rather than conventional beepers.
4) Suspend acoustic curtains around the aggregate processing plant crushers and screen decks (i.e. the loudest components of the processing plant).
5) Install acoustic silencers on the asphalt plant bag house exhaust fan.
6) Suspend acoustic curtains around the asphalt plant burner."

These noise control measures have been effectively implemented at multiple aggregate facilities throughout California. Each of the noise control measures cited in this mitigation measure, on its own, would provide a noise level attenuation of at least 5 dBA for the specific equipment or operation it is applied to. Sound engineering practice is to apply the type of noise control device required to mitigate the specific noise source in question. Because there are a wide variety of noise sources associated with aggregate excavation and processing facilities, a wide range of noise control options is required to specifically target noise sources that may be contributing to an exceedance of the noise level performance standards.

Furthermore, the commenter's assertion that, "the proposed mitigation measures are inadequate as they fail to protect the community from excessive noise before it occurs", is incorrect. Mitigation Measure 4.13-2(7) specifically states that noise monitoring is required following implementation of the appropriate noise control measures," not before.

Rather than deferring mitigation, as stated in the comment, the Draft EIR mitigation measures are tied to performance standards that would ensure that appropriate noise mitigation measures are implemented for the project to reduce the project sites' noise levels to a less than significant impact.

Comment 58C-14

#2.B DEIR Does Not Demonstrate Efficacy of Operational Noise Mitigation

As mentioned in Comment #2A above, Mitigation Measures 4.13-2 and 4-13.3 take the approach of requiring the operator to "implement one or more of" a variety of measures to reduce noise from site operation. However, the DEIR provides no supporting information to demonstrate how one or more of the listed measures will actually reduce noise to a less-than-significant level. Without such effort to define the efficacy of the operational noise mitigation measures, the DEIR cannot conclude that noise would be reduced to a less-than-significant level.

Response 58C-14

The mitigation measures are commonly implemented to reduce mining and industrial noise. The extensive analysis of project noise generation concluded that project-generated noise levels may exceed the applicable standards of significance by 2 dB for Draft EIR Impact 4.13-16 and by 2-5 dBA for Draft EIR impact 4.13-17, which, as noted in the Draft EIR, are relatively small levels of exceedances. As noted in the Response 58C-13, each of the industrial noise control measures would be expected to provide a source-

specific noise level attenuation of at least 5 dBA. However, it is important to note that implementation of asphalt plant duct silencers would have no effect on noise generated by aggregate crushers. For this reason, and due to the variability of types of equipment and processes involved in aggregate extraction and processing operations, it is important that the mitigation be targeted to the specific source. Compliance with the Fresno County noise standards is not optional, and the mitigation measure requiring testing of sound levels after implementation of appropriate noise control measures is specifically included to ensure that the selected noise control measures have effectively reduced project noise generation to a less than significant noise level.

Comment 58C-15

#2.C Impact of Nighttime Noise is Compounded by Extended Operational Hours

The above comments related to nighttime noise impact findings and mitigation are compounded by the fact that the Project includes extending the hours of processing operations during nighttime hours. DEIR pages 4.1-62 and 4.1-63 note that hours of operation would be revised as follows:

"Specifically, excavation as well as aggregate processing and recycling operations would be expanded from 6 p.m. to 7 p.m., and loading/unloading and aggregate trucking could occur between the hours of 4 a.m. and 9 p.m. under the proposed project, whereas under existing conditions the earliest operations begin between 4 a.m. and 6 a.m., depending on the time of year, and end at 6:00 p.m. year-round."

Extended operations before 6 a.m. and after 7 p.m. come with increased risk and potential for sleep and speech disturbance for the nearby sensitive receivers. This further emphasizes the need to provide adequate and specific noise reduction measures in Mitigation Measures 4.13-2 and 4-13.3.

Response 58C-15

The comment is correct in asserting that nighttime hours are more noise-sensitive than daytime hours. For this reason, the noise analysis prepared for the project specifically evaluated both overall noise levels and increases in ambient noise levels resulting from the project during the more sensitive nighttime hours when project operations could be occurring. As noted in both Table 4.13-16, "Estimated Plant Site Noise Levels (dBA) at Nearest Receptors," and Table 4.13-17, "Estimated Quarry Site Noise Levels (dBA) at Nearest Receptors," of the Draft EIR, estimated noise exposure resulting from the project is provided for daytime (7 am – 10 pm), and nighttime (10 pm – 7 am) periods. Impacts

were separately evaluated for both time periods and noise mitigation measures were required for impacts occurring during any time of the day when the project standards of significance were identified as potentially being exceeded. As noted in Draft EIR Impact 4.13-3, the project is not predicted to exceed the standards of significance at the Plant Site during daytime hours, but potential exceedance of those standards during nighttime operations was identified. As a result, noise Mitigation Measure 4.13-3 was specifically developed to reduce noise during the more sensitive nighttime hours when project operations may occur. As a result, the commenter's assertion that the Draft EIR failed to include an analysis of potential noise impacts during the more sensitive nighttime periods is contrary to the extensive information pertaining to nighttime noise impacts in the Draft EIR. The County's independent noise consultant (Saxelby Acoustics) conducted an extensive peer review of the Draft EIR noise analyses and concluded that the Draft EIR adequately evaluated project noise impacts and implemented adequate mitigation measures, including for impacts during nighttime hours (Draft EIR, page 4.13-2).

Comment 58C-16

#2.D – Nighttime Noise Impact and Sleep Disturbance is Not Adequately Addressed

The conditions of this project and the community warrant an analysis of nighttime noise and the potential for sleep disturbance since operations will occur at nighttime hours (4 a.m. to 7 a.m.). The sleep disturbance study should evaluate both average and single-event maximum noise (i.e., Leq/L50 and Lmax noise levels) from processing, truck loading, and truck pass-by noise. The nighttime industrial activities could annoy residents and cause sleep disturbance. A revised EIR should identify appropriate mitigation, including specific limitations on nighttime noise and activities.

Response 58C-16

The comment asserts that nighttime noise impacts are not adequately addressed in the Draft EIR. See Responses 58-C-13 and 58C-15 for information pertaining to the evaluation of potential noise impacts during nighttime operations. Otherwise, the comment does not provide any evidence that the Draft EIR's evaluation of potential noise impacts during nighttime operations is inadequate.

Comment 58C-17

#3 NOISE AND VIBRATION IMPACT TO WILDLIFE IS NOT SUFFICIENTLY EVALUATED

We also reviewed the comments on noise impact on wildlife in the DEIR Chapter 4.4 Biological Resources. The DEIR indicates that:

- "Ground disturbance and noise impacts from mining could disturb nesting birds located on or near the project sites." (DEIR page 4.4-49) --- and ---

- "Mining activities on the Plant Site and Quarry Site could result in potential adverse impacts to special-status species in the riparian habitat surrounding the project sites if light, noise and vibration, and the operation of heavy equipment during mining activities result in substantial disturbance." (DEIR page 4.4-52)

However, the DEIR provides very little substantive analysis regarding noise in neighboring wildlife areas that will be subject to noise from the project operations. It appears that:

1. Existing ambient noise levels were not measured or evaluated in the neighboring wildlife areas. And based on the ambient noise data presented in Chapter 4.13, we expect that such areas, that are located away from current sources of noise (e.g., roadways), would have rather low noise levels.

2. Project operational noise levels were not predicted at neighboring wildlife areas. Without such analysis, the potential noise increase has not been evaluated adequately.

3. Impact 4.4-6 discusses impact of blasting activities on fish in the San Joaquin River. A vibration limit of 2.0-inch/second is presented as a threshold of significance, and the related mitigation of limiting blasting vibration at the river to 0.5 inch/second is incorporated into the mitigation measure. However, the evaluation of blasting ground-borne vibration and "airblast" pressure goes no further. There is no analysis of blasting impact on other wildlife and riparian habitat in the nearby areas.

Response 58C-17

The impacts of the mining operations upon wildlife onsite and offsite, including blasting, are analyzed in Impact 4.4-2 starting on page 4.4-52 of the Draft EIR. The impacts of the project upon riparian habitats and sensitive natural communities are analyzed in Impact

4.4-4 of the Draft EIR. The duration of a blast is one second. As such, a blasting event is not anticipated to be disruptive for wildlife. The commenter provides no evidence or substantive support that the proposed blasting would cause significant adverse impacts to wildlife. Implementation of Mitigation Measures 4.10-1, 4.3-2a, and 4.3-2b would reduce impacts to adjacent riparian areas and/or sensitive natural communities to less than significant. See Response 58-42 for discussion of the noise measurements in neighboring wildlife areas.

See also responses to comments to Letter #58B for further discussion of the project's potential impacts on wildlife.

Comment 58C-18

The DEIR fails to fully analyze the noise and vibration impact of the Project on wildlife. There are no noise or vibration thresholds of significance presented for wildlife (beyond fish in the San Joaquin River). Thus, the impact to wildlife is still unknown. Furthermore, there are no noise and vibration mitigation measures that control operational noise or blasting vibration, in particular, such as halting blasting during times when birds are nesting within in the nearby area where noise, vibration, and airblast could disrupt the animals.

Response 58C-18

The impacts of the mining operations upon wildlife onsite and offsite, including blasting, are analyzed in Impact 4.4-2 starting on page 4.4-52 of the Draft EIR. The duration of a blast is one second. As such, a blasting event is not anticipated to be disruptive for wildlife. The commenter provides no evidence or substantive support that the proposed blasting would cause significant adverse impacts to wildlife. See also responses to comments to Letter #58B for further discussion of the project's potential impacts on wildlife.

Letter #59 March 10, 2025, Cala Carter, CCIS Bonding & Insurance Services

Comment 59-1

Dear Mr. Randall,

Myself and my husband strongly oppose the CEMEX proposed plan for changing the Quarry site from a mechanical (digging) of sand and gravel, to (blasting & manufacturing) blasting hard rock and crushing it into gravel.

The idea of blasting explosions going off so close to residential areas & public roadways is a safety hazard, not to mention creating

a 600 ft below ground surface right next to the San Joaquin River, and not far from our River Parkway conservation area which is a museum devoted to teaching future generations the history of the San Joaquin River, and how our generation is protecting and preserving these wetlands for the future of our land's natural resources, is unacceptable!

CEMEX needs to find a different area to propose such a project. Attached is our response letter to the CMEX proposal.

Response 59-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. Please see below for responses to the comment letter.

Comment 59-2

Dear Mr. Randall,

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 59-2

The commenter's concern with regard to the Draft EIR is noted. Please see below for responses to specific issues raised in the comment letter.

Comment 59-3

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 59-3

Draft EIR Section 4.10, "Hydrology and Water Quality," provides detailed analyses of potential groundwater and water quality effects of the proposed project. The analyses are based on the *Revised Hydrology and Water Quality Analysis Report* (Draft EIR Appendix G-

5), which utilizes information from groundwater conditions reports included as Appendices G-3 and G-4 of the Draft EIR and groundwater and surface water monitoring and sampling data collected for the project sites to draw conclusions on the existing groundwater hydrology conditions on the project sites and to evaluate the potential impacts to groundwater hydrology under the proposed project. Detailed methodology and findings are provided in Appendix G-5.

Additionally, please see Collective Response #25 for discussion pertaining to surface and groundwater analyses. As further explained in Collective Response #25, the Draft EIR and its appendices contain substantial evidence, in the form of graphical comparisons, tabular data, and narrative analysis demonstrating among other things that surface water in the San Joaquin River and the groundwater at the project sites are not interconnected and that future mining and dewatering at both the Quarry Site and Plant Site would not significantly alter the amount of water moving from the San Joaquin River into the groundwater.

As discussed and presented in Draft EIR Section 4.10, mitigation measures are identified in the Draft EIR that require groundwater quality protection measures and groundwater monitoring and adaptive management. See Mitigation Measure 4.10-1 on Draft EIR page 4.10-92, Mitigation Measures 4.10-5a and 4.10-5b on Draft EIR pages 4.10-96 through 4.10-98, and Mitigation Measures 4.10-10 and 4.10-10b on Draft EIR pages 4.10-108 through 4.10-111.

The comment does not address the adequacy of the Draft EIR hydrology analyses or the efficacy of these mitigation measures, and no further response is warranted.

Comment 59-4

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 59-4

The berm is higher than the 100-year water surface elevations, which would prevent breaching (see Draft EIR Appendix G-1). The 1997 flood flow rate of 60,300 cfs is lower than the 100-year flow rate of 71,000 cfs studied for the project. The Draft EIR analyzes the potential for the proposed project to release pollutants in flood hazard, tsunami, or seiche zones due to project inundation in Impact 4.10-17. Given that the 100-year floodplain does not encroach onto the Quarry Site, the Draft EIR concludes the following:

> "…, the resulting inundation due to the unforeseen events would occur far outside the actual flood hazard zones, and thus would not be covered by this impact. In addition, the unforeseen event of the release of water from the Friant Dam or Millerton Lake Reservoir is not required to be addressed under CEQA since the releases are not "reasonably foreseeable." (Draft EIR p. 4.10-119.)

The Draft EIR concludes that the potential releases of pollutants due to the inundation of the project sites due to a rapid release of water from Friant Dam would be less than significant due to the enlarged excavation pit's ability to capture water and reduce downstream flooding. Further, the project is required to adhere to the requirements of the SPCC Plan and Industrial General Permit SWPP (see Draft EIR p. 4.10-119).

See also Collective Response #17 and Response 329-3.

Comment 59-5

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 59-5

As identified in Appendix G-6 of the Draft EIR, groundwater level data have been collected continually since 2017 at the Plant Site and since 2018 at the Quarry Site (except for Well MW-7D, where monitoring began in 2020, immediately after that well was installed). As shown on Figure 5 of Appendix G-6, this period covers both wet and dry years. Figure 4.10-10, "Comparison of San Joaquin River Stage and Daily Rainfall," of the Draft EIR demonstrates that groundwater level monitoring has occurred during periods of both low flow (referred to as base flow) and periods of elevated river releases, with flows at times exceeding planned restoration flows to occur as part of the San Joaquin River Restoration project. See also Responses 6-12 and 6-14. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10, and the supporting technical appendices.

Collective Response #25 addresses the potential for interconnected surface water and demonstrates that Department of Water Resources criteria for interconnected surface water do not exist at the project site.

Comment 59-6

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 59-6

The commenter's suggestions for San Joaquin River Parkway trail construction and maintenance are noted and will be considered by County decision-makers. Please see Collective Response #22 for additional discussion of trail funding and easements. The comment does not address the adequacy of the Draft EIR, and no further response is warranted.

Comment 59-7

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 59-7

See Collective Response #27 pertaining to the effects of project operations, including blasting, on users of nearby parks and trails.

Comment 59-8

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 59-8

Please see Collective Response #8 pertaining to visual impacts and mitigation.

Comment 59-9

- **Traffic Congestion: Significant traffic impacts are expected, yet** there is no guaranteed funding or timeline for necessary road improvements.

Response 59-9

Please see Collective Response #29 pertaining to traffic-related impacts and mitigation.

Comment 59-10

How will the County ensure that CEMEX is held accountable for road damage,…

Response 59-10

Please see Collective Response #30 pertaining to road maintenance and mitigation.

Comment 59-11

…including truck debris and safety hazards?

Response 59-11

Please see Collective Response #30 pertaining to road safety.

Comment 59-12

The lack of detail on *how* mitigation takes place is just one example of the inadequacy of the DEIR. The docu [sic]

Response 59-12

Please see responses above and the referenced Collective Responses #29 and #30 regarding traffic and transportation impacts and mitigation measures. Note also that, as discussed in Draft EIR Section 3.3 on page 3-4, in accordance with PRC Section 21081.6(a) the County would adopt an MMRP at the time it certifies the EIR. The purpose of the MMRP is to ensure that the Operator complies with the adopted mitigation measures. The MMRP would identify each of the mitigation measures and describe the party responsible for monitoring, the time frame for implementation, and the program for monitoring compliance.

Comment 59-13

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 59-13

Please see Collective Response #10 pertaining to the environmental baseline used for the air quality analysis.

Comment 59-14

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Response 59-14

Please see Collective Response #13 pertaining to project effects on wildlife nesting and migration patterns. See also Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.4, and the mitigation measures referenced in this response.

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on the Plant Site Mining Plan (see Figure 2-7, "Proposed Plant Site Mining Plan") and Quarry Site Mining Plan (Figure 2-8, "Proposed Quarry Site Mining Plan"). Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (see Draft EIR pages 4.4-

50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (see Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (see Draft EIR, page 4.4-49-4.4-50). The Western red bat was not observed on site during the habitat assessment, and only moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). In any event, blasting activities would be brief and are not expected to result in sustained or long-term impacts. A typical blasting event would occur for approximately one to two seconds. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR therefore adequately evaluated the project's potential impacts on each of these species.

Comment 59-15

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

Response 59-15

Please see Collective Response #16 pertaining to evaluation of potential impacts on salmon spawning and analysis methods.

Comment 59-16

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 59-16

Please see responses above and the referenced collective responses with regard to specific comments. The comment does not provide evidence or demonstrate a need for rewriting and recirculating Draft EIR Section 4.4.

Comment 59-17

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional

analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Response 59-17

The proposed project would not result in significant impacts to water quality or resources, wildlife, public safety, or air quality. Please see responses above and the referenced collective responses with regard to specific comments. Please also see Collective Response #4b pertaining to liability and financial obligations. The comment does not provide evidence or demonstrate a need for recirculation of information prior to preparation of the Final EIR.

Letter #60 March 10, 2025, Andrew Escamilla, California Environmental Voters Education Fund

Comment 60-1

Greetings,

On behalf of the listed organizations, I am writing to provide our comments and feedback on the CEMEX Rockfield Modification Project. We appreciate the Board for releasing a Draft Environmental Impact Report for public views and the opportunity to comment on the CEMEX Rockfield Modification Project to ensure transparency, public participation, and compliance with existing policies such as the California Environmental Quality Act (CEQA).

We acknowledge the County's dedication to a comprehensive review process. The undersigned organizations respectfully submit this letter to enhance our community's well-being and ensure that critical environmental and public health standards are upheld. For your consideration, please find our comments below.

Response 60-1

This is an introductory comment that does not address the adequacy of the Draft EIR. No further response is warranted. See responses below that address specific issues raised in this comment letter.

Comment 60-2

Section 4.1 Aesthetics and Visual Resources

The DEIR acknowledges that the CEMEX Rockfield Modification Project will have significant and unavoidable visual impact even with mitigation measures. This draft EIR fails to analyze the

equity implications of these impacts. Communities that already experience poor air quality, excessive heat, and lack of green space should not have to further endure the degradation of their visual and environmental surroundings. The San Joaquin River is a vital environmental and cultural asset that will face significant degradation if this project moves forward. This river serves as one of the few remaining natural refuges in the region, providing recreational, mental, and physical health benefits to local residents.

Response 60-2

Please see Collective Response #8 pertaining to visual impacts and mitigation.

Comment 60-3

Under Table ES-1 Mitigation Measure 4.1-1, the proposed mitigation measures, such as rock staining to reduce visual contrast, are insufficient and temporary solutions that fail to restore the ecological integrity of the affected land. Rock stain is a short-term aesthetic fix, it does not provide a real solution and does not address the lasting environmental impact caused by this project. Over time, weather conditions will diminish any aesthetic improvements, making this measure ineffective. The stain is not guaranteed to restore the ecological integrity of the land, and over a period of time, weather conditions may impact in making disturbed areas visible again. In the long term, this is a "green washing" mitigation measure that does not address the land degradation and fails to reduce environmental impacts.

Response 60-3

Please see Collective Response #8 pertaining to visual impacts and mitigation.

Comment 60-4

To effectively mitigate the impact of the area's aesthetics and visual resources, Fresno County must conduct a more comprehensive environmental review that thoroughly examines the project's disproportionate effects on impacted communities. The county should require that CEMEX engage in mandatory and enforceable land restoration efforts, that includes large scale tree planting, native vegetation restoration, and long-term air quality monitoring. Impacted residents must be engaged and considered a part of the direct decision making in the project proposal to ensure that our community needs and concerns align with restoration efforts.

Furthermore, the county must impose a legal binding requirement on CEMEX to fund sustainable improvements to public parks, trails and tree cover in impacted areas, ensuring that communities' access to natural spaces is not just another place for corporate gains.

Response 60-4

Draft EIR Section 4.1, "Aesthetics and Visual Resources," includes a detailed Visual Impact Analysis (VIA) evaluating the project's potential effects on scenic vistas and visual quality. The analysis is supported by photographs of existing conditions, photographic simulations, and descriptions of site conditions from thirteen representative viewpoints, and was prepared using the BLM Visual Resource Management System. The analysis concludes that visual changes would be less than significant from certain viewpoints, but that visibility of the quarry pit from some locations would be significant (see Impacts 4.1-1 and 4.1-3; see also Collective Response #8 and Responses 60-2 and 60-3).

The project includes a Reclamation Plan (Appendix B-1) requiring revegetation with native species and restoration of disturbed areas consistent with SMARA and Fresno County requirements. The comment does not provide evidence that additional measures such as large-scale tree planting or native vegetation restoration beyond those already required would reduce identified visual impacts.

Air quality impacts are addressed in Appendix D-4, "Revised Section 4.3, Air Quality," and mitigation measures are identified where necessary. Improvements to community parks, trails, or other off-site amenities, as well as delegation of decision-making authority to affected communities, are outside the scope of CEQA. The CEQA process provides for public review and comment, and all substantive comments are considered prior to certification of the Final EIR and any project approval (see also Collective Response #4b regarding Operator funding and financial obligations).

Comment 60-5

Section 4.3 Air Quality

Fresno County is already suffering from some of the worst air pollution in the nation, disproportionately harming low-income, immigrant, and BIPOC communities. The San Joaquin Valley consistently exceeds the state and federal air quality standards for PM2.5 (9.0 µg/m^3 annually, or 35 µg/m^{31} (Footnote 1: https://ww2.arb.ca.gov/our-work/programs/state-and-federal-area-designations/federal-area-designations/pm2-5) and ozone (8 hour standard of 0.070 ppm). CARB's recent workshop proposing updates to the PM 2.5 standard identified the San Joaquin Valley as the state's worst region in exceeding the 9.0 µg/m^3 annual standard,

at 16.2 µg/m^3 according to recent data^2 (*Footnote 2: 1https://ww2.arb.ca.gov/sites/default/files/2024-12/9ugm3_Annual_PM2.5_Workshop_Recommendations_and_Inventory_Updates_ADA.pdf*). Additionally, the San Joaquin Valley Air Pollution Control District recognizes the air basin as being in non attainment with both of these pollutants^3 (*Footnote 3: https://ww2.valleyair.org/air-quality-information/ambient-air-quality-standards-valley-attainmnet-status/*). As such, the proposed CEMEX expansion will further deteriorate the already overburdened air quality, compounding existing environmental injustices.

Response 60-5

Appendix D-4, "Revised Section 4.3, Air Quality," presents a detailed emissions analysis using project-specific data. The project would be required to comply with SJVAPCD's air quality standards. All potential impacts on air quality would be less than significant with the implementation of Mitigation Measures 4.3-2a, 4.3-2b and 4.3-4. See also Collective Response #9 pertaining to the project's potential effect on the region's existing air quality conditions.

Comment 60-6

The threshold values in the DEIR fail to account for cumulative pollution exposure, which is a critical oversight. This is a major problem because communities, especially those already burdened by pollution, do not just experience from a single pollutant but from the accumulation of pollution from various types of pollutants. Nearby communities from this project site are already enduring severe health crises, including high rates of asthma, respiratory diseases, and other pollution-related illnesses.

Response 60-6

The threshold values are used as intended to protect human health and the environment. The commenter is correct in observing that many air pollution problems are cumulative effects of many sources. However, the SJVAPCD significance thresholds that are used in the Draft EIR, as updated by this Final EIR, take the cumulative nature of air quality problems into account either by adding in background concentrations when comparing concentrations to ambient air quality standards or by being set at the quantity that is cumulatively considerable. The cumulative nature of thresholds used in each air quality impact determined in the Draft EIR and Final EIR is discussed below.

- Impact 4.3-1 describes how the project would be consistent with applicable air quality plans. Addressing cumulative air quality conditions is the primary role of

air quality plans. Therefore, consistency with air quality plans is a cumulative analysis.

- Impact 4.3-2 is discussed in Section 7.14 of the GAMAQI (SJVAPCD, 2015) which describes the thresholds as levels that would "Result in a Cumulatively Considerable Net Increase of any Criteria Pollutant."
- Impact 4.3-3 is discussed in Section 8.5.2 of the GAMAQI which describes how health risk assessment thresholds that were used to evaluate Impact 4.3-3 are meant to exclude background levels from their application. As such, these levels are the amounts that are cumulatively considerable.
- Impact 4.3-4 involves odor. If it would be the case that other odorous sources around the project exist, then cumulative odor may need to be assessed but that is not the circumstance in this case.

(See Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.4.)

Comment 60-7

While the DEIR acknowledges potential health risks, it underestimates the severity of these health risks and fails to propose meaningful or enforceable mitigation measures. There is no clear outline strategy of how pollutants will be monitored or transparency for impacted residents.

To ensure our communities health as a priority, we demand that Fresno County take immediate and binding actions to safeguard our communities that are directly impacted by environmental harm such as air pollution. We suggest that the county enforce a comprehensive, real-time community air monitoring program with public access to ensure health protection and also hold CEMEX accountable if their pollution level exceeds safe limits.

Response 60-7

The Draft EIR determined the severity of health risks using the methods approved by SJVAPCD, OEHHA and CARB. Mitigation Measures 4.3-2a, 4.3-2b, and 4.3-4 are meaningful because their implementation would reduce emissions. As described by SSP 1610 (SJVAPCD, 2012) which is used by District staff to permit mining facilities. Fugitive dust would be monitored by visual opacity observation as required by SJVAPCD rules like Rule 4101 that are described in Section 4.3.2.3, "Local" (see Appendix D-4, "Revised Section 4.3, Air Quality"). Residents would know when excursions from conditions described in the Draft EIR as updated in the Final EIR occur because they would see dust exceeding 20 percent opacity for more than three minutes in any hour. One way to record a possible event would be by video tape of the source causing the emissions. Further, in

response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment* (see Final EIR Appendix D-3) including preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the Draft EIR analysis was sufficient, and no further response is required.

Comment 60-8

In addition, we suggest the county require CEMEX to transition to zero emission emissions equipment to reduce and eliminate particulate pollution.

Response 60-8

No such trucks or equipment currently exist and the project's potential impacts on air quality and GHG would be less than significant. Therefore, such a requirement would be unwarranted as a mitigation measure and impossible to comply with at this time.

Comment 60-9

Section 4.11 Land Use and Planning

Upon review under Section 4.11 Land Use and Planning of the DEIR, we've identified several concerns regarding the project's consistency with Fresno County's General Plan goals and policies. As labeled in Goal LU-A, which aims to promote long-term conservation, potentially productive agricultural lands, and accommodate agricultural-support services and related activities that support the sustainable agriculture to further the County's economic development goals, the DEIR provides no specific plan to stay consistent.

Response 60-9

Draft EIR Section 4.11, "Land Use and Planning," assesses the project consistency with the Fresno County General Plan, including General Plan Goal LU-A and relevant policies of Goal LU-A. As discussed in Draft EIR Table 4.11-1, "Project Consistency with Local Planning Documents," on pages 4.11-10 through 4.11-12, the assessment concludes that the project would be consistent with Goal LU-A and relevant policies. As discussed there, mineral extraction is an allowed use in areas designated Agriculture per Fresno County General Plan Table LU-1. Also as discussed in Draft EIR Table 4.11-1 at Policy LU-A.3 on Draft EIR pages 4.11-10 and 4.11-11, the project would meet the criteria for non-agricultural uses listed in General Plan Table LU-1 and Table 4.11-1 provides an assessment of the project against each of the criterion. The comment does not address the

adequacy of the Draft EIR land use plan consistency analysis, and no further response is warranted.

Comment 60-10

In addition, the DEIR stated that the proposed project provides a needed service to the surrounding area by producing cement products for construction projects. As stated by Marek Warszawski, in CEMEX's own document, Fresno County utilizes only 28% of their production. There are multiple sites where the county uses such as Vulcan Sanger Site, Academy Quarry, Fresno River Rock, AI's Concrete, Bass Avenue Materials, Carmelita Mine, Coalinga Pit #1, Coalinga Pit #2, Gale Sands, Kings River Sand and Gravel, River Rock Site, Riverbend Sand and Gravel, Sante Fe Aggregate, Sierra Pacific Materials, and Tivy Valley Granite.

Response 60-10

Please see Collective Response #3 pertaining to regional aggregate demand and need for the project.

Comment 60-11

Following Goal LU-C, focusing on ensuring long term preservation of productive agricultural land, conserving natural wildlife habitats, and maintaining flood-carrying capacities, the project was identified as consistent. However, there was no further explanation regarding CEMEX's effort to measure how the project will be implemented to achieve this goal. The DEIR asserts that the proposed project is consistent with applicable Fresno County General Plan goals and policies, as demonstrated in Table 4.11-1. Nevertheless, the DEIR does not provide sufficient evidence or detailed analysis to support this assertion.

The DEIR lacks detailed plans and commitments necessary to demonstrate how the project will effectively contribute and be consistent with current policies and zoning regulations.

Response 60-11

Contrary to the comment's assertion, the Draft EIR provides analysis and substantial evidence in Section 4.11, evaluating the project consistency with the Fresno County General Plan. Draft EIR Table 4.11-1 identifies and lists applicable policies of the Fresno County General Plan and provides an evaluation of the project's consistency with each on Draft EIR pages 4.11-10 through 4.11-41. Additionally, Table 4.11-1 and its analysis includes discussion of and reference to mitigation measures identified elsewhere in the Draft EIR that would serve to reduce project environmental impacts and ensure project

consistency with General Plan goals and policies. The County disagrees with the comment's assertion that the Draft EIR does not provide sufficient evidence or analysis to support the conclusion that the project would be consistent with the Fresno County General Plan.

Comment 60-12

More specifically, it fails to provide concrete measures or strategies that will be implemented to ensure the conservation of agricultural lands and support for agricultural activities. Best practices for agricultural sustainability, such as land conservation, habitat preservation, and mitigation of land degradation must be integrated into the project's plan to prevent long-term impact. We strongly demand a detailed plan is provided with coherent and actionable steps to demonstrate CEMEX project alignment with each policy goal. We also ask that CEMEX do a thorough examination of each relevant goal and policy, specifying clear steps to reach agricultural sustainability. This is essential to validate its claim to be consistent with local priorities.

Response 60-12

Please see Responses 60-9 through 60-11 above. Mineral extraction is an allowed use in areas designated Agriculture per Fresno County General Plan Table LU-1, and the project is not required to ensure conservation of agricultural lands.

Comment 60-13

Section 4.13 Noise

Noise pollution is a serious yet often overlooked public health issue. Chronic exposure to excessive noise is linked to increased stress, sleep disturbances, cardiovascular disease, and cognitive impairments, particularly among vulnerable groups such as children and the elderly. The DEIR fails to assess noise pollution's cumulative impacts alongside other environmental stressors. Instead, it dismisses noise impact of nearby communities and labels it as a "less than significant" issue without proposing adequate mitigation under noise per **Figure 4.17-1.** Just because noise levels at currently identified intersections 2, 3, 14, and 15 exceed 60 decibels (dBA LdnI) within 100 ft from the road does not mean added noise will not impact communities. Dismissing the need to take further action on how this project noise impact is unacceptable. Even small noise increases can have a negative impact on residents especially combined with other pollution sources.

The DEIR clearly fails to acknowledge the project's noise impact level on residents and is dismissive of the cumulative harm to impacted communities. We demand that Fresno County impose stringent noise mitigation measures to be implemented, including stricter operational limits, noise barriers, and increased monitoring.

Response 60-13

Draft EIR page 4.13-6 discusses public health issues associated with excessive noise under the heading "Negative Effects of Noise on Humans," identifying effects related to noise such as hypertension, sleep disturbance, interference with activities, etc. The development of the standards of significance utilized to evaluate noise impacts within the Draft EIR carefully considered both the Fresno County noise standards and thresholds for evaluating effects related to noise level increases (Draft EIR, pages 4.13-27 through 4.13-30). Both sets of thresholds were developed with the objective of protecting people from the harmful effects of noise. Because a person's reaction to noise is highly subjective, quantifiable numeric thresholds are used to evaluate potential noise impacts in EIR's prepared throughout the State of California. CEQA requires that a noise level increase be substantial, rather than simply audible (see Appendix G of the CEQA Guidelines). Noise thresholds considered in the analysis of potential noise impacts are presented on Draft EIR Pages 4.13-25 through 4.13-39. While the Draft EIR recognizes that the project would add traffic to the local roadway network, thereby increasing the current traffic noise environment at sensitive receptors located in the vicinity of project truck routes, the magnitude of the increase was determined to be below thresholds required for a finding of significant noise impact (see Draft EIR Impact 4.13-1). In cases where potentially significant noise impacts were identified, such as locations near the Quarry Site, appropriate noise mitigation measures were developed (see Draft EIR Mitigation Measure 4.13-3). Following an extensive, quantitative, analysis of off-site traffic noise impacts (see Impact 4.13-1), the analysis concluded that the thresholds required for a finding of a potentially significant noise impact were not exceeded. Otherwise, the comment provides no substantial evidence that the project would exceed noise levels and does not address these mitigation measures or analyze why they are deficient.

Comment 60-14

Additionally, the County must ensure full community participation in decision-making. We demand extended public comment periods, mandatory public hearings in impacted neighborhoods, and transparency in enforcement actions.

Response 60-14

Please see Collective Response #1 pertaining to public review and input opportunities.

Comment 60-15

The County must require that CEMEX establish sound barriers, limit operational hours, and conduct long-term noise monitoring to minimize harm to nearby residents.

Response 60-15

Mitigation Measure 4.13-2 (Draft EIR page 4.13-58) specifically includes noise barriers in the form of suspended acoustic curtains, and noise monitoring to ensure that the mitigation measures adequately reduce the identified potentially significant noise impact to a level of less than significant. The noise analysis determined that additional restrictions on hours of operation were warranted, and those recommendations were included in the mitigation measure. Finally, Mitigation Measure 4.13-3 requires monitoring to occur. Since the Draft EIR already includes the mitigation measures recommended in the comment, adoption of additional noise mitigation measures is unnecessary (see *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 880).

Comment 60-16

Section 4.17 Transportation

The increase in truck traffic resulting from the CEMEX expansion will not only contribute to higher emissions but also increase safety risks for pedestrians and cyclists.

Fresno County already suffers from severe air pollution, and adding more truck traffic will significantly worsen our air quality, particularly for those living near major roadways.

Response 60-16

Please see Collective Response #9 pertaining to the project's potential effect on the region's existing air quality and please see Collective Response #30 pertaining to roadway safety.

Comment 60-17

Additionally, while there are existing bike lanes along impacted intersections, pedestrian infrastructure is severely lacking. An increase in truck traffic will make conditions even more dangerous for cyclists and pedestrians, especially with limited lighting, inadequate signage, and unprotected bike lanes. The risk of road hazards, such as falling aggregates from these trucks, further endangers residents.

Response 60-17

Please see Collective Response #30 pertaining to roadway safety.

Comment 60-18

Although we appreciate CEMEX initiatives to reach a net-zero CO2 by creating a zero emission fleet and switching to having zero-emission electric ready mix trucks, the DEIR of the Rockfield Expansion Project does not detail how these sustainability goals will be integrated into the local project. The oversight of potential hazards that will impact our communities is a high concern.

Also, in light of CNRA's California's Advanced Clean Car II Rule to reach zero-emission vehicles by 2035, we advise that the DEIR address how the Rockfield Expansion Project plans to incorporate zero-emission vehicle into its operation to ensure compliance with state priorities and contribute to our regional air quality improvements. We strongly urge a Specific, Measurable, Achievable, Realistic, Time bound, Inclusive, and Equitable (SMARTIE) plan on how they will transition to zero-emission transport vehicles and fund community air quality monitoring programs.

Response 60-18

The Operator has and would continue to comply with all applicable emissions regulations, including the use of zero-emissions vehicles if/when the technology becomes viable, and the applicable regulatory agencies such as the California Air Resources Control Board (ARB) require that mine operators turn over their existing fleets. California's Advanced Clear Car II rule does not apply to heavy duty aggregate mining trucks. See Response 12-44 regarding usage of zero-emissions vehicles for the project.

Comment 60-19

Additionally, the County should also establish buffer zones between truck routes and residential areas to protect our public health.

Response 60-19

Please see Collective Response #9 pertaining to the project's potential impact on the region's existing air quality. The comment does not provide evidence or otherwise explain that buffer zones between truck routes and residential areas are feasible or necessary to address air quality impacts of the proposed project.

Comment 60-20

Improvements to pedestrian and cyclist safety should include enhanced protected pedestrian lanes, improved and clear signage, and improved traffic management and safety measures to prevent accidents and fatalities.

Response 60-20

Please see Collective Response #30 pertaining to roadway safety.

Comment 60-21

Again, we thank you for the opportunity to comment on this period of the process. The undersigned are gravely concerned about the length of the time the Fresno County has allowed ongoing and unmitigated environmental issues, despite full understanding of its impact on our communities health, air quality, water quality, and infrastructure damage.

Response 60-21

The commenter's concerns about environmental issues associated with community health, air quality, water quality, and infrastructure are noted. The comment does not address the adequacy of the Draft EIR, and no further response is warranted.

Comment 60-22

Fresno County has an opportunity to demonstrate environmental leadership by upholding strong policies that protect both the environment and the well-being of its residents. I urge the county to reconsider this project proposal mitigation measures and instead adopt a community-centered approach to preserving the priorities of its community needs and health.

Thank you for your time and consideration. I look forward to your response.

Response 60-22

The opinion and recommendations requested in the comment are noted and will be considered by County decision-makers.

Letter #61 March 10, 2025, Gohar Hakimipour, Clovis North River Alive Club

Comment 61-1

I hope this letter finds you well. My name is Gohar Hakimipour, and I am the president and founder of the Clovis North River Alive Club. For the past four years, River Alive has spent over 1,500

hours completing service work by the San Joaquin River. Our goal from the start was to preserve the natural beauty of the river by picking up trash and restoring abandoned spots by the river to their former beauty. So, when our club heard of the plans for the CEMEX expansion, we knew it was our right to have a say. River Alive is one of the many stewarts of the river. The CEMEX expansion will hurt the river and its habitat that River Alive has worked so hard to protect. It will jeopardize the peaceful and enjoyable access to the river, but it will also risk the safety of the animals that reside near the river.

Response 61-1

As an initial matter, please note that although the comment letter (email) was addressed to Supervisor Bredefeld, the responses here have been prepared by County staff and do not represent a response to the commenter from Supervisor Bredefeld. The commenter's concerns are noted and will be considered by County decision-makers.

Draft EIR Section 4.4, "Biological Resources," discusses potential biological resources impacts of the project, and the comment does not address the adequacy of the Draft EIR's biological resources evaluation.

Please see Collective Response #21 pertaining to public access to the San Joaquin River.

The comment does not address the adequacy of the Draft EIR, and no further response is warranted.

Comment 61-2

I am also part of the Clovis North cross country team. As for being a part of a huge running community that extends beyond the boundaries of my school, running across Friant to Woodward Park is stressful with the amount of anxious car traffic going on. A person has died at every intersection on Friant in the past seven years. Those lives were taken because of reckless driving due to traffic. The Cemex expansion will significantly impact the traffic on Friant, adding thousands more heavy truck traffic annually to the current heavy traffic on the Friant Road. Additional traffic as the result of Cemex expansion will compromise traffic safety on Friant and other streets in the area and will put running teams' health and wellness in danger.

Response 61-2

Please see Collective Response #29 pertaining to traffic, and please see Collective Response #30 pertaining to roadway safety.

Comment 61-3

Not to mention, Cemex expansion will also significantly impact air quality and consequently it impacts the health of the runners and pedestrians who use Woodward Park everyday.

Response 61-3

The Draft EIR and Final EIR determined that the project would have less than significant effects on air quality. See Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.4 "Project Impacts and Mitigation Measures."

Comment 61-4

From as long as I could remember, the San Joaquin River has been a safe haven for me. As a child, I made a lot of memories by the San Joaquin with my family—especially my mom. We used to canoe and swim in the river on weekends. These excursions, although tiresome, allowed me to connect to nature and connect with my mom. The CEMEX expansion will negatively impact this experience for another little girl and her mother. Therefore, I plead with you— protect the San Joaquin River. Ensure the people of Fresno can continue enjoying our beautiful river, and that we don't exacerbate the air quality problems in our city. I hope this moves you in favor of the community of Fresno. Thank you.

Response 61-4

The comment does not address the adequacy of the Draft EIR. The commenter's interest in the San Joaquin River and concerns regarding the proposed project are noted and will be considered by County decision-makers.

Letter #62 March 10, 2025, Thomas R. Johnson, San Joaquin River Restoration Program

Comment 62-1

Background

The San Joaquin River Restoration Program (SJRRP) is the direct result of the San Joaquin River Restoration Settlement (Settlement) reached in September 2006 by the U.S. Departments of the Interior and Commerce, the Natural Resources Defense Council (NRDC), and the Friant Water Users Authority (FWUA). The Settlement, which followed an 18-year lawsuit, received Federal court approval in October 2006. The Settlement acknowledges two goals: to restore and maintain fish populations in "good condition" in the main stem of the San Joaquin River below Friant Dam to the confluence of the Merced River, (the "Restoration Goal") and to reduce or avoid adverse water supply impacts to all of the Friant

Division long- term contractors that may result from the Restoration Flows provided for in the Settlement (the "Water Management Goal").

A key portion of the Settlement in support of the Restoration Goal is the release of a portion of the unimpaired runoff into Millerton Lake down the San Joaquin River to support fisheries. The Settlement also includes the role of a Restoration Administrator (RA), who is selected by the non-Federal Settling Parties (NRDC and FWUA) and appointed by the Court. The RA, in association with an assigned Technical Advisory Committee (TAC) also specified by the Settlement, is tasked with recommending how Restoration Flows will be released to meet the Restoration Goal of the Settlement and with providing input and recommendations for the implementation of various channel improvement measures to be implemented as a part of the Settlement.

Response 62-1

The comment's overview of the San Joaquin River Restoration Settlement, its restoration goals, and administration is noted. Please see responses below regarding specific issues raised in the comment letter.

Comment 62-2

For the purposes of reviewing and commenting on the CEMEX Rockfield Modification Project (Project), the focus and interest of the RA will be the potential for any impact to hydrology or water quantity that may result from implementation of the Project.

The CEMEX Rockfield Modification Project (Project) may affect hydrology, river flow and losses along the San Joaquin River beyond what was assumed in the Settlement. Paragraph 13(f) of the Settlement[1] (*Footnote 1: NRDC, et al., v. Kirk Rodgers, et al., 381 F.Supp.2d 1212 (2005, E.D.Cal.), https://www.restoresjr.net/?wpfb_dl=9*) states:

> *The Parties agree to work together in identifying any increased downstream surface or underground diversions and the causes of any seepage losses above those assumed in Exhibit B and in identifying steps that may be taken to prevent or redress such increased downstream surface or underground diversions or seepage losses.*

As a representative of the Court tasked to consult on the implementation of the Settlement, the RA supported by the TAC has participated in the review of the Draft EIR for the Project.

Response 62-2

See Collective Response #25, which concludes that trends in groundwater levels and river stage show that conditions indicative of interconnected surface water are not present at the Quarry and Plant sites. Furthermore, as provided in Draft EIR Impact 4.10-12, "[s]ince the hard rock is not in direct contact with the channel or bed of the San Joaquin River, the only way that the lower groundwater levels in the hard rock could draw water from the river is if that water percolated downward through the alluvium and/or weathered rock, … [which] the hydraulic conditions are such that there would be no significant change in the volume of water flowing from the river through the alluvium and weathered rock as a result of the project" (see Draft EIR, Impact 4.10-12, page 4.10-114). Additionally, implementation of Mitigation Measure 4.10-10a would address potential impacts to flows in the San Joaquin River after mining is completed and pumping to the recharge trenches ceases (see Draft EIR, page 4.10-114). The comment provides no evidence or support that the project may affect hydrology, river flow, and losses along the San Joaquin River beyond what is assumed in the September 2006 San Joaquin River Restoration Settlement.

Comment 62-3

Key Concerns Regarding the Project

The San Joaquin River downstream of Friant Dam to the Merced Confluence is the Restoration area, where the goal of returning riparian vegetation and anadromous fish species is being implemented. This approximately 153-mile series of reaches also experiences substantial losses of river flows – depending on year type, 30% to 85% of the water released to the river at Friant Dam does not reach the Merced confluence. The cause of the losses includes natural seepage and authorized diversions but also include unauthorized diversions and induced seepage from interconnected surface and ground water. These losses have significantly increased in the river reach between Friant Dam and Gravelly Ford, in some years more than 35% greater than what was assumed in the Settlement and the 2002 San Joaquin River Background Report.

Response 62-3

Comment acknowledged. See Collective Response #25, addressing the potential for interconnected surface water at the project sites, based on California Department of Water Resources criteria. Also see Responses 6-12 and 6-14 regarding the magnitude of groundwater inflow compared to base flows and SJRRP restoration flows.

Comment 62-4

As further background, it should be noted that in all but the wettest years, the full flow of the San Joaquin River downstream of Friant Dam is fully subscribed – various users hold existing water rights, and flows are utilized for consumptive or environmental purposes. Water rights holders and contractors along the river are engaged in working together, and with various Groundwater Sustainability Agencies (GSA's) to monitor flows, uses and losses in the river, and to identify and limit any unauthorized or illicit losses.

Restoration Flows released pursuant to the Settlement are released from water stored by the Bureau of Reclamation (Reclamation) pursuant to Reclamation's water rights. Restoration Flows released by Reclamation are protected by Section 1707 of the California Water Code, and Restoration Flows are not "abandoned water" available for other uses. But for the Restoration Flow releases, the full volume of Reclamation's stored water would be available for water supply to various Reclamation contractors. All flows stored and released by Reclamation have substantial monetary value to Reclamation or it's contractors.

As RA for the SJRRP, my focus in reviewing the Draft EIR for the Project is the potential for diversion or loss of in-river flows due to implementation of the Project, and as a result of that implementation any negative impacts for the Settlement or Restoration Program. Simply stated, no additional unauthorized diversions, or uncontrolled seepage or losses from river flows that are not fully mitigated, can be allowed because of Project Implementation.

Response 62-4

Thank you for your statement. There is no comment on the analysis of the EIR. For those reasons, no further response is required.

Comment 62-5

Comments

I have coordinated with Reclamation during the review of the Draft EIR and concur and support all of Reclamation's comments on the Project as described and explained in Reclamation's comment letter of March 7, 2025.

Response 62-5

The commenter's coordination with the U.S. Bureau of Reclamation (USBR) and support of USBR's March 7, 2025, comments is noted. Please see Responses to Comment Letter #6 in this Final EIR for the County's responses to comments in USBR's March 7, 2025, letter.

Comment 62-6

In addition to Reclamation's comments, I have several comments on the analysis of groundwater and Groundwater-Surface Water Interaction at the Quarry Site.

There are a number of generalizations used in the hydraulic analysis of the Quarry site. The analysis uses a small number of test wells (three) along the 7,000 + foot border between the Quarry Site and the San Joaquin River, as well as a limited data set of testing, to characterize all manner of conditions groundwater and hydrologic conditions and potential impacts.

The following statement appears on pg. 4.10-113 of the Draft EIR:

> *The base flows within the San Joaquin River are typically at or below the elevation of the base of the alluvium on the Quarry Site. Thus, flows from the San Joaquin River toward the Quarry Site within the alluvium can only occur during the infrequent and relatively short-term high flow periods. Due to the recharge trenches along the west side of the Quarry Site, groundwater levels in the alluvium and the weathered rock would be maintained consistent with existing conditions. As a result, there would be no significant change in the volume of potential inflow from the river into the quarry during high flow events through the alluvium and weathered rock as a result of the project.*

Data and information elsewhere in the Draft EIR contradicts the statement that base flows are typically at or below the elevation of the base of the alluvium. For example, the HEC-RAS model results in Appendix G-1, Hydraulic Analysis, show a riverbed elevation of 286.77 at the downstream end of the Quarry Site, and 291.01 at the upstream end of the Quarry Site. Figure 3 & 4, Appendix G-4, Groundwater Conditions at the Quarry Site, shows substantially different thicknesses of alluvium and weathered rock across the site, generally much lower in elevation than the lowest point of the river. Pg 12 of Appendix G-5, states:

> *"Where present, the alluvium is up to 60 feet thick. Beneath the alluvium, the weathered rock ranges in thickness from 20 feet to 60 feet."*

Contrary to the statement above from the DEIR, it is indeed quite possible that there would be a significant change in the volume of inflow from the river, particularly when additional mining activity further lowers the hydraulic grade line across the site.

On pg. 81 of Appendix G-4, Groundwater Conditions at the Quarry Site, it is noted that "for the hardrock, the best values for transmissivity are from the pump tests on MW-1D and 2D. These values were 320 gpd per foot and 960 gpd per foot, respectively, or an average of 640 gpd per foot." These wells are closest to the river of all the monitoring wells, and thus likely represent the best available estimate of current seepage from the river. However, these estimates were averaged with transmissivity values from wells across the site, yielding a much lower estimate of overall transmissivity (350 gpd per foot) and therefore a much lower estimate of groundwater inflow to be addressed in future operation or mitigation [sic]

Response 62-6

Mining of the alluvial material at the Quarry Site has been occurring for decades, such that all of the alluvium has been removed from western part of the Quarry Site, nearest the river. Future mining as part of the project would occur only within the deeper weathered rock and hard rock, which are bedrock geological units. Thus, seepage from the river into the Quarry excavation is part of the existing baseline for the CEQA analysis. Future operations would not change any conditions related to the alluvium and potential groundwater inflow through that geologic unit.

The maximum grade line slope extends from the elevation of the river on the west side to the base of the alluvium on the east side of the berm separating the existing Quarry excavation from the river. Therefore, mining deeper into the bedrock units would not change the grade line for flow through the alluvium. Furthermore, the primary porosity and overall permeability of the alluvium is substantially greater than the fracture porosity and permeability of the underlying weathered rock and hard rock such that dewatering of the deeper bedrock units would have little or no effect on the water levels within the alluvium.

Comment 62-7

On Pg 4.10-56 of the DEIR, identifies the Friant-Kern Canal as "may be the predominant source of recharge" for the Quarry Site during some times of year. Setting aside the facts that the concrete-lined Friant-Kern Canal is more than a mile from the edge of the Quarry Site boundary at its nearest proximity whereas the river is only 200 feet distant, there is analysis, well data, or

other evidence to corroborate this assumption. Further, Appendix N of Appendix G-4 concludes in part:

> *"Stable isotope data demonstrate that all surface water and groundwater present at the site originated at the same elevation in the Sierra Nevada mountains and is present at the site due to percolation from the San Joaquin River."*

The assumption that some portion of groundwater flow into the Quarry Site originates from the Friant- Kern Canal is not supported and represents another opportunity to substantially underestimate the amount of water moving from the river into the Quarry Site.

Response 62-7

See Responses 6-12, 6-14, 6-56, and 9-9.

The groundwater studies provided in Appendices G-4 and G-5 of the Draft EIR show that the groundwater flow direction within the deeper bedrock units is predominantly from the northeast to the southwest, in other words, toward the San Joaquin River, not away from it. The substantial evidence provided in the Draft EIR and its appendices indicates that much of the groundwater within the deeper bedrock units is potentially sourced along the Friant Kern Canal. Regardless, the volume of groundwater that flows under the site, and the volume that would be pumped from the Quarry during dewatering, are miniscule fractions of the total flow within both the canal and the river. Even if the inflow to the Quarry were to increase by an order of magnitude (i.e., 10-fold), it would have an unmeasurable effect on SJRRP restoration flows. Please see Response 6-14 for further discussion of the factors which support the conclusion that most of the groundwater flow in the underlying hard rock may come from leakage from the Friant Kern Canal.

Comment 62-8

It seems entirely possible that various favorable assumptions may have resulted in the underestimation of the volume of inflow from the river to the Quarry Site, particularly as mining progresses and lowers the hydraulic grade line for the site. If true, the losses to the river could be substantial. Even under the favorable assumptions in the DEIR, there is no end of losses from the river nor the need for continuous mitigation in the form of future pumping. From the DEIR, pg. 4.10-88:

> *Upon completion of mining at the Quarry Site at the end of Phase 2… The consumption of groundwater at the Quarry Site would be 145 acre-feet more per year than under existing conditions (i.e., 270 acre-feet after reclamation minus 125 acre-feet existing). An approximately 108-acre, 100- foot-*

deep lake would be formed from groundwater and rainfall in the excavation bottom. Water would continue to be pumped from the quarry pit into the Northeast Pond and groundwater recharge trenches. Therefore, equipment related to water management, such as pumps, piping, monitoring wells, and related electrical infrastructure, would remain.

Under more conservative estimates of inflows from the river, it is possible that losses from the river and the extent of permanent mitigation may be far greater.

Response 62-8

As noted in the Responses 6-12, 6-14, and 6-56, the volume of groundwater inflow into the Quarry is very small compared to the volume of flows in the San Joaquin River. As noted in the Response 6-56, the magnitude of the difference between the water budget at the Quarry Site and the flows in the San Joaquin River demonstrate that there would be no measurable depletion of the flows in the river, even if groundwater and surface water were interconnected. For example, the average releases from Friant Dam in August 2025 were 250 cfs (https://www.restoresjr.net/restoration-flows/flow-schedule/), which is near the minimum reported release for January through August 2025. In contrast, the estimated dewatering rate for the Quarry at maximum depth is approximately 165 acre-feet per year, or 0.22 cfs (see Appendix G-4 of the Draft EIR). Thus, the Quarry dewatering rate is less than 0.09 percent of the recent base flow rate on the San Joaquin River and less than 0.009 percent of the Stage 1 SJRRP flow scenarios (see Response 6-12). The 165 acre-feet per year estimated dewatering rate is only 0.04 percent of the projected SJRRP annual releases from Friant Dam during average normal year conditions (i.e., release of 400,300 acre-feet per year) and only 0.14 percent of the projected releases under critical dry year low conditions (i.e., release of 116,866 acre-feet per year), as shown in Table 2 of the SJRRP Restoration Flows Guidelines, Version 2.1 (https://www.restoresjr.net/?wpfb_dl=3114). Even if different assumptions resulted in increases in the estimated dewatering volumes for the Quarry, those volumes would still be a very small percentage of the volume of the releases from Friant Dam. Such volumes would be at least one to two orders of magnitude less than the losses of 35 percent to 85 percent of the Friant Dam releases described in Comment 62-3.

Comment 62-9

It is recommended that a site-specific groundwater model be developed and run for analyzing inflows from the river and the extent of pumping required to address those inflows. In particular, different scenarios for subsurface conditions, transmissivity and future river stage can be modeled to provide a full understanding of the range of possible impacts on river flows.

Response 62-9

As described in the Responses 6-12, 6-14, 6-56, and 62-8, the groundwater inflows into the Quarry are very small fractions of the flows within and dam releases to the San Joaquin River. A site-specific groundwater flow model would not improve on the accuracy of the groundwater inflow estimates, because the model would be based on the same data (i.e., groundwater elevations, permeabilities, river stage) as the analysis in the Draft EIR. CEQA does not require such additional testing and level of detail under these circumstances (CEQA Guidelines Section 15204(a)).

Comment 62-10

The disposal of excess water from the Quarry Site is via a seepage trench located along the river. This appears to be sufficient for current activities, although there are several questions and issues with this system:

- The seepage trench is located between river and excavation area. Per the DEIR appendices (Pg 77 – 79, Appendix G-4), "it is assumed that half of the groundwater ditch recharge would flow to the San Joaquin River… the remainder would enter the excavation". If only half of the flow is returned to the river, this is a permanent impact to river flows.

- The current array of wells on the site is not reliably able to estimate inflows from the river, nor effectively measure how much water is returned to the river.

- Appropriate annual filings of water use with the State Water Resources Control Board for any water withdrawn from the San Joaquin River, and volumes of groundwater pumped and transported to the appropriate GSA, should be required.

Response 62-10

This comment is related to a baseline operating condition for the existing Quarry, and does not relate to any potential impacts from the project beyond the existing baseline. The first two bullets regarding the seepage trench and the current wells on the site do not dispute the current physical conditions at the Quarry Site or Plant Site. Under CEQA, the lead agency need only consider impacts based on the baseline physical environmental conditions at the time of publication of the notice of preparation (CEQA Guidelines, Section 15125(a); *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 322). See also Response 112-10, which provides information about well-monitoring data collection and groundwater depth levels.

Regarding the third bullet, the Draft EIR confirms that the project would comply with all federal, state, and local requirements, including all appropriate reporting requirements with the State Water Resources Control Board, GSAs, and other applicable government agencies (see, e.g., Draft EIR, pages 4.10-71 through 4.10-72; pages 4.10-1 through 4.10-2). See also Collective Response #25, which discusses potential impacts on flows in the San Joaquin River.

Comment 62-11

It is recommended that an alternative mitigation system for excess groundwater inflows, inflows from the river, or accumulated mining pit water be identified and included in any final permitting for the Project. The mitigation system must be able to adaptively and permanently manage the entirety of flows to the site, including rainfall, flood flows, and increased inflows to the site due to increased river stage. The mitigation system should be able to a) accurately assess the inflows from the river, b) return 100% of inflows from the river to the river, with no impact on water quality, and c) can accurately measure the returns to the river.

I appreciate the considerable effort that the applicant and the County have taken to compile the information in the DEIR and appreciate the opportunity to comment on this Project.

Response 62-11

Under CEQA, mitigation is only required for potentially significant impacts caused by the project. CEMEX has pre-existing water rights to use river water for industrial purposes. Under existing conditions (refer to Section 2.4, "Existing Conditions," of the Draft EIR which details how inflows are managed), this water is used at the Plant Site to wash aggregate, and is then sent to the silt ponds where silts and fines settle out (Draft EIR page 2-21). Water from the silt ponds is recycled back to the plant as process water. The silt ponds also serve as a source of recharge to groundwater. At the Quarry Site, groundwater and surface water runoff from rainfall accumulates in ponded pits and is pumped out to accommodate mining operations. The water is used by water trucks for dust control and is pumped to the existing groundwater recharge trenches. The management of water onsite described above would continue as part of the project. CEMEX is not required to return 100 percent of water diverted from the river as it has pre-existing water rights. No offsite discharge of any water onsite is proposed as part of the project, and therefore, no additional mitigations are warranted.

Letter #63 March 10, 2025, Anthony Molina, Safe Access to Woodward Park Coalition

Comment 63-1

On behalf of the Safe Access to Woodward Park coalition, we would like to share a letter we are submitting to Supervisor Bredefeld, who represents the area around Woodward Park, regarding our strong opposition to the Cemex Project.

Response 63-1

As an initial matter, please note that although the comment letter (email) was addressed to Supervisor Bredefeld, the responses here have been prepared by County staff and do not represent a response to the comment from Supervisor Bredefeld. The commenter's opposition to the proposed project is noted and will be considered by County decision-makers.

Comment 63-2

Dear Supervisor Bredefeld,

In September 2020, shortly after Angel Hernandez was fatally hit by a car at the intersection of Friant and Fort Washington when you were the City of Fresno District 6 Councilmember, we invited you to a walk audit along Audubon and Friant Rd with Councilmember Karbassi. As you remember, during our walk we tested different crosswalks that lead to Woodward Park on Friant Road. We discussed the traffic safety situation that high volume traffic is causing on Friant Road and its incompatibility with so many pedestrians and bicyclists walking to and from Woodward Park. Unfortunately, the traffic safety on Friant Rd has gotten worse since then. More fatal accidents like Paul Moore on Friant and Audubon, and Amaya Chenot on Shepard and Friant are proof of that terrible reality. The number of memorials that are erected at every intersection on Friant Road is a testimony to the systematic and chronic traffic safety issues on the roadways near Woodward Park.

Response 63-2

The commenter's concerns are noted. Please see Collective Response #30 pertaining to traffic safety.

Comment 63-3

The CEMEX expansion will increase truck traffic from 250,000 to 400,000 a year. We desperately encourage you to put the health and safety of residents of your district before the wealth of another mega non-local (non-US) company and say NO to CEMEX request to

extend the operation permit to 100 more years and to a scale so big that it will match the biggest mining operation in California.

Response 63-3

The commenter's concern with regard to increased truck trips associated with the proposed project are noted. Draft EIR Section 4.17, "Transportation and Traffic," provides a detailed discussion of anticipated project trip generation in Draft EIR Section 4.17.3.2, "Local," and tabulates existing and projected annual trips volumes associated with the project (see Draft EIR Table 4.17-1, "Existing Annual Trip Generation at Plant and Quarry Sites," Table 4.17-2, "Project Annual Trip Generation—Stage 1 (2.0 MT Per Year)," Table 4.17-3, "Project Annual Trip Generation—Stage 1 (3.0 MT Per Year)," and Table 4.17-4, "Project Annual Trip Generation—Stage 2 (3.0 MT Per Year)"). Please see Collective Response #30 pertaining to traffic safety.

The commenter's concerns and request for denial of the project are noted and will be considered by County decision-makers.

Letter #64 March 10, 2025, Jason Palmer, Fresno Fly Fishers for Conservation

Comment 64-1

As a member of Fresno Fly Fishers for Conservation and a concerned resident of Fresno County, I am writing to express my deep opposition to the CEMEX proposal that would extend commercial mining operations on the banks of the San Joaquin River for the next 100 years.

Response 64-1

See Response 20-1.

Comment 64-2

This area is one of the most spectacular parcels of land in the region, yet public access remains extremely limited. Instead of prioritizing conservation and community use, this agreement would extend private and commercial restrictions, preventing generations of Fresno County residents from enjoying this vital natural resource.

Response 64-2

See Response 20-2.

Comment 64-3

I am particularly concerned about the expedited approval process for this 100-year commitment. The brief public comment period, which ends on March 10th is far too little time for Fresno County residents to learn about the project's consequences. A project of this magnitude demands thorough consideration, not a rushed decision that will impact future generations.

Response 64-3

See Response 20-3.

Comment 64-4

The environmental consequences of this project cannot be ignored. The California Department of Fish and Wildlife (CDFW) has made significant strides in reintroducing salmon to the San Joaquin River, yet this mining operation could jeopardize these efforts.

Response 64-4

See Response 20-4.

Comment 64-5

The increased truck traffic, potential river pollution, and habitat destruction would be devastating for local wildlife.

Response 64-5

See Response 20-5.

Comment 64-6

Fracking and blasting a 600-foot mine so close to the river could lead to accidental discharges, seepage, and contamination of the surrounding water table endangering both aquatic ecosystems and local wells.

Response 64-6

See Response 20-6.

Comment 64-7

Beyond the environmental harm, this project poses economic concerns. CEMEX, a foreign-owned LLC, is granted limited liability by design, meaning if damages occur, there may be little accountability.

Response 64-7

See Response 20-7.

Comment 64-8

Moreover, the current agreement lacks measurable performance oversight, and

Response 64-8

See Response 20-8.

Comment 64-9

reports indicate repeated violations of work schedules and environmental standards.

Response 64-9

See Response 20-9.

Comment 64-10

The increased truck traffic alone-up to 1,000 trucks per day will degrade our roads and impact local residents, with little assurance that CEMEX will be held responsible for the consequences.

Response 64-10

See Response 20-10.

Comment 64-11

Fresno County deserves better. Rather than approving a destructive mining operation, this land should be preserved and made accessible to the public. A park or conservation area would not only protect the environment but could also generate long-term revenue through recreation, tourism, and sustainable business opportunities. A private mine will only benefit a foreign corporation, while our community bears the long-term costs.

Response 64-11

See Response 20-11.

Comment 64-12

I urge you to reconsider this agreement and advocate for a better future for Fresno County. Our community has the right to more input and a greater say in how this land is used. Please extend the

public comment period and conduct a thorough review of the environmental and economic impacts before making a decision that will affect our region for the next century.

Thank you for your time and consideration. I look forward to your response on this critical issue.

Response 64-12

See Response 20-12.

Letter #65 March 10, 2025, Sofia Prado-Irwin, Center for Biological Diversity

Comment 65-1

These comments are submitted on behalf of the Center for Biological Diversity (the "Center") regarding the Draft Environmental Impact Report ("DEIR") for the proposed Rockfield Quarry Modification Project ("Project"). The Center has reviewed the DEIR closely and has found that the DEIR's analyses and mitigation for the Project's impacts to biological resources, greenhouse gas emissions, surface and groundwater quality and availability, and its analysis of project alternatives are inadequate. The Center urges the County, at a minimum, to correct the deficiencies identified below and recirculate a revised DEIR to ensure adequate and informed public review of the Project.

Response 65-1

The comment is introductory and does not raise specific environmental issues. Detailed responses addressing the issues referenced in the comment letter are provided in Responses 65-3 through 65-17 (biological resources), Responses 65-20 through 65-38 (surface and groundwater availability and quality), Responses 65-39 through 65-42 (greenhouse gas emissions), and Responses 65-43 through 65-46 (project alternatives).

Please also see Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR. As discussed therein, the revisions included in the Final EIR clarify and amplify the analysis presented in the Draft EIR but do not constitute significant new information. The Final EIR does not identify any new significant impacts or a substantial increase in the severity of previously identified impacts, nor does it identify new or substantially different mitigation measures or alternatives that would clearly lessen significant environmental effects.

Accordingly, the information added to the Final EIR does not deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. Therefore, recirculation of the Draft EIR is not required pursuant to CEQA Guidelines Section 15088.5.

Comment 65-2

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Fresno County.

Response 65-2

The comment provides background regarding the commenter's organization and interests but does not raise issues related to the adequacy of the Draft EIR or any environmental impact. Therefore, no further response is required (PRC, Section 21091(d)(2)(B); Title 14 CCR Section 15088(c)).

Comment 65-3

I. The DEIR Fails to Provide an Accurate Baseline Regarding the to Biological Resources

Under CEQA, an environmental review document must evaluate the potential environmental impacts of the project as compared to the existing environmental conditions (the "baseline"), so that the Project's impacts can be meaningfully analyzed and compared to alternatives. (CEQA Guidelines § 15125(a); see County of Amador v. El Dorado County Water Agency (1999) 76 Cal.App.4th 931, 952; Neighbors for Smart Rail v. LA County Metropolitan Transit Authority (2013) 57 Cal.4th 310, 315.) The evidence provided in the DEIR's analysis of impacts to biological resources does not meet this standard.

Response 65-3

The comment is not specific and conclusory in nature. The Draft EIR's baseline consists of existing environmental conditions at the time of the Notice of Preparation (NOP) (Title 14 CCR Section 15125). Here, biologists established baseline conditions of the biological resources of the project sites by conducting searches of the California Natural Diversity Database (CNDDB), conducting multiple field surveys between 2017 and 2021, and by analyzing the sufficiency of the project sites and adjacent properties to provide suitable habitat for any special-status species, in accordance with CEQA standards (Title 14 CCR Section 15125). The commenter refers to *Neighbors for Smart Rail v. LA County Metropolitan Transit Authority* (2013) 57 Cal.4th 310, 315, which primarily discusses use of future conditions as a baseline for analysis of project impacts, which was not the case for the

baseline for biological resources used in the Draft EIR. The baseline described in the Draft EIR fully complies with CEQA requirements.

Mitigation measures are included where necessary, providing sufficient information for meaningful assessment and comparison of alternatives, consistent with CEQA Guidelines Section 15125(a). See Responses 65-4, 65-5, 65-6, 65-7, 65-8, 65-9, 65-10, 65-11 for further discussion regarding the sufficiency of the Draft EIR's baseline for analyzing impacts to biological resources.

Comment 65-4

a. The DEIR Improperly Limits the Scope of Analysis for Special-Status Species

To determine which special-status species have the potential to occur on the Project sites, the DEIR includes a literature review and search of existing databases, including a query of the CNDDB ("California Natural Diversity Database") database. However, the DEIR limits its analysis of special-status species to only four USGS 7.5-minute quadrangles (Friant, Lanes Bridge, Little Table Mountain, and Millerton Lake West) but provides no justification for this limited scope (4.4-20). Many special-status species travel long distances or disperse and migrate according to seasonal and climatic patterns. Species that experience metapopulation dynamics exhibit patchy presence and absence across a landscape but depend on suitable unoccupied habitat for long-term population stability. As such, not all species that may be impacted by the Project will be captured focusing on the four quadrangles centered on the Project site. To thoroughly analyze the potential impacts of the proposed Project, the Applicant should expand the CNDDB search to include all nine quads surrounding the Project site. The CNDDB has even created a tool to do so: the QuickView tool "Species in 9 Quads" query.[1] (*Footnote 1: CNDDB QuickView.* https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data#43018410-cnddb-quickview-tool*)*

Response 65-4

The comment is noted. While often performed, a nine-quadrangle California Natural Diversity Database (CNDDB) search is not specifically required for CEQA review. The Draft EIR relied on a query of the four relevant U.S. Geological Survey quadrangles, which captured all recorded occurrences of special-status species within a 5-mile radius of the project sites. This search area was determined to be appropriate given the nature of the proposed project, which involves the continuation and modification of existing mining operations within previously disturbed and actively managed sites.

The CNDDB query was used to identify special-status species with potential to occur in the vicinity of the project sites and was supplemented by additional database queries, literature review, and field surveys conducted in 2019 and 2021. These surveys did not identify the presence of certain species discussed in the comment, and available records indicate that the nearest documented occurrences are located at distances ranging from approximately 1 to 3 miles from the project sites. A follow-up CNDDB search conducted in 2024 did not identify any new occurrences that would alter the conclusions of the analysis.

However, in response to this and similar comments, a nine-quadrangle CNDDB search was conducted. The results of this expanded search are consistent with the findings of the original analysis and do not identify any new occurrences within the project sites or in close proximity that would change the impact conclusions. The results of the nine-quadrangle search have been incorporated into the Final EIR through errata presented in Chapter 3, "Draft EIR Errata."

Accordingly, the Draft EIR, as clarified and supplemented in the Final EIR, provides an adequate and complete assessment of special-status species in accordance with CEQA.

Comment 65-5

b. The DEIR Improperly Withholds Data and Fails to Provide Adequate Information on Biological Surveys

The DEIR fails to perform more than cursory analysis of presence or absence of sensitive species in and around the Project area. The DEIR conducted a literature review and search of existing databases, but only performed limited surveys. While the literature sources of information used for the DEIR's analyses are extremely valuable and necessary, they are not sufficient to determine the biological resources present in the Project area, and the minimal survey for wildlife is far from adequate to detect special-status species. At each Project site, general surveys were conducted on a single day, April 30, 2019 (App E-1, p.6; App E-2, p.6). The only surveys that targeted any special status species were three surveys conducted over three days in 2017, which exclusively targeted special-status plant species within the Project boundaries (App E-3, p.1). The only surveys that assessed the habitats around the Project site, which include the San Joaquin River and Little Dry Creek among other habitats, were generalized wildlife surveys conducted on a single day, June 14, 2021 (4.4-3). This survey only extended to habitats between the two Project sites, between the Plant site and Little Dry Creek, and within 0.5 miles of the Project site along the San Joaquin River.

Notably, the information provided in the DEIR regarding the 0.5 mile surveys is inconsistent and insufficient to determine how the surveys were actually conducted, and therefore insufficient to determine whether the surveys were adequate. For example, the Plant Site Habitat Assessment (App E-1) states that this 0.5 mile buffer included in the survey only "extends from the project site to the edge of the riparian zone associated with the San Joaquin River" (App E-1, ES-1). Presumably, this is because the River lies 0.6 miles west of the project site (App E-1, ES-3), however this is not stated outright. However, later in this same appendix (App E-1 Section 4.2.6, Riparian Habitat and Upland Vegetation, p.13), the DEIR lists several plant species that were "found" in the survey. Was the riparian area included in this survey or not? The Quarry Site Habitat Assessment (App E-2) also references the additional 0.5 mile buffer survey conducted in 2021. In both assessments, the exact same language is used: "A subsequent biological inventory was conducted on June 14, 2021, by Thomas J. McGill and Jacob Davies." However, neither assessment provides detailed information on how that subsequent survey was conducted; a description of methodology is only provided for the April 30, 2019 surveys. It is therefore unclear whether the subsequent 2021 surveys a) included riparian habitat and b) were field surveys or were based on aerial imagery or existing databases. This lack of detail obfuscates the DEIR and makes it impossible to assess the survey efforts.

On-the-ground surveys are particularly important to determine the wildlife that surround the Project sties. The riparian zone along the San Joaquin River should receive particular attention and survey effort, as it provides suitable habitat for numerous special-status species. The DEIR itself states that "Riparian habitats found along the San Joaquin River… provide nesting habitat for raptor species" (App E1, p.15) and "The San Joaquin River corridor is considered a significant wildlife movement corridor that provides natural areas for wildlife to move through the region in search of food, shelter, or nesting habitat." (App E1, p.16).

Alarmingly, the survey information is even further deficient—the DEIR does not actually provide the data from the survey efforts at all, except in the form of maps of vegetation/habitat types. Both the Quarry and the Plant site assessments reference an Appendix B, the Observed Flora and Fauna Compendium: "Common plant species observed during the habitat assessment were identified by visual characteristics and morphology in the field and recorded in a field notebook (See Appendix B)" (App E-1, and E-2 p.7); "Wildlife species detected during the habitat assessment by sight, calls, tracks, scat, or other sign were recorded during surveys in a field

notebook (See Appendix B)." (App E-1 and E-2, p.8). For both assessments, Appendix C, Potentially Occurring Special-Status Biological Resources, referenced in E-1 p.17 and E-2 p.20 is also missing. Astoundingly, this data appears to have been removed from the DEIR "for brevity" (App E-1, PDF page 61, App E-2, PDF page 125). Instead, a link is provided to the County's Project website,[2] but the website does not provide this information either. This is an egregious oversight that amounts to a clear withholding of important from the public.

For the public to properly assess the biological resources analysis and mitigation, the DEIR must provide detailed information on what areas were actually surveyed, how all surveys were performed, and what species (plants and animals) were observed. The DEIR fails to do this, instead withholding data, in clear violation of CEQA

Response 65-5

The comment is noted. The analysis and conclusions in the EIR assume a context of mining and associated activities at both project sites that have been ongoing and habitual for years. The EIR considers the proposed continuation of these activities with some temporal and on-site changes. Section 4.4 of the Draft EIR and its supporting studies (Appendix E-1 and E-2) do provide an overview of habitat both within and adjacent to the Plant and Quarry sites and applicable habitat assessments. The literature and database review, and habitat assessment and surveys performed are adequate for the purposes of this EIR. As warranted, mitigation measures have been developed in cases where the analysis indicated that potentially significant impacts to biological resources may result due to the proposed project.

Protocol surveys for special status species do not need to be conducted for the Draft EIR under CEQA (*Save North Petaluma River & Wetlands v. City of Petaluma* (2022) 86 Cal.App.5th 207, 221-226). The reconnaissance field surveys conducted for the project are sufficient under CEQA. Targeted surveys are not required where there is sufficient evidence indicating the probable absence of a certain species. The County is not required to undertake a protocol-level survey when assessing whether a project will affect endangered, rare, or threatened species. Here, reconnaissance-level surveys are sufficient for the purposes of assessing impacts to special status species, especially given the prolonged history of impacts from mining operations (see *Save North Petaluma River & Wetlands v. City of Petaluma* (2022) 86 Cal.App.5th 207, 221-226). ELMT Consulting conducted a CNDDB query to first identify possible sensitive species which may be present at the project sites and followed up with field surveys in 2017, 2019, and 2021. Please see Response 65-4 regarding the literature review conducted for the project. See

also Chapter 3, "Draft EIR Errata" for further discussion of the updated CNDDB 9-quadrangle search and revisions to Table 4.4-1, ""Special Status Wildlife Species."

The 2021 surveys included the riparian area adjacent to the San Joaquin River and included field surveys of the areas surrounding the project sites. Furthermore, the methodology followed in the 2019 field surveys remained consistent in the 2021 field surveys.

The riparian areas next to the San Joaquin River were surveyed for up to distances of 0.5 mile away from the project sites. The 0.5-mile radius is sufficient to determine the species adjacent to the project site. The comment is incorrect; all species observed in the field surveys are reflected in the Draft EIR Appendix B, "Observed Flora and Fauna Compendium," of Draft EIR Appendix E-1 and Appendix E-2. The comment does not accurately describe Appendix C of the Draft EIR's Appendices E-1 and E-2. Appendix C is included in both Draft EIR Appendices E-1 and E-2—the information contained in Appendix C is also presented in Table 4.4-1 in the Draft EIR on page 4.4-25.

The literature and database review, and habitat assessment and surveys performed are adequate for the purposes of this EIR. As warranted, mitigation measures have been developed in cases where the analysis indicated that potentially significant impacts to biological resources may result due to the proposed project.

Comment 65-6

c. The DEIR Fails to Provide Adequate Baseline Information on Numerous Special-Status Species

As noted above, the DEIR relies on existing databases, aerial imagery, and only brief general biological surveys time to determine whether special-status species are present in and around the Project area. The surveys included walking transects and recording plants and animals that were observed, including animal sign like scat (App E-1 p.7, E-2 p.8). However, general biological surveys often do not detect cryptic, fossorial, migratory, aestivating, or nocturnal wildlife species. Such species with suitable habitat in and around the Project area could be permanently or periodically present, even if not observed during a general biological survey. Targeted surveys are necessary to assess the presence of these species.

However, targeted surveys were not performed for *any* species, either within or around the two Project sites. Instead, the DEIR relies on historical data and claims that because quarry operations have been ongoing for decades, numerous species either do not occur

or are unlikely to occur in and around the Project site (4.4-23). However, numerous special-status species have been observed in very close proximity to the Project area, and have the potential to be impacted by the proposed Project. Species-specific survey data is therefore particularly important for these species, which include California tiger salamander, burrowing owl, western pond turtle, and western spadefoot, all of which can be difficult to detect without targeted surveys. For example, western spadefoot and California tiger salamander spend the majority of the year underground, and would not be detected by a one-day survey based on daytime visual observations along a transect, which is all that the DEIR includes. The DEIR therefore does not provide sufficient evidence that these species are either absent or unlikely to occur, thereby failing to provide an accurate baseline.

The DEIR claims that California tiger salamander and burrowing owl are both absent from the Project sites and that western pond turtle and western spadefoot have a low potential to occur. These claims are based on CNDDB data and a 2019 habitat assessment. However, California tiger salamanders have been observed within 1 mile and 0.5 miles of the of the Plant site and Quarry sites, respectively (4.4-29, 30), burrowing owls have been observed just over 2 miles away from each Project site (4.4-32), western pond turtles have been observed within 2.75 and 3.25 miles of the Plant and Quarry sites respectively (4.4-35), and western spadefoots have been observed within 1.8 and 1.2 miles of the Plant and Quarry sites respectively (4.4-36). All of these are small distances well within the possible movement range of these species. For example, California tiger salamanders regularly move over 600m, and sometimes up to 2.2 km, away from their breeding ponds (Orloff, 2011; Searcy et al., 2013). Burrowing owls forage over 2-3km from their nests, and young owls disperse up to 50+ km. Additionally, many burrowing owl populations are migratory, moving across very large distances (Miller, 2024). Western pond turtle nests have been found up to 1,919 feet from aquatic habitats and individuals have been documented to move regularly between aquatic habitats with long-distance movements of up to 2,018 feet (Sloan, 2012). Western spadefoots have been observe to disperse up to 600 m from breeding pools, and are likely able to disperse even further (Halstead et al., 2021; Laabs et al., 2001).

Response 65-6

CNDDB observations and onsite suitability analysis were sufficient to rule out the need for focused surveys. The analysis presented in Draft EIR Section 4.4 demonstrates that blasting and mining activities are not expected to result in significant impacts to these species.

The reconnaissance field surveys conducted for the project were sufficient under CEQA. Targeted surveys are not required where there is sufficient evidence indicating the probable absence of a certain species. The County is not required to undertake a protocol-level survey when assessing whether a project would affect endangered, rare, or threatened species. Reconnaissance-level surveys are sufficient for the purposes of assessing impacts to special status species, especially given the prolonged history of impacts from decades of mining operations. (See *Save North Petaluma River & Wetlands v. City of Petaluma* (2022) 86 Cal.App.5th 207, 221-226.) ELMT Consulting conducted a CNDDB query to first identify possible sensitive species that may be present at the project Sites and followed up with site visits in 2017, 2019, and 2021. See Response 65-4 and Chapter 3, "Draft EIR Errata," regarding the updated 9-quadrangle CNDDB review. Neither western spadefoot nor western pond turtle were observed during the 2019 or 2021 field surveys.

The western pond turtle has not been observed near the site for over 20 years. The nearest recorded occurrence of western pond turtles was 2.75 miles away from the Plant Site in 2004 and 3.25 miles away from the Quarry Site in 2004 (Draft EIR 4.4-35). The nearest recorded occurrence of western spadefoot was 17 years ago, with the nearest recorded observance located 1.80 miles northwest of the Plant Site in 2008 and 1.20 miles northwest of the Quarry Site in 2008 (Draft EIR 4.4-36). An additional field survey was conducted in 2021 to survey areas adjacent to the project sites; no western spadefoot or western pond turtle were observed during this survey (Draft EIR 4.4-22). Notably, ELMT Consulting conducted another CNDDB search in 2024 which revealed no changes in the identification of possible species present at the project sites and no further appearances of the western pond turtle and western spadefoot.

The Draft EIR includes a discussion of the likelihood of California Tiger Salamanders (CTS) to be present at the Quarry and Plant sites on page 4.4-23 and 4.4-29 through 4.4-31. The nearest recorded observation of CTS was 0.5 mile northeast of the Quarry Site in 2008, which is 17 years ago. The nearest recorded observation of CTS near the Plant Site was 23 years ago, recorded 1.0 mile east of the Plant Site in 2002. The Draft EIR explains that the perennial nature of the ponds at both the Plant and Quarry sites has resulted in the presence of bullfrogs in all ponds, which would readily prey upon CTS (Draft EIR page 4.4-29). CTS habitat exists from Millerton Lake to the north of the Plant Site and south towards Highway 41. However, within this stretch, there are no vernal complexes and no recorded occurrence of CTS. The Draft EIR concludes that the barriers created by the San Joaquin River and by Friant Road has disrupted CTS migration, preventing them from habituating in these areas surrounding the Plant and Quarry Site.

Burrowing owls were not observed during the habitat assessments and there were no visible signs of burrowing owls on either the Plant Site or Quarry Site. As mentioned by Comment 65-11, Mitigation Measure 4.4-1a requires implementation of pre-construction surveys prior to disturbance of grasslands that are established on the Quarry Site. (Draft EIR page 4.4-50.) Any burrowing owls found would be relocated in accordance with a relocation plan approved by the CDFW (Draft EIR page 4.4-50).

The Draft EIR properly analyzed the presence of western pond turtles, western spadefoot, burrowing owls, and CTS. Thus, the conclusion that western pond turtles, western spadefoot, burrowing owls, and California Tiger Salamanders are not likely to occur at the project sites is sufficiently substantiated by the CNDDB search, the habitat surveys, and by the lack of suitable habitat availability. The absence of western pond turtles, western spadefoot, and burrowing owls would be further substantiated once the pre-construction clearance surveys are conducted (see *Save Round Valley All. v. County. of Inyo* (2007) 157 Cal.App.4th 1437 providing that CEQA requires that studies are sufficiently credible to be considered as part of the total evidence that supports the agency's decision).

The comment cites to some examples of western spadefoot, western pond turtle, the burrowing owl, and CTS, having wide-ranging movement/dispersal across their habitats. These studies are not necessarily applicable to this project site's conditions, which has been undergoing continuous mining operations for 100 years and is a severely disturbed area, thus limiting migration opportunities for the species discussed in the comment. For example, the Orloff, 2011 study was only based off one singular location; and the location selected had eight known CTS breeding ponds. In contrast, there are no known vernal pool complexes near the project sites and no recently recorded observations of CTS. A disagreement among experts does not render an EIR inadequate. (See *Chico Advocates for a Responsible Economy v. City of Chico* (2019) 40 Cal.App.5th 839, 252 Cal.Rptr.3d 859).

The project is designed to avoid direct impacts to sensitive habitats along the SJR and adjacent non-native grasslands where these species may forage. Mining and processing activities would continue to be confined to previously disturbed areas at the Quarry and Plant sites, which do not support high-quality riparian, wetland, or riverine habitats. Habitat impacts would be limited to existing project areas. The project sites are already disturbed by ongoing mining activities, and would not have a significant increase in activity.

Comment 65-7

The DEIR claims that because the Project area has already been significantly disturbed and numerous movement barriers surround the Project sites, it is unlikely that any of these species will

occur in the Project area. However, disturbance does not preclude the presence of these species. For example, California tiger salamanders can be found in agricultural channels and stock ponds (Alvarez et al., 2021; Wilcox et al., 2015), and numerous burrowing owl colonies exist at airports (Miller, 2024). Additionally, movement barriers around the Project area are not complete—wildlife movement across roads for example does occur, even though it may be infrequent—and individuals have the potential to enter the Project site from surrounding areas.

Response 65-7

The comment is noted. While wildlife may utilize disturbed areas in some instances, the evaluation of a species' potential to occur on a site requires consideration of the full environmental context, including the degree and duration of disturbance, ongoing operational activity, presence or absence of key habitat features, natural and manmade barriers, and the known distribution of the species.

The project sites have been subject to continuous mining and associated disturbance for decades, which substantially limits the availability of suitable habitat for many special-status species. In particular, CTS is not expected to occur at the project sites. CTS has not been documented on the same side of the San Joaquin River as the project sites in this area, indicating that the river, in combination with Friant Road and other development, serves as a barrier to movement. In addition, CTS depends on upland refugia such as burrows created by fossorial mammals; the ongoing ground disturbance associated with long-term mining activities substantially limits the availability and persistence of such habitat features. The absence of vernal pool complexes further reduces habitat suitability. Consistent with this, no recent CNDDB records of CTS occur in the immediate vicinity (Draft EIR, page 4.4-25). Accordingly, the Draft EIR reasonably concludes that CTS is unlikely to occur and is presumed absent from the project sites.

Similarly, burrowing owls were not observed during habitat surveys conducted for the project, and the disturbed nature of the Plant Site and Quarry Site does not provide suitable habitat conditions to support this species. Observations of special-status species in other disturbed environments do not, by themselves, indicate that suitable habitat exists at the project sites.

The Draft EIR's analysis of special-status species, including CTS, burrowing owl, and other species, is provided in Section 4.4, including Impact 4.4-1 (beginning on page 4.4-48). This analysis evaluates species-specific habitat requirements, site conditions, and available occurrence data to determine the potential for species to occur, consistent with

CEQA requirements. The conclusions are further supported by database queries and field surveys conducted for the project.

The comment does not provide substantial evidence demonstrating that the Draft EIR's analysis is inadequate or that the project would result in a substantial adverse effect on special-status species (PRC Sections 21068, 21100(d)). Therefore, the Draft EIR's analysis is adequate, and no further revision is required.

Comment 65-8

Additionally the DEIR fails to consider importance of adequate baseline data near the Project site but outside of the Project's footprint, as the potential impacts from the proposed quarry—including both ongoing operations and the newly proposed blasting—may impact surrounding areas. As noted above, the DEIR references surveys of a 0.5 mile buffer around the survey area, but it these surveys also did not target any specific species – in fact, it is unclear if they included any field data at all.

As detailed below, the rock blasting which would occur as part of the proposed Project operations has not been conducted previously, and is likely to have new detrimental impacts to wildlife outside of the Project footprint. These impacts, which include but are not limited to noise, vibrations, flyrock, dust, and geological stability, would extend beyond the Project footprint into the surrounding areas, which include the San Joaquin River and the Ball Ranch Nature Preserve, both of which support rich biodiversity and special-status species. Any special-status species that may be present in these areas, as well as on the Project sites, could be impacted by the proposed Project. Surveys and analyses must therefore include both the Project sites and the surrounding area. The DEIR entirely fails to accomplish either of these requirements.

Response 65-8

The Draft EIR provides sufficient information regarding the baseline of the surrounding areas, which is supported by literature searches and field surveys (Title 14 CCR Section 15125). In June 2021, the County-retained biological consultants surveyed the area between the Plant Site and the San Joaquin River to document the baseline conditions of the surrounding areas. The County-retained biologists also reviewed the habitat within a 0.5-mile buffer of the Plant Site and Quarry Site by way of aerial images. The biologists then conducted field surveys documenting conditions and recording any species observed. All methods of collecting data were consistent from 2019 and 2021 field surveys.

Baseline information is provided in multiple sections of the Draft EIR, including Section 4.4. The supporting studies for this section are provided as Draft EIR Appendix E-1 and E-2. These sections evaluate habitat suitability for special status species with potential to occur on the site and, where needed, propose mitigation measures to reduce potential impacts to these species to a less than significant level. Focused species surveys were not needed because proposed mitigation would reduce potential impacts to specific species, if present, to a less than significant level.

Blasting activities would be brief, lasting approximately one to two seconds in duration, and occurring two times per week, and are not expected to result in sustained or long-term impacts. The Draft EIR concludes that blasting-generated dust would be temporary and minimized through enforceable measures in the Fugitive Dust Control Plan, including dust suppressants and stockpile management. These standard measures are effective at reducing impacts to less-than-significant levels, and no additional mitigation or analysis is required.

Comment 65-9

d. The DEIR Improperly Excludes Numerous Water Features from Analysis of Baseline Conditions

The DEIR's analysis of impacts to biological resources excludes at least two water features from analysis, the river water delivery ditch at the Quarry site and the waste wash conveyance ditch at the Plant site (4.4-7). The river delivery ditch connects the quarry to the San Joaquin River, which hosts many special-status species that may also use the ditch as habitat and may therefore be impacted by the Project. The waste wash ditch conveys water from the aggregate processing plant to the onsite silt ponds. The DEIR presumably justifies exclusion of the ditches because they are not technically defined as a water of the US, a water of the state, or a lake or streambed under state and federal laws (4.4-19), although an explicit justification is not provided.

Regardless of legal definition, the ditches may serve as habitat for special-status species. The river supply ditch in particular connects a natural river that supports high biodiversity to the Project Site, and it is entirely possible that special-status species including but not limited to western pond turtle may use the ditch as habitat. For example, western pond turtles use a wide variety of aquatic and terrestrial habitats, including perennial and ephemeral waters, as well as standing water and streams (Bondi, 2009; Holland, 1994; M. R. Jennings & Hayes, 1994), and could use either of the two ditches as habitat. The DEIR also provides no detail on whether the river supply ditch is accessible by fish

from the San Joaquin River, which could include Chinook salmon. If the ditch is accessible by salmon, then it is entirely possible that individuals could become trapped in the ditch or the quarry, leading to injury or mortality. In such a case, the impacts to this sensitive species could be significant. Additionally, the Project proponent would be obliged to obtain take authorization to operate the Project including the river supply ditch, which the DEIR fails to account for. By failing to assess the existing conditions in the ditches, and failing to consider special-status species that may occur in the ditches, the DEIR fails to establish an accurate baseline and potentially excludes important impacts to special-status species, in violation of CEQA.

Response 65-9

Both the wash water conveyance ditch and the river water supply delivery ditch are discussed with regards to the environmental setting and baseline discussion of biological resources on the project sites (Draft EIR at page 4.4-7). Section 4.4.1.3, "Vegetation," of the Draft EIR describes the vegetation occurring on the Plant and Quarry sites. The Draft EIR discusses the vegetation associated with the river supply ditch and the conveyance ditch for wash water at the Plant Site. As discussed on page 4.4-7, the wash water conveyance ditch was excavated in upland habitat within previously mined areas. The conveyance ditch, which is part of an ongoing industrial facility, is routinely dredged to keep the ditch clear so it may function as part of the mining and processing of aggregate. Dredging results in periodic removal of vegetation that colonizes the banks of the conveyance ditch.

The analysis of the existing setting and potential impacts was made without regard to whether the water conveyance systems are considered "jurisdictional" under state or federal law.

The river water delivery ditch is open water and generally unvegetated on the Plant Site (Draft EIR page 4.4-7). The Draft EIR only discusses the river water delivery ditch and the wash water conveyance ditch within the boundaries of the project sites. The river supply ditch is connected to the San Joaquin River (SJR) as the SJR is where the supply ditch gets its water from. Water from the SJR flows from the main river via the river supply ditch to the Plant Site where the water collects in a ponded area before entering the Plant Site. The water from the ponded area is then pumped into the Plant Site for use. There is a barrier between the Plant Site and the river supply ditch and ponded area.

Habitat is generally defined as the place or environment where a species lives and grows. Habitat must contain all of the constituent elements to support successful growth and reproduction of a species. Water can flow from the SJR into the wastewater ditch and down to the onsite pond by gravity flow only, as there is no pump in the SJR, and this is

the only way the SJR would be connected to the site. Without a natural connection to the SJR there is no source population or access for native fish to move into and out of the site volitionally. Any ditches and ponds are also regularly maintained for mining, features such as spawning gravels and vegetative cover, rearing cover or other specific features required for reproduction and growth by most special-status fish are entirely absent. Therefore, the features interior of the levees are not considered habitat because a species could not grow, survive, and reproduce. Some species of non-native fish such as centrarchids (i.e., bass) may be able to use ponds as habitat despite their regularly maintained state. However special-status species which require migratory corridors, spawning gravels, riffles to supply invertebrate prey and vegetative cover would not be able to survive. Therefore, the ponds, and ditches are not "habitat" for special-status species.

To be affected by water draws from the ditch, fish would have to migrate approximately 0.9 miles up the supply ditch then be entrained by the pump and pulled into the site. The absence of any queue such as a freshwater source adding cool water to the SJR makes it unlikely that salmon would stray so far up a channel. The shallow nature of the channel is also likely to warn the water, creating a natural deterrent for fish, limiting the chance of fish moving up the channel. Therefore, the commenter offers no information about why the river water delivery ditch would be considered habitat, and no case is made that additional take coverage would be required.

Comment 65-10

e. The Proposed Mitigation for Numerous Special-Status Species is Insufficient and Improperly Deferred

The deficiencies in the baseline analyses noted above contribute to a lack of sufficient mitigation for impacts to special-status species. Because the DEIR inappropriately concludes that California tiger salamander is absent from the Project site, the DEIR fails to provide any mitigation measures for potential impacts to this species at all. Given the lack of adequate surveys described above, this failure to mitigate for the potential impacts to California tiger salamander is completely unjustified, and must be remedied.

The DEIR does provide mitigation measures for impacts to burrowing owl, western spadefoot and western pond turtle within the Project sites (MM 4.4-1a,b), but these mitigation measures include only pre-construction surveys and development of relocation plans (4.4-50). In the case of the burrowing owl, relocation should not be considered an appropriate mitigation measure except as a last resort. As noted by the California Department of Fish and

Wildlife's ("CDFW") Staff Report, all possible avoidance and minimization measures should be considered before temporary or permanent exclusion and closure of burrows to avoid "take," and habitat compensation must be provided for any evicted owl (State of California Department of Fish and Game, 2012). The DEIR fails to consider any mitigation except relocation, in violation of these standards.

Response 65-10

The Draft EIR confirms that California tiger salamanders were unlikely to be present at the project sites (Draft EIR at pages 4.4-23 and 4.4-29). For further discussion of the adequacy of analysis regarding the CTS presence on the project sites, please see Response 65-6.

CEQA only requires mitigation measures where the Draft EIR concludes that an environmental impact may be significant. Because the Draft EIR concludes that impacts to CTS will be less than significant, no additional mitigation measures are required (see PRC Section 21002.1(a), 21061, 21100(b)(3)). For further discussion regarding impacts to California tiger salamanders, see pages 4.4-22 through 4.4-31 of the Draft EIR.

If burrowing owls are present during the pre-construction clearance surveys, an Incidental Take Permit would be obtained from California Department of Fish and Wildlife (CDFW), and relocation is a potential mitigation measure that would be negotiated with CDFW. The revised burrowing owl measure (Mitigation Measure 4.4-1a) is provided with such detail. See Final EIR Chapter 3, "Draft EIR Errata," for these revisions.

Comment 65-11

Additionally, for all three of these species, the proposed mitigation is improperly deferred, offering only vague plans to relocate any individuals encountered. The burrowing owl mitigation (MM 4.4-1) states that if burrowing owls are found, "a relocation plan shall be developed, approved by CDFW, and implemented prior to development of any Quarry Site grasslands. The western pond turtle and western spadefoot mitigation (4.4-2) states that these species would be relocated "to a nearby, suitable habitat near the Quarry Site." However, no specific relocation sites are identified for any of the three species. Relocation plans should be developed and completed for the DEIR so that the public and decision makers can judge whether such measures would adequately mitigate the Project's impacts. The DEIR therefore provides insufficient detail for the public and decision makers to ascertain whether such

measures would adequately mitigate the Project's impacts to these sensitive species.

This improperly deferred mitigation violates CEQA. (see *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670 [EIR inadequate where the success or failure of mitigation efforts "may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR"]). In the limited circumstances in which deferred mitigation is appropriate, the agency must meet all of the following elements: (1) practical considerations prevented the formulation of mitigation measures during the planning process; (2) the agency committed itself to developing mitigation measures in the future; (3) the agency adopted specific performance criteria prior to project approval; and (4) the DEIR lists the mitigation measures to be considered, analyzed, and possibly incorporated into the mitigation plan. (See *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 736-37 [review denied].) The DEIR fails to meet these criteria.

Additionally, as noted elsewhere in this letter, impacts from the Project are likely to extend beyond the Project's footprint, so relocating individuals to areas close to the Project may not prevent significant impacts. In fact, the proposed mitigation for burrowing owl, western pond turtle, and western spadefoot entirely fails to consider impacts outside of the boundaries of the Project sites at all, despite the fact that impacts from the proposed Project's new operations (including blasting) are likely to extend well beyond the existing Project footprint. These mitigation measures are therefore insufficient.

Response 65-11

As mentioned by the comment, Mitigation Measure 4.4-1a requires implementation of pre-construction surveys prior to disturbance of grasslands that are established on the Quarry Site (see Draft EIR at page 4.4-50). The preconstruction clearance survey for burrowing owls would be conducted in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (dated March 7, 2012) (see Draft EIR page 4.4-50). Mitigation Measure 4.4-1a also provides that "the first survey shall be conducted at least 14 days prior to the initiation of construction of the aggregate plant and/or of each mining phase and the second survey shall be conducted within 24 hours of the start of construction of the aggregate plant and/or of each mining phase to ensure burrowing owl remain absent from the Quarry Site." Any burrowing owls found would be relocated in accordance with a relocation plan approved by the CDFW (see Draft EIR at page 4.4-50). This mitigation measure is in accordance with CEQA standards, because identification of suitable

habitats may permissibly be completed at a later time (see *Ocean St. Extension Neighborhood Ass'n v. City of Santa Cruz* (2021) 73 Cal.App.5th 985, 1010; see also *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260).

For burrowing owl, if exclusion or relocation is required, it is standard practice for a relocation plan to be developed and implemented following review and approval by the CDFW. As described in the Draft EIR, the CDFW Staff Report on Burrowing Owl Mitigation (2012) provides the appropriate regulatory framework and guidance for this process. The commenter does not provide substantial evidence demonstrating that CDFW oversight would be inadequate or that the Staff Report's recommended measures would fail to reduce potential impacts to burrowing owl to a less-than-significant level.

In addition, as described in Chapter 3, "Draft EIR Errata," Mitigation Measure 4.4-1a (burrowing owl) has been revised to strengthen avoidance and minimization measures. These revisions include additional pre-construction survey requirements, expanded buffer and monitoring provisions, and procedures for consultation with CDFW, including development and implementation of a relocation plan and, if necessary, compliance with applicable permitting requirements. These revisions further ensure that potential impacts to burrowing owl would be reduced to a less-than-significant level.

Similarly, the western spadefoot and western pond turtle were neither observed in the 2019 nor 2021 habitat assessments, and the most recent nearest recorded observations of these species occurred over 10 years ago. Mitigation Measure 4.4-1b requires that pre-construction clearance surveys be conducted no more than 14 days prior to removal of a temporary pond at the Quarry Site. The clearance survey would involve a combination of visual and trapping surveys by a CDFW qualified biologist. If determined to be present, a qualified biologist may capture the western spadefoot and western pond turtles prior to construction activities and relocate them to nearby, suitable habitat. Additionally, exclusion fencing would be installed, if feasible, to prevent the turtles and spadefoot from reentering the work area. The biologist would conduct weekly follow-up visits to monitor the effectiveness and take appropriate action if the measures are not adequate. Mitigation Measure 4.4-1b was revised in the Final EIR Chapter 3, "Draft EIR Errata," to clarify that a qualified biologist would be present during pond removal activities.

Relocation of amphibians and reptiles out of work areas by a qualified biologist is a standard measure for reducing potential impacts to these species to a less than significant level under CEQA. If such species are listed under the federal or state Endangered Species Act, additional permits or approvals may be required; however, this is not the case for the species with potential to occur at the project sites. As such, implementation of

standard avoidance and relocation measures by a qualified biologist is sufficient to reduce impacts to less than significant.

Comment 65-12

II. The DEIR Fails to Adequately Analyze or Mitigate the Project's Blasting Impacts to Special-Status Species

The DEIR fails to provide an adequate analysis of significant impacts from the proposed Project, particularly (but not limited to) impacts from the proposed blasting. The proposed Project would include blasting up to 600 ft deep into hard rock below the alluvium in the Quarry Site, which would lead to numerous potential new impacts, including flyrock, dust, pollutants, noise, and ground vibrations. The DEIR fails to analyze any of these impacts on the wildlife that may be present in and around the Project site, including sensitive species that reside in and around the San Joaquin River (with the exception of a brief but flawed consideration of Chinook salmon), which lies a mere 200 feet from the edge of the quarry.

In place of an actual analysis of potential impacts, the DEIR provides only generalized anecdotal examples of wildlife habituating to ongoing quarry operations in the past (4.4-53, 54). Anecdotal evidence is far from sufficient to determine impacts and their significance. Not only does such evidence suffer from detection bias (i.e., only those individual animals that are able to acclimate will be observed, and those that are unable to acclimate will be unjustly ignored), but it also fails to consider the best available science on blasting. Additionally, these anecdotal examples describe habituation of wildlife to the ongoing quarry operations, which consist only of surface mining, and do not include blasting. The DEIR provides no actual study of how blasting will change the impacts of the Project and how wildlife might be affected. The so-called evidence provided in the DEIR is therefore not an appropriate to determine potential impacts of the proposed Project, particularly expansion of quarry operations through blasting.

The San Joaquin River is a precious biodiversity resource, home to numerous special-status species, including Chinook salmon, raptors, riparian birds, western pond turtle and many others. All potential impacts to the San Joaquin River and its species must be thoroughly analyzed and mitigated. The DEIR fails to accomplish this.

Response 65-12

A typical blasting event would last approximately one to two seconds and are not expected to result in sustained or long-term impacts. The Draft EIR concludes that blasting-generated dust would be temporary and minimized through enforceable measures in the Fugitive Dust Control Plan, including dust suppressants and stockpile management. See also Responses 6-17 and 65-13 regarding blasting impacts to salmon. These standard measures are effective at reducing impacts to less than significant levels, and no additional mitigation or analysis is required.

The comment asserts that Draft EIR's analysis of blasting impacts to special-status species is inadequate because it is based, in part, upon anecdotal evidence. The comment implies but does not point to any specific alternative method of analyzing blasting impacts to species, probably due to the lack of conclusive literature available on the subject. Under CEQA, the County is not required to conduct all possible tests or exhaust all research methodologies in evaluating impacts (see *Save N. Petaluma River & Wetlands v. City of Petaluma* (2022) 86 Cal.App.5th 207, 224; *Save Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 524). An assessment of environmental impacts need not be exhaustive and need not include all information that is available on an issue (see *Association of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1397; *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26).

The Draft EIR analyzed the impact to terrestrial species in off-site riparian areas and the potential impacts of blasting vibration on fish in the San Joaquin River (see Draft EIR Impact 4.4-2 on page 4.4-52). Given the extensive history of mining operations and disturbances at both the Plant and Quarry sites, and given the fact that the operations would not expand the perimeter of disturbed areas, the project is not likely to result in significant adverse impacts to species. Furthermore, the mining operation has neighbored the ecological reserves for several years, during which time the species have habituated to the ongoing mining operations (see Draft EIR Impact 4.4-2 on page 4.4-52).

See the discussion of Draft EIR Impact 4.13-6 regarding the project's generation of groundborne vibration as a result of blasting (Draft EIR at page 4.13-65). Mitigation Measure 4.10-1 "would require implementation of the Blasting Protocols (Appendix H-6) which specify that blasting must begin at the center of the Quarry Site so that monitoring of groundborne vibration can occur and be used to verify that predicted maximum ground vibrations are consistent with actual ground vibrations measurements and allow for adjustments in blasting design to occur based on the monitoring results." Please note that the Blasting Protocols were updated to include additional blasting thresholds and are provided in Appendix H-9 of the Final EIR.

See also Collective Response #13 for further discussion and clarification of blasting impacts on wildlife.

Comment 65-13

a. Central Valley Spring- and Fall-run Chinook Salmon

The DEIR's analysis and mitigation for impacts to Chinook salmon is insufficient. Chinook salmon have been extremely economically and culturally important for thousands of years, and remain so today. Extensive water diversions, dams, and other modifications along the San Joaquin River have rendered much of their historical habitat inaccessible, and the species has suffered great declines. The Central Valley spring-run Chinook salmon is currently listed as threatened under the state and federal Endangered Species Acts, and fall-run Chinook salmon are a species of concern. The San Joaquin River Restoration Program, a multi-agency effort to restore fish populations in the River, is currently conducting a reintroduction effort to bolster this sensitive species in the San Joaquin River. It is therefore of paramount importance that any impacts to salmon, particularly (but not limited to) those from blasting, be thoroughly analyzed and fully mitigated.

The DEIR fails to accomplish this. The DEIR provides an analysis of impacts to Chinook salmon, but the analysis is insufficient, and it minimizes the risks to this highly sensitive species. The DEIR claims that the impacts to salmon will be less than significant (4.4-63), with insufficient evidence to support this claim. The DEIR's analysis is based on a comparison of blast modeling results to the State of Alaska Department of Fish and Game blasting standards (Kolden & Aimone-Martin, 2013; "Alaska standards"). These standards are themselves based on March 10, 2025 Page 8

a summary analysis of numerous empirical studies, which investigated different species using different methods, some of which were lab-based and some of which were field-based, but none of which were standardized. In fact, only one study cited in the Alaska standards included Chinook salmon, and the study focused solely on impacts to juvenile fish, not eggs or adults. Such data are no doubt important to our understanding of blasting impacts on salmonids, but do not necessarily provide a standard that can be applied to all salmonid species in all localities. The DEIR fails to address this, providing no evidence showing that the results from the Alaska standards are applicable to the species and conditions present in the San Joaquin River. In fact, the Alaska standards themselves show that different species of fish have

different sensitivity thresholds to vibrational impacts. Further, the ecology and biology of California are extremely different from many of the localities studied in the references cited in the Alaska standards, which primarily focused on Alaska and Canada. It is not safe to assume that standards developed for Alaskan biological communities and Alaskan river conditions are relevant to those in the San Joaquin River.

Critically, the proposed Project provides no avenues for monitoring or adjustment in the case that the noise or vibrational impacts are greater than predicted by the modeling. Given the weaknesses in the analysis outlined above, it is entirely possible that the blasting would result in greater noise and vibrations reaching the river than expected, but without any kind of monitoring in place, we would never know such impacts were occurring. The DEIR is therefore entirely inadequate to detect, let alone mitigate, impacts to Chinook salmon in the San Joaquin River. To even approach adequacy, the Blasting Protocols (4.4-57) must include monitoring of the actual sound and vibrational impacts to the riverbed, and provide a contingency plan in the case that data detected in the San Joaquin River exceeds those thresholds. The County must not put the fate of this iconic socially and economically important species on limited data without proper checks in place.

Given the sensitivity of the Chinook salmon population in the San Joaquin River and the significant resources and effort that are currently being applied to support this species, relying on untested modeling, unproven assumptions and limited data to determine whether fish will be harmed is not acceptable.

Response 65-13

An evaluation of the proposed blasting against the ADF&G's "Blasting Standard for the Proper Protection of Fish," was prepared by Vibra-Tech Engineers in 2021 and is presented as Appendix E-4, "Effects of Blasting on Fish," to the Draft EIR. This study concluded that ground vibrations from the project's proposed blasting limits and as described in the Blasting Protocols (Draft EIR Appendix H-9) would be below the limit for the protection of embryos in spawning gravels and the level of overpressure would be significantly below the limit established for the safety of salmon when fish are present. Furthermore, Mitigation Measure 4.10-1, requires the monitoring of ground vibration and air overpressure thresholds at three points along the San Joaquin River to ensure that blasting does not exceed the specified thresholds. Exceedances of any specified blasting thresholds would result in the implementation of corrective actions, further outlined in

the Blasting Protocols, which are updated in Final EIR Appendix H-9. These checks and adaptive management approaches adequately address the concerns of the commenter.

The comment does not propose an alternative method of analyzing the impacts that blasting would have upon Chinook Salmon. The commenter criticizes the Draft EIR's usage of ADF&G Standards without providing an alternative superior approach, likely because such an approach would not exist due to the lack of information available on the subject. Although not an industry standard, ADF&G's Blasting Standards are more prescriptive because they provide concrete numeric thresholds (psi and in/s) and monitoring/permit expectations. As such, the usage of the ADF&G Blasting Standards to analyze blasting impacts upon special status species is supported by substantial evidence.

The commenter seemingly criticizes usage of empirical studies rather than standardized blasting standards for a particular species of fish; however, the commenter does not point to the existence of such studies. Empirical studies are valuable because they synthesize research based on direct observation, experimentation, and measurable data rather than theory or speculation alone. As such, reliance upon the ADF&G Blasting Standards is sufficiently credible to support the conclusions drawn in the EIR. The ADF&G Blasting Studies reported upon studies conducted on both embryos and fish. Based on the studies available, the lowest measured Peak Particle Velocity (PPV) that caused mortality in Chinook Salmon was 5.8 in/s. The ADF&G standard for PPVs in salmon spawning gravels is limited to no more than 2.0 in/sec, which is a conservative measurement in light of the studies' conclusions. In comparison, the projected ground vibrations at the crest of the embankment, which is close to the river's edge, are limited to 0.5 in/sec (Draft EIR Appendix E-4 on page 2). The ground vibrations from the proposed project's blasting limits would be only 25 percent of the threshold limit for the protection of embryos in spawning gravels and the level of overpressure would be significantly below the limit established for the safety of salmon (Draft EIR Appendix E-4).

The comment suggests implementation of monitoring for the sound and vibrational impacts to the riverbed. The Draft EIR already discusses implementation of a blast monitoring plan as a component of Mitigation Measure 4.10-1 (see Draft EIR page 4.4-57). As discussed in the Draft EIR, "the *Blasting Protocols* detail requirements for the implementation of a blast monitoring program that includes ground vibration measurements, air overpressure measurements, visual inspection of the San Joaquin River embankment whenever blasting occurs within 1,000 feet of the embankment and depths less than 100 feet within the hard rock portion of the quarry pit." The Draft EIR also includes a contingency plan should significance thresholds be exceeded or if signs of slope instability are present. This involves stopping blasting activities, notification of the

County within 48 hours, and development of a corrective action plan (Draft EIR page 4.4-58).

Comment 65-14

b. Western Spadefoot and Western Pond Turtle

The DEIR also provides limited mitigation for western spadefoot, which only addresses impacts to individuals present on the Project site. Potential impacts of the expanded quarry operations including blasting were not addressed at all. Mining for gravel and clay has destroyed and degraded vernal pool habitat in many areas, disrupting soil formations, hydrology, and seed banks and introducing harmful invasive species (U.S. Fish and Wildlife Service, 2005). In the case of the proposed Project, such impacts would have occurred long in the past, if at all. However, if western spadefoot are still present in and around the Project site (which is impossible to determine with certainty given the lack of surveys described above), they are likely to be negatively impacted by the proposed Project. In addition to directly killing individuals and destroying spadefoot habitat when present, activities that disturb the soil and produce low frequency noise and vibration, such as mining, grading for development, and seismic exploration for natural gas may negatively impact western spadefoots (U.S. Fish and Wildlife Service, 2005). Dimmitt & Ruibal, (1980) found that western spadefoots were extremely sensitive to these types of stimuli and would emerge early from their burrows in response to these ground-moving activities, disrupting their natural dormancy patterns. Such emergence at inappropriate times could lead to non-lethal detrimental effects that may result in reduced fitness or mortality (U.S. Fish and Wildlife Service, 2005).

Western pond turtles are also likely to be impacted by the Project's operations if they occur in or around the Project site. While only limited data exists on the impacts of noise and vibrations on turtles, studies show that turtles can detect a range of sounds, with sea turtles likely avoiding anthropogenic noises, and noise can affect nesting in at least one sea turtle species (Maeda et al., 2024; Simmons & Narins, 2018). As discussed above, western pond turtles may occur in and around the Project site, nest in upland habitats near bodies of water, numerous of which are present in and around the Project site. Any western pond turtles near the Project sites could be harmed by the Project's blasting and operations, even outside of the project footprint.

The only mitigation provided for these two species (western spadefoot and western pond turtle) is Mitigation Measure 4.4-1b, which would require pre-construction surveys and clearance of any ponds on the two sites that are scheduled for removal. The impacts to these species from ongoing operations as well as new operations, including blasting, are not analyzed or mitigated at all. In addition to the failure to conduct adequate surveys, the DEIR provides insufficient analysis or mitigation for potential impacts to western spadefoot or western pond turtle from the proposed Project's operations.

Response 65-14

The Draft EIR analyzed the project sites' suitability to provide habitat for the western spade foot and western pond turtle, researched their last recorded occurrences near the project sites, and biological consultants conducted reconnaissance field surveys in 2019 and 2021 where these species were not observed. Due to the lack of suitable habitat caused by extensive mining operations (which is a part of the long-existing baseline conditions) as noted in the comment, the lack of recently recorded observations of either species, and because neither species was observed during either habitat survey conducted in 2019 and 2021, the Draft EIR properly concludes that the spadefoot and pond turtle are not likely to occur on the project sites. The cited sea turtle study is not relevant to a different species that does not live in the sea.

Given the fact that western spadefoot and western pond turtle are not likely to occur on the project site, it is not likely that they would be disturbed by continued mining operations. However, because the project sites provide some potentially suitable habitat for western spadefoot and western pond turtle, the Draft EIR conservatively proposes Mitigation Measures 4.4-1b which involve preconstruction clearance surveys, subject to approval by CDFW. Mitigation Measure 4.4-1b has been revised, as reflected in the Final EIR. With the implementation of revised Mitigation Measure 4.4-1b, impacts to western spadefoot and western pond turtle would be less than significant (see Draft EIR page 4.4-49). These measures are sufficient to avoid and minimize potential impacts, and no additional revisions to the Draft EIR are required.

Comment 65-15

c. Nesting Raptors

The DEIR does acknowledge potential impacts to nesting raptors, including Swainson's hawk and bald eagle. The DEIR notes that "abundant nesting habitat for raptor species can be found offsite along the San Joaquin River… and in the area along Little Dry Creek" and that "Ground disturbance and noise impacts from mining

could disturb nesting birds located on or near the project sites" (4.4-49). However, the proposed mitigation for these impacts is insufficient to address these acknowledged potential impacts. MM 4.4-1c requires pre-construction surveys for nesting birds, including raptors. However, the mitigation requires only a 500' buffer zone around the disturbance area for these surveys, which is well below the standard mitigation outlined by CDFW. The CDFW guidelines for Swainson's hawk nesting surveys stipulate a 0.5 mile survey radius, significantly larger than that which is required in the DEIR (Swainson's Hawk Technical Advisory Committee, 2000). The National Bald Eagle Management Guidelines specify that new activity should not occur within 660 feet of a nest (US Fish and Wildlife Service, 2007); again, greater than the search radius described in the DEIR's mitigation. The DEIR therefore ignores guidelines based on the best available science, rendering its mitigation for impacts to Swainson's hawk and bald eagle insufficient.

Response 65-15

The comment is noted. See Response 15-13 regarding the sufficiency of Mitigation Measure 4.4-1c, as updated in the Final EIR, for nesting birds, including raptors.

The CDFW survey guidelines for Swainson's hawks are recommendations, and are not legally required under CEQA. As such, Mitigation Measure 4.4-1c, as revised in the Final EIR, sufficiently reduces potential impacts to Swainson's hawks and other raptors (including bald eagles) with the implementation of preconstruction clearance surveys which require a survey within the immediate area where construction will be initiated as well as within a minimum 500-foot buffer. This survey area is sufficient given the extensive history of mining operations.

The majority of the project area is characterized by active mining operations, which provide limited foraging opportunities for Swainson's hawks. However, areas adjacent to the mining operations, such as fallow fields and open spaces, may offer potential foraging habitat. The site is located within the known nesting range for Swainson's hawk. Existing Mitigation Measure 4.4-1c is revised in this Final EIR to increase the survey and buffer distance for Swainson's hawk and bald eagle through errata presented in Chapter 3, "Draft EIR Errata," to further strengthen protections to the focal species.

Comment 65-16

d. Other Resident and Migratory Birds

Resident and migratory birds are similarly overlooked. The DEIR notes that habitats within and around the Project sites "provide

suitable habitat for a variety of year-round and seasonal avian residents, as well as migrating songbirds that occur in the area." (4.4-18). Even with minimal wildlife surveys, numerous bird species were detected in the two Project sites, including red-winged blackbird, gadwall, red- tailed hawk, killdeer, American coot, common yellowthroat, pied-billed grebe, northern rough-winged swallow, tree swallow, and western kingbird (4.4-12,17). Additional nesting and resting habitat for both resident and migratory birds lies in around the Project sites, including the San Joaquin River and the Ball Ranch Nature Preserve. As noted in the DEIR, "Nesting habitat occurs west of the project sites in riparian and oak woodland habitats associated with the San Joaquin River as well as north of the Plant Site associated with Little Dry Creek." (4.4-22). Any additional disturbance or alteration of natural habitat through the Project's proposed operations will have significant impact on the many bird species that use the habitats around the Project sites area, including not only nesting birds but migratory birds as well. The Project's impacts to migratory birds must therefore be analyzed, disclosed, and mitigated.

The DEIR asserts that pre-construction nesting surveys for nesting birds, and buffers around any existing nests, will reduce impacts to less than significant (4.4-50-52). However, this analysis ignores the impacts of edge effects from Project operations on nesting birds, and fails to analyze impacts to birds that are not nesting, which includes birds that may use the Project and surrounding areas as a migratory stopover point or birds that forage in and around the Project sites. As described above, the proposed Project blasting operations will introduce new edge effects, including noise, which may impact resident and migratory birds within and around the Project areas. For example, field observations and controlled laboratory experiments have shown that traffic noise can significantly degrade habitat value for migrating songbirds (Ware et al., 2015). Subjects exposed to 55 and 61 dBA (simulated traffic noise) exhibited decreased feeding behavior and duration, as well as increased vigilance behavior (Ware et al., 2015). Another study found a 28% decrease in bird abundance in areas when traffic noise was present compared to when there was no traffic noise (McClure et al., 2013). And these impacts do not always improve over time: researchers have postulated that some species in areas with chronic noise pollution may become *more* sensitive to noise stressors instead of becoming habituated or less sensitive to them (Goudie & Jones, 2004). Therefore, birds (and other native wildlife) in and around the project site could be significantly adversely affected by ongoing noise from the proposed Project operations, including blasting.

Nesting and foraging would both be impacted. Birds that would otherwise nest near the project site may be unable to do so, and birds that forage in and around the Project may not be able to access previously available foraging areas. However, the DEIR fails to consider these impacts, and provides no analyses or mitigation to address them, in violation of CEQA.

Response 65-16

The comment is noted. The analysis and conclusions in the Draft EIR assume a context of mining and associated activities at both project sites that have been ongoing for decades. The proposed mining and processing activities would continue to be confined to previously disturbed areas at the two project sites, which themselves do not support high-quality avian habitats. The proposed project activities would avoid direct impacts to more sensitive habitats along the San Joaquin River and Ball Ranch Nature Preserve. The Draft EIR analysis assumes that a variety of bird species may be present adjacent to and within the project sites, including use of these areas during migration. However, given existing conditions and the history of mining, processing, and associated activities within these areas, the comment does not provide substantial evidence that the proposed project activities would result in significant impacts to biological resources. To the contrary, there is substantial evidence in the record that impacts to biological resources have be reduced to less than significant levels.

Comment 65-17

III. The DEIR Fails to Adequately Analyze or Mitigate the Project's Impacts to Wildlife Connectivity

Habitat connectivity is vital for wildlife movement and biodiversity conservation. Limiting movement and dispersal with barriers (e.g., development, roads, or fenced-off croplands) can affect animals' behavior, movement patterns, reproductive success, and physiological state, which can lead to significant impacts on individual wildlife, populations, communities, and landscapes (Ceia-Hasse et al., 2018; Cushman, 2006; Haddad et al., 2015; Trombulak & Frissell, 2000; Van Der Ree et al., 2011). Individuals can die off, populations can become isolated, sensitive species can become locally extinct, and important ecological processes like plant pollination and nutrient cycling can be lost. In addition, connectivity between high quality habitat areas in heterogeneous landscapes is important to allow for range shifts and species migrations as climate changes (Cushman et al., 2013; Heller & Zavaleta, 2009). Lack of wildlife connectivity results in decreased biodiversity and degraded ecosystems.

Connectivity among and between natural waterways and upland habitat is essential for native species as well. The shade and erosion control from riparian vegetation provide cool and clear streams that are ideal for spawning and rearing (Lohse et al., 2008; Moyle et al., 2011). Encroachment and over-aggressive removal and degradation of riparian areas have been identified as major drivers of declines in California's freshwater and anadromous fish (Grantham et al., 2012; Lohse et al., 2008; Moyle et al., 2011; Opperman et al., 2005; Pess et al., 2002). Many other species, including mountain lions and bobcats, often use riparian areas and natural ridgelines as migration corridors or foraging habitat (Dickson et al., 2005; Hilty & Merenlender, 2004; M. Jennings & Lewison, 2013).

In addition to providing habitat connectivity, buffer zones around the County's aquatic habitats are essential to protect the County's high diversity of plants, fish, aquatic invertebrates, birds, amphibians, and reptiles. The streams (perennial and intermittent), wetlands (including vernal pools), and reservoirs throughout the County support numerous special-status flora and fauna, including steelhead trout, western pond turtles, and California red-legged frogs. Species that rely on these aquatic habitats also rely on the adjacent upland habitats (*e.g.*, riparian areas along streams, grassland habitat adjacent to wetlands). In fact, 60% of amphibian species, 16% of reptiles, 34% of birds and 12% of mammals in the Pacific Coast ecoregion (which includes Napa County) depend on riparian-stream systems for survival (Kelsey & West, 1998). Additionally, fish rely on healthy upland areas to influence suitable spawning habitat (Lohse et al., 2008), and agricultural encroachment on these habitats has been identified as a major driver of declines in freshwater and anadromous fish (Lohse et al., 2008; Moyle et al., 2011).

The DEIR fails to adequately analyze or mitigate impacts to wildlife connectivity from the proposed Project. The DEIR downplays the importance of the Project area to connectivity, failing to mention the area has been identified as CDFW as a "Conservation and Planning Linkage"3 and failing to admit that the Project may impact the San Joaquin River. Instead, the DEIR erroneously claims that the "downward direction of mining activities is not expected to compromise wildlife movement opportunities or prevent the surrounding habitat from continuing to function as a wildlife corridor" (4.4-62) and that impacts to wildlife movement or corridors would therefore be less than significant (4.4-63).

This conclusion ignores the fact that the quarry is already likely disrupting connectivity, particularly along the San Joaquin River, and the proposed Project's extension of quarry and plant operations would continue to disrupt connectivity along the river for another hundred years. Even if the proposed Project did not include new hard rock mining, a continuation of the status quo alluvial mining operations that have been occurring for decades would itself have a significant impact on wildlife connectivity. If instead the operations were to be discontinued, connectivity would likely be greatly enhanced along the San Joaquin River and its riparian corridor. Further, the new proposed blasting operations and the additional mining operations that go with them will likely have additional, novel impacts to connectivity that must also be fully analyzed. The DEIR fails to do either of these necessary analyses.

The Quarry Site is already extremely close to the San Joaquin River—within 200 feet. This distance is significantly smaller than the buffers around aquatic resources that are supported by the best available science. Even buffer zones of 400 feet along streams and wetlands are often insufficient for wildlife protection (Fischer & Lindenmayer, 2000; Kilgo et al., 1998; Semlitsch & Bodie, 2003). A literature review found that recommended buffers for wildlife often far exceeded 325 feet, well beyond the largest buffers implemented in practice, and far beyond the distance between the San Joaquin River and the Quarry Site (Fischer & Lindenmayer, 2000; Robins, 2002). For example, Kilgo et al. (1998) recommend more than 1,600 feet of riparian buffer to sustain bird diversity. In addition, amphibians have been found to migrate over 1,000 feet between aquatic and terrestrial habitats through multiple life stages (Cushman, 2006; Fellers & Kleeman, 2007; Semlitsch & Bodie, 2003; Trenham & Shaffer, 2005), and western pond turtles have been found to migrate over 1,300 feet and 10,000 feet respectively from breeding ponds and streams (Semlitsch & Bodie, 2003; Trenham, 1998). Little Dry Creek, which lies 500 feet north of the Plant Site (2-23), is also within these science-based buffer zones, and its function as a potential riparian wildlife connectivity corridor would also likely be compromised by both ongoing and expanded operations.

As described above, edge effects from the Project include but are not limited to noise, vibrations, flyrock, dust, and geological stability, all of which can impact the quality of the San Joaquin River riparian corridor and the ability of animals to move around the Project site. The proposed Project will continue the status quo of disruptive quarry operations near an essential riparian corridor and will introduce additional potential impacts from increased operations and new blasting activity that will further

degrade a critical connectivity area. The DEIR fails to adequately disclose, assess, and mitigate the Project's impacts to wildlife connectivity and therefore fails to comply with CEQA.

Response 65-17

The Draft EIR does not need to analyze impacts assuming that the mining operations are not present. Here, the extensive history of decades of mining is included in the baseline conditions of the biological resources at the project sites (Title 14 CCR Section 15125; as noted repeatedly in the comment, e.g. "The Proposed Project will continue the status quo of disruptive quarry operations…" and "the quarry is already likely disrupting connectivity…"). Thus, the continuation and expansion of mining at the Quarry Site, (which involves an increase in depth rather than increase in area of the mining pit), would not be a substantial deviation from baseline conditions for purposes of wildlife connectivity.

The buffer zones suggested in the comment are not feasible given the location of the long-existing Quarry Site and the location of the granite deposit which would be mined. Additionally, the Quarry Site's currently permitted buffer zone of 200-ft from the San Joaquin River is a part of the CEQA baseline. While the depth of the pit would be increased, the perimeter of the disturbed areas would not increase. As such, no significant impacts to wildlife connectivity are expected from the continuation of Quarry operations, even with the introduction of blasting (see discussion of Draft EIR Impact 4.4-6 regarding the project's impacts on wildlife movement, corridors, or nursery sites).

See Response 65-8 regarding the project's impacts to species resulting from mining operations, including, flyrock, dust, geological stability, noise, dust, and vibrations

Comment 65-18

IV. The DEIR Vastly Understates the Risk of Blasting Impacts on the SanJoaquin River Ecosystem, and Improperly Defers Mitigation

The San Joaquin River is vitally important not only to California's water supply but to the many species and ecosystems that rely on its function and flows. The River has suffered over the past decades and centuries from over-exploitation, and the remaining perennial stretches with healthy riparian habitats are more important to preserve than ever.

The DEIR notes that "without appropriate vibration and airblast reduction measures, blast-induced groundborne vibration could exceed bank stability threshold" (4.4-57) and claims that the Blast Protocols would prevent significant impacts to the San Joaquin River (4.4-58). The Blasting Protocols include guidelines to

monitor the impacts of blasting on the River, including vibration measurements, overpressure measurements, and visual inspection of the embankment. However, the Blast Protocols state that these visual inspections will only occur until blasts reach a depth of 100 feet (App H-6, p.5), without explaining this decision or providing any justification for cessation of riverbank monitoring. The DEIR appears to assume that blasting below 100 feet would not introduce additional risks of riverbank destabilization, but without providing a scientific explanation as to why this would be the case, it is impossible to determine whether this proposed mitigation will be sufficient to mitigate blasting impacts.

Response 65-18

An evaluation of the proposed blasting against the ADF&G's "Blasting Standard for the Proper Protection of Fish," was prepared by Vibra-Tech Engineers in 2021 and is presented as Draft EIR Appendix E-4. This study concluded that ground vibrations from the project's proposed blasting limits and as described in the blasting plan (Final EIR Appendix H-9) would be below the limit for the protection of embryos in spawning gravels and the level of overpressure would be below the limit established for the safety of salmon when fish are present. These checks and adaptive management approaches adequately address the concerns of the commenter.

Regarding the blast visual inspections of the portions of the San Joaquin River embankments that are located within 1,000 feet of each blast and depths less than 100 feet within the hard rock portion of the quarry pit, the Draft EIR provides that "[g]iven that the distance between the blast and the river embankment generally increases as the pit depth increases, the visual inspections are not required for blasts conducted at depths greater than 100 feet within the hard rock portion of the quarry (measured at the contact between the alluvium and rock)" (see Draft EIR, Appendix H-7, Section 3.3.4, page 7). Furthermore, in analyzing the blasting effects on the San Joaquin River embankments the Draft EIR provides that the hard granite is considered rigid element and the thickness of the hard rock material "has no effect on the natural frequencies and mode shape of the river embankment" (see Draft EIR, Appendix H-4, page 12; Impact 4.4-4 pages 4.4-57 through 4.4-58; Draft EIR, Section 4.13.3.2, "Significance Thresholds," page 4.13-39; Impact 4.13-6, pages 4.13-65 through 4.13-67; and Figure 4.13-6, "San Joaquin River Embankment Vibration Threshold Curve," page 4.13-41). Finally, the Draft EIR utilized conservative values in analyzing the stability of the San Joaquin River embankment, which was determined to "provide additional safety for the river embankment due to blast induced ground vibration" (see Draft EIR, Appendix H-4, page 19). Thus, the Draft EIR provides an adequate analysis as to why visual inspections are not required for blasts conducted at depths greater than 100 feet (e.g., within the hard rock).

Comment 65-19

Furthermore, the DEIR provides absolutely no contingency plan for a situation in which the river embankment becomes damaged or the quarry experiences pit failure. Instead, the DEIR states "Should significance thresholds be exceeded or signs of instability of the embankment (such as clumping or cracking) be noted, the County must be notified within 48 hours. If it is determined that the instability is the direct result of blasting, and not due to natural water erosion, with or without flooding, then a corrective plan must be developed that identifies changes to the blasting program to prevent future exceedances" (4.4-58). Even the Blasting Protocols themselves state: "If the blast monitoring indicates that ground vibration or air overpressure exceed the criteria recommended… or if flyrock exceeds the limits of the defined blast clearance zone, the operator will provide notification to Fresno County within 48 hours and identify changes to the blasting program that will be implemented to prevent future exceedances" (App H-6, p.6). This mitigation provided in the form of the Blasting Protocols (MM4.10-1) is improperly deferred. Any corrective plan or contingency plan must be fully developed before any blasting would occur, and must include an evidenced-based strategy that would be quickly implemented to prevent collapse of the riverbank and avoid potential catastrophe outlined below.The DEIR must include sufficient information about mitigation that the public and decisionmakers can determine whether such measures would adequately mitigate the Project's blasting impacts to the San Joaquin River. The DEIR entirely fails to accomplish this. As explained above, such improperly deferred mitigation violates CEQA.

Further, this approach of deferring contingency plans until bank stability problems arise vastly minimizes the potential disastrous impacts of a pit failure. If the banks of the San Joaquin River were to become unstable, whether directly due to blasting operations or due to natural processes, and the river channel was to be altered such that flow was diverted into the quarry, even temporarily, the local and downstream impacts could be catastrophic. Such an event could wash out riparian habitat, harm and kill aquatic and riparian wildlife that get diverted into the pit, and introduce sediment and pollutants from the pit into the river, impacting wildlife and water quality for miles downstream.

Blasting of any kind is likely to increase this risk, even with the monitoring requirements outlined in the DEIR. One small mistake or miscalculation could lead to wide-reaching disaster from which the San Joaquin River might never fully recover. The County should

not put the health of an entire river ecosystem at risk by allowing blasting so close to the San Joaquin River.

The potential for pit failure is particularly concerning given the potential for natural flooding as well. As described below in this letter (Section V-c), the DEIR's analysis conveniently finds that the San Joaquin River's 100-year floodplain no longer overlaps with the Quarry site, which FEMA's floodplain designation does (App G-1, App. A, Fig. 2). However, research indicates that flooding in California will become more extreme with climate change, not less, indicating that the 100-year floodplain may need to be updated to include the Quarry site. If blasting weakens the river embankment at all, even if those impacts are below the DEIR's established thresholds of significance, this weakening may compound with natural flooding and erosion processes to further stress the riverbanks and potentially increase the risk of pit failure, along with other synergistic flood impacts.

Even without a pit failure, deepening of the quarry is likely to have long-term impacts on the river. As stated by Norman et al. (1998), "In the long term, stream capture by gravel pits is a near certainty. Because the gravel pits have a lower base elevation, there is risk of rapid channel change into the pits during high flows, a process termed avulsion. The flooded pits "capture" the stream." If the Quarry is deepened by 600 feet as the Project proposes, any flooding in the near- or long-term could result in capture of a huge amount of streamflow. The impacts of such avulsion include river bed erosion, channel incision, bank erosion and collapse, changing aquatic habitat, increase in sediment, and damage to fish spawning habitat, among others (Norman et al., 1998).

The DEIR fails to consider the impacts of avulsion at all and fails to provide adequate analysis or mitigation for the impacts to the San Joaquin River embankment from blasting or ongoing operations. Instead, the DEIR improperly minimizes the potential impacts of the project to this sensitive ecosystem and defers important mitigation contingency planning. The DEIR's failure to adequate analyze or mitigate impacts that could have severe consequences not only for the local area but also for the entire San Joaquin River system is an egregious oversight and a clear violation of CEQA.

Response 65-19

See Responses 12-75, 58-64, and 58-65 which adequately address the comment's incorrect allegation that Mitigation Measure 4.10-1's Corrective Action Plan constitutes deferred mitigation. Notably, the comment fails to acknowledge that pursuant to Mitigation Measure 4.10-1, upon a determination of instability all blasting must immediately cease until the Corrective Action is approved by the County (see Final EIR, Appendix H-9, at page 6; see also Draft EIR, pages 4.4-57 through 4.4-58).

See also Response 65-37, which adequately addresses the comment's incorrect allegation that the Draft EIR fails to adequately analyze or mitigate impacts to the San Joaquin River embankment from blasting or ongoing operations.

Finally, see Response 58-25, which adequately addresses the comment's incorrect allegation that the Draft EIR must analyze climate change's impact to the 100-year floodplain.

Regarding the commenter's assertions regarding pit capture, aka avulsion, the cited article has little, if any, relevance to the project site. (See Norman, D. K., C. J. Cederholm and W. S. Lingley (1998) Flood Plains, Salmon Habitat, and Sand and Gravel Mining. Washington Geology 26(2/3): 3-28.) (the "Norman Article.") The Norman Article limits its evaluation only to aggregate mines along specific rivers in Washington state, hundreds of miles from the San Joaquin River and in an entirely different biological and topographic environment and climate, with no consideration of the San Joaquin River ecosystem or its geology. Further, the Norman Article confirms that avulsion typically occurs during floods (Norman Article, page 9). The Washington rivers and floodplains examined in the Norman Article are in a much rainier and flood-prone climate than the San Joaquin Valley. This is confirmed by the Chang Consultants' analysis of the project sites, which identified no significant flood risks based on November 2018 topography of the sites (see Draft EIR, Appendix F-1, Stability Assessment, page 13). The comment thus can only speculate, without support, as to any potential impacts of avulsion occasioned by deepening the quarry pit by 600 feet.

The Draft EIR nonetheless considers each of the effects of blasting impacts at the project sites listed in the comment, including any such potential riverbed erosion, channel incision, and bank erosion and collapse stemming from the project, whether due to avulsion or otherwise (see Appendix G-1, "Hydraulic Analysis," pages 5-7 and Appendix A, Figures). The Draft EIR specifically considers aquatic habitat at Impact 4.4-6, which states that any effect at all to native or migratory species or fish riparian habitat, whether in the San Joaquin River or Little Dry Creek, is less than significant without any

mitigation measures (see Draft EIR pages 4.4-62 through 4.4-63; see also Appendix E-4, "Effects of Blasting on Fish").

Comment 65-20

V. The DEIR Does Not Adequately Disclose, Analyze, or Mitigate Impacts to Surface Water Quality

The San Joaquin River is the second largest river in California (Laćan & Resh, 2016). It comes from headwaters in the central Sierra Nevada, including in Yosemite and Kings Canyon National Parks, and the Ansel Adams Wilderness. Snowmelt flows through the upper reaches of the River into Millerton Lake, a lake created by the Friant Dam that supplies irrigation water to the Central Valley. Past the dam, the River flows north of Fresno and then joins the Sacramento River and numerous tributaries to form the Sacramento- San Joaquin Delta (the "Delta.") The Delta is the hub of the California water system and the most valuable estuary and wetland ecosystem on the west coast.

The San Joaquin River has earned the title "hardest working river in California" by irrigating thousands of acres of cropland, providing drinking water for millions of people, and supporting fisheries and vast wetlands.

a. The DEIR Does Not Establish by Substantial Evidence that The Project Will Not Degrade Surface Water Quality.

The Plant Site and the Quarry Site are directly adjacent to the San Joaquin River. Dry Creek passes 475 feet to the north of the Plant Site on its way to the River. (DEIR at 4.10-15.) A river water delivery ditch directly connects the Plant Site to the River. (DEIR at 4.4-7.) Both the Plant Site and the Quarry Site have standing ponds of polluted industrial wastewater under current operating conditions. (DEIR at 4.10-8.) The surface water storage on the site will expand as a result of the proposed Project. At the Quarry Site, the amount of water that must be pumped out of the excavation site and stored on site will increase as the mining depth increases. (DEIR at 4.10-8.) At both the Plant Site and the Quarry Site, new ponds "may" be formed as mining progresses. The project will add groundwater recharge trenches at the boundaries of the Plant Site. All this water will be moved and stored on a site that is adjacent to the River and connected to it via surface water, but the DEIR dismisses without evidence the idea that this could lead to any surface water contamination.

The DEIR offers no estimate of the quality of the retained industrial wastewater created by the Project that will become surface water on-site. It merely reports on the current surface water quality, without considering how the intensified mining operations proposed by the Project might affect that water quality. The Project will increase the intensity of existing operations and the magnitude of blasting, and add entirely new pollutants like asphaltic oil. (DEIR at 2-44.) By completely neglecting to analyze or disclose this impact, the EIR fails to provide information regarding the project's significant environmental impacts that is sufficient to allow decision-makers and the public to understand the environmental consequences of the project, in violation of CEQA. (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 520; *Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 404; See CEQA Guidelines §15151.)

And even under current conditions, the on-site surface water is toxic. The current surface water has a conductivity level roughly ten times higher than the San Joaquin River. This conductivity level violates the drinking water standard in the basin plan. Conductivity is a general gauge of overall water quality. A higher level commonly indicates a discharge of some pollutant and a resulting harm to the overall health of the water body and the associated ecosystem (EPA, 2025). Surface water at the plant site also has significant arsenic, lead, and iron—none of which are present in significant levels in the San Joaquin River. The arsenic level at the Plant Site is 20 times the drinking water limit. The lead level is 30 times the limit. The iron level is a staggering 1,590 times above the limit. (DEIR at 4.10-24.) The DEIR claims that this toxic water—which will only get more toxic with intensified mining—will not have any impacts because the Project does not "propose" to discharge the water into the San Joaquin River. But a CEQA review is not limited to what the Project proposes; it extends to the Project's reasonably foreseeable impact. Commingling between the dirty surface water on site and the San Joaquin River is in fact reasonably foreseeable through flooding and through the confluence of the river supply channel and Little Dry Creek.

Response 65-20

The project's potential effects related to surface water quality were evaluated within Draft EIR Section 4.10, "Hydrology and Water Quality," as well as within the *Revised Hydrology and Water Quality Analysis Report* and the *Addendum to: Revised Hydrology and Water Quality Analysis Report* prepared by EMKO Environmental, Inc., and included as Draft EIR Appendix G-5 and G-6, respectively (see also Draft EIR, pages 4.10-24 through 4.10-25;

Responses 6-52, 6-71, 6-72, and 65-27, which adequately analyze water quality impacts associated with the Plant Site's silt pond water percolating into the groundwater aquifer).

The water quality data presented in the Draft EIR represents pre-existing baseline conditions and therefore does not represent conditions that must be addressed as part of this project. Rather, the environmental review must evaluate whether the project as designed would result in impacts to the existing water quality conditions at levels deemed to be significant.

The project surface water conditions and project impacts are discussed extensively in the Draft EIR at Impact 4.10-1 and the Draft EIR at Appendix G-5, Section 2.1 at page 7 and Section 5 at pages 52-57. As noted at Impact 4.10-1 at page 4.10-88, the limits in the Basin Plan are intended to regulate discharges to the San Joaquin River, and the project does not propose to discharge to the San Joaquin River. Commingling of the surface water on the site with the San Joaquin River through flooding is not a reasonably foreseeable impact. The risk of flooding is addressed at Impact 4.10-17, and the comment does not address the conclusions of Impact 4.10-17, which was that there is a less than significant impact related to the potential release of pollutants in flood hazard zones due to project inundation (see Draft EIR, pages 4.10-118 through 4.10-119). As also noted in the Draft EIR, water is conveyed to the Plant Site via an existing river conveyance system (see Draft EIR, Impact 4.10-4, pages 4.10-93 through 4.10-94).

The project does not propose to discharge groundwater or surface water to offsite surface water features. The water stored in the onsite ponds and recharge trenches will not leave the facility boundaries. As such, no contamination to surface waters is expected to occur due to the project's design. As previously mentioned, the baseline water quality of the surface water within the Plant Site silt pond and the Quarry Site ponds was evaluated in the EMKO Environmental, Inc. report (included in Draft EIR Appendix G).

The conductivity of the Plant Site silt pond surface water exceeded the Basin Plan water quality standard; however, the Basin Plan standard only applies in the case of a discharge to the San Joaquin River, which is not part of the project's design. The arsenic, iron, lead, and manganese concentrations above a water quality standard represent total concentrations. Of note here, the dissolved concentrations of these constituents tested below the applicable water quality standards. As stated in the Draft EIR, the total metals concentrations are due to the presence of suspended silts and sediment within the silt pond. Since elevated metals concentrations were not present in the filtered sample, which represents the dissolved concentrations within the water, the detected metals levels in the unfiltered sample are simply a reflection of the naturally occurring metals in the natural soils and earth materials in the aggregate being processed at the Plant Site. The lack of

elevated metals in the filtered samples demonstrates that the metals are not leaching from the silt into the natural soils beneath the silt pond and to groundwater.

With respect to the Quarry Site's surface water quality, apart from exceeding the Basin Plan standard for conductivity, which does not apply as the project does not propose to discharge to the San Joaquin River, and two pH measurements likely due to uptake of carbon dioxide and release of oxygen by aquatic plant growth in the pond, the surface water quality of the Quarry Site ponds meets the applicable water quality standards. Again, the water quality data presented in the Draft EIR represents existing baseline conditions and therefore do not represent conditions that must be addressed as part of this project. Rather, the environmental review must evaluate whether the project, as designed, would result in impacts to the existing water quality.

The project proposes to modify mining to include the hard rock (granite) beneath the alluvial deposit currently being mined. The bedrock is mineralogically similar to the alluvial materials presently harvested at the site, and thus excavation at deeper levels is not expected to expose or encounter geologic materials that would be different geochemically and present a new source of constituents of concern. Therefore, the water quality is not expected to change from the existing baseline.

Worth noting, for the Plant Site Mitigation Measures 4.10-5a and 4.10-5b require implementation as of an adaptive management strategy to assess whether the project could cause a water quality impairment, specifically for iron and manganese in the reclaimed Plant Site pond within the former mining excavation, and actions to be undertaken in the event of a verified impact. The monitoring would begin once mining is completed and water starts filling the excavation, since there would be no appreciable water-rock interaction under pumping conditions. With this mitigation implemented, water quality would be monitored via direct measurement every six months. If iron or manganese levels exceed regulatory limits during two consecutive monitoring periods, further lab testing and seasonal assessment would follow. Persistent exceedances would trigger mitigation measures, such as aeration, vegetation control, or other methods to reduce iron and manganese concentrations. Monitoring would continue until five years pass without exceedances, at which point it may end. Annual reports would be submitted to the County, detailing monitoring results and any corrective actions taken.

The comment further inaccurately states that the Draft EIR fails to analyze the potential intensification of the existing operations and the additions of asphaltic oils. However, these are discussed extensively in the Draft EIR at Impact 4.10-1 (see Draft EIR, pages 4.10-88 through 4.10-92). Section 4.10.2.2, "State," of the Draft EIR describes the regulatory requirements that the mine is already subject to, such as the site's current

waste discharge requirements No. 90-083 (WDR), its Industrial stormwater pollution prevention plan (SWPPP), its hazardous materials business plan (HMBP) and its spill prevention and countermeasure plan (SPCC), among others (see Draft EIR, pages 4.10-66 through 4.10-74; see also Draft EIR Impact 4.10-1, pages 4.10-88 through 4.10-92). Impact 4.10-1 further discusses these in the context of the proposed project. For example, the Draft EIR at page 4.10-89 notes that the SWPPP and WDR would need to be updated to reflect the proposed project, while the Draft EIR at page 4.10-90 notes that the HMBP and SPCC would need to be updated. The Draft EIR at 4.10-90 also notes that the Blasting Protocols (see Appendix H-9 of the Final EIR) "specify practices to prevent the contamination of groundwater and surface water as a result of blasting." The comment fails to acknowledge these requirements or analyze why they are deficient.

Comment 65-21

b. The DEIR Does Not Properly Disclose Current Surface Water Quality Conditions.

The DEIR omits water quality testing necessary to understand baseline conditions and to predict likely environmental impacts. First, the surface water at the Quarry Site was not tested for lead or arsenic. (DEIR at 4.10-26.) Those two toxic metals were present in the surface water at the Plant Site at very high levels. (DEIR at 4.10-24.) Because the Project is documented to release these metals into surface water, it is inexcusable not to test for them at the Quarry Site. The County must conduct this testing.

Second, the DEIR does not test—indeed, does not analyze at all—water quality in the river supply channel. This waterway directly connects the San Joaquin River to the Plant Site, and so understanding its water quality is critical to understanding how the Project might affect water quality in the River. The DEIR asserts that water flows through the channel from the River to the Plant Site and assumes that the channel cannot introduce contamination into the River. However, without evidence, it is impossible to know if contaminates from the site are present in the channel, and, if so, if they make it to the River. The channel is an acknowledged interaction site between River water and site surface water. The failure to disclose adequate, up-to-date information about the current level of contamination means that the EIR does not establish environmental baseline, invalidating its analysis. (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 320 [holding that use of the proper baseline is critical to a meaningful assessment of a project's environmental impacts], *Save Our*

Peninsula Comm. v Monterey County Bd. of Supervisors (2001) 87 Cal.App.4th 99, 119.)

Response 65-21

As provided in Responses 6-78, 48-4, and 65-27, the water quality at the Quarry Site was tested. Specifically, Responses 6-78, 48-4, and 65-27, provide that Table 4.10-6, "Quarry Site Groundwater Quality Data," of the Draft EIR presents groundwater quality data from the Quarry Site wells, which includes the same parameters analyzed at the Plant Site. Thus, the potential presence of arsenic, lead, and other parameters in the groundwater pumped to the ponded water features would be indicated in the groundwater quality in Table 4.10-6. Table 4.10-6 (Draft EIR, page 4.10-45 to 4.10-47) provides the groundwater quality sampling data. 12 wells across the quarry were sampled and testing included arsenic. Arsenic was not detected in 4 of the 12 samples and in the other 8, the maximum concentration was 4.8 micrograms per liter (ug/L). The water quality standard for arsenic is 10 ug/L. Thus, it is reasonable and appropriate to conclude that the three ponded water features identified in Table 4.10-4, "Quarry Site Surface Water Quality Data," which contain groundwater, do not have elevated arsenic.

The project's potential effects related to surface water quality were evaluated within Draft EIR Section 4.10, "Hydrology and Water Quality," as well as within the *Revised Hydrology and Water Quality Analysis Report* and the *Addendum to: Revised Hydrology and Water Quality Analysis Report* prepared by EMKO Environmental, Inc., and included within Draft EIR Appendices G-5 and G-6, respectively.

The water quality data presented in the Draft EIR represent pre-existing baseline conditions, and therefore does not represent conditions that must be addressed as part of this project. Rather, the environmental review must evaluate whether the project as designed would result in impacts to the existing water quality conditions at levels deemed to be significant.

Table 4.10-4 in the Draft EIR presents data from several ponded water features at the Quarry Site. Only Ponded Water Feature 3, the Northeast Pond, is still present at the site and is the only ponded water feature that would remain as part of the expansion project. The water within the ponded water features at the time of sampling consisted primarily of groundwater seepage prior to dewatering of those areas for subsequent mining (Ponded Water Features 1 and 2 on Figure 4.10-4, "Quarry Site Surface Water Features and Wells," of the Draft EIR) or groundwater that was pumped to the Northeast Pond during dewatering of other areas of the Quarry Site. Table 4.10-6 of the Draft EIR presents groundwater quality data from the Quarry Site wells, which includes the same parameters analyzed at the Plant Site. Thus, the potential presence of arsenic, lead, and

other parameters in the groundwater pumped to the ponded water features would be indicated in the groundwater quality in Table 4.10-6. Thus, consistent, or congruent, information is available for both the Plant Site and the Quarry Site.

The project does not propose to discharge groundwater or surface water to offsite surface water features. The water stored in the onsite ponds and recharge trenches would not leave the facility boundaries. As such, no contamination to surface waters is expected to occur due to the project's design.

The river supply channel (RSC), as referred to by this commenter, is called the river water delivery ditch in the Draft EIR (see Section 2.4.2.1, "Plant Site Existing Conditions," first paragraph and under the heading "Water Usage"). The RSC is an existing component of the Plant Site operations, and no changes are proposed as part of the project except that water use from the river, through the ditch would decrease once the aggregate processing plant at the Quarry Site begins operation (see Draft EIR Section 2.5.2.1, "Plant Site Mine Plans," under subheading "Water Usage"). Therefore, since the proposed conditions with respect to the RSC are identical to the existing baseline conditions for the RSC, there are no potential impacts to the environment related to the RSC, in accordance with CEQA, and no testing of the water in the RSC is warranted.

Further, the Draft EIR does analyze the water quality in the river supply channel. Specifically, because the proposed conditions with respect to the RSC are identical to the existing baseline conditions for the RSC, there are no potential impacts to the environment related to the RSC, in accordance with CEQA. Furthermore, the water from the San Joaquin River flows by gravity through the RSC from the San Joaquin River to the Plant Site. There is currently no discharge of water from the Plant Site operations to the RSC and there is no proposed future discharge to the RSC as part of the project. The Draft EIR appropriately explains existing physical conditions at the project sites relating to water quality. See information most relevant to the comment and the baseline at pages 4.10-23 through 4.10-49 of the Draft EIR.

Comment 65-22

c. The DEIR Dismisses the Threat of Surface Water Quality Impacts from Flooding Without Evidence.

Climate change is increasing the risk of extreme precipitation events and resulting floods in California. In particular, anthropogenic warming increases Sierra snowmelt significantly—likely by 200 to 400% during storms (Swain et al., 2018). Scientists estimate that this phenomenon may have already contributed to the failure of the Oroville Dam in 2017 when historical warming increased runoff in the Feather River Watershed

by over a third. (Huang et al., 2018; Huang & Swain, 2022). Hydrological modelling done by UCLA and the National Center for Atmospheric Research projects that the runoff-based flood risk has already doubled from historical averages and will increase further with every degree of warming. The increased flooding risk from both runoff and from sea level rise means that the amount of land in California considered to be at risk from a flood has already doubled relative to FEMA official 100-year flood projections (The Precipitation Problem: 8th Annual Risk Assessment, 2023).

The DEIR acknowledges that the FEMA floodplain delineation based on studies from 1981 and 1998 is out of date, as it certainly is. (DEIR at 4.10-16; Figure 4.10-1.) But instead of updating the delineation with current information about the increased frequency and magnitude of flooding in California under climate change, the DEIR purports to update it based only on changed site topography. (DEIR at 4.10-16.) This results in a current site floodplain that is smaller than what FEMA delineated in 2009—a scientific implausibility that the DEIR supports with no evidence. Based on this supposed floodplain, the DEIR concludes that the San Joaquin River floodplain does not enter the Plant Site or the Quarry Site and therefore that there is no significant risk from flooding. (DEIR at 4.10-118-19.) This is contrary to the evidence and is not supported by adequate analysis. Because floodplains are expanding, not contracting, under climate change, the Project site likely is at risk of inundation from flooding in the watershed. In the event that a flood that reaches the Project site, the toxic industrial runoff stored as surface water would enter the San Joaquin River, and cause health and environmental damage everywhere the floodwaters reach.

The DEIR admits that excessive water released rapidly from the Friant Dam could result in flooding of the Quarry Site or Plant Site. However, it says that it is not necessary to consider this risk because it is "unforeseen." The DEIR does not cite any evidence to support the contention that rapid releases from the dam cannot be foreseen. In fact, the only citation in the paragraph is to the Fresno County Multi-Jurisdictional Hazard Mitigation Plan which actually estimates a "high" vulnerability to dam failure and flood in Fresno County. (The vulnerability ranking reflects the potential impact and the likelihood of future occurrences.) Just two years ago, heavy rains created record-breaking spillovers at the Friant Dam (Kassandra Gutierrez, 2023). Moreover, dam failures are increasing across the US and in California due to aging infrastructure and intensifying precipitation (Hwang & Lall, 2024; Mallakpour et al., 2019). By dismissing this threat without evidence, the DEIR violates CEQA.

Response 65-22

As provided in Response 58-25, Climate Change's impacts to the floodplain are not required to be analyzed in an EIR. Specifically, the California Supreme Court held that the purpose of an EIR is "to analyze the 'environmental effects' of a project … not … the environment's effects on a project" (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 392; Citing Cal. PRC Sections 21002 and 21002.1(c)). Other than incorrectly alleging that the Draft EIR must analyze the floodplain impacts caused by climate change, the comment fails to provide any legal support that CEQA requires such an analysis.

As stated in the comment, Figure 4.10-1, "Current and Regulatory Floodways and Floodplains," depicts the current and regulatory floodways and floodplains for the project sites. As explained in the Draft EIR since the FEMA studies on which the Flood Maps were based were from 1981 to 1998, an updated hydraulic analysis was completed (see Appendix G-1) to determine floodplain changes, which also utilized the 2009 FEMA Flood Insurance Rate Maps that delineated the areas of known special flood hazards and associated applicable risks to the community near the project sites (Draft EIR pages 4.10-15 and 4.10-16; see also Draft EIR, Appendix G-1, page 2). An updated hydraulic analysis (in Appendix G-1) was completed to estimate floodplain changes that have occurred as a result of physical changes within and surrounding the project sites, "particularly changes that occurred as a result of the development of berms along the project site's boundaries" (Draft EIR page 4.10-16). In other words, the FEMA studies had to be updated to reflect the development of berms and other features. The analysis methodology summarized in the Draft EIR at Section 4.10.3.2, "Analysis Methodology," and is set out in detail in Appendix G-1. The comment does not cite to or provide any analysis as to why Draft EIR Appendix G-1 and the summary contained in the Draft EIR at Section 4.10.3.2 are inaccurate. The comment does not address this factual information.

A discussion as to Friant Dam is included in Draft EIR Section 4.10.1.5, "Flood Hazards," including a discussion of controlled releases from the Dam. Friant Dam is owned and operated by the Federal Bureau of Reclamation, making dam failure an unlikely event as its design and operation are subject to extensive federal regulations and requirements. CEQA does not require speculation nor analysis of unlikely events (Title 14 CCR Section 15145).

Further, the 2024 Fresno County Hazard Mitigation Plan provides that "it should be noted that there have not been any failures of major dams in the County. Uncontrolled or controlled release flooding below dams due to excessive rain or runoff are more likely to occur than failures" (May 2024 Fresno County Hazard Mitigation Plan, page 44; see also

April 2018 Fresno County Multi-Hazard Mitigation Plan, page 4.23). Additionally, the 2024 Fresno County Hazard Mitigation Plan provides that:

> The potential for climate change to affect the likelihood of dam failure is not fully understood at this point in time. With a potential for more extreme precipitation events as a result of climate change, this could result in large inflows to reservoirs. However, this could be offset by generally lower reservoir levels if storage water resources become more limited or stretched in the future due to climate change, drought and/or population growth (*Ibid*.)

Accordingly, the Draft EIR is supported by substantial evidence that the project environmental impacts to surface water quality would be less than significant with the included mitigation measures (Draft EIR, Section 4.10). In addition, a "[d]isagreement among experts does not make an EIR inadequate" (Title 14 CCR Section 15151).

In consideration of commenters' concerns pertaining to severe flooding events and in light of County Policy HS-C.12, Chang Consultants evaluated the potential for the 200-year flood to enter the Quarry Site and Plant Site (Chang 2026a & 2026b, Appendices G-7 and G-8). Upon an initial evaluation, the modeled 200-year floodplain entered the quarry pit at stations 16, 19, and 20 by approximately two feet. To proactively prevent the possibility of a 200-year flood event from entering the quarry pit, CEMEX raised the northerly portion of the berms separating the San Joaquin River and Quarry Site up to approximately 4 feet with compacted fill. A topographic mapping was prepared to display the locations where the berms were raised and is included in the 200-year hydraulic analysis for the Quarry Site. Please see Collective Response #17 for further discussion of the 200-year flood analysis conducted for the Quarry Site.

The 2026 Hydraulic Analysis also demonstrated that the existing berms and topography of the Plant Site would prevent both the San Joaquin 200-year flood and the Little Dry Creek 200-year flood from entering the Plant Site (Chang 2026b, Appendix G-8). As such, the project sites are sufficiently protected from flood risks, including from the 200-year flood.

Comment 65-23

d. The DEIR Relies on Improperly Deferred Mitigation for Surface Water Quality Impacts.

The DEIR repeatedly insists that stormwater runoff from the Project will be contained within the Project sites, citing no evidence besides the Surface Runoff and Drainage Plan. However, the Surface

Water and Drainage Plan—meant to present "the overall conceptual approach for managing storm drainage"—is nothing more than an aspirational plan to make a plan at a later date. The Plan consists of statements like, "off-site runoff will not commingle with active project area runoff" and "stormwater runoff will be captured by the open water ponds." (DEIR at 4.10-84-85.) This is not a management plan and does not approach an effective mitigation strategy. The DEIR says that best management practices for stormwater treatment, erosion protection and stormwater monitoring will be provided in the Stormwater Pollution Prevention Plan that will be developed and implemented later, out of public view. (DEIR at 4.10-84.)

The County may not defer mitigation to a later date unless the EIR provides specific reasons why a mitigation plan cannot be developed now and provides specific performance measures to evaluate its success. (14 Cal. Code Regs. §15126.4(a)(1)(B); *San Joaquin Raptor Rescue Ctr. v County of Merced* (2007) 149 CA4th 645, 670; *Cleveland Nat'l Forest Found. v San Diego Ass'n of Gov'ts* (2017) 17 CA5th 413, 442.) An EIR is inadequate if "[t]he success or failure of mitigation efforts may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR." (*San Joaquin Raptor, supra*, 149 Cal.App.4th at p. 670.) As courts have pointed out "[f]undamentally, the development of mitigation measures, as envisioned by CEQA, is not meant to be a bilateral negotiation between a project proponent and the lead agency after project approval, but rather, an open process that also involves other interested agencies and the public." (*Communities for a Better Environment v. City of Richmond*, 184 Cal. App. 4th 70, 93.)

Here, the County proposes exactly that—a stormwater mitigation plan that will be developed after Project approval, with no guarantee of success, for no clear reason. In the meantime, the DEIR asserts without evidence that stormwater will be entirely contained on the site, making the DEIR inadequate. The EIR has not established that this vague, undefined plan will effectively reduce the impact of this Project o surface water to less than significant. (*Banning Ranch Conservancy v. City of Newport (2012) 211 Cal.App.4th 1209, 1232-34*.)

Response 65-23

The comment states that there is no SWPPP for the site, but the sites are both existing and SWPPPs already exist for both sites. The SWPPP for each site would be amended if the project is approved.

See Response 459-2, which explains that the project is designed to be a zero-discharge facility with respect to stormwater. Under CEQA case law, engineering level detail is not required in an EIR (see *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 36).

The Surface Runoff and Drainage Plan, which is included in Draft EIR Appendix G-2, is supported by substantial evidence, and the effectiveness of that plan is also analyzed under Impacts 4.10-1 and 4.10-14 through 4.10-15 of the Draft EIR (PRC Section 21080(e)(1); see also CEQA Guidelines Section 15384 (b)). The Surface Runoff and Drainage Plan and the associated sections of the Draft EIR describes the regulatory requirements applicable to the project sites, engineering components of the plan, and includes things like discussions of the calculations used to estimate runoff volume from the design storm event, and the stormwater routing approach among other details. The comment ignores the fact that these are existing facilities currently subject to regulatory permits and that the Draft EIR Impact 4.10-1 as well as Draft EIR Appendix G includes further details as to what permits would need to be amended.

Impact 4.10-1 describes the regulatory requirements that the mine is already subject to, such as the site's current existing waste discharge requirements No. 90-083 (WDR), its Industrial stormwater pollution prevention plan (SWPPP), its hazardous materials business plan (HMBP) and its spill prevention and countermeasure plan (SPCC), among others. Impact 4.10-1 further discusses these in the context of the proposed project. For example, Draft EIR page 4.10-89 notes that the SWPPP and WDR would need to be updated to reflect the proposed project, while the Draft EIR on page 4.10-90 notes that the HMBP and SPCC would need to be updated. The Draft EIR on page 4.10-90 also notes that the Blasting Protocols (see Appendix H-9 of the Final EIR) "specify practices to prevent the contamination of groundwater and surface water as a result of blasting." The comment does not address these requirements or analyze why they are deficient. Accordingly, the mitigation measures are not unlawfully deferred.

Comment 65-24

e. The DEIR Ignores Possible Impacts from the River Supply Channel without Disclosure or Analysis.

Given that the river supply channel is an acknowledged direct connection between surface water on site and the San Joaquin River, the DEIR must be revised to include a full analysis not just of its water quality, but of its slope, flow characteristics, path to the River, and interactions with Dry Creek. Under Project conditions, the amount of water drawn from the River through the channel will decrease from 295 acre-feet per year to 125 acre feet

per year. (DEIR at 4.19-9.) The DEIR offers no way to understand the effect of that change, or if a lower water level in the channel might allow water to move from the Project site to the River.

A "conclusory discussion" of a significant environmental impact makes an EIR "inadequate as an informational document" as a matter of law. (*Sierra Club*, *supra*, 6 Cal.5th at p.514.) An EIR must provide information regarding the project's significant environmental impacts that is sufficient to allow decision-makers and the public to understand the environmental consequences of the project. (*Id.* at p. 520; *Laurel Heights Improvement Ass'n vRegents of Univ. of Cal.* (1988) 47 Cal.3d 376, 404; See CEQA Guidelines § 15151.) The document must include enough detail to enable the public "to understand and to consider meaningfully the issues raised by the proposed project." (*Id.* at 516 (citation omitted).) By omitting discussion of the river supply ditch almost entirely, the DEIR is inadequate.

Response 65-24

The river supply channel (RSC), as referred to by the commenter, is also called the river water delivery ditch in the Draft EIR (see Section 2.4.2.1, first paragraph and under the heading "Water Usage"). The RSC is an existing component of the Plant Site operations, and no changes are proposed as part of the project except that water use from the river, through the ditch would decrease once the aggregate processing plant at the Quarry Site begins operation (see Draft EIR Section 2.5.2.1, under the heading "Water Usage"). The decrease in use would simply mean less water is diverted to the RSC. Since the proposed conditions with respect to the RSC are identical to the existing, baseline, conditions for the RSC, there are no potential impacts to the environment related to the RSC, in accordance with CEQA. As such, testing the water in the RSC is not required.

Comment 65-25

IV. The DEIR Fails to Adequately Assess and Mitigate Impacts to Ground water Quality and Groundwater Flow.

The DEIR's inadequate analysis of the Project's impacts on groundwater quality, groundwater flow, and groundwater supply lacks substantial evidence and overlooks several reasonably foreseeable impacts. CEQA requires adequate assessment of impacts associated with acquiring and providing water to a Project. (See *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 434 [hereinafter "Vineyard Area Citizens"].) This assessment must include both direct and indirect environmental impacts resulting from the permanent allocation of water to a proposed project. (Vineyard Area Citizens,*

supra, 40 Cal.4th at 434.) Here, the DEIR overlooks not only groundwater supply, but groundwater contamination and impacts to groundwater flow from the Project's substantial groundwater pumping and blasting. It further fails to support all mitigation measures with substantial evidence and fails to assess consistency with the North Kings Groundwater Sustainability Plan.

a. The DEIR Fails to Adequately Assess Impacts on Groundwater Quality.

The DEIR fails to adequately assess impacts on groundwater quality and support its conclusions of "less than significant impacts" for several reasons. First, the DEIR fails to mention, let alone adequately discuss, potential cross-contamination between aquifers due to the 600-foot depth of the Quarry site. The 2025 North Kings GSP provides that it is possible for the Project to tap into a separate aquifer at 600 feet below ground surface, which is the maximum depth of this project (North Kings Groundwater Sustainability Agency, 2025). This lower aquifer could have several different contaminants, or the same as those identified, at higher concentrations, impacting both surface water quality and groundwater quality as the Project pumps this water into ponds and trenches.

Response 65-25

See Responses 6-79, 50-5, 65-26, and 506-5, which adequately address the comment's incorrect allegation that the Draft EIR fails to analyze impacts on groundwater quality, which includes groundwater quality down to 600 feet below ground surface. In addition, as provided in Response 410-6, the groundwater contours, isotope data, aquifer pumping test measurements, and water quality data provided in the groundwater conditions report for the project demonstrate that the San Joaquin River is not in direct hydraulic communication with the weathered rock and hard rock; thus, the potential for cross contamination to occur is less than significant. Furthermore, cross contamination between aquifers would not occur with implementation of Mitigation Measure 4.10-1, which is designed to eliminate or reduce water quality impacts to levels that would not have any adverse effect on the San Joaquin River or groundwater.

In the case cited in the comment, *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007), the Court reasoned that, "[t]he ultimate question under CEQA, moreover, is not whether an EIR establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable *impacts* [sic] of supplying water to the project" (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 434).

Groundwater flow and consumption are discussed and analyzed in Section 4.10.3.2 of the Draft EIR (Draft EIR, Section 4.10.3.2, pages 4.10-85 through 4.10-88) and Impacts 4.10-5, 4.10-7, 4.10-8, 4.10-9, 4.10-11, 4.10-12, and 4.10-13 (Draft EIR, pages 4.10-95 through 4.10-98, 4.10-101, 4.10-102, pages 4.10-104 through 4.10-105, 4.10-112 through 4.10-113, 4.10-113 through 4.10-114, and 4.10-114 through 4.10-115, respectively). The Draft EIR adequately addresses the reasonably foreseeable impacts of supplying water to the project, including mitigation measures to ensure less than significant environmental impacts.

The Draft EIR also assesses and determines consistency with the North Kings GSA in Section 4.10, and Chapter 5, "Cumulative Impacts" (Draft EIR pages 5-22 through 5-23, 4.10-56, 4.10-71 through 4.10-72, 4.10-104, 4.10-112 through 4.10-113, and 4.10-115).

Comment 65-26

Relatedly, the DEIR fails to support its contention that "[b]ecause there would be no change in the management of the Northeast Pond, no change in the existing water quality in the Northeast Pond is anticipated." (DEIR at 4.10-89.) Considering the massive increase in pumping at the Quarry site, and thus (1) the increase in groundwater that will end up in the pond, and (2) the water potentially originating from a different aquifer with different contaminants in different concentrations, the EIR must provide more than simply an assumption that the water quality at the Northeast Pond will remain unchanged.

Response 65-26

The project's potential effects related to groundwater and surface water quality were evaluated within Draft EIR Section 4.10, as well as within the *Revised Hydrology and Water Quality Analysis Report* and the *Addendum to: Revised Hydrology and Water Quality Analysis Report* prepared by EMKO Environmental, Inc. (Appendices G-5 and G-6) and included within Draft EIR Appendix G.

Excavations proposed at the Quarry Site would extend to 600 feet below the ground surface, which is contained within the hard rock unit (Draft EIR, Appendix G-5, Section 1.0, pages 2 and 3). Groundwater samples were collected that are representative of the water found in the deeper hard rock unit, so potential groundwater constituents that could be introduced as a result of the proposed project have already been analyzed (Draft EIR, page 4.10-43).

Of the samples collected for the Quarry Site, water quality standards for groundwater were also in compliance, with the exception of the following:

- Nitrate in MW-2M, MW-2D, and MW-6D;
- Manganese in MW-1D, MW-3S, and MW-4D; and
- Gross alpha activity in MW-2M (Draft EIR, p. 4.10-43).

As mentioned in Impact 4.10-6, the elevated nitrates are a regional issue that is being addressed by the RWQCB through the Salt and Nitrate Management Plan (SNMP) (Draft EIR, Impact 4.10-6, pages 4.10-98 through 4.10-99). The exceedances of manganese in some wells only exceed the Basin Plan standards, which do not apply here because the Basin Plan limit for manganese would only apply to groundwater pumped from the Quarry Site if the water was to be discharged directly to the San Joaquin River, and secondary MCL standards, which are in place to avoid undesirable tastes, odors, staining, or scaling but do not pose a threat to human health (*Id.* at page 4.10-99). It is also of note that manganese is a naturally occurring mineral component within the geologic materials at the Quarry Site (*Ibid*.) Finally, the gross alpha activity concentrations found at well MW-2M appear to be an outlier as it differs significantly from the other samples collected at the Quarry Site and may not be representative of the site conditions (*Id.* at page 4.10-99). The concentrations of nitrate, manganese, and gross alpha activity are unassociated with the mining operations (Draft EIR page 6-16), as the samples collected and tested for the purposes of this Draft EIR represent baseline conditions and are not indicative of potential project effects or past practices (Draft EIR page 4.10-85).

Accordingly, the Draft EIR addresses the issues raised by the comment, and the comment does not provide any evidence that these conclusions are inaccurate.

Comment 65-27

Second, the DEIR fails to support the assumption that leaving contaminated water in ponds throughout the Project site will not significantly impact groundwater quality. The DEIR identifies several groundwater quality concerns, including arsenic, nitrate, iron, manganese, and hexavalent chromium (DEIR at 4.10-42) and admits that iron, manganese, and conductivity already exceed their maximum contaminant levels in the Plant Site silt pond and three Quarry Site ponds. (DEIR at 4.10-42, 88.) It further admits that an iron and manganese rich pond that will form at the Plant Site following Phase I could impact groundwater quality. (DEIR at 4.10-95.)

However, the DEIR simply assumes the ponds will not impact groundwater quality. Appendix G provides the only explanation for

this assumption: "Concentrations of total iron, total manganese, and total arsenic exceeded the respective MCLs, indicative of metals in the sediment part of the water samples. These higher concentrations aren't indicated to pose a threat to groundwater quality, because of filtration as some of the silt pond water percolates to groundwater." (Appendix G-3 at 26) Contrary to CEQA's requirement to support such contentions with "substantial evidence," nowhere does the DEIR support this conclusory statement that percolation will essentially eliminate all groundwater quality concerns. (See *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1027.)

Relatedly, the DEIR further concludes, without explanation, that leaching from the Plant Site pond into groundwater will essentially stop after operations conclude, despite the Plant Site reclaimed pond remaining full of contaminated water. The DEIR states that any leaching from the Plant site reclaimed pond will "likely" not occur. (DEIR at 4.10-95.) However, nowhere does the DEIR provide an explanation for this assumption.

Response 65-27

The comment incorrectly states that the water in the ponds, and specifically in this case the Plant Site silt ponds, is contaminated. The silt ponds contain naturally occurring mineral, or soil, fines (i.e., silts and clays) that have been washed from the mined aggregate material using water that has either been diverted from the San Joaquin River or prior wash water that has been recycled through the silt ponds (Draft EIR, page 4.10-86). No chemicals or other additives are used as part of the aggregate washing process and thus, no contaminants are discharged to the silt ponds.

As noted in the Response 6-52, Table 4.10-3, "Plant Site Surface Water Quality Data," of the Draft EIR presents data related to existing baseline conditions at the Plant Site silt pond, and as explained in Impact 4.10-1, the limits established by Table 4.10-3 are intended to regulate water quality standards, in the event that there was ever water that discharges to the San Joaquin River, which the silt pond and project do not and would not discharge to the river (Draft EIR, Impact 4.10-1, page 4.10-88). As stated on page 4.10-25 of the Draft EIR:

> The water in the silt pond is typically turbid and contains a high level of suspended solids due to the aggregate washing process. The suspended solids are clays that consist of natural earth materials and minerals. For these constituents, both unfiltered and filtered samples (shown as "total" and "dissolved," respectively in Table 4.10-3) were analyzed. The unfiltered samples contain the suspended mineral solids and represent the total

> concentration of the metals in the water and the suspended solids. The filtered samples contain only metals dissolved in the water. The total concentrations of arsenic, iron, lead, and manganese from the unfiltered samples exceed their respective water quality standards, but the dissolved concentrations from the filtered samples do not.

As the Draft EIR provides, the elevated metals concentrations are due to the presence of suspended silts and sediment within the silt pond (*Id*. at page 4.10-25). Since elevated metals concentrations were not present in the filtered sample, which represents the dissolved concentrations within the water, the detected metals levels in the unfiltered sample are simply a reflection of the naturally occurring metals in the natural soils and earth materials in the fines from the aggregate being processed at the Plant Site (*Id*. at page 4.10-25). The lack of elevated metals in the filtered samples demonstrates that the metals are not leaching from the silt into the natural soils beneath the silt pond and to groundwater.

Comment 65-28

Third, the DEIR fails to provide any support for its contention that the groundwater pumped into ponds and trenches, and later reclaimed ponds, will not impact water quality in the San Joaquin River. For example, the DEIR explains that conductivity levels for four Plant Site wells exceeded the conductivity limit for the San Joaquin River below Friant Dam; however, it dismissed this impact because the Project will not discharge groundwater *directly* to the San Joaquin River. (DEIR at 4.10-43.) This, too, requires further assessment, as Appendix G states that "It is assumed that *half of the groundwater ditch recharge would flow to the San Joaquin River* or local groundwater beyond the project site," (Appendix G-3 at 35 [emphasis added]) and estimates that 145 acre feet per year will go from the trenches to the San Joaquin River or alluvium (over 47 million gallons). (Appendix G-4 at 86.) This is unsurprising, considering "[t]he recharge ditches would be located so as to have a maximum effect in two areas: 1) *near the river*, and 2) near a concentration of offsite wells to the southeast." (Appendix G-3 at 42.) Despite this assumption, nowhere does the DEIR assess impacts of high conductivity levels on groundwater and surface water, nor impacts of other contaminants on water quality in the San Joaquin River and local aquifers.

Furthermore, it remains reasonably foreseeable that flooding in the groundwater trenches and Project Site could contaminate the San Joaquin River. As described above, the DEIR admits that releases from the Friant Dam "could result in flooding of the Quarry site and/or plant site." (DEIR at 4.10 at 119.) The recharge

trenches are just feet from the San Joaquin River (DEIR at 2-19), and again, Appendix G admits that "*half of the groundwater ditch recharge would flow to the San Joaquin River* or local groundwater beyond the project site." (Appendix G-3 at 35[emphasis added].) This is a critical oversight and must be fully assessed.

Response 65-28

The Draft EIR provides adequate analyses and support for its contention that the groundwater pumped into ponds and trenches, and later reclaimed ponds, would not impact water quality in the San Joaquin River, which is addressed in Impacts 4.10-1 and 4.10-4 through 4.10-6 regarding both surface water and groundwater conductivity levels/impacts and Mitigation Measure 4.10-5a (Draft EIR pages 4.10-88, 4.10-93 through 4.10-100).

As provided in Impact 4.10-6, "[t]he project proposes to use and discharge groundwater to the … recharge trenches within the Quarry Site" which groundwater "is generally within established water quality standards, … [and] there are no known sources of potentially hazardous materials contamination of the groundwater at the Quarry Site or its vicinity; therefore, pumping of dewatered groundwater to the … into proposed groundwater recharge trenches along the western boundary of the [Quarry] [S]ite would not have the potential to substantially degrade groundwater quality relative to existing conditions" (Draft EIR, Impact 4.10-6, page 4.10-99).

As explained at pages 4.10-42 through 4.10-43 of the Draft EIR, the Basin Plan conductivity limit is for discharge to the San Joaquin River. Pages 4.10-42 through 4.10-43 of the Draft EIR explain that conductivity levels for Plant Site wells MW-1, MW-2, MW-3, and MW-4 exceeded the Basin Plan conductivity limit for the San Joaquin River below Friant Dam if water from the wells would be discharged to the San Joaquin River, but this is not a proposed part of the project. Plant Site wells MW-1, MW-2, MW-3, and MW-4 are for monitoring purposes only. While the Basin Plan limits for conductivity, iron, and manganese were exceeded, the Basin Plan limits would only apply to groundwater pumped from the Plant Site if the water was to be discharged directly to the San Joaquin River, which is not proposed under this project (Draft EIR, Impact 4.10-4, page 4.10-94).

Similarly, the water pumped to the recharge trenches would come from the groundwater at the Quarry Site (Draft EIR, page 4.10-99) for which the water quality is generally within established water quality standards, and would not be discharged into the San Joaquin River (Draft EIR, page 4.10-99). Therefore, the Basin Plan conductivity limit would not apply.

As explained in Responses 65-20 and 65-22, potentially significant effects or indirect physical changes, for example, related to extreme flooding, are not required to be analyzed or mitigated if those effects would be speculative (CEQA Guidelines Section15064(d)(3)). Furthermore, extreme releases of water from the Friant Dam is not required to be addressed under CEQA since the releases are not reasonably foreseeable (see Draft EIR, Impact 4.10-17, pages 4.10-118 through 4.10-119; see also CEQA Guidelines Section 15064(d)(3)). Regardless, in the unforeseen event of the release of water from the Friant Dam or Millerton Lake Reservoir in an amount that exceeds the river's channel capacity, the Draft EIR provides that the project sites' enlarged mining excavations could help contain and minimize downstream flooding (Draft EIR, page 4.10-119), that the on-site storm runoff, wash water, and sediment would be retained within the project sites' pits and ponds (which would include the recharge trenches), and that the stormwater would be managed in accordance with all applicable requirements of the NPDES program, including site-specific SWPPPs prepared in accordance with Industrial General Permit Requirements and updated Waste Discharge Requirements (Draft EIR, page 4.7-29). In addition, the SWPPP provides that both the Plant and Quarry sites are surrounded by berms/levees that separate onsite drainage from offsite drainage (Draft EIR, page 4.10-68). Finally, the recharge trenches would be at least 200 feet from the San Joaquin River (see Draft EIR, page 4.11-30), not "just feet from the San Joaquin River" as the comment misrepresents.

Comment 65-29

Finally, despite these groundwater quality concerns, the DEIR relies on two unsupported mitigation measures to render these impacts less than significant. For the Plant Site pond specifically, the DEIR includes Mitigation Measure 4.10-5a. However, this mitigation measure requires only monitoring and only suggests a single mitigation strategy for just manganese and iron: "aeration or mechanical circulation of the water from the bottom of the pond to the surface of the pond" if iron and manganese levels persist for five years above their water quality standards (DEIR at 4.10-97-98.) Not only does this mitigation measure overlook other contaminants that could exceed standards in the pond, but it provides no support for the efficacy of aeration. This is impermissible, as substantial evidence in the record must support mitigation measures' effectiveness. (*Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1027.)

Response 65-29

See Responses 12-76, 12-97, and 12-100, which provide the requirements of Mitigation Measure 4.10-5a that are supported by substantial evidence that Mitigation Measure 4.10-5a would be effective and commits to a detailed plan for monitoring groundwater quality by sampling every six months until manganese levels have fallen to within the water quality parameters for a five-year period, and commits the Operator to complying with regulations relating to groundwater quality thresholds which may change (Draft EIR pages 4.10-95 through 4.10-96; see also CEQA Guidelines Section 15384(b)). Additionally, as provided in Response 12-100, Mitigation Measure 4.10-5a has been revised through errata presented in Final EIR Chapter 3, "Draft EIR Errata," to more clearly describe timing and oversight of measure implementation.

Comment 65-30

And for groundwater quality at the Quarry Site, the DEIR provides "Blasting Protocols" to prevent groundwater contamination from explosives. However, not only does this ignore other potential sources of contamination (e.g. cross contamination between aquifers), but the DEIR fails to explain how the list of Best Management Practices in Appendix H-6 will prevent groundwater contamination from explosives, as CEQA requires. (DEIR at 4.10-99-100.)

Response 65-30

See Responses 12-75 and 58-46, which adequate address the Blasting Protocols and Mitigation measure 4.10-1.

As part of the project design, the use of blasting agents would involve standard industry best practices, that when implemented are proven to mitigate potential impacts to groundwater and surface water (see Draft EIR, Impact 4.10-1, page 4.10-90). Recognizing these potential effects, the Draft EIR includes Mitigation Measure 4.10-1, which requires compliance with Blasting Protocols, which are designed to eliminate or reduce water quality impacts to levels that would not have any adverse effect on the San Joaquin River or groundwater (Draft EIR, Impact 4.10-1, Mitigation Measure 4.10-1, pages 4.10-88 through 4.10-92; see also Draft EIR, Appendix G-5, Section 6, pages 57 through 61).

The Blasting Protocols work to prevent groundwater contamination by prohibiting the storage of explosives on site, requiring blasting designs and loading controls to be prepared by qualified blasting contractors to ensure complete detonation, specifying loading practices such as cleaning loading equipment in areas where wastewater can be properly contained, requiring explosives to be selected that have appropriate water resistance for the site conditions present, and requiring the implementation of practices

for the management of muck piles (the fragmented pieces of rock left after the blast) to prevent interaction with stormwater (see Draft EIR, Impact 4.10-1, page 4.10-90).

Comment 65-31

b. The DEIR Fails to Adequately Support Its Conclusions Regarding Impacts to Groundwater Flow.

First, the DEIR fails to support its estimate regarding how much groundwater will be diverted from its natural flow pattern and end up in the Project site excavations. The DEIR admits that "[s]everal communities and individual residences in the foothills and Sierra Nevada rely exclusively on groundwater from bedrock wells for their supply." (Appendix G-5 at 12.) And it explains that groundwater infiltration into the bedrock does occur and is dependent on the degree and nature of fracturing of the weathered rock and hard rock. (DEIR at 4.10-48.)

However, despite impacts on groundwater in this bedrock and communities that rely on it, the DEIR failed to provide sufficient information on impacts of that groundwater ending up in the Project excavations. While Appendix G estimates average hydraulic conductivity through hard rock as 1.4 gallons per day per foot (Appendix G-4 at 90), and estimates that 195 acre feet will end up in the Quarry Site annually, Appendix G acknowledges that "the thickness of the water producing fractures [in the bedrock] is unknown." (Appendix G-4 at 90.) This is critical information missing from the groundwater flow analysis. The Project could capture far more groundwater, diverted from its natural flow path, than the DEIR acknowledges.

Response 65-31

The impacts to groundwater supplies during mining operations and after reclamation are adequately analyzed in Impacts 4.10-10, 4.10-11, 4.10-12, and 4.10-13 (see Draft EIR, pages 4.10-105 through 4.10-115). Impact 4.10-10 determined that there would be a potentially significant impact. Specifically, if "[w]ater production volumes from the CSA 44C wells decline to the point where current water demand cannot be met, then this would result in a significant impact to available groundwater supply," and that "[s]imilar effects could occur in the other water supply wells near the Quarry Site" (Draft EIR, Impact 4.10-10, page 4.10-107). To reduce such potential impacts to a less than significant level, the project must implement Mitigation Measure 4.10-10a, which monitors groundwater levels within the alluvium, weathered rock, and hard rock, and which requires that if at any point the mining operation causes groundwater levels to decrease by more than 15 percent from the existing CEQA baseline, all dewatering operations must

cease. Mitigation Measure 4.10-10b requires an Adaptive Management Program Funding Mechanism to ensure mitigation measures continue after mining ceases.

The comment mischaracterizes Draft EIR Appendix G-4, page 90. While acknowledging that the thickness of the water producing fractures is unknown, Draft EIR Appendix G-4 on page 90 goes on to describe how hydraulic connectivity was calculated by the hydrology expert. The comment does not describe how this methodology is inadequate.

The discussion on page 90 of Appendix G-4 of the Draft EIR is referring to the thickness of the hard rock zone that is fractured and contains groundwater. The subsequent discussion in the paragraph on page 90 of Appendix G-4 to which this comment refers addresses the assumptions that were used, based on site-specific hydrogeological data and observations, to estimate the thickness of the groundwater-bearing fractured interval in the hard rock. The thickness identified in Appendix G-4 is the minimum potential value. However, it is important to note that the referenced discussion in Appendix G-4 is describing the calculations used to estimate the hydraulic conductivity (K) value, which relates to groundwater flow rate, using the transmissivity (T) values, which relates to aquifer yield, that were measured at the Quarry Site during the aquifer pumping tests. The relationship between the hydraulic conductivity and the transmissivity is defined by the following equation:

$$T = K \times b$$

where b is the saturated thickness of the aquifer zone. Thus, as described on page 90 of Appendix G-4, the hydraulic conductivity value is calculated by dividing the transmissivity by the saturated aquifer thickness. Thus, if the saturated aquifer thickness were greater than that estimated in Appendix G-4, the hydraulic conductivity value would be lower than the 1.4 gallons per day per square foot value identified on page 90 and the resulting rate of groundwater movement would be less.

By using the measured transmissivity value for the hard rock, based on the pumping test results, and the minimum potential saturated aquifer thickness, based on the field observations during drilling, the resulting hydraulic conductivity of the hard rock identified in Appendix G-4 provides a high estimate of the potential rate of groundwater flow under the Quarry Site. Using a higher value for the fracture zone thickness would result in hydraulic conductivity values that would suggest that less groundwater would be captured by the project.

In any case, groundwater pumped from the Quarry would be recharged back to the aquifer through perimeter trenches and the Northeast Pond, and Mitigation Measure

4.10-10a provides for on-going monitoring and actions to ensure that groundwater levels do not fall below prescribed levels in onsite monitoring wells and adjacent supply wells.

Moreover, "[w]hile a lead agency must use its 'best efforts' to evaluate environmental effects, including the use of reasonable forecasting, 'foreseeing the unforeseeable' is not required, nor is predicting the unpredictable or quantifying the unquantifiable." (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1060–1061; citing Guidelines, Section 15064, subd. (d)(3).) Here, the County uses its best efforts in the Draft EIR to evaluate the impacts to groundwater flow utilizing hydrologic experts with doctoral degrees and years of experience in their fields. Further, as discussed in Response 12-77, to ensure that there is a less than significant impact, Mitigation Measures 4.10-10a and 4.10-10b could be implemented, which would mitigate any groundwater depletion caused by the mine greater than 15 percent as compared to the CEQA baseline.

Comment 65-32

Second, DEIR fails to take into account the potential for blasting and drilling to impact the thickness of the fractures in the hard rock. Thicker and more numerous fractures in the hard rock from blasting would result in more groundwater reaching the Project site after passing through the alluvium, drawing down aquifers potentially far beyond the Project site. Despite this potential, the EIR concludes that there will be "no significant change in the volume flowing through alluvium and weathered rock" than before the quarry deepens. (DEIR at 4.10-114.) The EIR needs to assess this impact and assess the potential for more groundwater to flow into the Project site as a result of thicker fractures after blasting.

Response 65-32

The comment asserts that the Draft EIR fails to analyze blasting and drilling impacts to the thickness of the fractures in the hard rock. Impact 4.10-11 addresses this and provides that:

> As the mining excavation extends to greater depths in the hard rock, the amount of dewatering necessary would increase. However, the increase in dewatering would not be directly proportional to the increase in depth of the quarry pit. This is because the extent of fracturing within hard rock geologic units tends to be greater at shallow depths and decreases with depth due to the pressure of the overlying rock, which tends to push any

> fractures closed (Draft EIR, page 4.10-112; see also Draft EIR Appendix G-5, Section 3.2.1, pages 45 through 46).

The comment does not address the determination and analysis contained within Draft EIR Impact 4.10-11, nor describe why the statement noted above is incorrect. Regardless, impacts to the groundwater would be adequately mitigated by Mitigation Measure 4.10-10a, which requires that dewatering operations cease (i.e., no more blasting could occur) if groundwater levels decrease 15 percent below the CEQA baseline.

The effects of blasting on the rock are described in Appendix H-3 and summarized on page 4.13-8 of the Draft EIR. As stated in the Draft EIR, the volume of rock that is fractured during blasting is a downward pointing cone, with its apex at the bottom of the boreholes in which the blasting agents were placed, and its base at the surface of the ground where the boreholes were drilled. The radius of the base is equal to the depth of the borehole. Beyond this cone-shaped volume, no permanent deformation, or fracturing, of the rock occurs. As noted in Section 2.5.2.2 of the Draft EIR, the Quarry Site would be mined with approximately 50-foot-high benches. Thus, blasting would only result in additional fracturing to a distance of 50 feet away from each blast hole. As a result, there would be no enhancement of the fractures outside of the Quarry Site and no potential for increased groundwater flow into the Quarry due to blasting.

Furthermore, Mitigation Measure 4.10-1 would require implementation of the Blasting Protocols (Appendix H-9), which specify that blasting must begin at the center of the Quarry Site so that monitoring of groundborne vibration can occur and be used to verify that predicted maximum ground vibrations are consistent with actual ground vibrations measurements and allow for adjustments in blasting design to occur based on the monitoring results, which would prevent additional fracturing of the hard rock outside of the Quarry Site.

Comment 65-33

Third, the DEIR fails to explain the flow patterns of groundwater within the bedrock. Rather, Appendix F-2 explains that "the 7 groundwater monitoring wells installed within the bedrock that have been recently installed do not provide information about the continuity of the groundwater flow … [or] distribution of aquifers and aquitards." (Appendix F-2 at 9.) In other words, the DEIR lacks critical information about flow that should affect the monitoring well placement 600 feet below ground in the bedrock. The EIR requires this critical information, as clustered monitoring wells should monitor groundwater both upstream and downstream with screening intervals at different depths to capture representative samples of contaminants. As a result, the final EIR must contain

a full study modeling groundwater flow in the bedrock and place monitoring wells accordingly.

Response 65-33

The Draft EIR adequately analyzes the flow patterns of groundwater within the hard rock (see Draft EIR, page 4.10-85; see also Draft EIR Appendix G-3, "Groundwater Conditions at the Plant Site," and Draft EIR Appendix G-4, "Groundwater Conditions at the Quarry Site"). The Draft EIR analyzes the existing groundwater hydrology conditions on the project sites and evaluates the potential impacts to groundwater hydrology under the proposed project (see Draft EIR, page 4.10-85 through 4.10-86). Further, Mitigation Measure 4.10-1 requires the implementation of the Blasting Protocols, which "specify practices to prevent the contamination of groundwater … as a result of blasting" (see Draft EIR, page 4.10-90; see Impact 4.10-1; see also Appendix H-9 of the Final EIR).

Further, Draft EIR Appendix F-2, which is referenced in the comment, is the Quarry Site Geotechnical Report, and the quoted statement is made within the context of determining the "pore pressure distribution within the slope stability model," not to provide data as to groundwater conditions at the Plant Site and Quarry Site. The discussion on page 9 of Appendix F-2 of the Draft EIR that is cited in this comment is referring to the sufficiency of information for the sole purpose of assessing pore pressure distribution within the geotechnical slope stability model.

Appendix G-4 of the Draft EIR contains a detailed evaluation of groundwater conditions, includes groundwater contour maps, boring logs, and aquifer pumping test observations and results that address the continuity of flow, along with the distribution of different groundwater zones, or aquifers.

It is important to note that Appendix F-2 was completed in April 2019, while Appendix G-4 was completed in May 2021. Therefore, the statement from Appendix F-2 cited in this comment predates the detailed groundwater evaluation of the Quarry Site and is, therefore, no longer relevant beyond the description of the methods used in 2019 to estimate pore pressure distribution.

Comment 65-34

c. The DEIR Fails to Adequately Assess the Project's Impacts on Groundwater Supply.

The Project will require significant dewatering, first during excavation, then continuously as groundwater flows into the excavation pits. The DEIR estimates that half of the groundwater pumped out of the excavations will go to recharge trenches along

the perimeter of the project site to "minimize drawdown" near a number of offsite wells and may also be used for dust control and wash water. (DEIR at 4.10-86, 87.) The rate of dewatering at the Plant Site will reach 1,610 acre feet per year (DEIR at 4.10-86) and at the Quarry Site 320 acre-feet per year under current conditions, 375 acre-feet per year after 30 years of mining, and 405 acre-feet per year at the end of mining. (Appendix G-5 at 45.) The projected drawdown would be approximately 90 feet at the edge of the quarry pit, 45 feet 2,000 feet from the pit, and 15 feet at 4,000 feet away. (DEIR at 4.10-107.) Dewatering will result in impacts to groundwater hydrology, altered flow regimes, and reduced groundwater levels.

Despite these critical impacts, the DEIR relies solely on recharge trenches to prevent aquifer depletion from additional acres of impervious surfaces at the Quarry Site, groundwater pumping, and the cone of depression. (DEIR at 5-23-24.) The DEIR explains "it is *most likely* that the recharge operations would be conducted throughout the mining and active dewatering period as the primary means to manage the water pumped from excavation." (DEIR at 4.10-107 [emphasis added].) In other words, the DEIR concludes that because some water pumped from the excavation area would end up in recharge trenches and ponds, "there [will] not be a substantial reduction in local groundwater volumes during mining." (DEIR at 4.10-102.)

Nowhere does the DEIR provide evidence supporting this conclusion. Instead, Appendix G estimates that there will be about 195 acre feet of outflow from the recharge ditches annually (compared to the maximum dewatering from the Plant Site of 1,610 acre feet per year and 405 acre feet from the Quarry Site per year.) (Appendix G-4 at 86.) Furthermore, the DEIR admits that only about half of the water taken from the excavation during dewatering will go to the recharge trenches (DEIR at 4.10-87), only half of which will flow to the San Joaquin River *or* local aquifers. (Appendix G-3 at 35.) Thus the DEIR's reliance on recharge trenches is not supported by substantial evidence.

Response 65-34

See Response 58-27, which adequately addresses this comment's allegation that the Draft EIR's reliance on recharge trenches is not supported by substantial evidence. As noted in Response 58-27, recharge trenches and ponds for groundwater recharge have been used for decades at the Quarry Site, and at numerous other aggregate mining sites in the San Joaquin Valley. Those sites have been reviewed and are within the personal knowledge of two of the hydrology experts who worked on the Draft EIR hydrology reports.

Furthermore, Draft EIR Appendix G-6 (the *Addendum to: Revised Hydrology and Water Quality Analysis Report*) provides a quantitative assessment of the efficacy of the use of recharge trenches to mitigate effects on groundwater levels (see Draft EIR, Appendix G-6, page 3). In addition, as noted in Response 12-77, Mitigation Measure 4.10-10a requires mining operations to cease if groundwater recharge cannot be maintained within 85 percent of the CEQA Baseline groundwater levels.

Recharge of groundwater using perimeter trenches and the Northeast Pond have been occurring at the Quarry Site for decades and are part of the existing baseline conditions. Furthermore, Appendix G-6 provides a comparison of rainfall with groundwater elevation data at both the Plant Site and the Quarry Site. Based on the data from 2017 to 2023, Appendix G-6 reaches the conclusion that:

> "The rapid response to elevated rainfall, especially in the weathered rock and hard rock, demonstrates the viability and anticipated efficacy of recharge trenches to mitigate any potential decline in groundwater levels in nearby wells due to dewatering of the quarry. More specifically, since dispersed rainfall resulted in such a rapid increase in groundwater levels across the entire site, recharge trenches focused on areas where effects on groundwater levels in nearby wells may potentially occur due to dewatering would have the same localized effects in areas where mitigation may be called for in accordance with the adaptive management plans presented in the June 2023 Revised Hydrology and Water Quality Analysis Report prepared by EMKO Environmental, Inc."

The referenced adaptive management plans are described in Appendix G-5 of the Draft EIR and are incorporated into Mitigation Measure 4.10-10a. Therefore, the analysis in the Draft EIR related to recharge is based on substantial evidence presented in Appendices G-5 and G-6.

Comment 65-35

Additionally, nowhere does the DEIR discuss the possibility of subsidence as a result of the massive pumping the Project will require. Instead, it dismisses this impact with one sentence, explaining that because the project will drill into hard rock there will be no subsidence. (Appendix F-1 at 14, F-2 at 8.) However, the Project Description provides that "remaining alluvial deposits on approximately 117.6 acres of the 138.5-acre Plant Site would be mined to a depth of approximately 85 feet below ground surface." (DEIR at 2-3, 2-29.) This will require substantial dewatering at the Plant site, which could result in subsidence. Subsidence, if it were to occur, could also have additional impacts, including a

potential increase in flood risk. The EIR must provide more than one sentence to support its conclusion that subsidence will not be a significant impact.

Response 65-35

The Draft EIR found that "[n]o significant ground subsidence from mining operations is anticipated" at the Plant Site since "[b]elow the groundwater level, the subsurface soils generally consist of dense to very dense alluvial sands and gravels underlain by sedimentary and/or granitic rock…" (see Draft EIR, Section 4.7.1.2, "Regulatory Setting," page 4.7-11; and Appendix F-1, Section 7.8, page 14). In addition, Section 3.2.6 of the 2025 Update to the North Kings Groundwater Sustainability Plan states that "the compression of clay as a result of result of groundwater extraction from confined aquifers is the cause of the vast majority of subsidence documented in the San Joaquin Valley…Most of the permanent subsidence if the San Joaquin Valley has historically been correlated to overdraft in the confined aquifer below the Corcoran Clay."

Dewatering at the Plant Site would be temporary and would occur in an unconfined aquifer zone. Specifically, there are no clay layers that overly the alluvial aggregate deposits to be mined at the Plant Site, such that a confined aquifer is not present within the depths to be dewatered and mined. As noted on page 3-75 of the 2025 Update to the North Kings Groundwater Sustainability Plan, the Corcoran Clay is only present near the western edge of the groundwater subbasin, more than 25 miles from the project area, and there has been only minimal subsidence within the North Kings GSA boundary.

As to the Quarry Site, the Draft EIR found that since "the site is underlain by in-place granitic rock, no significant ground subsidence from mining operations is anticipated" (see Draft EIR, Appendix F-2, Section 4.8, page 8). The granitic rock zones have effectively no primary porosity and very limited secondary fracture porosity (see Draft EIR, Impact 4.10-11, page 4.10-112). Thus, dewatering of the deeper bedrock zones would have little or no effect on water levels in the overlying alluvium (Draft EIR, at pages 4.10-112 through 4.10-113).

In addition, the citation to the Draft EIR on pages 2-3 and 2-29 have no relevance to the analysis of subsidence, as they do not describe the conditions underlying the Plant Site.

Comment 65-36

The only mitigation measures provided for the reasonably foreseeable drawdown of water around the Project site are Mitigation Measure 4.10-10a, "Quarry Site Groundwater Adaptive Management Program" and Mitigation Measure 4.10-10b, "Quarry Site Groundwater Adaptive Management Program Funding Mechanism."

However, neither provide mitigation measures beyond the recharge trenches. Rather, they require only monitoring and vague "corrective measures" if drawdown goes beyond 15% of the baseline. (DEIR at 4.10-109.) The only specifics they provide is additional water diverted to recharge trenches, which is already part of the Project and the sole strategy identified in the DEIR for mitigating drawdown. (Id.) This is insufficient under CEQA, which requires that a lead agency adopt concrete, specific, and enforceable actions to mitigate significant impacts. (California Clean Energy Committee v. City of Woodland (2014) 225 Cal.App.4th 173); (See also Federation of Hillside & Canyon Ass'ns v. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1261 [mitigation measures must be "fully enforceable through permit conditions, agreements, or other measures" so "that feasible mitigation measures will actually be implemented as a condition of development."].)

Response 65-36

The comment asserts that Mitigation Measure 4.10-10a fails to provide concrete, specific, and enforceable actions to mitigate drawdown around the Quarry Site. Specifically, all dewatering activities would cease if the groundwater level drops due to the mine activities by more than 15 percent of the CEQA baseline groundwater level (see Draft EIR, Mitigation Measure 4.10-10a, page 4.10-109). This measure constitutes a concrete, specific, and enforceable action to mitigate the impact (i.e., ceasing dewatering if the groundwater level goes below 85 percent of the CEQA baseline). Other than to criticize the use of recharge trenches, which is addressed in the Response 58-27, the comment does not address the effectiveness of Mitigation Measures 4.10-10a and 4.10-10b, which measures encompass four pages in the Draft EIR (Draft EIR pages 4.10-108 through 4.10-111), and contain extensive requirements such as continuous groundwater level monitoring during the life of the mining operation, continuous use of recharge trenches and the Northeast Pond, ceasing all dewatering mining operations if groundwater levels in the monitoring wells drop below 85 percent of the CEQA baseline due to mine activities, providing post-mining monitoring of the groundwater levels and funding in the case of indefinite utilization of the recharge trenches and Northeast Pond post-reclamation. Specifically, if the water column decreases by more than 15 percent due to factors not caused by the mine, such as drought, future developments in the area that rely on groundwater, or a reduction in regional groundwater recharge (for example, by changes in operating practices on the San Joaquin River or Friant Kern Canal), then the mine would not be the cause to any significant impact on the available groundwater supply (Draft EIR, Mitigation Measure 4.10-10a, page 4.10-110).

Comment 65-37

d. The DEIR Fails to Acknowledge the Potential of Pit Failure and Its Impacts on Groundwater Quality and Flow.

Nowhere does the DEIR even mention, let alone meaningfully discuss, impacts to groundwater quality and flow from potential pit failure. Instead, the DEIR asserts that mitigation through monitoring will reduce the impact of pit failure at both sites to less than significant, despite the Quarry Site's location just 200 feet from the San Joaquin River. (DEIR at 4.7-30-37, 2-17.) However, in reaching this conclusion, the DEIR admits that it lacks critical information to support its slope stability conclusions: (1) it lacks boring data to develop reliable kinematic models; and (2) it lacks information about local groundwater conditions that could affect kinematic stability of portions of mining slopes, including artesian conditions, preferential seepage paths, and piping conditions. (DEIR at 4.7-34.) Specifically, Appendix F-2 explains that "the 7 groundwater monitoring wells installed within the bedrock that have been recently installed do not provide information about the continuity of the groundwater flow … [or]distribution of aquifers and aquitards, and consequently they do not provide sufficient information key to assessing pore pressure distribution within the slope stability model."(Appendix F-2 at 9.) Without this critical information, the DEIR fails to support its conclusions regarding slope stability with substantial evidence and overlooks grave potential impacts to groundwater quality and flow.

The DEIR promises to mitigate the impacts of slope instability at the Quarry Site with a Quarry Site kinematic analysis and another study on groundwater conditions with the potential to impact stability. (DEIR at 4.7-36-37.) But this is insufficient under CEQA, which requires binding, enforceable mitigation *before* Project approval. (Guidelines § 15126.4, subd. (a)(2)). "[A]n agency goes too far when it simply requires a project applicant to obtain a [] report and then comply with any recommendations that may be made in the report." (*Ctr. for Biological Diversity v. Dep't of Fish & Wildlife* (2015) 234 Cal. App. 4th 214, 240); (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 793.) These reports regarding potential slope instability cannot be deferred until a later stage; they must be completed before Project approval.

Response 65-37

The adaptive approaches in Mitigation Measures 4.7-6, 4.7-7a, and 4.10-1, adequately address the potential of pit failure and its impacts on groundwater quality and flow, and thus do not constitute deferred mitigation.

Impact 4.7-7 addresses slope instability at the Quarry Site (Draft EIR, pages 4.7-32 through 4.7-37). Impact 4.7-7 determined that "the development of the quarry pit with the proposed slopes would achieve the required factors-of-safety for slope stability under both static and seismic loading" (Draft EIR, page 4.7-33). In addition, to be conservative, the Draft EIR requires the implementation of Mitigation Measures 4.7-7a, 4.7-7b, and 4.7-7c, which would require continued monitoring of the quarry pit slope stability as mining progresses and pit areas are exposed, which are currently underground, and which include the following:

- Mitigation Measure 4.7-7a, "Quarry Site Slope Stability Monitoring" (Draft EIR pages 4.7-35 through 4.7-36):
  - Retention of a County-approved qualified engineering geologist or geotechnical engineer experienced in evaluating the stability of slopes in both hard rock and alluvial materials;
  - Develop an inspection and reporting program, which inspections will be semi-annual until a comprehensive and reliable geologic and groundwater model of the site is developed;
  - Inspect the interim mining slopes as well as perimeter slopes;
  - Based on inspection results, recommend any necessary reconfiguration of mining slope gradients, dewatering measures, and localized stabilization;
  - Conduct the survey and monitoring program, which includes the following:
    - Groundwater regime characterization, including effects of dewatering on the aquifers and slope stability;
    - Rock mass discontinuities and structure characterization; and
    - Slope stability evaluation, including kinematic failure analyses;
  - Submit inspection reports within 30 days after every inspection; and
  - If mining operations have an adverse impact on slope stability or groundwater, the engineering geologist or geotechnical engineer would provide feasible recommendations to mitigate the slope stability concerns to achieve a minimum static factor of safety of 1.5 and a pseudo-static (seismic) factor of safety greater than 1.1, which must be implemented within six months.

- Mitigation Measure 4.7-7b, "Quarry Site Kinematic Analyses" (Draft EIR, page 4.7-36):
  - Conduct periodic field surveys of structural geologic data and apply this information to kinematic analyses of the quarry pit;
  - During the first year of mining, conduct field surveys every six months;
  - After that, during the Phase 1 mining, carry out mapping every time the excavation exposes an area of approximately 50 vertical feet and 1,000 horizontal feet of previously unmapped slope;
  - As the mapping proceeds, identify structural domains (i.e., portions of the rock mass with similar patterns of rock mass discontinuities) and conduct appropriate kinematic analyses of various failure modes;
  - Submit inspection reports within 30 days after every inspection, which reports include recommendations to prevent kinematic-type failure; and
  - Implement recommendations within 6 months, if feasible, otherwise no later than one year from the publishing of the recommendations.
- Mitigation Measure 4.7-7c, "Quarry Site Groundwater Conditions" (Draft EIR, page 4.7-36 through 4.7-37):
  - Conduct observations of groundwater conditions relevant to slope stability, which observations must focus on the potential presence of:
    - Artesian conditions;
    - Preferential seepage paths; and
    - Piping conditions.
  - To assist with these observations, install at least four piezometers (wells) within six months of project commencement and within the hard to very hard intact granitic rock, which wells would also cover the full interval to be mined, and nested to establish at least 3 monitoring intervals within the intact bedrock:
    - Two locations spaced equally between MW-1 and MW-2 along the westerly perimeter of the quarry pit along the San Joaquin River;
    - One location at the eastern boundary near the entry point from Friant Road; and
    - One location at the southwest limit of the project area between MW-2 and MW-7.
  - Evaluate seepage conditions that may indicate local or more extensive rock slope instability due to local water pressure conditions.
  - Document groundwater observations and submit to the County as required under Mitigation Measure 4.7-7b.

- The comment's deferred mitigation comment is also adequately addressed by Response 58-46, which discussed Mitigation Measure 4.10-1's Blasting Protocols.

Further, Impact 4.7-6 adequately addresses the Plant Site's slope stability, and requires implementation of Mitigation Measure 4.7-6, which is similar to Mitigation Measure 4.7-7a discussed above (Draft EIR, pages 4.7-30 through 4.7-32).

In addition, Mitigation Measures 4.7-6, 4.7-7a, 4.7-7b, 4.7-7c, and 4.10-1 constitute appropriate studies under CEQA because "there is a definite commitment both to produce the study and to take such mitigation measures as are recommended by it" (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 366).

Finally, Mitigation Measure 4.7-7a on Draft EIR page 4.7-35 and Mitigation Measure 4.7-7c on Draft EIR page 4.7-37 are revised in this Final EIR through errata presented in Chapter 3, "Draft EIR Errata," specifying the timing of the prescribed inspections and monitoring activities.

Comment 65-38

e. The DEIR Fails to Adequately Assess Consistency with the North Kings Groundwater Sustainability Plan.

Finally, Appendix G of CEQA provides that a project has significant impacts if it conflicts with or obstructs a sustainable groundwater management plan. (DEIR at 4.10-83.) However, the DEIR incorrectly claims that it need not assess consistency with the North Kings Groundwater Sustainability Plan (GSP) (or any other GSP) because it is not part of the North Kings GSA area. (DEIR at 4.10-112-13.) Specifically, it claims that the top of the hard rock unit at the Quarry site is the top of the plutonic bedrock: a depth at which the North Kings GSA does not address. (DEIR at 4.10-112.) However, the boundary modification request to Department of Water Resources (DWR) that *may* draw this boundary has not yet been approved. (North Kings 2025 GSP at 3-33.) Thus, at this time the DEIR must assess consistency with the GSP, as it is admittedly "located within the jurisdiction of the North Kings GSA," in a critically over-drafted subbasin. (DEIR at 5-23.)

As a result of this incorrect assumption, the DEIR's assessment of consistency with the GSP is inadequate. The DEIR even admits elsewhere that "[t]the use of groundwater by the proposed project and cumulative projects in a critically over-drafted groundwater basin could also lead to conflict or obstruction of the North Kings GSA Groundwater Sustainability Plan, which is a potentially

significant cumulative impact." (DEIR at 5-23.) However, the DEIR assures that Impact 4.10-18 fully assessed this conflict: an impact that does not exist in the DEIR. (DEIR at 5-23, 4.10-119 [impact 4.10-17 is the final in the section].) The EIR must include this assessment and support any consistency findings with substantial evidence.

Response 65-38

The Draft EIR provides that the North Kings Groundwater Sustainability Agency's groundwater management area is not experiencing critical overdraft conditions and that the Quarry Site and Plant Site would:

(a) Not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management of the basin, and
(b) Not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management

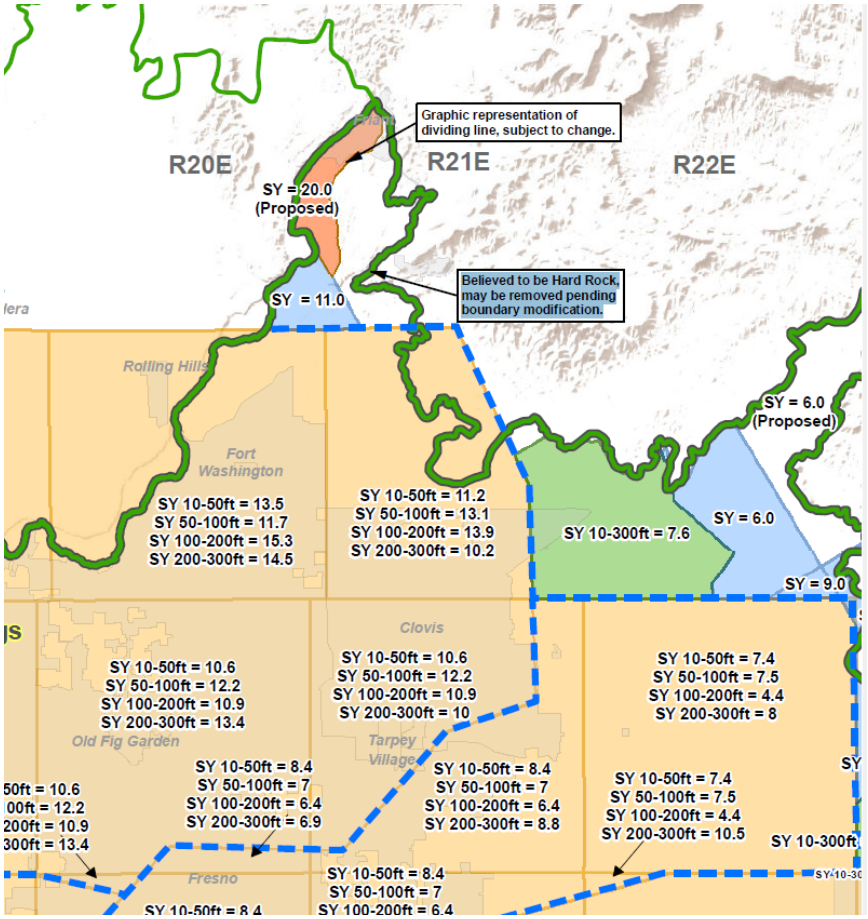
(see Draft EIR, Appendix G-5, Section 2.2.1, pages 10 through 12 and Section 5.0, pages 55 through 57).

Further, Impact 4.10-11 determined that the project would not substantially decrease groundwater supplies during mining operations and after completion of reclamation at the Quarry Site, and thus the project would not impede sustainable groundwater management of the Basin (Draft EIR, pages 4.10-112 through 4.10-113). In addition, Impact 4.10-13 analyzed and determined that the Plant Site and Quarry Site would not impede sustainable groundwater management of the Basin, nor substantially interfere with groundwater recharge (Draft EIR, pages 4.10-114 through 4.10-115).

In citing Draft EIR pages 4.10-112 through 4.10-113, the comment asserts that the Draft EIR does not assess consistency with the North Kings Groundwater Sustainability Plan (GSP) because the Quarry Site is not part of the North Kings GSA area. As provided in Impact 4.10-11, the North Kings GSP includes the alluvial within the aquifer system, but does not include the hard rock, and since the Quarry Site no longer has the alluvial (due to existing mining operations), the remaining "hard rock unit and groundwater within it are not part of the North Kings GSA area groundwater basin and are not addressed by the" GSP (Draft EIR, Impact 4.10-11, pages 4.10-112 through 4.10-113). This is further supported by the North Kings GSA GSP: "Wells drilled into hard rock are not eligible for mitigation, since they would be located outside of a DWR-designated alluvial groundwater basin, and therefore not subject to SGMA" (2025 North Kings GSA GSP, Appendix 6-B, Domestic Well Mitigation Program Rules & Regulations, Section 3.2, page

5). The EIR has much more detailed site specific information on the hard rock issue as compared to the GSP, which GSP was required to cover a much larger geographic area (which larger area is illustrated on page 33 of the North Kings GSA GSP, the page referenced in the comment). Furthermore, the Draft EIR correctly states that "[t]he project sites are located within the jurisdiction of the North Kings GSA, which experiences a positive water balance during normal and wet year conditions" (see Draft EIR, page 5-23; see also North Kings GSA GSP, Table 3-10, page 3-111). In turn, the Draft EIR determined that "the project's contribution to the significant cumulative impacts related to the depletion of groundwater and conflict/obstruction with the North Kings GSA GSP would be less than cumulatively considerable" because "the estimated increase in groundwater consumption at the Plant and Quarry sites are several orders of magnitude smaller than the fluctuations in the water balance of the North Kings GSA area" (*Ibid*.).

Finally, revisions are made to Draft EIR pages 5-22 through 5-24 in this Final EIR through errata presented in Chapter 3, "Draft EIR Errata," to correct typographical errors that twice cited incorrect impact numbers.



This image is from page 33 of the North Kings GSA GSP 2025.

Comment 65-39

VII. The DEIR's GHG Analysis Is Inadequate and Misleading.

The Project will emit significant GHG emissions, which the DEIR obscures with an outdated baseline and an incorrect threshold of significance that ignores feasible mitigation and misrepresents the state's climate plans. The Project proposes to lock in intensive mining on the site for one hundred years, long past the time when California needs to achieve net zero emissions. Approving a Project of this scale without adequate consideration of GHG impacts is irresponsible and a violation of CEQA.

a. The Climate Crisis Is a Catastrophic and Urgent Threat to California.

A strong, international scientific consensus has established that human-caused climate change is causing widespread harms to human society and natural systems, and that climate change threats are becoming increasingly dangerous. The Intergovernmental Panel on Climate Change (IPCC), the leading international scientific body for the assessment of climate change, concluded in its 2023 Sixth Assessment Report that: "[u]nsustainable and unequal energy and land use as well as more than a century of burning fossil fuels have unequivocally caused global warming, with global surface temperature reaching 1.1°C above 1850-1900 in 2011-2020." (IPCC, 2023). The increase in global surface temperature has resulted in sea level rise, increased frequency of extreme weather events, and has resulted in "irreversible losses" at the species and ecosystem levels. (IPCC, 2023). These findings were echoed in the United States' own 2023 Fifth National Climate Assessment, prepared by scientific experts and reviewed by the National Academy of Sciences and multiple federal agencies. The 2023 Assessment concluded that "[t]he global warming observed over the industrial era is unequivocally caused by greenhouse gas emissions from human activities–primarily burning fossil fuels" and long-term responses include "sea level rise, ice sheet losses, and associated disruptions to human health, social systems, and ecosystems." (US Global Change Research Program, 2023).

In its 2020 update, the National Academy of Sciences and the Royal Society concluded that climate change is largely a result of human activity, as "natural causes alone are inadequate to explain the recent observed changes in climate." (National Academy of Sciences & Royal Society, 2020). The additional carbon input from human activities has significantly disturbed the natural carbon cycle, resulting in an imbalance in the system that fosters global climate stability. (National Academy of Sciences & Royal Society, 2020).

Based on observed and expected harms from climate change, in 2009 the U.S. Environmental Protection Agency found that greenhouse gas pollution endangers the health and welfare of current and future generations. (74 Fed. Reg. 66496 (Dec. 15, 2009) [U.S. EPA, Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act; Final Rule].) In 2021, EPA again recognized the critical nature of the climate crisis, stating that: "[t]he changing climate is affecting people's health and livelihoods and damaging infrastructure, ecosystems, and social systems in communities in every region of the nation." (US Environmental Protection Agency, 2021)

These authoritative climate assessments decisively recognize the dominant role of greenhouse gases in driving climate change. In its 2023 Assessment Report, IPCC stated that "the extent to which current and future generations will experience a hotter and different world depends on choices now and in the near term." (IPCC, 2023). In order to prevent global warming from reaching an irreversible point, policies must be implemented to reach net zero CO2 emissions and achieve significant reductions in other greenhouse gases. (IPCC, 2023).

The impacts of climate change will be felt by humans and wildlife. Climate change is increasing stress on species and ecosystems—causing species-level changes in morphology, behavior, phenology, and geographic range shifts, and ecosystem-level changes such as the increasing frequency of extreme weather events, widespread changes in productivity, species interactions, and vulnerability to biological invasions (Weiskopf et al., 2020). Climate-change-related local extinctions are already widespread and have occurred in hundreds of species. (Wiens, 2016). Catastrophic levels of species extinctions are projected during this century if climate change continues unabated (Maclean & Wilson, 2011; Thomas et al., 2004; Urban, 2015). Conservation actions aimed at protecting biodiversity can slow the progression of climate change–the ecosystem services provided by biodiverse ecosystems are an integral part in the balanced functioning of our climate system (Shin et al., 2022).

Therefore, immediate and aggressive greenhouse gas emissions reductions are necessary to keep warming well below 2°C above pre-industrial levels. The IPCC Sixth Assessment Report and other expert assessments have established global carbon budgets, or the total amount of carbon that can be burned while maintaining some probability of staying below a given temperature target. According to the IPCC, "[t]he best estimates of the remaining carbon budgets from the beginning of 2020 are 500 GtCO2 for a 50% likelihood of

limiting global warming to 1.5°C and 1150 GtCO2 for a 67% likelihood of limiting warming to 2°C." (IPCC, 2023). Additionally, "[i]f the annual CO2 emissions between 2020-2030 stayed, on average, at the same level as 2019, the resulting cumulative emissions would almost exhaust the remaining carbon budget for 1.5°C (50%), and deplete more than a third of the remaining carbon budget for 2°C (67%)." (IPCC, 2023). As of 2023, climate policies by the world's countries would lead to an estimated 2.7°C of warming, and possibly up to 3.4°C of warming, well above the level needed to avoid the worst dangers of climate change (Climate Action Tracker, 2023).

The United States has contributed more to climate change than any other country. The U.S. is the world's biggest cumulative emitter of greenhouse gas pollution, responsible for 24 percent of cumulative global CO2 emissions from 1850 to 2022, and the U.S. is currently the world's second highest emitter on an annual and per capita basis (Friedlingstein et al., 2023; Friedrich et al., 2023). U.S. climate policy is wholly inadequate to meet the international climate target to hold global average temperature rise to well below 2°C above pre-industrial levels to avoid the worst dangers of climate change. Current U.S. climate policy has been ranked as "insufficient" by an international team of climate policy experts and climate scientists which concluded: "[w]ithout additional, drastic emission reductions measures, the US will still be far from meeting its domestic climate target, let alone get its emissions onto a 1.5°C trajectory." (Climate Action Tracker, 2023). In its 2018 Special Report on Global Warming of 1.5°C, the IPCC—the leading international scientific body for the assessment of climate change—described the devastating harms that would occur at 2°C warming. The report highlights the necessity of limiting warming to 1.5°C to avoid catastrophic impacts to people and life on Earth (IPCC, 2018). The report also provides overwhelming evidence that climate hazards are more urgent and more severe than previously thought, and that aggressive reductions in emissions within the next decade are essential to avoid the most devastating climate change harms.

In California, climate change will transform our climate, resulting in such impacts as increased temperatures and wildfires, and a reduction in snowpack and precipitation levels and water availability (Turco et al., 2023). In response to inadequate action on the national level, California has taken steps through legislation and regulation to fight climate change and reduce statewide GHG emissions. Enforcement and compliance with these steps are essential to help stabilize the climate and avoid catastrophic impacts to our environment. California has a mandate

under AB 1279, the California Climate Crisis Act, to achieve net zero GHG emissions by no later than 2045, and achieve and maintain net negative GHG emissions thereafter, and to ensure that by 2045, statewide GHG emissions are reduced to 85% the level in 1990. (AB 1279 2022.) In 2019, Governor Newsom issued an executive order to leverage state investments to further California's climate goals (Executive Order N-19-19 (2019).) Newsom has continued to issue climate-related executive orders, such as a 2020 order requiring that, by 2035, all passenger vehicles will be zero-emission, in addition to other motor vehicle emission goals. (Executive Order N-79-20 (2020).) Through these bills and orders, California has laid a path that may allow the state to achieve tangible climate solutions, but there is still work to be done.

Although some sources of GHG emissions may seem insignificant, climate change is a problem with cumulative impacts and effects. (*Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*, (9th Cir. 2008) 538 F.3d 1172, 1217 ("the impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis" that agencies must conduct).) One source or one small project may not appear to have a significant effect on climate change, but the combined impacts of many sources can drastically damage California's climate as a whole. Therefore, project-specific GHG emission disclosure, analysis and mitigation is vital to California meeting its climate goals and maintaining our climate.

b. The GHG Analysis Is Invalidated by the Use of an Unsupported Baseline.

Information provided in the EIR is inadequate to establish a reliable baseline of existing GHG emissions at the Project site. Under CEQA, an environmental review document must evaluate the potential environmental impacts of the project as compared to the existing environmental conditions (the "baseline"), so that the Project's impacts can be meaningfully analyzed and compared to alternatives. (CEQA Guidelines § 15125(a); see *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952; *Neighbors for Smart Rail v. LA County Metropolitan Transit Authority* (2013) 57 Cal.4th 310, 315.)

The DEIR uses production records from the year 1998 as a baseline for this Project. (DEIR at 4.8-30.) It makes no attempt to explain why records from twenty-six years ago are an accurate report of current environmental conditions. Especially given that the last twenty-six years have seen tremendous progress on emissions reductions technologies and climate regulation, it is very likely

that emissions from 1998 drastically overstate emissions from the facility today. By comparing the Project's projected emissions against an inflated baseline, the increase in emissions over baseline conditions caused by the Project will be incorrectly understated. (*Communities for a Better Env't v South Coast Air Quality Mgmt. Dist.* (2010) 48 C4th 310, 315.) The DEIR must be revised to compare the Project's GHG emissions against an accurate baseline and recirculated.

Response 65-39

The Draft EIR describes climate change policies and measures, including at the state level (Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions," Table 4.8-4, "California Climate Change Executive Orders," and Table 4.8-5, "Applicability of Scoping Plan Climate Change Policies and Measures").

As noted in the errata to the Final EIR, the baseline year is 2005, not 1998. Further these quantities were analyzed using EMFAC2025 Fresno County fleet average emission factors for on-road engines for a baseline year of 2018, while off-road engines were modeled using Year 2012 emission factors. In other words, the baseline emissions used in the GHG analysis are lower than the emissions that would have actually occurred in 2005 in that the model used assumes cleaner engine technology.

See Collective Response #10 regarding use of historical production for the baseline under CEQA, which comment also provides further substantial evidence in support of using production from 2005, which year predated the Great Recession. See also Appendix D-3. The Final EIR explains the analysis methodology for GHG emissions in Appendix D-5, Section 4.8.3.3, "Analysis Methodology."

As analyzed in revised Section 4.8," Greenhouse Gas Emissions," of the Final EIR (see Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emission"), appropriate thresholds of significance were determined by the lead agency (CEQA Guidelines Section 15064.4(b)).

Though the comment states that the project proposes to mine for 100 years, it would be infeasible and unreasonable for California to stop mining for construction materials when also in the midst of a housing shortage, and mines may be permitted elsewhere, even with California's goal to achieve net zero emissions in the future. Appendix D-5, provide adequate consideration of potential GHG impacts and complies with CEQA Guidelines Section 15064.4(b).

Comment 65-40

c. The EIR's Threshold of Significance Forecloses Consideration of Foreseeable GHG Impacts and Is Not Supported by Substantial Evidence.

A lead agency's selection of a threshold of significance must be supported with substantial evidence. Moreover, a determination that an environmental impact complies with a particular threshold of significance does not relieve a lead agency of its obligation to consider evidence that indicates the impact may be significant despite compliance with the threshold. (CEQA Guidelines § 15064(b)(2).) If evidence shows that an environmental impact might be significant despite the significance standard used in the EIR, the agency must address that evidence. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111.)

Response 65-40

The referenced Section 15064(b)(2) actually refers to "substantial" evidence, not just evidence. For GHG emissions, the Draft EIR and Final EIR uses both of the significance criteria provided in Appendix G of the CEQA Guidelines (see Appendix D-5, Section 4.8.4, "Project Imants and Mitigation Measures") SCAQMD methodology was used to evaluate whether the project would generate GHG emissions that may have a significant impact on the environment because San Joaquin Air District's methodology (2009) is out-of-date. Moreover, as noted in the errata, the SCAQMD threshold was applied in a conservative manner and the calculations included emissions from sources subject to the Cap-and-Trade program.

Comment 65-41

i. The DEIR Rejects Air District Guidance Without Evidence.

The San Joaquin Valley Air Pollution Control District ("SJVAPCD"), which has jurisdiction over the Project, provides guidance on evaluating GHG emissions under CEQA which the DEIR opts to ignore. (DEIR at 4.8-27.) It is not necessarily clear at this stage that the SJVAQMD threshold would adequately capture the significant impacts of the Project. A recirculated DEIR would have to provide substantial evidence to establish that the SJVAPCD threshold, or any threshold it opted to use, is sufficient. But dismissing a threshold that the local air district recommends, that does include performance standards directly relevant to this type of Project, with conclusory statements and no evidence falls short of the level of disclosure required under CEQA. disclose the analytic route the . . . agency traveled from evidence to action and is thus not

sufficient to allow informed decision making." (*Vineyard Area Citizens for Responsible Growth*, 40 Cal.4th at p. 445 [A DEIR must "disclose the analytic route the . . . agency traveled from evidence to action."].)

The threshold recommended by SJVAPCD is that Projects must either implement Best Performance Standards or achieve a 29% reduction in emissions compared to business as usual. The DEIR claims that this policy adopted by the local air district, "does not apply to the proposed project for a number of reasons." But those reasons are unsupported by substantial evidence or reasoning. First, the DEIR notes that Fresno County is the lead agency for the Project. However, Fresno County can still use a threshold adopted by the local air district--in fact, this is exactly how it often works. (See *Center for Biological Diversity v Department of Fish & Wildlife* (2015) 62 C4th 204, 230 [suggesting air district numerical thresholds as one possible approach].) Second, the DEIR claims that the passage of cap-and-trade in 2010 somehow makes the Air District threshold adopted in 2009 irrelevant. This is a misunderstanding of CEQA and cap-and-trade, as discussed further below. The passage of cap-and-trade did not displace local authority to regulate land use projects, and it certainly did not supersede CEQA analysis for projects that *are not subject* to cap-and-trade. The DEIR thus ignores an applicable threshold without evidence.

The DEIR likewise rejects the best performance standard required by the SJVAQMD threshold, with inadequate explanation. (DEIR at 4.8-34.) The air district published performance standards for Continuous Mix Asphalt Plant Dryers in 2010 that would reduce their GHG emissions by 13.1% to 17.2%. The DEIR says that "certain features" of the standard are "not feasible." The only elaboration here is the claim that requiring the facility to use warm mix asphalt is not feasible because the mix design is not always under the control of the operator. This assertion stops far short of substantial evidence. It does not explain why mix design would not be controlled by the operator or who would control it. Nor does it address why other aspects of the best performance standard could not be adopted.

Instead, the DEIR rejects SJVAQMD guidance entirely in favor of a threshold adopted by the South Coast Air Quality Management District, but its application of that threshold is invalidated by the same misunderstanding of cap-and-trade that led it to incorrectly reject the SJVAQMD threshold.

Response 65-41

The lead agency has the discretion to select the methodology most appropriate to allow decision-makers to intelligently take into account the project's GHG emissions (CEQA Guidelines Section 15064.4(c)). That is what occurred here. Although we recognize the commenter disagrees with how Fresno County exercised the County's discretion, that does not make the County's decision non-compliant with CEQA. The County does not have to support its decision to not use the SJVAPCD standards by "substantial evidence" as stated by the commenter.

As explained in the Draft EIR on pages 4.8-26 through 4.8-27, because Fresno County is the lead agency for the project and because the SJVAPCD Best Performance Standards (BPS) are not required by CEQA, it is sufficient to note the relevant standard and explain why it was not applied in this case. Therefore, the SJVACPCD standard has not been "ignored," rather it was discussed in the Draft EIR and Final EIR (see Appendix D-5, Section 4.8.2.3, "Local"). The SJVAPCD GHG approach is an approach that Fresno County could have utilized, but Fresno County decided not to do so for the reasons explained in the Final EIR.

The comment restates substance from the Draft EIR, including that an optional threshold recommended by the SJVAPCD is that projects should implement BPS or achieve a 29 percent reduction in emissions compared to Business-as-Usual. This comment removes context from the SJVAPCD guidance, including that "[p]rojects not implementing BPS would require quantification of project specific GHG emissions" and "quantification of GHG emissions would be expected for all projects for which the lead agency has determined that an Environmental Impact Report is required, regardless of whether the project incorporates Best Performance Standards" (see pages 5 through 6). Notably, the Draft EIR and Final EIR do include and analyze quantification of GHG emissions expected for the project (see Appendix D-5, Section 4.8.3.3). The comment interprets the Draft EIR as stating that the 2009 SJVAPCD GHG standard is irrelevant. The Draft EIR instead describes that standard as outdated.

The Draft EIR does not state that Cap-and-Trade "displace[s] local authority to regulate land use projects…[nor] supersede CEQA analysis for projects that *are not subject* to [C]ap-and-[T]rade." The Draft EIR is consistent with the comment on this point. Fresno County has local control and that is precisely why the County has the right to select the GHG guidance of SCAQMD.

It is not the responsibility of Fresno County, the lead agency here, to explain why the SJVAPCD has not adopted its draft asphalt plant BPS.

The comment suggests that SCAQMD thresholds and methodology would be less stringent than the Air District's, but SCAQMD is known nationally for having some of the most stringent air quality requirements in the U.S. 77 Fed. Reg. 12,674; 12,686 col. 3 (Mar. 1, 2012) (The Environmental Protection Agency acknowledging the SCAQMD measures "generally represent the most stringent air pollution control requirements for stationary, area, and mobile sources nationwide"). Regarding GHG analysis, the SCAQMD establishes a significance threshold of 10,000 metric tons per year from stationary combustion sources. In contrast, the EIR conservatively evaluates the project's impacts against the 10,000 metric tons per year threshold including both stationary and mobile sources of emissions. Additionally, under CEQA, Fresno County, as the lead agency, is permitted to use the 10,000 metric ton threshold choice. *See Cuyama Valley v. County of Santa Barbara* 213 Cal. App 4th 1059 (2013). Therefore, the use of this 10,000 metric ton value is an appropriate choice for this project.

Comment 65-42

ii. The Cap-and-Trade Program Does Not Alter CEQA or Relieve Lead Agencies of their CEQA Responsibilities.

The DEIR relies on cap-and-trade compliance to minimize the significance of the Project's emissions. It does this without answering the most fundamental question—whether the Project is in fact subject to cap-and-trade. Petroleum refineries, which includes facilities that produce asphalt,4 are included if they produce over 25,000 MT CO2e per year. (CARB, 2012). The only information the DEIR provides on current GHG emissions at the facility is the "baseline" figure from 1998. As discussed above, this is inadequate information and the DEIR must provide an actual baseline of current conditions or explain why the 1998 data is a reasonable approximation.

However, if that baseline does reflect current conditions, then the facility as currently operating is not subject to cap-and-trade. But the DEIR goes on to estimate the proposed Project's estimated emissions at 31,812 MT CO2e, so, presumably, the facility would be subject to cap-and-trade after expansion. (DEIR at 4.8-32.) That would mean that the Project would be given an allowance that permitted a certain amount of total GHG emissions. If the Project's total emissions were less than that, it could trade the excess to other covered entities or bank them for later. If it wanted to emit more than the allowed amount, it would have to purchase credits to allow that.

But none of this is what the DEIR says. Instead, it says that *other* entities—namely, electricity and transportation fuel suppliers—

are covered by cap-and-trade. (DEIR at 4.8-32.) Therefore, the DEIR ignores all the GHGs emitted by the Project's use of electricity and transportation fuel on the theory that cap-and-trade makes those emissions invisible to CEQA. These ignored emissions total 9,356 MT CO2e, almost a third of the Project's total emissions. (DEIR at 4.8-33.) The remaining emissions, from the asphalt dryer and asphalt oil heater, the DEIR says are not covered by cap-and-trade. Because the asphalt dryer and oil heater will emit 8,508 MT CO2e and that number is below the SCAQMD's significance threshold, the DEIR concludes the Project will not have significant GHG impacts. (DEIR at 4.8-34.

This analysis is riddled with errors and inconsistencies. As an initial matter, the DEIR must explain why the Project—a petroleum refinery that will emit over 25,000 MT CO2e —is not itself a covered entity. Splitting the Project's emissions between some that are covered by cap-and-trade at some point upstream and others that are not covered does not make sense for a Project that should be complying with cap-and-trade in its own right, for its own total emissions.

If the Project is indeed not subject to cap-and-trade, then the cap-and-trade regulation does not cover any of its emissions, or excuse any of them from being considered under CEQA. For one thing, it is not true that all electricity and transportation fuel suppliers are necessarily covered; most types of suppliers are only covered if they emit more than 25,000 MTs CO2e. The DEIR's claim that all electricity and transportation fuel used by the Project will come from a covered entity is not supported by evidence.

Further, even electricity or fuel supplied by a covered entity is not somehow immune from consideration under CEQA at the point of use. The DEIR misunderstands the function and purpose of the cap-and-trade regulation. The cap-and-trade regulation does not eliminate or mitigate emissions and it is far from the be-all-end-all of the State's plan to achieve climate goals. The DEIR claims that the lead agency has no responsibility to address emissions from combustion of transportation fuels and electricity that *this Project* will cause; it can merely point to marginal reductions that California will achieve on a statewide level through cap-and-trade. But the cap-and-trade program is just one of many complementary programs that require different actors to work in different ways to reduce emissions. Covered facilities must participate in cap-and-trade, and local governments must mitigate impacts of their land use decisions through CEQA. One responsibility does not discharge the other.

Under CEQA, a lead agency must consider the whole of the action and the entire underlying activity being approved, including parts of the project might be regulated by another entity. (14 Cal Code Regs §15378(a), (c)–(d); *Orinda Ass'n v Board of Supervisors* (1986) 182 CA3d 1145, 1171.) This approach is necessary to prevent piecemealing, a strategy where environmental considerations are concealed through a focus on individual parts that overlooks the whole. (*Bozung v LAFCO* (1975) 13 C3d 263, 283.) Here, the DEIR considers a Project that will emit 17,864 MT CO2e over baseline and simply subtracts 9,356 MT CO2e of those emissions in order to fall under the 10,000 MT significance threshold. All 17,864 MT CO2e of these emissions are part of the same Project and must be considered together. To do otherwise is a violation of CEQA.

And the SCAQMD does not bless this approach in its significance threshold either, contrary to the DEIR's assertion. The threshold asks whether the project is consistent with a qualifying local GHG reduction plan that itself has been analyzed under CEQA. If it is, then the emissions are not significant. Cap-and-trade is a statewide plan, not local, and it was never analyzed under CEQA. Moreover, the DEIR claims *it does not apply to the Project*. The SCAQMD threshold says that emissions are insignificant if the project as a whole complies with a local climate plan like a CAP; it does not contemplate separating emissions into categories based on other entities' compliance with state law and ignoring some of them. The Project cannot have it both ways: at times rely on the cap and trade program for its emissions and in other instances ignore cap and trade program.

Furthermore, in its 2022 Scoping Plan, CARB explicitly rejects exactly the approach the DEIR uses: (Scoping plan at 20-21.)

> While CARB has developed programs such as the… the Cap-and-Trade program to reduce sector-wide GHG emissions, these programs were not designed to directly mitigate individual land use development project emissions from a CEQA perspective. Therefore, claimed consistency with these programs should not be used to conclude that motor vehicle emissions from a land use development project are fully mitigated or that such projects are definitively consistent with the Scoping Plan—particularly where the project at issue is not itself directly regulated by these programs.

The DEIR bases its GHG analysis on a threshold of significance that ignores half of the Project's emissions based on a misunderstanding of cap-and-trade that has been plainly rejected by CARB. This is an inadequate threshold of significance that

invalidates the DEIR. The DEIR must be revised to accurately consider the significance of the GHG impacts and recirculated so the public and decision makers receive correct, legally adequate information.

Response 65-42

The comment contains numerous statements requiring clarification regarding project GHG emissions, the Cap-and-Trade Program, and CEQA's treatment of GHG emissions.

First, the commenter suggests that the project is a petroleum refinery under the Cap-and-Trade Program. The proposed asphalt plant would not meet the regulatory definition of a petroleum refinery. Petroleum Refinery" or "Refinery" means any facility engaged in producing various fuels, which are specifically defined in the regulations along with "asphalt (bitumen) through distillation of petroleum. . . " (Title 17 CCR Section 95802). The asphalt batch plant does not produce asphalt (bitumen) through distillation of petroleum. Rather it uses asphalt (bitumen) as an additive to other materials, such as aggregate, to produce a product used in paving that contains asphalt. The asphalt batch plant does not distill petroleum to produce bitumen. Rather, that product is obtained for use at the batch plant.

As also explained above Collective Response #10, the baseline was determined based on historical production records for the year 2005 in the County's sound discretion based on prior maximum production (see also Final EIR, Appendix D-3).

The comment also states that "presumably, the facility would be subject to cap-and-trade program after expansion." It is unclear why the commenter presumes this. The Cap-and-Trade Program only covers certain entities that emit more than the 25,000 MT CO_2e per year threshold, of which the project sites is not one of the covered entities. These entities are set out in Title 17 CCR Section 95911. For each covered entity, the specific types of emissions required to be reported are set out in the regulations (see, e.g., Title 17 CCR Section 95852).

Moreover, the Cap-and-Trade regulations also provide specific inclusion thresholds (amounts of emissions) for covered entities to be included in the Cap-and-Trade Program. The comment erroneously mixes different aspects of the Cap-and-Trade Program to somehow suggest that the project would be provided free GHG allowances that it can sell to other entities. This is incorrect.

Moreover, the Draft EIR did not exclude the GHG emissions associated with electricity and fuel use. The GHG emissions related to transportation fuel and electricity are described in Appendix D-5, in Section 4.8.3, "Significance Thresholds and Analysis

Methodology," Section 4.8.4, "Project Impacts and Mitigation Measures," and summarized in Table 4.8-8, "Maximum Annual Operation Phase GHG Emissions." As noted in the Draft EIR, electricity production and transportation fuels production are explicitly included within the Cap-and-Trade Program through such covered entities as petroleum refineries and electricity generation facilities (see Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions").

However, as noted in the errata for the Final EIR, emissions from sources subject to the Cap-and-Trade program were included in calculating whether total emissions exceeded the 10,000 MTs CO_2e threshold.

The commenter also suggests that the transportation fuel suppliers and electricity generators may not be a covered entity under Cap-and-Trade if they don't meet the emissions thresholds of 25,000 MTs CO_2e. PG&E is the electricity supplier to the project. PG&E is a covered entity. Transportation fuels used at the site are provided by commonly recognized fuel suppliers that may vary over time, but which are covered entities. Refining of transportation fuels in the State of California occurs at scales that would far exceed the emissions thresholds noted in the comment (Draft EIR pages 5-17 and 5-18).

The Draft EIR recognizes that the Cap-and-Trade Program does not eliminate all emissions at the project site. Rather, the Cap-and-Trade Program mitigates GHG emissions by reducing them over time as part of a State-wide program. Moreover, the requirement to purchase allowances encourages covered facilities to invest in technology and equipment that would reduce the overall output of greenhouse gases on a statewide level. Finally, the State uses funds used for the purchase of Cap-and-Trade allowances to implement programs and strategies to further reduce GHG emissions across the State. However, as noted above, emissions from sources subject to the Cap-and-Trade Program are included in the updated Final EIR calculations.

The Draft EIR and Final EIR also account for other programs implemented to address GHG emissions. These are described in detail in the Draft EIR. Federal programs are described in Appendix D-5, Section 4.8.2.1, "Federal," while State legislation, regulations and executive orders are described in detail in Appendix D-5, Section 4.8.2.2. For example, and bearing directly on GHG reductions related to transportation fuels, is the Low Carbon Fuel Standard, indicated in the Draft EIR and Final EIR at Table 4.8-3, "California Climate Change Regulations." This is also extensively discussed in the Final EIR and in Appendix D-3. Appendix D-5, Section 4.8.3 also discusses the CEQA regulations applicable to GHG emissions and discusses the methodology for the threshold of significance for GHG emissions selected by the County.

Contrary to the suggestions in the comment, the Draft EIR and Final EIR describe the entirety of the projected emissions related to the project, including the baseline and the incremental GHG emissions, and provides information breaking out emissions from the asphalt plant, which baseline emissions are zero, along with emissions from transportation fuels and electrical production. These emissions are considered together, and in the Final EIR are included in determining whether the SCAQMD threshold was exceeded (see Appendix D-5, Table 4.8-8).

The comment also states that the SCAQMD guidance on analyzing the impacts of greenhouse gas emissions only contemplates "whether the project is consistent with a qualifying local GHG reduction plan." The SCAQMD guidelines "consist of determining whether or not the project is consistent with a GHG reduction plan *that may be part* of a local general plan, *for example*" (Emphasis added). Thus, the SCAQMD guidelines use compliance with a local plan as one pathway to reach a less than significant determination, not as the only pathway.

Further, the comment states that the Cap-and-Trade program "was never analyzed under CEQA." This is not correct. In 2008, CARB released the Climate Change Scoping Plan pursuant to AB 32, which included a California Environmental Quality Act Functional Equivalent Document. Thus, the Cap-and-Trade program was subject to review under CEQA.

CEQA Guidelines at Section 15064.4(c) makes it clear that a lead agency has discretion to select a methodology or model it considers appropriate to intelligently take into account a project's contribution to climate change. It is unclear why the commenter suggests that the County is prohibited from discussing the Cap-and-Trade Program regulations in relation to the project emissions or why use of the SCAQMD threshold is prohibited, particularly as these emissions are included in determining the SCAQMD threshold in the Final EIR.

Finally, the comment misstates a quote from the 2022 CARB Scoping Plan. First, the cited text is not from pages 20 and 21 of the Scoping Plan. It is from Appendix D of the Scoping Plan. Appendix D of the Scoping Plan at page 1 states specifically why the cited text is not applicable. In particular, page 1 states that: "[t]his appendix is not regulatory . . . [and] focuses primarily on . . . local authority over new residential development. <u>It does not address other land use types</u>."

Comment 65-43

VIII. The DEIR's Alternatives Assessment Is Inadequate.

The purpose of an EIR's discussion of alternatives is to identify ways to substantially reduce or avoid significant environmental impacts. (Laurel Heights Improvement Association v. Regents of Univ. of Cal. (1988) 47 C3d 376, 403.) Therefore, an EIR must focus on alternatives that avoid or substantially lessen the Project's significant environmental impacts. (Pub. Res. §21002; 14 Cal Code Regs §15126.6(a)-(b).) The EIR should analyze alternatives that offer substantial environmental advantages over the proposed project. (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 C3d 553, 566); (see e.g. Cleveland Nat'l Forest Found. v. San Diego Ass'n of Gov'ts (2017) 17 CA5th 413, 436 [an EIR that did not consider alternatives that would reduce vehicle miles travelled was inadequate].)

CEQA requires the County to prepare an EIR that meaningfully considers the suggested alternatives in detail. (Friends of the Eel River, 108 Cal.App.4th at p. 873 [holding that because the discussion of alternatives omitted relevant, crucial information, it subverted the purposes of CEQA and was legally inadequate].) A proper alternatives discussion of alternatives should provide sufficient "information to the public to enable it to under, evaluate, and respond" to the agency's conclusion. Stated differently, the discussion should "contain facts and analysis, not just the agency's bare conclusions or opinions," and should include "meaningful detail." (Id. at 404-406.) As explained in Citizens of Goleta Valley v. Board of Supervisors (1988) 197Cal.App.3d 1167, 1180-83, assertions that a particular alternative is economically infeasible simply because it would be more expensive or less profitable to the private applicant are not adequate. "In the absence of comparative data and analysis, no meaningful conclusions regarding the feasibility of the alternative could have been reached." (Id. at 1180-81.) The Court of Appeals added that:

The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.

(*Ibid.*) Because the DEIR fails to provide substantial evidence supporting a finding of infeasibility for any suggested alternatives, additional analysis is required before the County may approve the project. (Pub. Res. Code § 21002.)

Response 65-43

The comment is noted. Draft EIR Chapter 6, "Alternatives," describes a range of project alternatives and compares the associated potential environmental impacts to those of the proposed project. The chapter includes a discussion of CEQA requirements for an alternatives analysis and the methodology used to identify potentially feasible alternatives that would avoid or substantially lessen the significant impacts of the proposed project while still meeting most of the basic project objectives. Based on this process, the Draft EIR identifies and evaluates a reasonable range of alternatives consistent with CEQA Guidelines Section 15126.6.

Each alternative is evaluated for its comparative merits with respect to reducing environmental impacts relative to baseline conditions and the proposed project. The chapter also identifies alternative concepts that were considered but eliminated from detailed consideration, along with the reasons for their elimination. Accordingly, the Draft EIR provides a sufficient evaluation of a reasonable range of alternatives in compliance with CEQA.

This response is introductory in nature. Please see Responses 65-44, 65-45, and 65-46 for further discussion of the project alternatives and specific issues raised by the commenter.

To the extent the comment raises economic considerations, such issues are outside the scope of CEQA unless they are related to physical environmental effects (Title 14 CCR, Sections 15064, subd. (e), 15131, subd. (a)). Economic considerations may be relevant to the County's findings and, if applicable, a Statement of Overriding Considerations (*Id.*, Sections 15091, 15093).

Comment 65-44

a. The General Plan or Zoning Codes Do Not Require this Proposed Project.

The DEIR refused to consider the Reduced Operational Life Alternative and an alternative 200 feet below ground surface because it claims mining aggregate for a shorter duration would conflict with the existing state MRZ-2 classification and the Fresno County General Plan and zoning designations for the project sites, which identify the project sites as having aggregate deposits of regional and local significance (Fresno County, 2024). Specifically, it states: "[T]he County eliminated the Reduced Operational Life Alternative from further consideration as an alternative in this EIR as it would reduce utilization of a known MRZ-2 resource in conflict with Fresno County's General Plan and does not fully meet some of the project objectives." (DEIR at 6-

8.) However, nowhere does the General Plan state that MRZ-2 resources must be mined for a certain duration or at a certain depth: The General Plan states only that "[t]he County shall not permit land uses incompatible with mineral resource recovery within areas designated as Mineral Resource Zone 2 (MRZ-2)." (DEIR at 6-8.) This means the County could not, for example, permit an office building on an area with MRZ-2 resources.

The DEIR also claims drilling to any shallower depth would clash with Goal OS-C of the Fresno County General Plan Mineral Resources Section of the Open Space and Conservation Element to conserve areas identified as containing significant mineral deposits for potential future use. (DEIR at 6-39.) However, this goal specifically seeks to conserve MRZ-2 resources while also "promoting the reasonable, safe, and orderly operation of mining and extraction activities within areas designated for such use, where environmental, aesthetic, and adjacent land use compatibility impacts can be adequately mitigated." (Fresno General Plan at 2-120-21.) This goal hardly requires 100 years of mining at 600 feet bgs when environmentally superior alternatives exist.

The DEIR's other excuses for refusing a shorter-duration Project similarly lack support. For example, the DEIR claims that "interim loss of this aggregate resource could cause future shortages of construction and aggregate material in the Fresno region," and "[b]ased on this analysis, the County eliminated the Reduced Operational Life Alternative from further consideration as an alternative." (DEIR at 6-8.) Nowhere does the DEIR support this contention regarding shortages, as CEQA requires.

Response 65-44

The comment focuses on the Draft EIR's conclusion regarding the Reduced Operational Life Alternative but does not address the other considerations such as traffic, air emissions, noise, and visual impacts (Draft EIR, page 6-9). The Reduced Operational Life Alternative would restrict the full mineral development of the project sites. This would conflict with the existing state MRZ-2 classification and the Fresno County General Plan (Draft EIR page 6-8). The Reduced Mining Depth (300 Feet) with Additional Setbacks Alternative would also be inconsistent with Goal OS-C of the Fresno County General Plan Mineral Resources Section of the Open Space and Conservation Element to conserve areas identified as containing significant mineral deposits for potential future use, because it would not promote operation of mining and extraction activities within areas designated for such use (Draft EIR page 6-39). While Goal OS-C does not require 100 years of mining at 600 feet bgs, the proposed project would produce more material while

still limiting significant environmental impacts. In addition, the comment does not address whether, if the already disturbed project sites are not mined to a deeper depth, a replacement mine with separate environmental impacts would eventually need to be developed.

An EIR is only required to provide a reasonable range of alternatives which meet most of the project's objectives (Title 14 CCR Section 15126.6). An EIR need not consider every conceivable alternative to a project (Title 14 CCR Section 15126.6 (a)). CEQA does not mandate perfection, nor does it require an analysis to be exhaustive (Title 14 CCR Section 15151; See also *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th at 1145). The County is entitled to deference to reject the 200-foot mining depth alternative from further consideration because the EIR demonstrates that such an alternative would hinder one of the main goals set for the project which is to ensure a long-term supply of aggregate for the region (Draft EIR page 2-6; *Los Angeles Conservancy v. City of West Hollywood* (2017) 18 Cal.App.5th 1031, 1041, citing *California Native Plant Society, supra,* 177 Cal.App.4th at 997, 999).

The analysis of project alternatives provided in Chapter 6 of the Draft EIR is meaningful and contains analysis sufficient to allow informed decision-making (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 873).

See also Collective Response #3 regarding aggregate supply and demand in the Fresno Production-Consumption Region.

Comment 65-45

b. The DEIR Fails to Support Its Conclusions Regarding Other Alternatives with Substantial Evidence.

Beyond its flawed reasoning regarding the General Plan, the DEIR bases its GHG emissions assessment of all shallower alternatives (Alternatives 2-5) on unsupported assumptions. It claims that shallower mining would have the same or worse GHG emissions because "[t]he development of new or expansion of existing quarries or the reopening of Rockfield Quarry would result in even greater GHG emissions as aggregate is hauled into Fresno County from further distances, as compared to continuing the operation of the Rockfield Quarry as planned under the proposed project." (e.g. DEIR at 6-34.) In other words, not drilling to the depth of 600 feet "would require the Applicant, or other aggregate suppliers, to search for another aggregate source to supply the County's regional needs. As a result, another mine could be developed elsewhere in the County with similar or additional significant environmental impacts and

increasing the overall footprint of aggregate mines in the County." (e.g. DEIR at 6-39.)

Nowhere does it support this contention, as CEQA requires. To the contrary, the Aggregate Sustainability in California report, last updated by the California Geological Survey in 2018, provides that the Fresno region will need an estimated 305 million tons of aggregate for the next 50 years' worth of construction, while it already has 556 million tons of permitted aggregate reserves, nearly double the projected demand. (Clinkenbeard & Gius, 2018; p.5) As a result, it is fairly possible that aggregate demand will go down, rather than stay the same.

Response 65-45

The comment is noted. Please see Collective Response #3 pertaining to regional aggregate demand and supply in the Fresno Production-Consumption Region.

The Draft EIR properly concludes that greenhouse gas (GHG) emissions may be greater under the No Project Alternative or reduced production alternatives because other suppliers would be required to meet regional aggregate demand, potentially resulting in increased transportation distances and associated emissions (see *Save Our Residential Environment v. City of West Hollywood* (1992) 9 Cal.App.4th 1745, 1754).

The commenter asserts that it is "fairly possible" that aggregate demand would decrease; however, no substantial evidence is provided to support this claim. Even if aggregate demand were lower than projected, demand for aggregate in the Fresno region would not cease, and aggregate production and transportation would still be required. A reduction in overall demand could result in lower total GHG emissions compared to projections in the Draft EIR; however, it would not change the relative benefit of maintaining a local aggregate supply, which reduces haul distances and associated emissions.

Additionally, the referenced 2018 Map Sheet 52 is outdated and does not accurately reflect current conditions regarding aggregate supply and demand in the region. As discussed in Collective Response #3, the Draft EIR relies on more recent and relevant data in evaluating regional supply conditions.

Accordingly, the Draft EIR's analysis of GHG emissions and regional aggregate supply and demand is adequate, and no further revision is required.

Comment 65-46

c. The DEIR Fails to Support Its Conclusions Regarding Alternative 5 as the Environmentally Superior Alternative.

CEQA requires that before approving a project with significant environmental impacts, the agency must make findings identifying the specific considerations that make the environmentally superior alternative infeasible. (Pub. Res. Code § 21081; Preservation Action Council v. City of San Jose (2006) 141 Cal.App.4th 1336, 1351-52.)

The County rejected Alternative 5 (400 feet bgs, with reduced annual sales), despite this alternative (and all other shallower, shorter duration alternatives) meeting at least partially all the project objectives because it determined that Alternative 5 is not "economically feasible" without any further explanation. But under CEQA, determining that an alternative "may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible." (Preservation Action Council, 141 Cal.App.4th at 1352.) Instead, the agency must present "evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the [alternative]." (Id.) This evidence may include, for example: total estimated costs, total projected income, total expenses, and the change in the per unit cost of a project that results from a project alternative or mitigation measure. (See Citizens of Goleta Valley v. Board of Supervisors (1988) 197 Cal.App.3d 1167, 1180.).) The findings of infeasibility must be supported by substantial evidence. (Id. at 1176-77.)

The DEIR contained no substantial analysis as to Alternative 5's economic feasibility. Nor did it even explain why it chose Alternative 5 as the "environmentally superior alternative. The DEIR states only that Alternative 5 would reduce impacts on air quality, biological resources, energy, groundwater quality and supply, mineral resources, noise, and transportation. However, this requires further support, especially considering there are no differences in the conclusions regarding those very impacts for alternative 3 (300 feet bgs.) And the only difference between Alternative 5 and Alternative 4 (300 feet bgs with additional setbacks) is that Alternative 5 would have reduced energy impacts, whereas the DEIR asserts, without any support, that energy demands under alternative 4 would remain the same because of its unsupported assertion that "demand for aggregate resources would remain." (DEIR at 6-44.)

In sum, the DEIR failed to provide any support for Alternative 5 as the environmentally superior alternative and for why Alternative 5 is economically infeasible. Both deficiencies must be address before the Project can be approved. (CEQA Guidelines, § 15091, subd. (a)(3) ["No public agency shall approve or carry out a project for which an EIR has been certified... [unless environmentally superior] project alternatives identified in the final EIR" are infeasible].) The EIR must support its conclusions regarding alternatives with substantial evidence and provide additional information for the public to comment on.

Response 65-46

The comment misconstrues the Draft EIR's statement regarding the economic feasibility of Alternative 5, "Reduced Mining Depth (400 feet) with Reduced Annual Sales (2.5 MTY)." The Draft EIR states that "[t]he alternatives analysis and conclusions reached regarding the environmentally superior alternative do not determine the ability of Alternative 5 to be an economically feasible option for the Applicant" (Draft EIR, page 6-59). A plain reading of this statement indicates that the Draft EIR does not analyze the economic feasibility of the alternative. Rather, the Draft EIR focuses on evaluating the environmental impacts of the proposed project and alternatives, consistent with CEQA. This does not mean that the Draft EIR has determined Alternative 5 to be economically infeasible.

The Draft EIR identifies Alternative 5 as the environmentally superior alternative due to reduced impacts to air quality, biological resources, energy, groundwater quality, groundwater supplies, mineral resources, noise, and transportation compared to the proposed project. The alternatives analysis provides sufficient information regarding the relative merits of the project and alternatives; the analysis need not be exhaustive (*Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 547; *Del Mar Terrace Conservancy, Inc. v. City Council* (1992) 10 Cal.App.4th 712; see also *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404–405).

In addition, the commenter's assertion that the Draft EIR was required to support a finding of economic infeasibility for Alternative 5 is misplaced. CEQA Guidelines Section 15091 pertains to findings made by the lead agency prior to project approval, after certification of the EIR, and does not define the required contents of a Draft EIR. The County will consider the information contained in the EIR, along with other information in the administrative record, when making the findings required for project approval, including any findings regarding alternatives and, if applicable, a statement of overriding considerations (PRC, Sections 21002.1, subd. (b), 21081; Guidelines, Sections 15091, 15092).

Accordingly, the Draft EIR's analysis of Alternative 5 is adequate, and no revision is required.

Comment 65-47

I. Conclusion

Thank you for the opportunity to submit comments on the DEIR for the CEMEX Rockfield Quarry Modification Project. The DEIR fails to adequately analyze or mitigate the proposed Project's impacts to biological resources, greenhouse gas emissions, surface and groundwater quality and availability, and project alternatives.

Given the possibility that the Center will be required to pursue legal remedies in order to ensure that the County complies with its legal obligations including those arising under CEQA, we would like to remind the County of its statutory duty to maintain and preserve all documents and communications that may constitute part of the "administrative record" of this proceeding. (§21167.6(e); *Golden Door Properties, LLC v. Superior Court* (July 30, 2020, Nos. D076605,D076924, D076993) ___Cal.App.5th___ [2020 Cal. App. LEXIS 710.) The administrative record encompasses any and all documents and communications that relate to any and all actions taken by the County with respect to the Project, and includes "pretty much everything that ever came near a proposed [project] or [] the agency's compliance with CEQA . . . ." (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further includes all correspondence, emails, and text messages sent to or received by the County's representatives or employees, that relate to the Project, including any correspondence, emails, and text messages sent between the County's representatives or employees and the Applicant's representatives or employees. Maintenance and preservation of the administrative record requires that, *inter alia*, the County (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

Please add the Center to your notice list for all future updates to the Project using the email addresses below and do not hesitate to contact the Center with any questions.

Response 65-47

Thank you for participating in the public comment review process. To the extent that the comments raise environmental issues, these have been addressed in the prior responses.

The Draft EIR adequately analyzes the project's environmental impacts in accordance with CEQA. Please see Responses 65-3 through 65-17 regarding analysis and mitigation for biological resources; Responses 65-20 through 65-38 regarding surface water and groundwater availability and quality; Responses 65-39 through 65-42 regarding greenhouse gas emissions; and Responses 65-43 through 65-46 regarding project alternatives. Revisions to the Draft EIR are identified in the responses, where applicable.

The County and the Operator are committed to ensuring full compliance with applicable laws and the environmental review process. The County also complies with all applicable document retention requirements.

The commenter's representatives have been added to the County's notification distribution list for future updates related to the project.

Letter #66 March 10, 2025, Scott Roycroft, Earth Funeral Services

Comment 66-1

Dear Fresno Planning Department,

As a partnering business and donor to the San Joaquin River Parkway, I take significant interest in the conservation and protection of this section of the San Joaquin River. This section of river provides countless ecosystem services and critical habitat for special species.

Fresno County has a duty to protect these critical resources which are threatened by the rockfield expansion project. Please consider the adverse impacts of this project on the river.

Thank you for your time and consideration.

Response 66-1

The proposed project's potential impacts to the ecosystems and wildlife habitats of the project area are addressed in Section 4.4, "Biological Resources." See Impact 4.4-1 beginning on Draft EIR page 4.4-48 and Impact 4.4-2 beginning on Draft EIR page 4.4-52 for discussion of potential impacts to special status species through onsite habitat modification and potential impacts to species within the riparian habitat near the Quarry Site, respectively. See Final EIR Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.4. No specific comments related to the adequacy of the Draft EIR were made, and no further response could be provided. The comment is noted for the consideration of the decision-makers.

Letter #67 March 10, 2025, John Shelton, Friends of the River

Comment 67-1

Friends of the River (FOR) is submitting this comment letter regarding the County of Fresno's Draft Environmental Impact Report (DEIR) 7763 for the CEMEX Rockfield Quarry: Rockfield Modification Project (proposed project).

FOR's mission is to protect and restore California rivers by influencing public policy and inspiring citizen action. In addition, FOR is one of the Settling Parties of the the San Joaquin River Restoration Program (SJRRP) which is currently being implemented in accordance with the San Joaquin River Restoration Settlement and the San Joaquin River Restoration Settlement Act (Act), included in Public Law 111-11. The proposed project is located within the SJRRP Restoration Area and has the potential to impact Reclamation's successful implementation of the SJRRP.

FOR appreciates the County of Fresno's efforts on the proposed project and consideration of our comments. General comments and specific comments are provided in the attached "Comments on the Draft Environmental Impact Report: CEMEX Rockfield Quarry: Rockfield Modification Project (EIR 7763) and Unclassified Conditional Use Permit Applications No.s 3666 and 3667."

Response 67-1

The commenter's organizational mission and relationships are noted. Please see responses below to individual issues raised by the commenter.

Comment 67-2

FOR does not believe there are enough overriding conditions that could be used to justify the extension of the Conditional Use Permits and that the County of Fresno should deny the application. If the County does make finding of overriding concerns for those impacts not fully mitigated, CEMEX should be required to implement more comprehensive mitigation for wildlife, recreation, visual, and traffic impacts.

Response 67-2

The commenter's position regarding the project justification and general recommendations for more comprehensive mitigation are noted. Please see responses below to individual issues raised by the commenter.

Comment 67-3

For several CEQA required areas of disclosure, Fresno County decision makers, FOR, and the public does not have enough information to adequately analyze the impacts of the proposed project on the resources for which we advocate. Also as an active party to the SJRRP settlement, we do not believe that the analysis is adequate to inform us in providing direction to the agencies implementing the SJRRP. We request additional information be provided in the DEIR regarding baseline conditions, impact analyses, and mitigation measures, as described in the attached document.

FOR appreciates the opportunity to comment on this proposed project and the County's consideration of our comments. Please contact John Shelton at jshelton@friendsoftheriver.org with any questions or if there is a need for discussion of these comments in more detail.

Response 67-3

The commenter's position regarding the adequacy of information in the Draft EIR are noted. Please note that certain clarifications and amplification of information in the Draft EIR are provided through errata in Chapter 3, "Draft EIR Errata," and in certain responses to comments on the Draft EIR. Please see responses below to individual issues raised by the commenter.

Comment 67-4

Background

Staff from Friends of the River have reviewed the documents that Fresno County has made available on their website (https://www.fresnocountyca.gov/Departments/Public-Works-and-Planning/divisions-of-public-works-and-planning/development-services-division/planning-and-land-use/environmental-impact-reports/cemex-rockfield-expansion). With the amount of information available, and the limited time for review, staff focused on issues that are important for our organization such as fisheries and wildlife, public health, and outdoor recreation. In accomplishing our review, we also discussed the project with other organizations and community members, press coverage, and social media discussions. We used these communications to note issues that should also be brought to the attention of those making the decision to move forward with this project. It is possible that some issues were covered adequately in the appendices to the Draft Environmental Impact (DEIR) or other documentation, but were not summarized adequately in the main DEIR.

Response 67-4

The comment and focus of the commenter's staff in providing comments is noted. The County's decision-making process will consider all of the information in the Draft EIR, including the appendices to the Draft EIR.

Comment 67-5

General Comments

Our organization, along with other environmental organizations and community members, does not believe that a gravel quarry and gravel processing plant is an appropriate land use for the San Joaquin River corridor currently or into the future. Historically, as the area developed and gravel mining operations were sited, the gravel and sand resources of the San Joaquin River and its immediate corridor were a fast and easy source. We understand that society's values change, and believe strongly that those values now reflect a desire to let the San Joaquin River and its associated floodplains and connected upland, recover from decades of sand and gravel extraction. In the last few decades, the State (Pappas & LiveScience 2014)

Response 67-5

The opinions and preferences regarding the San Joaquin River expressed in the comment are noted and will be considered by County decision-makers. The comment does not address the adequacy of the Draft EIR, and no further response is warranted.

Comment 67-6

Overriding Considerations and Need for Gravel Operations in the River Corridor

Statements within the DEIR and supporting documents are misleading to imply that the Plant and Quarry are needed for gravel supply for the NE Fresno and North Clovis areas. As reported in Fresno and by Gregory Weaver (Weaver 2025) and documented by The California Geological Survey (Clinkenbeard & Gius 2018), this region is better than adequately resourced with developed supplies for next 50 years. Although some benefits can accrue to specific segments of the County's economy, the analysis of whether those benefits are greater than the benefits of a completed San Joaquin River Parkway, that may be precluded for the next 100 years is not undertaken. In addition, the significant impacts to Visual Resources and Traffic, by themselves could show that the overall economic impact to this region is likely to be negative.

The San Joaquin River has been noted in the past as California's most endangered river (Pappas & LiveScience 2014). Since 2014, the San Joaquin River Restoration Program, the San Joaquin River Conservancy, both the Counties of Madera and Fresno, and the City of Fresno, have been intent of making the river more ecologically resilient by investing in properties for recreation, passing land use designations for the San Joaquin Parkway, and approving projects.

For these reasons, any finding of Overriding Considerations that are related to the economy, including employment, cannot be supported without much more analysis and information disclosure.

Response 67-6

Please see Collective Response #3 pertaining to regional aggregate demand and supply and please see Collective Response #18 pertaining to the San Joaquin River Parkway Master Plan. The Draft EIR evaluates potential environmental impacts of the proposes project on San Joaquin River resources that may be affected by the project. Overriding considerations will be considered by County decision-makers in consideration of information in the Final EIR as well as other relevant information. The analysis in the Draft EIR, as amplified and clarified by information in the Final EIR, provides sufficient disclosure regarding potential environmental impacts of the project for compliance with CEQA and consideration by decision-makers.

Comment 67-7

Project Analysis Should Be Based on Both Existing and Future Impacts, Including the Length of Time Those Impacts are Occurring

- Analysis of ecological, recreational, and other impacts should be based both on existing conditions and length of impacts.

Response 67-7

Draft EIR Chapter 2, "Project Description," provides a detailed description of the proposed project, including the duration of the requested use permit extensions. The environmental impact analyses in Draft EIR Chapter 4, "Environmental Analysis," provides detailed evaluations of potential environmental effects of the proposed project, including consideration of the project duration and duration of impacts consistent with the duration of the requested use permit extensions. The comment does not provide evidence that the Draft EIR is deficient in either its description of the project or the evaluation of impacts and no further response is warranted.

Comment 67-8

- Hydrology and wildlife (fisheries especially) should be analyzed for planned restoration from SJRRP, SJRC, Active Transportation, and other Future Land use projects

Response 67-8

The Draft EIR assessed the compatibility of the proposed project with applicable local, regional, and state land use plans and policies in Section 4.11, "Land Use and Planning." The Draft EIR concluded that the proposed project would be consistent with the County's Goal OS-E to "help protect, restore, and enhance habitats in Fresno County that support fish and wildlife species so that populations are maintained at viable levels" (Draft EIR page 4.11-28). For further discussion of the SJRRP, please see Collective Response #12. The proposed project would not conflict with the goals of the SJRRP because it would not significantly impact the San Joaquin River flows, fish passages or migratory corridors, or surface water quality of the San Joaquin River.

Comment 67-9

- Future impacts to water supply should quantify, based on future planned/predicted river hydrology from open water (transpiration) surfaces.

Response 67-9

The comment is noted. Draft EIR Impact 4.10-9 (pages 4.10-104 through 4.10-105) evaluates the project's potential to decrease groundwater supplies during mining operations and following reclamation of the Plant Site. The analysis considers and quantifies relevant factors, including evaporation and evapotranspiration.

In addition, as discussed under Draft EIR Impact 4.10-12, the analysis evaluates the interaction between the San Joaquin River and groundwater conditions at the Quarry Site. Base flows in the San Joaquin River are typically at or below the elevation of the base of alluvium at the Quarry Site; therefore, flow from the river toward the alluvium would occur only during infrequent and relatively short-duration high flow events. With implementation of recharge trenches, groundwater levels in the alluvium and weathered rock would be maintained consistent with existing conditions during mining operations, and no substantial change in the volume of potential inflow from the river into the quarry would occur.

The Draft EIR further acknowledges that following completion of mining, if pumping to the recharge trenches ceases, additional flow from the river into the quarry pit could occur under certain conditions if drawdown increases. To address this potential

condition, Mitigation Measures 4.10-10a and 4.10-10b are included as adaptive management strategies. These measures require monitoring of groundwater conditions, comparison of monitoring results to established action levels, and implementation of corrective measures if those action levels are exceeded.

Accordingly, the Draft EIR adequately evaluates potential groundwater supply impacts and includes appropriate mitigation to ensure impacts are reduced to a less-than-significant level.

Comment 67-10

The DEIR does not adequately compare the Proposed Project to the No Project Alternative. While we agree with the assessment that the No Project Alternative is the best environmental option, the analysis and discussion should include more information on reasonably foreseeable projects and future conditions. For example, the analysis regarding transportation impacts does not fully discuss the intention of both the City and County of Fresno, and the City of Clovis, to implement numerous plans and policies that encourage Active Transportation. The impact of this project on the ability for these jurisdictions to encourage biking and walking within the affected area of this project is not analysis nor discussed other than with current conditions. The impacts of blasting, gravel truck traffic, and spread of rocks and gravel from transporting materials on Friant Avenue is likely to disrupt the implementation of Active Transportation elements significantly over time.

Response 67-10

Draft EIR Section 6.5.2, "Alternative 1: No Project," provides a detailed description of the No Project Alternative as compared to the proposed project (see "Description" subsection on Draft EIR pages 6-12 and 6-13) and provides a detailed analysis of impacts of the No Project Alternative as compared to the proposed project (see "Impact Analysis" subsection on Draft EIR pages 6-13 through 6-20). The comment's contentions that the Draft EIR does not adequately compare the proposed project to the No Project Alternative and that more information on reasonably foreseeable projects is not sufficiently explained nor supported by evidence in the comment, and no further response to these contentions is warranted.

Draft EIR Section 4.17, "Transportation," describes relevant aspects of the Fresno County Regional Active Transportation Program (see subsection "Fresno County Regional Transportation Plan" on Draft EIR pages 4.17-10 through 4.17-11) and evaluates the proposed project's potential to conflict with the Fresno County Regional Active

Transportation Plan (see Draft EIR Impact 4.17-1 on Draft EIR pages 4.17-27 through 4.17-29). The Fresno County Regional Active Transportation Plan is the applicable active transportation plan of the jurisdiction within which the project is located and the project's consistency with this plan is appropriately and sufficiently addressed in the Draft EIR. The comment's contention that the Draft EIR transportation analysis does not fully discuss the City and County of Fresno and City of Clovis plans and policies pertaining to active transportation does not provide substantial evidence of a deficiency in the Draft EIR. The comment does not provide evidence that the project would be inconsistent with or otherwise conflict with any policies of either the City of Fresno Active Transportation Plan or City of Clovis Active Transportation Plan. Additionally, the comment does not provide any evidence for the assertion that project activities such as blasting, or haul truck operations would disrupt implementation of active transportation elements.

Comment 67-11

The hydrologic and wildlife impacts, similar to Transportation and recreation, should consider and analyze future hydrologic conditions that are being implemented by water agencies. The San Joquin River Restoration Program has well publicized intents to implement full restoration flows on the San Joaquin River. This program, that has invested $100's millions in the San Joaquin River, is based on a legally binding settlement and Federal Government law (https://www.restoresjr.net/). Analysis within the DEIR should consider the higher levels of flows within the river that is mandated by the program, the higher levels of fisheries resources that are being pursued, and other related information that is available.

Given the long timeframe of the extension of the CUPs, the DEIR should also acknowledge the US Fish and Wildlife Service's, National Marine Fisheries Service's, Department of Fish and Wildlife's, and the San Joaquin River Conservancy's plans for restoration of fish and wildlife resources. This project area is an important component of future habitat for several listed and candidate species, and species of special concern that, and programs for recovery well documented. These efforts should be reasonably foreseeable to increase the number and types of fisheries and wildlife over the 100 years of the length of this CEQA project.

Response 67-11

The project is analyzed with respect to biological resources in Draft EIR Section 4.4 and the supporting materials referenced therein. Hydrology is analyzed in Draft EIR Section 4.10. Of particular relevance to this comment, the Draft EIR determined that the most important factor determining the flow regime of the San Joaquin River is release of water

from the Millerton Reservoir. It did not find that the project would have a significant impact on flows in the river and as such, no significant impacts to off-site fisheries were identified. Please see Collective Response #12 for further discussion of the San Joaquin River Restoration Program (SJRRP). To ensure the proposed Surface Mining and Reclamation Plan (SMRP) does not adversely affect the SJRRP, project activities would be coordinated with the U.S. Bureau of Reclamation and other responsible agencies to complement, rather than conflict with, the goals of the SJRRP by avoiding changes to river flows, fish passage, or water quality.

Comment 67-12

Relative to hydrologic analysis and water supply, the DEIR should also find that reclaiming both the plant site and the quarry area will increase evaporation of water that is directly linked to groundwater flow or would intercept water from Little Dry Creek that would ultimately impact the River's flow. Although reclamation to other than open water habitat would likely be cost prohibitive for the Company that ultimately is the owner when reclamation is implemented, this impact needs to be stated as a unmitigated significant impact.

Response 67-12

Draft EIR Impact 4.10-9 on pages 4.10-104 through 4.10-105 evaluates the project's potential to decrease groundwater supplies during mining operations and after the completion of reclamation of the Plant Site. The analysis considers and quantifies potential impacts in consideration of factors including evaporation (see Draft EIR page 4.10-104). Additionally, Draft EIR Impacts 4.10-13, 4.10-14, 4.10-15, 4.10-16, and 4.10-17 (see Draft EIR pages 4.10-114 through 4.10-119) discuss potential effects associated with Little Dry Creek and conclude based on supporting technical studies that the proposed project mining operations and reclamation activities would not alter the course of either the San Joaquin River or Little Dry Creek (e.g., see Draft EIR Impact 4.10-15 on page 4.10-117), and would not impede or redirect Little Dry Creek flood flows (e.g., see Draft EIR Impact 4.10-16 on page 4.10-118). Although the comment asserts that reclamation to open water habitat "needs to be stated as a unmitigated impact," the comment does not provide evidence pertaining to the adequacy of the Draft EIR analysis and conclusions that the project would have a less than significant impact associated with evaporation.

Comment 67-13

Future Conditions Should be Analyzed with Climate Change Considerations

- Future conditions should be analyzed with climate change considerations
    - Hydrology – flood potential with climate modeling
    - Water Quality (algae blooms in open water pits)

Related to the above discussion of reasonably foreseeable future conditions, most of the analysis on the future conditions does not incorporate well documented future impacts due to climate change. Analysis regarding hydrological conditions for the San Joaquin River and Little Dry Creek do not include like conditions that will exist both by 2050 and 2100. As is well documented with climate models, including downscaled modeling and analysis for this region, the climate in this region will have both hotter conditions and more flashy climatological events (for examples, see Moser & Ekstrom 2010, Zhang et al. 2024, and Liu et al. 2021). The analysis of the integrity of the quarry site from inundation, including through higher levels of groundwater flow from increased height of the river, and power of the river, should be better analyzed. An especially important, mitigation that would prevent the failure of the walls of the quarry should be very robust. The analysis of the quarry site from inundation from extreme flows of Little Dry Creek is especially superficial. (see below for related issues).

Climate Change projections are nearly unanimous in the prediction of hotter summers for this region. Reclaiming the plant and quarry sites to open water habitat does not consider what the future conditions will mean for water temperatures and the likelihood of outbreaks of Microcystis, a potentially dangerous micro algae (Power et al. 2024). With the potential for Microcystis outbreaks, the DIER should consider the potential future implications to fishers, wildlife and humans.

Response 67-13

The Draft EIR properly analyzed the impacts of the proposed project by analyzing the difference the proposed project would make as compared to existing baseline conditions at the time of the Notice of Preparation. The future impacts of climate change would not impact the proposed project.

The Draft EIR analyzed the project's potential effects regarding flood potential for the 100-year floodplain and concluded that the San Joaquin River floodplain does not enter into the Quarry Site nor the Plant Site. See Draft EIR Section 4.10, as revised in this Final EIR. In consideration of commenters' concerns pertaining to severe flooding events and in light of County Policy HS-C.12, Chang Consultants evaluated the potential for the 200-year flood to enter the Quarry Site and Plant Site. Upon an initial evaluation, the modeled 200-year floodplain entered the quarry pit at stations 16, 19, and 20 by approximately two feet. To proactively prevent the possibility of a 200-year flood event from entering the quarry pit, CEMEX raised the northerly portion of the berms separating the San Joaquin River and Quarry Site up to approximately 4 feet with compacted fill. A topographic mapping was prepared to display the locations where the berms were raised and is included in the 200-year hydraulic analysis for the Quarry Site. Please see Collective Response #17 for further discussion of the 200-year flood analysis conducted for the Quarry Site.

The 2026 Hydraulic Analysis also demonstrated that the existing berms and topography of the Plant Site would prevent both the San Joaquin 200-year flood and the Little Dry Creek 200-year flood from entering the Plant Site (Chang 2026b, Appendix G-8). As such, the project sites are sufficiently protected from flood risks, including from the 200-year flood.

The commenter is referred to Section 4.10.1.6, "Surface Water Quality," of the Draft EIR, *Surface Water Quality,* which provides baseline water quality data on the ponds and recharge basins at the Plant and Quarry sites. The water within the onsite ponds and recharge basins would continue to be handled as presently managed. Presently, at the Plant Site water diverted from the San Joaquin River (under existing water rights) that is used to wash aggregate is sent to the silt ponds, where silts and fines settle out. The water from the silt ponds is then recycled back to the plant as process water. The silt pond also serves as a source of recharge to groundwater. At the Quarry Site, groundwater and surface water runoff from rainfall accumulates in ponded pits from historic and current mining, and is pumped out to accommodate mining operations. The water is used by water trucks for dust control, and is pumped to the existing groundwater recharge pond or existing recharge trenches. Please refer to Section 4.10 of the Draft EIR, which provides baseline water quality data of the water stored in these pre-existing features. The continuous flow of water through the ponds and basins at the Plant and Quarry sites presently minimizes and would continue to minimize stagnation, and by association microcystic and other bacterial growth.

Comment 67-14

Better, more Comprehensive Mitigation Should be Implemented, Especially for Significant Impacts that Cannot be Fully Mitigated to Less Than Significant Impacts

An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures (§15093 of the State CEQA Guidelines). This project is one which takes a valuable resource of the County and State, and allows for the commercialization of that resource. The likelihood of a lucrative return to the local economy is documented within the DEIR. From this perspective, it is likely that CEMEX will significantly benefit from this project. For this reason, feasible mitigation measures need to be considered that in other instances could be deemed too expensive.

For Transportation impacts, especially for those that involve the safety of pedestrians and bicyclists, there are several mitigation measures that could reduce the over impacts of this proposed projects. The City and County of Fresno have identified multiple intersections along Friant Avenue within the likely travel routes for the gravel trucks. The County should consider the installation of pedestrian and bike bridges at the intersections of Fresno, Audubon, Shepard, Fort Washington, Champlain, Copper, and Willow. Potentially these overcrossings can be completed over time, with those nearest Woodward Park being the highest priority. Related to this is the impacts to the San Joaquin River Parkway multiuse trail. Although CEMEX states in their supporting documents that they could work with the San Joaquin River Conservancy to build this between the plant and Friant road, and along their quarry pit, both of these alignments will still have safety concerns with the increased truck traffic. The County should require that CEMEX build a the multiuse train and underpass at the entrance to their plant, in addition to constructing the multiuse trail on Ball Ranch, connecting by a bridge across the river to Ledger Island, and then reconnecting to the Fresno side of the river upstream of the quarry site and connecting it to Lost Lake Park. These additions would keep pedestrians and bicyclists away from the quarry and allow for safe travel by the plant site. In addition, this should also take more bicycle traffic off of Friant Road and avoid safety considerations of increased traffic.

[A graphic was included as part of Comment 67-14 that is not reproduced here. To view this graphic please see Letter 67 in Appendix M, "Draft EIR Comment Letters"]

Figure 1. From the San Joaquin River Parkway Master Plan. Siting of existing and proposed multiuse trails with two crossing of the San Joaquin River.

Response 67-14

The comment is noted. CEQA Guidelines Section 15126.4(a)(1) requires an EIR to identify feasible mitigation measures that would avoid or substantially lessen significant environmental impacts; it does not require an EIR to include every conceivable mitigation measure or evaluate infeasible or unsupported measures.

The Draft EIR includes a detailed transportation analysis (see Appendix I-1) that evaluates potential impacts related to traffic operations, congestion, and vehicle, pedestrian, and bicycle safety along affected roadways and intersections. Based on this analysis, Mitigation Measures 4.17-1a through 4.17-1r require the Operator to pay its fair share toward the cost of roadway and intersection improvements needed to address project-related traffic and cumulative growth in the region. These improvements include, as appropriate, signalization, roadway widening, paving, and other operational enhancements. The specific design and implementation of such improvements are subject to County discretion and future engineering.

The comment suggests additional measures, such as pedestrian and bicycle overpasses at multiple intersection and an underpass at the Quarry Site entrance; however, the commenter does not provide substantial evidence demonstrating that such measures are necessary to address identified impacts or that they are feasible. As described in the Draft EIR (see Impact 4.17-1, beginning on page 4.17-27), the project would not impede or interfere with existing or planned transit, bicycle, or pedestrian facilities with implementation of the identified mitigation measures. In addition, the project area is rural in character and does not include existing pedestrian sidewalk or bicycle lane networks along North Friant Road connecting to established communities.

Accordingly, the Draft EIR identifies and incorporates feasible mitigation measures sufficient to reduce transportation impacts, and no additional mitigation, such as pedestrian or bicycle overpasses or underpasses, is warranted. Please also see Collective Response #30 regarding pedestrian and cyclist safety.

Comment 67-15

Specific Comments

Silty discharge from Plant site ponds to Little Dry Creek active floodplain The proposed project at the plant site (Figure 2) does not discuss past levee breakage and loss of water from the silt

pond. Although the proposed project describes some protection from discharges of the silt pond, there is not much information on any increase in design characteristics to the levee than can justify more confidence that further discharges will not happen. As seen in Figures 3-7, the silt pond is located next to the active flood plain of Little Dry Creek and has likely discharged silt and silty water into that flood plain. With the existing water quality constituents of the silt pond as reported in DEIR, the proposed project should provide strong mitiation measures to assure that the levee separating the silt pond from Little Dry Creek is much stronger, better monitored, and include a spill cleanup and abatement plan.

Response 67-15

The proposed project's berms would prevent levee breakage and separate the Plant Site from Little Dry Creek. A hydraulic analysis of the Plant Site was conducted in 2020 (see Draft EIR Appendix G-1) and indicated that the Little Dry Creek 100-year floodplain does not encroach onto the Plant Site boundaries due to the existence of the berms along the northern boundary of the Plant Site. The 2026 Hydraulic Analysis also demonstrated that the existing berms and topography of the Plant Site would prevent both the San Joaquin River 200-year flood and the Little Dry Creek 200-year flood from entering the Plant Site (Chang 2026b, Appendix G-8).

The proposed project would be required to comply with the SWPPP, which would specify best management practices (BMPs) including: inspection of areas where soil erosion occurs on the outer perimeter of berms and levees to ensure it does not affect the site's perimeter stormwater containment; and maintenance and repair of equipment and operational systems to uncover conditions such as cracks or slow leaks that could cause breakdowns or failures that result in stormwater pollution (Draft EIR page 4.10-69).

See also Impact 4.10-1 beginning on Draft EIR page 4.10-88 for discussion of the proposed project's impacts upon surface water quality standards and waste discharge requirements at the Plant Site during mining and reclamation.

Comment 67-16

Little Dry Creek supplies the Main Pond on Ball Ranch, that is used by the public for fishing, swimming and boating recreational activities. With the potential for future discharges of the silt pond, analysis should be done for the Main Pond on wildlife and fisheries species (see Figure 8), water quality issues, and impacts to hydrology from the proposed extension of the plant site CUP.

[A graphic was included as part of Comment 67-16 that is not reproduced here. To view this graphic please see Letter 67 in Appendix M]

Figure 2. Figure 2-1 form DEIR showing the Plant Site's existing conditions. Note the property boundaries versus the project area disturbances and the location of the silt pond.

[A graphic was included as part of Comment 67-16 that is not reproduced here. To view this graphic please see Letter 67 in Appendix M]

Figure 3: Rockfield Plant site from Google earth with approximate property boundaries. Note the proximity of the plant's northern boundary and silt pond to Little Dry Creek, especially Little Dry Creek's active floodplain.

[A graphic was included as part of Comment 67-16 that is not reproduced here. To view this graphic please see Letter 67 in Appendix M]

Figure 4: Google Earth Image from March 2025 showing existing conditions with a focus on the silt pond and Little Dry Creek. Note the silt deposits next to the silt pond.

[A graphic was included as part of Comment 67-16 that is not reproduced here. To view this graphic please see Letter 67 in Appendix M]

Figure 5: Google Earth image captured March 2025 and using the time series tool to show another instance of siltation in Little Dry Creek's floodplain next to the silt pond in May of 2020.

[A graphic was included as part of Comment 67-16 that is not reproduced here. To view this graphic please see Letter 67 in Appendix M]

Figure 6: Google Earth image captured March 2025 and using the time series tool to show another instance of silty water in Little Dry Creek's floodplain next to the silt pond in August of 2018.

[A graphic was included as part of Comment 67-16 that is not reproduced here. To view this graphic please see Letter 67 in Appendix M]

Figure 7: Google Earth image captured March 2025 and using the time series tool to show another instance of silty water in Little Dry Creek's floodplain next to the silt pond in August of 2013.

[A graphic was included as part of Comment 67-16 that is not reproduced here. To view this graphic please see Letter 67 in Appendix M]

Figure 8: Sacramento Pikeminnow at the entrance of the Ball Ranch Main Pond. Photo taken April 12, 2029.

Response 67-16

The project's potential effects related to surface water quality and hydrology were evaluated within Draft EIR Section 4.10, as well as within the *Revised Hydrology and Water Quality Analysis Report* (Appendix G-5) and the *Addendum to: Revised Hydrology and Water Quality Ana*lysis *Report* (Appendix G-6), prepared by EMKO Environmental, Inc., and the *Hydraulic Analysis* (Appendix G-1) and *Surface Water Runoff and Drainage Plan* (Appendix G-2), prepared by Chang Consultants.

As discussed in the Draft EIR, the project as designed would not alter the course of Little Dry Creek, nor does the project propose to discharge surface water or groundwater to Little Dry Creek. Since there would be no discharges from the Quarry or Plant sites, there would be no potential for impacts to the water quality of Little Dry Creek. Therefore, no impacts to Little Dry Creek are anticipated as a result of project implementation. See discussion of Draft EIR Impact 4.10-14 beginning on page 4.10-116.

Comment 67-17

Lack of any analysis of the Inlet Ditch that is connected to the San Joaquin River and Little Dry Creek

- Silt issues
- Crossing of Little dry Creek
- Low water crossing of Little Dry Creek
- Invasive species issues in Ditch
- Lack of Fish Screen
- Lack of Water Quality Analsis

Figure 2 also shows the CUP boundary, which is also described as the Project Area for the plant site. A very important area that is not included, but should be, is the inlet ditch that supplies water to the plant. Figure 3 also shows, approximately, the location of the inlet ditch as in connects to the plant site on its western boundary, travels west before turning north and connecting to the

San Joaquin River. A very important note is that the ditch crosses Little Dry Creek at grade, causing the waters to commingle (Figure 9). The ditch supplies project related water supplies, and has required maintenance in the past, which is likely to continued being required for flow. For this reason, it should be included in the project area and its continued operations and maintenance described and mitigation for continued negative impacts covered.

[A graphic was included as part of Comment 67-17 that is not reproduced here. To view this graphic please see Letter 67 in Appendix M]

Figure 9: Rockfield water supply ditch with a focus on the crossing of Little Dry Creek from Google Earth, access in March 2025 and using the time series tool to show October 2023. Note the water within Little Dry Creek downstream of the inlet ditch crossing.

For example, Figure 10 shows how close land disturbance is to the inlet ditch pond at the plant site. This proximity of disturbance can allow silt and other contaminants to enter the water in the inlet ditch. With flows of Little Dry Creek, the likelihood of flow going back towards the River is likely. As with the water quality of the silt pond, water quality of the inlet ditch needs to be described.

Mitigation and monitoring requirements need to be put into place to avoid, if possible, on going and future negative impacts. Siltation of fine sediments is especially problematic for the fisheries of the San Joaquin River and is identified as potential issues in the continue efforts as reestablishing a run of Chinook salmon.

An important mitigation measure to avoid some of the most important negative impacts from continued operations at the plant site is to separate the ditch water from Little Dry Creek. A siphon or some other such infrastructure should be required.

Response 67-17

The "inlet ditch" as referred to by the commenter is referred to as the river water delivery ditch in the Draft EIR. The river water delivery ditch is part of the existing operations at the Plant Site, and presently delivers water from the river to the Plant (under CEMEX's water rights). There are no changes proposed as part of the project to the use of the river water delivery ditch, and therefore additional analysis is not required as part of CEQA.

The project is designed as a zero-discharge facility with respect to offsite discharges, so by nature, it does not propose to discharge water to any offsite surface waters, and all

water is to be retained onsite. Per the hydraulic analysis, the proposed project is designed to direct stormwater and groundwater to onsite basins and ponds. Therefore, the project would not impact the water quality of offsite surface water features.

The baseline groundwater levels at the project sites and within the region are described in Section 4.10.1.7, "Local Geologic and Groundwater Conditions," of the Draft EIR.

At the Plant Site, groundwater occurs within three geologic units: alluvium, weathered rock, and hard rock. Mining at the Plant Site is only proposed to occur in the alluvium. The groundwater conditions at the Plant Site were investigated by the installation of four alluvial monitoring wells and review of existing data from other onsite and adjacent wells. The depth to groundwater based on this analysis varies from 10 to 40 below ground surface, with seasonal fluctuations in water levels of up to 18 feet. The Plant Site groundwater data covers the years 2018 through 2023 (refer to Appendix B in the EMKO Environmental report).

At the Quary Site, groundwater also occurs within the alluvium, weathered rock, and hard rock. The groundwater conditions at the Quarry Site were investigated by the installation of four alluvial monitoring wells, four weathered rock monitoring wells, and seven hard rock monitoring wells. Pressure transducers with dataloggers were installed in these wells to monitor fluctuations in groundwater levels. The depth to groundwater across the Quarry Site varies from 10 to 45 feet below ground surface, with seasonal fluctuations up to 6 feet. The Quarry Site groundwater data covers the years 2017 through 2023 (refer to Appendix A in the EMKO Environmental report).

The potential project effects on wells surrounding the Plant and Quarry sites were evaluated in the Draft EIR.

At the Quarry Site, the use of the recharge trenches would limit the drawdown of the water table in the unconfined alluvial. The recharge operations would result in drawdown levels that would be approximately one-half of those which would occur without any recharge operations (KDSA 2021). The Draft EIR acknowledges reductions in the available groundwater column would occur in the Beck Ranch and Fresno County CSA 44C wells. The estimated decrease in the static water column would range from 30 to 60 feet depending on the recharge operations. If water production volumes from the CSA 44C wells decline to the point where current water demand cannot be met, this would result in a significant impact. Accordingly, Mitigation Measure 4.10-10a is provided as an Adaptive Management Program for Quarry Site Groundwater. As part of the Adaptive Management Program, potential effects on the CSA 44C wells would be assessed through the monitoring of nested wells between the Northeast Pond and the

CSA44C wells, and the CSA 44C wells themselves. Annual mitigation monitoring reports would be submitted to Fresno County annually. If monitoring data indicate groundwater levels in any of the monitored wells drop such that the available water column decreases by more than 15 percent, a significant impact would have occurred. At that point, corrective measures would be implemented.

At the Plant Site, per the Draft EIR, the use of recharge trenches would limit the drawdown of the water table in the unconfined alluvial aquifer from dewatering to six to eight feet at a distance of 500 feet from the excavation. There are no supply wells within 500 feet. At a distance of 500 to 1,000 feet, where there are three wells, the drawdown would be approximately three to five feet (KDSA 2021). The level of drawdown would continue to decrease past this distance. Within one-half mile of the perimeter of the Plant Site, there are five wells; the level of drawdown is not an appreciable portion of the available water column of the existing wells in surrounding areas, representing no more than five percent of the total available water column. Therefore, the project would not result in a substantial depletion of water supplies that could impede the use of groundwater in the basin.

Comment 67-18

In addition, none of the background information describes a right to use water from Little Dry Creek, and with the water comingled, CEMEX is taken water from a water body without any clam of rights for that.

Response 67-18

The comment raises an issue on water rights, not on environmental impacts. Water rights are not a proper subject of a CEQA analysis. The comment inaccurately states that the Operator is taking water from Little Dry Creek without the requisite water rights. Little Dry Creek is a tributary of the San Joaquin River (Draft EIR page 2-23). The Operator has water rights to use water from the San Joaquin River for industrial purposes in connection with processing rock, sand, and gravel (see Draft EIR page 4.10-8). As also noted in the Draft EIR, water is conveyed to the Plant Site via an existing river conveyance system (Draft EIR, Impact 4.10-4, pages 4.10-93 through 4.10-94). Furthermore, the project does not propose expansions or alterations in the existing water rights (i.e., there are no changes in the baseline conditions surrounding surface water usage) (see information most relevant to the baseline at pages 4.10-23 through 4.10-49 of the Draft EIR). The comment does not provide any substantial evidence that the river conveyance ditch is utilizing water from a water body without any claim of water rights.

Comment 67-19

[A graphic was included as part of Comment 67-16 that is not reproduced here. To view this graphic please see Letter 67 in Appendix M]

Figure 10: Rockfield water supply ditch with a focus on the crossing of Little Dry Creek and the inlet pond from Google Earth, access in March 2025 and using the time series tool to show May 2023. Note that Little Dry is flowing and that the surface disturbance at the plant site goes up to the inlet pond, allowing siltation and contaminants to enter the inlet ditch waters that are connected to Little Dry Creek.

Response 67-19

Regarding the comment's Figure 10 and observations in the caption, please see Response 67-18, above.

Comment 67-20

Impacts to Fisheries and Wildlife Need a More Comprehensive Analysis and a Mitigation and Monitoring Plan that Adequately Prevents Impacts

Although the supporting documentation for the DEIR discusses modeling that purports to show that the likelihood of impacts from blasting to fisheries, including Spring run Chinook salmon, are not expected, the monitoring, with mitigation measures if monitoring shows impacts taking place, is not sufficient to protect this very important resource. The 2013 State of Alaska Department of Fish and Game Blasting Standard (Alaska Blasting Standard) cited by the applicant identifies mitigation monitoring (hydrophones) that should be conducted in conjunction with blasting. The following is a recommended mitigation approach:

- Year 1 of blasting: Monitor blasting impacts at the river adjacent to the Quarry Site. Depending on monitoring results, implement the following actions:

1. Below 0.6 pounds per square inch and 0.5 inches per second: no action.

2. Between 0.6 pounds per square inch-6 pounds per square inch or 0.6 inches per second-2.0 inches per second: implement avoidance and minimization measures outlined in the Alaska Blasting Standard and continue monitoring.

3. Above 7.3 pounds per square inch or 2.0 inches per second: implement avoidance, minimization, and mitigation measures outlined in the Alaska Blasting Standard and continue monitoring.

At the end of one year of monitoring, re-evaluate the need for monitoring using the following parameters:

- If after 1 year, river impacts stay below 0.6 pounds per square inch and 0.5 inches per second, no additional monitoring is needed so long as future blasting techniques don't create additional pressure or other river impacts.

- If after 1 year, river impacts have been between 0.6 pounds per square inch-6 pounds per square inch or 0.5 inches per second-2.0 inches per second, continue monitoring and implementing avoidance and minimization measures until 1 year of 0.6 pounds per square inch and 0.5 inches per second measurements.

- If after 1 year, river impacts exceeded above 7.3 pounds per square inch or 2.0 inches per second, continue to implement monitoring and avoidance, minimization, and mitigation measures until 1 year of lesser pounds per square inch measurements are experienced, at which point follow guidance for the range of pounds per square inch and inches per second measurements experienced.

- If at any point blasting technique changes so that blasts have the potential to be more impactful to the surrounding land than they were during a 1-year monitoring period where blasts registered below 0.6 pounds per square inch and 0.5 inches per second at the river, river monitoring should take place for the period of higher impact blasting to verify that the new blasting technique does not create additional impacts to the river. So long as impacts of the new blasting technique remain below 0.6 pounds per square inch and 0.5 inches per second at the river, no additional monitoring is necessary for that blasting technique. If the blasting technique creates impacts, either cease the technique or re-enter monitoring, avoidance, minimization, and mitigation measures described above.

Response 67-20

The Draft EIR includes multiple mitigation measures governing blasting activities, including the Blasting Protocols (Mitigation Measure 4.10-1; see Draft EIR page 4.10-92), which are designed to avoid and minimize potential impacts.

An evaluation of the proposed blasting relative to the Alaska Department of Fish and Game (ADF&G) Blasting Standard for the Proper Protection of Fish was prepared by Vibra-Tech Engineers in 2021 (see Draft EIR Appendix E-4). This analysis concluded that ground vibrations associated with the proposed blasting would be well below the threshold for protection of fish embryos in spawning gravels, and that hydroacoustic overpressure levels would be substantially below levels associated with potential impacts to fish.

Specifically, the analysis determined that ground vibrations at the crest of the embankment—closer to blasting activities than the river's edge—would not exceed 0.5 inches per second, which is consistent with the ADF&G criterion for protection of embryos in spawning gravels. In addition, overpressure levels in the San Joaquin River resulting from adjacent blasting would be less than 1 pound per square inch (psi), which is well below the 2.7 psi threshold established in the ADF&G standard for the protection of fish, including salmon.

See also Response 65-13 for further discussion of the applicability of the ADF&G blasting standards and Collective Response #16 regarding potential impacts to salmon. Revisions to the Draft EIR are described in Chapter 3, "Draft EIR Errata."

Accordingly, the Draft EIR's analysis and mitigation measures related to blasting impacts are adequate, and no further revision is required.

Comment 67-21

The analysis of impacted wildlife species from operations, including blasting at the quarry site, does not adequately discuss probable species of wildlife expected in the area. The main example of this is any analysis of bat species. The North American Bat Monitoring Program has established monitoring sites very close to both the plant site and to the quarry site (NA Bat Monitoring Program 2023). This program has identified numerous species of bats adjacent to the project sites. In addition, Pallid Bats, recently listed as California's official state bat, have been identified in a night roosting site within 10 miles of the plant site (Figure 11). The DEIR should analyze the potential for blasting impacts of roosting of bat species, document their areas

of concern, and potentially impacts for impaired water bodies such as the silt ponds on their diet.

[A graphic was included as part of Comment 67-21 that is not reproduced here. To view this graphic please see Letter 67 in Appendix M]

Figure 11: Pallad bats at the Lanes Road house of the San Joaquin River Conservancy. Photo taken by J. Shelton November 2022

Response 67-21

The comment is noted. Section 4.4 of the Draft EIR, "Biological Resources," evaluates the project's potential to affect biological resources, including special-status wildlife species. Table 4.4-1, "Special-Status Wildlife Species," includes an analysis of the potential for individual species to occur on the project sites, including bat species.

The pallid bat is designated as a species of special concern by the California Department of Fish and Wildlife and is not listed under the federal or California Endangered Species Acts. The Draft EIR indicates that no pallid bats were observed on the project sites during biological surveys. In response to comments received, a nine-quadrangle California Natural Diversity Database (CNDDB) search was conducted, and additional discussion of pallid bat has been incorporated into the EIR through errata presented in Final EIR Chapter 3, "Draft EIR Errata." The results of the expanded records search are consistent with the conclusions of the Draft EIR and do not indicate the presence of pallid bat on the project sites or in close proximity that would alter the impact analysis.

Blasting activities would be brief and intermittent and are not expected to result in sustained or long-term impacts to wildlife species, including bats. In addition, blasting would occur during daytime hours when bat species are not active. Accordingly, the Draft EIR concludes that potential impacts to bats, including pallid bat, would be less than significant and do not require species-specific mitigation. To address potential impacts to bats, the Final EIR incorporates Mitigation Measure 4.4-1d, which requires a bat roost pre-construction clearance survey 30 days prior to surface disturbing activities. Please see Chapter 3, "Draft EIR Errata" for the full list of measures provided to reduce potential impacts to bats.

Therefore, the Draft EIR's analysis of impacts to pallid bat is adequate, and no further revision is required.

Letter #68 March 10, 2025, Sharon Weaver, San Joaquin River Parkway & Conservation Trust, Inc.

Comment 68-1

As I continue to review the DEIR I just came across the following paragraph in the 4.11 table regarding land use consistency with local planning documents:

See Section 4.10, "Hydrology and Water Quality."

With implementation of mitigation measures, the project would have less-than-significant impacts on water quality, groundwater supplies and recharge, and drainage patterns. However, as it cannot be said with certainty at this time that access would be granted to County and private residential supply wells to allow for the full implementation of Mitigation Measure 4.10-11a, the County has determined that the proposed project's potential impact on groundwater supply wells surrounding the Quarry Site would be significant and unavoidable.

If the County of Fresno has determined Groundwater impacts to be significant and unavoidable according to this statement, why weren't those impacts highlighted in the Notice of Availability?

Response 68-1

The comment identifies an error in Draft EIR Section 4.11, "Land Use and Planning," within Table 4.11-1, "Project Consistency with Local Planning Documents," on page 4.11-10 in the consistency analysis of Policy LU-A.3. Mitigation Measure 4.10-10a is incorrectly referred to as Mitigation Measure 4.10-11a and the level of significance of the associated impact is incorrectly identified as significant and unavoidable. As shown on Draft EIR page 4.10-111, Impact 4.10-10 was determined to be less than significant with implementation of Mitigation Measures 4.10-10a and 4.10-10b. The Notice of Availability published for the Draft EIR correctly identifies the project's significant and unavoidable impacts related to aesthetics and transportation (Impacts 4.1-1, 4.1-3, and 4.17.1).

Draft EIR Table 4.11-1 on page 4.11-10 is revised in this Final EIR through errata to correct the identified error. See Chapter 3, "Draft EIR Errata," to view this proposed revision to the Draft EIR.

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4.4 INDIVIDUAL RESIDENTS' COMMENTS AND RESPONSES

Letter #69 January 22, 2025, James Durando

Comment 69-1

Good morning Mr. Randall, The Cemex is weighing heavy on my mind. I know you are only in charge of EIR. I need your advise [sic] and direction of who to contact for the loss of property value. I do not know the county mechanism and I am hoping you can direct me or find out who I contact. This is a very important consideration that needs to be addressed. The value in our home is what we have to care for us in our elder years a 37% loss would be devastating.

I would like the email for Mr Mtunga. The email I had to add us to the Cemex notification list returned to me.

Thank you for your consideration on our behalf.

Response 69-1

See Collective Response #7 regarding potential effects on property values. County staff responded to the commenter via e-mail providing the requested information. The comment is noted for the consideration of the decision-makers.

Letter #70 January 23, 2025, Evany Zirul

Comment 70-1

This letter is in protest to the approval of the Cemex USA proposition by the Fresno County to extend it's [sic] contract permit and property access for another 100 years. The damage to the (our)environment will be incalculable.

Response 70-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 70-2

Located adjacent to the river, the project has unknown damage to the water and river. In this increasingly arid environment, the xxx to the river could be significant.

Response 70-2

The project's potential impacts to water resources and the San Joaquin River are identified and addressed in Draft EIR Section 4.7, "Geology and Soils," Section 4.10, "Hydrology

and Water Quality," and Section 4.19, "Utilities and Services Systems," as well as Chapter 5, "Cumulative Impacts." Impacts that were determined to be potentially significant were found to be reduced to less than significant levels with implementation of the mitigation measures provided in the Draft EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made, and no further response could be provided. The comment is noted for the consideration of the decision-makers.

Comment 70-3

Also, the continued and increased traffic of oversize vehicles is and will be a source of damage to our roads and air quality.

Response 70-3

The project's potential effects on air quality and traffic are addressed in Draft EIR Section 4.17, "Transportation," and Appendix D-4, "Revised Section 4.3, Air Quality," as updated in this Final EIR. See Collective Response #9 regarding the project's potential to impact the region's existing air quality and Collective Response #29 regarding potential damage to roads. See also Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced in this response.

Comment 70-4

Why would a foreign company have such influence on our governors?

Response 70-4

The Operator has been subject to the same administrative process for requesting a use permit extension as all other applicants per the County Municipal Code requirements. The County Board of Supervisors will decide on the proposed action based on the whole of the record before them. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Letter #71 January 24, 2025, Bob Papazian

Comment 71-1

I'm a 4th generation Fresnan. I just received the mailer today from the County of Fresno regarding the proposed CEMEX extension/modification of their existing agreement for mining rock, sand, & gravel adjacent to the San Joaquin River near north Fresno.

I am AGAINST any extensions or modifications to the existing agreement with CEMEX. I would like to see them cleanup, restore,

& vacate that sight as spelled out in the current agreement. This property is sorely needed for the public, as Fresno continues to grow. It's been gratifying to finally see some public space (Ball & Sumner Peck ranches) set aside for public use near the San Joaquin River. The CEMEX operation has served its purpose. It's time to say "no" to any mining request extensions in that area, especially so near the river. I personally would like to see that property managed by the San Joaquin River Parkway & Trust & opened to the public, just like the former Ball Ranch & Sumner Peck properties.

Response 71-1

The commenter's opposition to the proposed project is noted for the decision-makers. See Collective Response #21 regarding use of the project sites as parkland with public access to the San Joaquin River.

Letter #72 January 25, 2025, Agellon Family

Comment 72-1

County Planners, please do not allow Cemex to extend their contract and mining in this area. We currently live in Tuscan Bluffs off Friant Road and strongly oppose the Cemex project extension and plans for a 600 foot pit. Particularly concerning is that CEMEX is a multinational company headquartered in Mexico, where they do not even allow the type of blasting/drilling CEMEX wants to do in Fresno.

Response 72-1

The commenter's opposition to the proposed project is noted for the decision-makers.

Comment 72-2

Please do not allow air, noise, and water pollution to affect our community.

Response 72-2

The issue of air pollution is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR as Appendix D-4, "Revised Section 4.3, Air Quality." See also Chapter 3, "Draft EIR Errata." The issue of noise pollution is addressed in Draft EIR Section 4.13, "Noise." The issue of water pollution is addressed in both Section 4.7, "Geology and Soils," and Section 4.10, "Hydrology and Water Quality." Each of the impacts identified in these sections of the Draft EIR were determined to be less than significant with implementation of the mitigation measures provided. The comment is noted for the consideration of the decision-makers.

Comment 72-3

The San Joaquin River Parkway should be restored.

Response 72-3

See Collective Response #12 regarding river restoration efforts in the project area. The comment is noted for the decision-makers.

Comment 72-4

Further, Friant Road is already very dangerous and we can't imagine what adding more truck traffic to it would cause.

Response 72-4

See Collective Response #30 regarding traffic safety. The comment is noted for the decision-makers.

Letter #73 January 25, 2025, Corrie Lucchesi

Comment 73-1

I vehemently oppose the Cemex Rockfield Expansion which includes the blasting of a 600 foot pit.

(https://www.fresnocountyca.gov/files/sharedassets/county/v/1/vision-files/files/46439-eir-7763-informational-slideshow.pdf)
There are many things not to like about this expansion, but the simplest reason is the continued damage to the environment. What has already been done is bad enough, but to allow it to continue and on a heightened level is outrageous. Not only would this continue to damage the ecosystem, but it poses more danger for Fresno's citizens as air quality worsens and elevated noise pollution commences. In addition, Fresno is already among the top 10 most polluted cities in the US as was reported in The Fresno Bee on 4/27/24, and adding to this atrocity is an affront to humanity.(https://www.fresnobee.com/news/local/article288061190.html)

In conclusion, there are many homes in the vicinity of Cemex and its homeowners would be unduly and adversely affected by this expansion. I am one of those homeowners and I forcefully oppose this expansion taking place.

Response 73-1

The commenter's opposition to the project is noted for the decision-makers. The issue of impacts to ecosystems is addressed in Draft EIR Section 4.4, "Biological Resources." The

issue of increased noise is addressed in Draft EIR Section 4.13, "Noise." The issue of air quality is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR as Appendix D-4, "Revised Section 4.3, Air Quality." Each of the project impacts identified in these sections was determined to be less than significant with implementation of the mitigation measures provided. See Chapter 3, "Draft EIR Errata." See also Collective Response #9 regarding the project's potential impact on the region's existing air quality. The comment is noted for the consideration of the decision-makers.

Letter #74 January 28, 2025, Susan McAndrew

Comment 74-1

I just received a letter informing me about the proposed modification of the CEMEX expansion plans.

I am very opposed to this expansion. I have lived nearby for the last 35 years. We have already endured enough dust, traffic, speeding and pollution from this operation. I realize there is great pressure to provide building materials for area growth but they are basically trying to do that in the middle of a suburban area and a nature preserve.

Response 74-1

The commenter's opposition to the proposed project is noted and will be considered by County decision-makers. The comment does not address the adequacy of the Draft EIR, and no further response is warranted. Please see responses below to specific issues raised in the comment letter.

Comment 74-2

The traffic on Friant Rd has increased tremendously over the past decade. Having the large cement trucks and other construction vehicles try to share the road with all the new traffic is quite dangerous. Those trucks don't like to stop and I see them run redlights very frequently. They also speed along the highway. The proposed change would afford even more traffic between the two plants as well as inbound customers to the concrete plant and hot-mix plant.

Those drivers are on a timeline everyday. They have to check in at arrival and departure. Every part of their day is tightly measured. They are under orders to get the job done. Quickly.

Friant road has some of the highest accident rates in the city. Many of them are fatal.

The city of Fresno has tried to mitigate the number of accidents. They lowered the speed limits. They limited right turns at red lights, highlighted signal lights and traffic signs, repainted lane lines and accommodated bicycle lanes near Woodward Park. That's another thing- the route of access for all this truck traffic goes right next to a large regional park that has very heavy usage. A lot of the parking is on the South side of the road so there are groups of people crossing at all times. I see the disappointed looks on the faces of these big-truck drivers early in the morning when I change the light at Rice Road so I can cross to the Eaton trail.

So, are we going to unleash all this increased CEMEX traffic right into the middle of this suburban, recreation area?

Response 74-2

A decision of whether to approve the proposed project will be made by County decision-makers. The commenter's concern with regard to increased truck trips associated with the proposed project are noted. Draft EIR Section 4.17, "Transportation," provides a detailed discussion of anticipated project trip generation in Draft EIR Section 4.7.3.2, "Analysis Methodology," and tabulates existing and projected annual trips volumes associated with the project (see Draft EIR Table 4.17-1, "Existing Annual Trip Generation at Plant and Quarry Sites," Table 4.17-2, "Project Annual Trip Generation—Stage 1 (2.0 MT Per Year)," Table 4.17-3, "Project Annual Trip Generation—Stage 1 (3.0 MT Per Year)," and Table 4.17-4, "Project Annual Trip Generation—Stage 2 (3.0 MT Per Year)"). Please see Collective Response #29 pertaining to project traffic and Collective Response #30 pertaining to traffic safety and road maintenance. See also Chapter 3, "Draft EIR Errata," to view revisions to Draft EIR Section 4.17.

Comment 74-3

Additionally, I see large holes in the pavement from the weight of the trucks. There would be two or three or four times more of them under this new plan.

So who is going to pay to refurbish the road? Has that aspect been considered?

Response 74-3

Please see Collective Response #29 pertaining to project traffic and Collective Response #30 pertaining to traffic safety and road maintenance.

Comment 74-4

Then there are plenty of environmental concerns. Dust, debris falling off trucks, noise. All of this is a disturbance to the natural environment. Isn't that what the park was created for? The area is home to eagles, hawks, owls, coyotes, rabbits, finches, foxes etc. All of the commotion of CEMEX doesn't support that natural environment in the least.

Response 74-4

Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR, provides an evaluation of the proposed project's potential air quality impacts (see Appendix D-4, "Revised Section 4.3, Air Quality"), including fugitive dust emissions, Draft EIR Section 4.4, "Biological Resources," provides a discussion of potential biological resources impacts of the proposed project, Draft EIR Section 4.11, "Land Use and Planning," discusses and assess the project's potential to conflict with land uses and land use plans, and Draft EIR Section 4.13, "Noise," provides evaluation of potential noise impacts of the proposed project including noise generated from onsite project activities and offsite haul trucks. See Chapter 3, "Draft EIR Errata," to view revisions to the Draft EIR sections referenced in this response. The comment does not address the adequacy of the Draft EIR, and no further response is warranted.

Comment 74-5

When I moved here , it was my understanding that CEMEX was supposed to be phased out.

I don't even want to think about a 600 ft deep hole in the ground near Lost Lake Park!

I respectfully request that these concerns be taken into consideration and be given the most weight possible when the county makes decisions on this property.

Response 74-5

Draft EIR Chapter 2, "Project Description," describes the existing operations existing use permits and durations and provides a detailed description of the requested use permit extensions and modifications of the proposed project. For additional discussion, please see Collective Response #3 pertaining to previous use permit extensions and Collective Response #5 pertaining to the requested use permit duration. The commenter's concerns are noted and will be considered by County decision-makers.

Letter #75 February 3, 2025, Nyein Win

Comment 75-1

I would like to voice my objection to expanding the mining operations of Cemex. Traffic in that area is dangerous and congested enough without additional mining operations going on there.

Response 75-1

The commenter's opposition to the project is noted for the decision-makers. See Collective Responses #29 and #30 regarding the issues of traffic congestion and traffic safety, respectively.

Comment 75-2

The hours of operation for this project start far too early given their proximity to residential areas

Response 75-2

The project's proposed hours of operations are summarized in Table 2-5 on Draft EIR page 2-43. The primary impact to residential uses related to nighttime and early morning operations is noise. The project's potential noise impacts are addressed in Draft EIR Section 4.13, "Noise." Mitigation Measure 4.13-3 on Draft EIR page 4.13-61 restricts the project's hours of operations to reduce operational noise levels at the Quarry Site. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.13. The comment is noted for the consideration of the decision-makers.

Comment 75-3

and has a significant impact on air quality which is something we already struggle with in our Valley.

Response 75-3

The project's potential effect on air quality is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR as Appendix D-4, "Revised Section 4.3, Air Quality." See also Chapter 3, "Draft EIR Errata." See also, Collective Response #9 regarding the project's potential impacts to the region's existing air quality conditions. The comment is noted for the consideration of the decision-makers.

Comment 75-4

How much tax revenue will they be contributing to mitigate the effects of the air pollution, noise pollution, and traffic congestion on those of the community who will have to bear the brunt of it?

Response 75-4

The project's projected tax revenue is an economic impact outside of the scope of the EIR. Under CEQA statute, guidelines, and case law, economic impacts are not cognizable CEQA issues. See Collective Response #7, regarding economic effects. The project's potential impacts related to air pollution, noise pollution, and traffic congestion are evaluated in Draft EIR Section 4.3 (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.13 and Section 4.17, "Transportation," as they are updated in the Final EIR, respectively. See Chapter 3, "Draft EIR Errata." The funding and responsibility for implementation for each mitigation measure presented in these sections are specified in the text of the individual measure and summarized in the Mitigation Monitoring and Reporting Program (MMRP), which will be considered for adoption in conjunction with project approval. See also Collective Response #4b regarding liability for unforeseen damages caused by the proposed project.

Comment 75-5

Blasting 600 feet underground so close to recreation areas and residential areas could also have unforeseen impacts on ground stability.

Response 75-5

Issues related to ground and slope stability are addressed in Draft EIR Section 4.7, "Geology and Soils," and Section 4.13. See Impact 4.13-6, beginning on Draft EIR page 4.13-65, for evaluation of the potential for blasting within the Quarry Site to result in the instability of the San Joaquin River embankment. Impact 4.13-6 and all other impacts identified in these sections were determined to be less than significant with implementation of the mitigation measures provided. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #17 regarding riverbank stability and Collective Response #27 regarding potential effects of blasting on users of adjacent recreation areas. The comment is noted for the consideration of the decision-makers.

Comment 75-6

There are no guarantees that this company will pay for any damages blasting mining will have on the surrounding areas and it could

have a large impact on public funds as liability gets hashed out in the courts.

Response 75-6

See Collective Response #4a regarding CEMEX's regulatory compliance and Collective Response #4b regarding liability for unforeseen damages caused by the proposed project.

Comment 75-7

Additionally, I have serious concerns about the impact this project will have on the river and the surrounding areas such as Woodward Park and Lost Lake park. I understand reclamation is a part of their plans but that will be 70 years in the future. My children are alive now. They're the ones who will have to live through these disruptions in their environment with very little benefit to them. Just an eyesore, air pollution, noise pollution, more traffic and who knows what else.

Response 75-7

The project's potential impacts to the San Joaquin River are addressed primarily in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR Section 4.10. See also Collective Response #25 regarding project effects on river flows.

See Collective Response #27 regarding operational impacts on adjacent public parks.

As described in Draft EIR Section 2.5.7, "Reclamation," beginning on page 2-45, both the Plant Site and the Quarry Site would be mined in phases. Reclamation of each phase would occur once operations have completed within a phase. Reclamation of the Plant Site would begin at the end of Stage 1 within 30 years. Reclamation of the Quarry Site would begin at the end of Stage 2 within 100 years under the proposed project.

The comment is noted for the consideration of the decision-makers.

Comment 75-8

I oppose the extension of this project. It is too close to recreation areas and residential areas. Any financial gains to our community would not outweigh the negative impacts.

Response 75-8

The commenter's opposition to the project is noted for the decision-makers.

Letter #76 February 5, 2025, Diane Durando (Letter #1)

Comment 76-1

Mr Randall, The term monitor for the barrier between the dig and the San Joaquin River is inadequate. Monitor means nothing without parameters and in-depth studies of the safety of the barrier. I saw no report from independent geologist as to the safety and stability of the barrier. If this fails it could have catastrophic down river and in flooding and contamination from the blast site. We must have evaluation by an independent fine geologist study this concern.

Response 76-1

Each of the technical studies prepared for the proposed project by the Operator or its consultants, including the Quarry Site Geotechnical Report presented as Draft EIR Appendix F-2, "Quarry Site Geotechnical Report," were independently peer-reviewed by County-retained experts in an appropriate field. Appendix F-3, "Quarry Site Geotechnical Memorandum," presents a response to this peer review including how the Quarry Site Geotechnical Report was revised to address comments that were made. See Collective Response #17 regarding bank stability and the potential for breach at the Quarry Site. The comment is noted for the consideration of the decision-makers.

Letter #77 February 5, 2025, Diane Durando (Letter #2)

Comment 77-1

I see no report from our local native American community in the EIR as to the effect of this blast /dig may have on their river sites that have many traditional grinding holes. Has the local Table Mountain Rancheria been consulted? Have they had time to evaluate possible destruction of these Native American sites?

Response 77-1

Potential impacts to tribal sites and cultural resources are addressed in both Draft EIR Section 4.5, "Cultural Resources," and Section 4.18, "Tribal Cultural Resources." Section 4.18.1.2, "Known Tribal Cultural Resources Within the Project Sites," of the Draft EIR at page 4.18-4 describes the known cultural and historic resources within the project sites. The County's notification and consultation process with local tribes for the project is described on Draft EIR page 4.18-8. The Table Mountain Rancheria and other applicable local tribes were notified of the proposed project via certified mail on December 9, 2019. See Draft EIR Appendix J, "AB 52 Tribal Notification Letters," for the notification letters. No tribes responded or requested consultation within the 30-day statutory limit for consultation requests under AB 52.

On January 9, 2025, the Table Mountain Rancheria submitted a letter to Fresno County in response to the Notice of Availability of the Draft EIR requesting consultation with the County pursuant to AB 52. Although the request was submitted after the statutory AB 52 consultation request period had closed, the County nevertheless provided a site visit and project documentation to the Tribe in February 2025 to facilitate review of potential cultural and tribal cultural resources.

See Comment Letter #19 submitted by the Santa Rosa Rancheria Tachi-Yokut Tribe and Comment Letters #50 and #52 both submitted by the Table Mountain Rancheria.

Letter #78 February 5, 2025, Diane Durando, (Letter #3)

Comment 78-1

I am very concerned about the term Monitor in the report. To monitor with no established preexisting levels means nothing. Water levels do vary during the year. There are no current studies presented that have completed a year of establishing the current water levels at each of the 5 domestic wells within 1/2 mile of the project. Every well must be checked as they may be in different depth levels. One of the wells serves 11 homes. Water levels do vary during the year this is why a complete evaluation of each well is mandatory to protect peoples [sic] water.

Response 78-1

The Plant Site Groundwater Conditions report is presented in Draft EIR Appendix G-3, "Groundwater Conditions at the Plant Site," which provides further information about the sampling program implemented to establish groundwater quality at the Plant Site. The Quarry Site Groundwater Conditions Report is located in Draft EIR Appendix G-4, "Groundwater Conditions at the Quarry Site," which also provides information regarding sampling methodology and findings. A hydrologist established the existing baseline conditions of wells near the Plant and Quarry sites. The commenter requests that all wells be included in the analysis; however, this is not necessary to establish the baseline conditions of groundwater adjacent to the project sites. Please see Table 4.10-8 on page 4.10-103 of the Draft EIR for more information pertaining to well samples near the Plant Site and the existing water column. See also Table 4.10-9 regarding the wells sampled near the Quarry Site (Draft EIR 4.10-106). The studies and well-sampling conducted are sufficient for the purposes of establishing the existing depth of the sampled water columns and for CEQA review.

Please note that CEQA does not require technical perfection and does not require all studies to be conducted to evaluate environmental impacts (Title 14 CCR Section 15204). See Response 78-2 regarding monitoring wells adjacent to the Quarry Site.

Comment 78-2

The wells levels must be protected by 24/7 evaluation by a public agency to protect the domestic wells.

Then there must be parameters to this monitoring. At what percent of water level loss is there a complete halt of the proposed blast & dig? Cemex could choose to monitor us to no water. There must be exact legal language protections in place to protect domestic wells.

I know the man on the zoom meant well when he said monitor like it was the best protection, but I do not believe he really thought through his statement.

Response 78-2

As detailed in the Draft EIR, at the Quarry Site, the use of the recharge trenches would limit the drawdown of the water table in the unconfined alluvial (Draft EIR page 4.10-102). The recharge operations would result in drawdown levels that would be approximately one-half of those which would occur without any recharge operations (KDSA 2021). The Draft EIR acknowledges reductions in the available groundwater column would occur in the Beck Ranch and Fresno County CSA 44C wells (see Draft EIR discussion of Impact 4.10-10). The estimated decrease in the static water column would range from 30 to 60 feet depending on the recharge operations. If water production volumes from the CSA 44C wells decline to the point where current water demand cannot be met, this would result in a significant impact. Accordingly, Mitigation Measure 4.10-10a is provided as an Adaptive Management Program for Quarry Site Groundwater. As part of the Adaptive Management Program, potential effects on the CSA 44C wells would be assessed through the monitoring of nested wells between the Northeast Pond and the CSA 44C wells, and the CSA 44C wells themselves. Annual mitigation monitoring reports prepared by a Professional Geologist/Certified Hydrogeologist would be submitted to Fresno County. If monitoring data indicate groundwater levels in any of the monitored wells drop such that the available water column decreases by more than 15 percent, a significant impact would have occurred. At that point, corrective measures outlined in Mitigation Measure 4.10-10a would be implemented (Draft EIR page 4.10-108 to 4.10-111). Mitigation Measure 4.10-10a provides the following: "If, during mining, all available water from dewatering is being pumped to the Northeast Pond or recharge trench and the water level in the MW-3 well cluster remains 15 percent or more below the baseline elevations, then mining could not progress to greater depths in the quarry" (Draft EIR page 4.10-109).

Letter #79 February 5, 2025, Neil Thompson

Comment 79-1

I would like to raise an issue that affects Public Safety especially as it relates to the Quarry Site. This could be analyzed under the Hazard category as the Fresno County General Plan Implementation Program HS-E.B includes a statement that "The County shall, as part of the development review process, ensure that new development . . . does not create manmade safety hazards . . .".

The issue pertains to the public safety hazard that the quarry will represent after the project is complete 100 years or so from now (and maybe before). The public would expect that the site would be fenced for security purposes during the operational years. However, after the operations have ceased and the Applicant or their successors have vacated the property the quarry will remain as an attractive nuisance forever and beyond. By that time the metropolitan population will be several times larger than it is now and the river parkway will be utilized far beyond what we can now envision. Recreational travel up and down the river will lead everyone past the open quarry whether the trail is on the east or west side of the quarry.

With the stepped but vertical walls and a surface water elevation more than 400 below the trail elevation, the open quarry will not be suitable for fishing, swimming, boating, kayaking, canoeing, floating or anything else. But it will be ATTRACTIVE, especially to preteens and teenagers. There is not a fence that will keep them out.

What will happen if one or more of the public falls into the pit? They won't fall all the way down - just 50 feet. That is a sure death. And if they do fall into the water, how will they get out? With vertical walls all around, they may have to swim more than one half mile to find the sloped haul road at one point. How many people have drowned at Lost Lake because they can't swim? This might be a great EMS training center.

Who is going to maintain the fence FOREVER? The definition of an old mining feature is "abandoned mine." That is a liability that the County will own FOREVER.

Response 79-1

Proposed fencing is described on Draft EIR page 2-35 and in Section 5.1.5 of the proposed Surface Mining and Reclamation Plan presented as Appendix B-1, "Surface Mining and

Reclamation Plan," to the Draft EIR. As described, the entire perimeter of each project site would be fenced in accordance with Section 834.4.220, subsection I.4 of the Fresno County Zoning Ordinance. Secured gates wide enough to allow for emergency access, would be maintained at site entrances.

Letter #80 February 6, 2025, Ken and Betty Cornelisen

Comment 80-1

As residents of Fresno County, we want to strongly object to the Cemex proposal to dig a 600-foot hole in the San Joaquin Riverbed for mining purposes. This will further destroy the river and the natural habitat for birds, wildlife, and plant species. Please do not allow Cemex to continue with this project.

The negative effects of allowing this corporation to continue is overwhelming. Traffic, air quality and the destruction of our precious remaining environment is reason enough to refuse Cements efforts to go any further.

For the benefit of our valley and all who live here please deny their request.

Response 80-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. Potential impacts to the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water." Potential impacts to plant and wildlife species and associated habitats are addressed in Draft EIR Section 4.4, "Biological Resources." See also Collective Responses #12 through #16 related to biological resources. Potential impacts related to traffic are addressed in Draft EIR Section 4.17, "Transportation." See also Collective Responses #29 and #30 related to traffic congestion, roadway improvements, and traffic safety. Potential impacts to air quality are addressed in Draft EIR Section 4.3, "Air Quality," as updated in this Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," and Chapter 3, "Draft EIR Errata." See also Collective Response #9 regarding the project's potential impact on the region's existing air quality.

Letter #81 February 6, 2025, Eve Hudson

Comment 81-1

The 600-foot-deep pit mine proposed for the San Joaquin River near Friant creates many problems to our air quality, water quality and the environment in general.

Response 81-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. Potential impacts to air quality are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," and Chapter 3, "Draft EIR Errata." See also Collective Response #9 regarding the project's potential impact on the region's existing air quality.

Potential impacts to water quality are addressed in Draft EIR Section 4.10, "Hydrology and Water." See also Collective Response #23 regarding groundwater quality. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 81-2

Cemex, as you know, is a multinational corporation based in Mexico. Last fall, the lower house of Mexico's congress passed a bill banning the same kind of mining that Cemex proposes to do in our country, on our own San Joaquin River. Why, if Cemex's proposal is not good enough for Mexico would we allow it here in our own country?

Response 81-2

No specific comments related to the adequacy of the Draft EIR were made and no further response is warranted. However, the comment is noted for the consideration of the decision-makers.

Comment 81-3

My family and I have spent many happy hours recreating and enjoying the San Joaquin River in that area. We need all the park space that we have and more. Please do not destroy our natural environment and the open spaces that we enjoy.

I am asking you to vote no on Cemex's proposal to further mine the San Joaquin River.

Response 81-3

See Collective Response #27 regarding potential noise impacts to users of adjacent parks and trails. See also Collective Response #21 regarding the assertion that the project sites should become public parks. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #82 February 6, 2025, Ken Hudson

Comment 82-1

Do NOT approve Cemex's application to extend their open pit mining operation. As a life-long resident of Fresno County, I have always enjoyed the San Joaquin River near Friant for canoeing, fishing, swimming, hiking, wildlife-viewing, and field trips for my elementary students. Some of my fondest memories are seeing deer, egrets, beavers, and lately, even eagles.

Response 82-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 82-2

Allowing this multinational company, based outside the United States, to disturb the riparian environment and muddy the water with a 600-foot mining pit for a hundred years is unconscionable. As local columnist, Marek Warszawski, points out, "last fall the lower house of [Mexico's] Congress passed a bill banning the same type of open pit mining the company wants to do in Fresno County. If blasting and drilling a 600-foot deep pit next to a major river isn't kosher in Mexico, it should be equally beyond the pale for the San Joaquin Valley." (The Fresno Bee, Jan 14, 2025)

Response 82-2

No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 82-3

Fifteen years ago my family and I joined others in successfully calling for the planning commission and BOS to oppose Cemex's application to mine Jesse Morrow Mountain. Let's see Fresno County do the right thing again. Vote NO on the Cemex application.

Response 82-3

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #83 February 6, 2025, Brenda Markham, (Letter #1)

Comment 83-1

To whom it may concern:

With regard to DEIR Another major impact that CEMEX would have on the environment is noise. According to section 4.13-6 ,the negative effects of noise on humans can result in auditory and non auditory effects. These effects could lead to temporary or permanent hearing loss -not to mention behavioral and physiological effects. Truck pass-by noise standard is 80 (dBA) [See page 770-771;4.13-25&26]. This level far exceeds the General Plan acceptable limits of 60 (dBA). see table 4.13-6.

This impact alone is detrimental to the health and well being of the surrounding communities. How do you plan to compensate for people with medical complications caused by high levels of noise?

Response 83-1

In addition to the response below, see Response 60-13, which addresses the commenter's concern regarding public health issues associated with excessive noise.

Comment 83-1's assertion that the 80 dBA standard identified in Title 40 CFR Section 205.52 exceeds the Fresno County General Plan 60 dBA standard applicable to residential uses is incorrect. The CFR standard is a maximum noise standard applicable to a single truck, meaning that no single heavy truck pass-by shall exceed a maximum noise level of 80 dBA L_{max} measured at a reference distance of 15 meters. By contrast, the Fresno County 60 dBA standard is a weighted 24-hour average noise level standard (Ldn), meaning that the weighted 24-hour average of all vehicles on a public roadway shall not exceed 60 dBA Ldn at noise-sensitive outdoor areas of residential uses. The differences between a single-event maximum (L_{max}) noise level and a 24-hour average (Ldn) noise level are vast and the two descriptors are not interchangeable.

Finally, the extensive noise analysis prepared for this project carefully evaluated both absolute noise levels as well as the increases in noise levels which would result from the project. (See Draft EIR Appendix H-1, "Environmental Noise and Vibration Assessment") In both cases the analysis concluded that the project would not exceed the local, state, and federal noise standards designed to protect people from the harmful effects of excessive noise.

Letter #84 February 6, 2025, Brenda Markham (Letter #2)

Comment 84-1

Regarding the DEIR-

There are several environmental impacts listed, but one of my main concerns is Air Quality. I see on item 4.3-10 that "long term exposure to diesel exhaust particles poses the highest cancer risk of any toxic contaminant evaluated by OEHHA. The ARB has estimated that about 70% of the cancer risk that the average Californian faces from breathing toxic air contaminants stems from diesel exhaust particles".

This alone is detrimental to communities in the surrounding area. How do you intend to mitigate this?

Thank [sic] you for your attention to this matter

Response 84-1

Please see Collective Response #11 pertaining to community cancer risk. Draft EIR Impact 4.3-3, as updated in the Final EIR as Appendix D-4, "Revised Section 4.3, Air Quality," evaluates the potential exposure of sensitive receptors to substantial pollutant concentrations, including diesel particulate matter. The impact discussion quantifies estimated unmitigated health risk impacts (Appendix D-4 Table 4.3-24) and mitigated health risk impacts (Appendix D-4 Table 4.3-25). As shown in Tables 4.3-24 and 4.3-25, the project's potential to expose sensitive receptors to substantial pollutant concentrations is less than significant before or after mitigation.

This impact discussion is based on the Health Risk Assessment (HRA) prepared for the project and included as part of Draft EIR Appendix D-1, "Air Quality, Health Risk, and Climate Change Impact Assessment," as updated and provided as Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment." As determined in Impact 4.3-3 on Appendix D-4, Section 4.3.4, "Project Impacts and Mitigation Measures," with or without implementation of Mitigation Measures 4.3-2a and 4.3-2b, the proposed project would not result in cancer, chronic, or acute health risks to residents or workers above the respective significance thresholds.

Furthermore, in response to comments received, an updated HRA and a Fugitive Dust Control Plan was prepared in the Air Quality, Health Risk, and Climate Change Technical Report (Appendix D-3). This updated analysis included cancer burden modeling and demonstrated no new impacts and no changes to the findings in the Draft EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," and Chapter 3, "Draft EIR Errata."

Letter #85 February 6, 2025, Brenda Markham (Letter #3)

Comment 85-1

Regarding the DEIR:

A concern I have is the environmental impact on wildlife. I don't see any mention of how wildlife is affected while there's blasting going on. This would be different from the surface mining that's been going on.

Response 85-1

Potential impacts to wildlife species from proposed project operations, including blasting, are addressed in Draft EIR Section 4.4, "Biological Resources." See Impact 4.4-1 beginning on Draft EIR pages 4.4-48. See also Collective Response #13 regarding operational impacts to wildlife on adjacent properties and Collective Response #16 regarding the project's potential impacts on salmon from groundborne vibration and sedimentation. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.4.

Letter #86 February 7, 2025, Cheyenne Jenvey

Comment 86-1

Do you care about the impact this will have on our city, our water, our river, our park our habitat and our peace of mind? Nope because all you care about is $$$$ signs!

We & I who are natives to Fresno VOTE NO on this plan & project!

The San Joaquin River is important and precious and needs to be LEFT ALONE!

Response 86-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #87 February 7, 2025, Neil Thompson

Comment 87-1

Flood hazards are discussed in Section 4.10.1.5 starting on Page 4.10-15 of the Executive Summary and further described in an analysis found in Appendix G-1.

The flood hazard analysis is limited to the FEMA 100-year floodway and floodplain and states the "the floodplain does not encroach into the Quarry Site" as shown on Figure 4.10-1.

The continued development of the berm between the river channel and the Quarry Site will constrain the river and will create a choke point especially at the north end of the Quarry Site where the easterly bank of the river is more vertical. According to the 100- Year Hydraulic Results found in the Hydraulic Analysis in Appendix G-1, the flood water surface elevation between Stations 20 and 21averages out to 313.27 feet. Without a constraining bank between Stations 20 and 21on the east side of the river additional water flow will likely push to the east across the north side of the Quarry Site.

Response 87-1

The Quarry Site does not encroach into the 100-year floodplain of the San Joaquin River, and would thus not create a choke point. See Appendix G-1, "Hydraulic Analysis," of the Draft EIR for further discussion of the hydraulic analysis. The floodplain does not enter the Quarry Site from stations 20 to 21 (see Draft EIR Appendix G-1, Appendix A, Figure 2).

Comment 87-2

The Executive Summary includes the following caveat: *The Bureau of Reclamation owns and manages the dam, and, during unforeseen events, may be required to release water into the San Joaquin River at rates that could exceed the river channel capacity (Fresno County 2018a).*

The establishment of an earthen berm around the Quarry Site that is higher (approximately 30 feet) than any land between the natural banks of the historic San Joaquin River will be an obstruction to unforeseen water flows in the historic channel. In fact, the creation of the Quarry Site berms will effectively obstruct about 70 percent of the historic channel width at the north end of the Quarry. This could have a devastating upstream impact as floodwaters are impeded by the Quarry Site berm.

[A graphic was included as part of Comment 87-2 that is not reproduced here. To view this graphic please see Letter 87 Appendix M, "Draft EIR Comment Letters"]

Response 87-2

The Quarry Site berm described in this comment already exists at the Quarry Site and is part of the baseline conditions for the CEQA analysis presented in the Draft EIR (Draft EIR at page 2-8).

Comment 87-3

The Fresno County General Plan HS-C.4 states: *The County shall require . . . developments within areas subject to 110- and 200-year frequency flood are designed and constructed in a manner that will not cause floodwaters to be diverted onto adjacent property or increase flood hazards to property located elsewhere."*

The Fresno County General Plan HS-C.12 states in part: *The County shall encourage the performance of appropriate investigations to determine the 200-year water surface elevations for the San Joaquin River . . . "*

Because the construction of the Quarry Site berm is intended to and will be required to remain FOREVER, it is unreasonable to assume that the analysis can be limited to the 100-year horizon. It should be a FOREVER horizon as the berm will have to withstand all conceivable and inconceivable events that it will face FOREVER.

More analysis is required to determine future impacts to this site and surrounding impacted areas due to flood hazards.

Thank you for your consideration.

Response 87-3

Although the Quarry and Plant sites are located near the San Joaquin River, the river's 100-year floodplain does not extend into the Quarry Site (Draft EIR page 4.10-16). Similarly, the San Joaquin River 100-year floodplain does not encroach onto the Plant Site, as demonstrated in the 2020 Hydraulic Analysis provided in Appendix G-1 and clarified in Final EIR Chapter 3, "Draft EIR Errata." The existing topography and berms along the north edge of the Plant Site prevent the Little Dry Creek 100-year floodplain from entering the Plant Site. Note that all proposed project improvements would be located outside of the floodplain, and no flood control measures are required. Stormwater runoff would continue to be directed to existing onsite ponds, canals, and trenches as necessary.

In consideration of commenters' concerns pertaining to severe flooding events and in light of County Policy HS-C.12, Chang Consultants evaluated the potential for the 200-year flood to enter the Quarry Site and Plant Site. Upon an initial evaluation, the modeled 200-year floodplain entered the quarry pit at stations 16, 19, and 20 by approximately two feet. To proactively prevent the possibility of a 200-year flood event from entering the quarry pit, CEMEX raised the northerly portion of the berms separating the San Joaquin River and Quarry Site up to approximately 4 feet with compacted fill. Topographic mapping was prepared to display the locations where the berms were raised and is included in the 200-year hydraulic analysis for the Quarry Site. Please see Collective

Response #17 for further discussion of the 200-year flood analysis conducted for the Quarry Site, and see Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10, "Hydrology and Water Quality," and Section 4.11, "Land Use."

The 2026 Hydraulic Analysis also demonstrated that the existing berms and topography of the Plant Site would prevent both the San Joaquin 200-year flood and the Little Dry Creek 200-year flood from entering the Plant Site (Chang 2026b, Appendix G-8, "200-year Flood Hazard Analysis—Plant Site"). As such, the project sites are sufficiently protected from flood risks, including from the 200-year flood.

It should be noted that the Draft EIR Hydraulic Analysis' use of the FEMA 100-year floodplain to analyze the project's flood hazards is sufficient for the purposes of analyzing potential flooding impacts under CEQA.

Letter #88 February 7, 2025, Laurie Tidyman-Jones

Comment 88-1

Hello, I'm a resident of the City of Fresno, Fresno County and live near Woodward Park. I have lived in Fresno for over 50 years. I am writing to register my opposition to the continued dredging of the San Joaquin River and the proposal to blast the river basin.

Response 88-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 88-2

The river bottom, air, water, and noise pollution is unacceptable, as well is the destruction of one of Fresno's greatest assets for beauty and wildlife, the San Joaquin river area.

Response 88-2

The issue of air pollution is addressed in Draft EIR Section 4.3, "Air Quality," while the issue of water pollution is addressed in Draft EIR Section 4.10, "Hydrology and Water Quality," as these sections are updated in this Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," and Chapter 3, "Draft EIR Errata." The project's potential noise impacts are addressed in Section 4.13, "Noise."

Potential impacts to the San Joaquin River are addressed primarily in Draft EIR Section 4.10, "Hydrology and Water Quality." Potential impacts to the aesthetics of the project area are addressed in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See also Collective Response #25 regarding the project's potential impacts to river flows and

effects to downstream users and Collective Response #12 regarding potential impacts to recent restoration projects along the San Joaquin River.

Comment 88-3

The continuance of CEMEX without an EIR since 2014 has seriously compromised the river basin and its aesthetic.

Response 88-3

The commenter's statement that CEMEX has operated "without an EIR since 2014" is incorrect. Existing Rockfield Quarry operations have not been conducted without environmental review. As discussed in Collective Response #2, the County previously completed CEQA review for the existing operations, and the County has approved extensions of the existing conditional use permits to allow continued operation while the County processes the proposed entitlement application and this EIR. The proposed project and its potential impacts, including impacts related to aesthetics, are evaluated in the EIR. Existing conditions at the project sites reflect the environmental baseline for purposes of this EIR analysis. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 88-4

We can't just be about making money we need a vision and a plan for a Fresno to be proud of, not embarrassed by. When Mr. Bredefeld (now County Supervisor representing me) his website bragged about Woodward Park and the beauty thereof. I am assuming he wants that to continue? It will be interesting to see.

Please stop this acceleration and reconsider the continued presence of CEMEX in the river bottom.

Response 88-4

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #89 February 8, 2025, Patrick Cassen

Comment 89-1

I write in opposition to expansion of the CEMEX Rockfield Project.

Response 89-1

The commenter's opposition to the proposed project is noted and will be considered by County decision-makers.

Comment 89-2

The Central Valley, with its chronic air pollution problems, is not the appropriate place for a major blasting operation. Pollution exposure associated with particulate dust is a well documented health issue; it causes respiratory inflammation and degraded lung function, which aggravate respiratory diseases such as asthma. The CEMEX operation cannot avoid the production of unsafe quantities of dust.

The EIR notes (4.3 60) that "…the proposed project could potentially generate emissions that exceed the annual PM10, and the daily screening level for CO, PM10, and PM2.5. Therefore the proposed project could potentially result in a cumulatively considerable net increase of these criteria pollutants."

Response 89-2

The project's potential impact on air quality, including potential release of criteria pollutants, is discussed in Draft EIR, Section 4.3, "Air Quality," as updated in the Final EIR as Appendix D-4, "Revised Section 4.3, Air Quality." In response to comments received, the *Revised Air Quality, Health Risk, and Climate Change Technical Report* (see Appendix D-3), was prepared. This updated analysis resulted in the project exceeding the daily emission screening criteria for CO and NO_x and not the annual screening criteria for PM_{10}, or the daily screening criteria for PM_{10} and $PM_{2.5}$. See Tables 24 and 25 of Appendix D-3. Table 28 of Appendix D-3, "Mitigated Criteria Pollutant Concentrations and AAQS Comparison," demonstrates that when mitigated the proposed project would not exceed the ambient air quality standards significance threshold for any criteria pollutant, including PM_{10} and $PM_{2.5}$. Please see Collective Response #9 pertaining to the project's potential impact on regional air quality, and please see the following responses to specific comments from Letter 89. See also Appendix D-4, "Revised Section 4.3, Air Quality," and Chapter 3, "Draft EIR Errata."

Comment 89-3

This conclusion requires mitigation measures, so a 'Fugitive Dust Control Plan' is projected to render the pollutant levels "less than significant".

Three points regarding this mitigation plan should be noted:

1. The mitigation plan is projected to reduce daily emissions of PM2.5 a mere 1.5% (.015) below threshold, and similarly marginal amounts for other pollutants. This is reminiscent of CEMEX's mitigation projections for the rejected Jesse Morrow

proposal, for which mitigations were calculated to nudge the pollutants to barely below threshold for significance.

Response 89-3

The project Operator has prepared a Fugitive Dust Control Plan which will be submitted for the approval of the SJVAPCD prior to project implementation per the requirements of Mitigation Measure 4.3-2b. See Appendix K of Appendix D-3, "Fugitive Dust Control Plan."

Draft EIR Section 4.3, has been updated with the changes proposed in Final EIR, Chapter 3, "Draft EIR Errata," and Appendix D-4, "Revised Section 4.3 Air Quality." Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions, and Table 4.3-22, "Mitigated Net Change in Daily Emissions," demonstrate that the project would have a less than significant impact in regard to Criteria Air Pollutant emissions including $PM_{2.5}$. Neither table shows the $PM_{2.5}$ emissions to be within 1.5 percent of the threshold as the commenter claims. Appendix D-4 Table 4.3-22 shows PM_{10} emissions to decrease 437.5 pounds per day and $PM_{2.5}$ emissions to decrease 97.8 pounds per day compared to baseline conditions, which is below the significance threshold. Therefore, further mitigation would be unnecessary.

Comment 89-4

2. Dust mitigation essentially requires the application of copious amounts of water. It is up to the County to monitor the effectiveness of the plan. The record shows that CEMEX cannot be relied upon to faithfully employ the mitigation plan. CEMEX has been cited for multiple air pollution violations (e.g., in Victorville, CA, Fairborn, OH and, more recently, Boulder, CO.) Although each violation required CEMEX to pay a few millions of dollars in fines, such penalties are apparently readily accommodated by this multi-billion dollar corporation.

Response 89-4

Please see Collective Response #4a pertaining to the Operator's regulatory compliance history. Draft EIR Section 4.19, "Utilities and Service Systems," discusses the proposed project's water demand and supply sources. Table 4.19-1, "Existing and Proposed Water Use Summary," provides a summary of current and proposed water use at the project sites. Water used for dust suppression at the Plant Site would be recycled water from the silt ponds and is not considered a new water demand. Water used for dust suppression at the Quarry Site would be obtained from ponded pits and is accounted for in the "Water Use from Ponded Pits" source category in Table 4.19-1.

Comment 89-5

3. Blasting produces a major fraction of particulate pollution (presumably included in the projections for Aggregate Plant in Tables 4.3 15-17). But standard containment procedures for fugitive dust from roads and machinery operation are not effective for blast produced dust, so it is not obvious what measures are envisioned for this aspect of mitigation. As far as we can tell, the EIR does not address this factor.

Response 89-5

The impact of blasting on air quality is discussed in Draft EIR Section 4.3, as updated by the Final EIR in Appendix D-4, "Revised Section 4.3, Air Quality." This impact is quantified as a permit-exempt emission source as indicated in Tables 4.3-15 through 4.3-17. In addition, an updated Air Quality, Health Risk, and Climate Change Impact Assessment (see Appendix D-3) was prepared in response to comments received. In this report, blasting emissions were calculated using the San Diego Air Pollution Control District (SDAPCD) standard emissions factors. See Section 3.4.2 of Final EIR Appendix D-3. See also Chapter 3, "Draft EIR Errata," and Appendix D-4. Additionally, see also Collective Response #9, regarding the project's potential impacts to air quality and emissions from blasting.

Comment 89-6

I urge the County to reject the application for the expansion of the CEMEX Rockfield Project.

Response 89-6

The commenter's request for denial of the proposed project is noted and will be considered by County decision-makers.

Letter #90 February 10, 2025, Bonnie Douglas

Comment 90-1

The San Joaquin River is a treasured resource. The CEMEX Rockfield expansion will change that. It will extend the contract to 100 years, and blast a 600 foot deep pit so they can continue mining. The area is popular for recreation, such as hiking, biking, fishing, and swimming. The city of Fresno does not have enough parks, so many people use this river area to recreate.

Response 90-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The effects of the proposed project are evaluated throughout the Draft

EIR. Potential impacts to recreation in the project area are addressed in Draft EIR Section 4.16, "Recreation." See Chapter 3, "Draft EIR Errata," for revisions to this section of the Draft EIR. See also Collective Responses #19, #21, and #27 regarding the publicly accessible parks adjacent to the project sites and potential operational impacts on park users.

Comment 90-2

Air pollution from rock dust and vehicles, water and aquifer pollution from blasting, sound from blasting, and road damage from trucks will all contribute, making this an undesirable project.

Response 90-2

The issue of air pollution is addressed in Draft EIR Section 4.3, "Air Quality," As updated in this Final EIR in Appendix D-4, "Revised Section 4.3, Air Quality." See also Collective Response #9 regarding the project's potential impacts to air quality and emissions from blasting. The issue of surface and ground water pollution is addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The issue of operational noise is addressed in Section 4.13, "Noise." The issue of road damage and maintenance is addressed in Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response. See also Collective Response #29 regarding funding of road maintenance.

Comment 90-3

Will the pit be filled in? Some say, "No one now alive will be here to see it".

Response 90-3

As described in Draft EIR Section 2.5.7.1, "Plant Site Reclamation Plans," beginning on page 2-45, at the Plant Site overburden and fines recovered from proposed aggregate processing would be used as fill to reclaim the bottom 20 feet of the quarry pit. The pit would then be allowed to fill with groundwater and rainfall to form an approximately 100.5-acre, 20-foot-deep pond. As described in Draft EIR Section 2.5.7.2, "Quarry Site Reclamation Plans," beginning on page 2-46, at the Quarry Site the quarry pit would not be filled with material and would instead be allowed to fill with groundwater and rainfall to form an approximately 108-acre, 100-foot-deep lake. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Chapter 2, "Project Description." The comment is noted for the consideration of the decision-makers.

Comment 90-4

The Dragonfly Golf Course, Copper River Country Club and San Joaquin River Conservancy and Trust are all close by and offer recreational activities.

Response 90-4

Existing parks and recreational uses surrounding each project site are described in Draft EIR Section 2.4.5, "Surrounding Land Uses." See Chapter 3, "Draft EIR Errata," for revisions to this section of the Draft EIR. See also Collective Response #19 regarding parks adjacent to the project sites.

Comment 90-5

We must stop this greedy international company with a poor environmental and labor reputation from continuing to pollute our county.

Response 90-5

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #91 February 10, 2025, Marianna Kast

Comment 91-1

I am concerned with several aspects of this project. Primarily however, it seems that since 90% or more of both the quarry and plant sites are environmentally disturbed due to longtime mining operations, the County of Fresno, by issuing this DEIR, is declaring the sites unworthy of reclamation for the next 100 years.

Response 91-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The comment does not address the adequacy of the Draft EIR, and no further response is warranted.

Comment 91-2

The sites are eyesores on the San Joaquin River in Fresno county, where over the past 40 years, citizens, governmental agencies, and elected officials have worked tirelessly to restore and protect this natural resource. According to the San Joaquin River Conservancy Act (1992):

"…the San Joaquin River, its broad corridors, and its prominent bluffs constitute a unique and important environmental, cultural, scientific, agricultural, educational, recreational, scenic, flood water conveyance, and wildlife resource that should be preserved for the enjoyment of, and appreciation by, present and future generations."

Response 91-2

The commenter references the existing or baseline visual conditions of the project sites. The comment does not address the adequacy of the Draft EIR, and no further response is warranted. See also Collective Response #12 regarding the project's potential impacts on recent restoration projects along the San Joaquin River.

Comment 91-3

Now, visitors have finally gained more and easier access to the river (Ball Ranch, Sumner Peck, River Center), yet this proposal condemns the river to 100 more years of unsightly destruction.

Response 91-3

See Collective Response #8 regarding the project's visual impacts and proposed visual mitigation measures. See also Collective Response #21 regarding public access to the San Joaquin River and adjacent recreational sites. Potential impacts to visual resources are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." The commenter's opinion regarding the proposed project's visual effects is noted and will be considered by the decision-makers.

Letter #92 February 10, 2025, Bayard and June Taylor

Comment 92-1

We are *deeply concerned* about CEMEX's application for a permit to expand operations at the Rockfield Quarry and extend their permit for those operations for 100 years.

Response 92-1

The commenter's concern regarding the proposed project is noted for the consideration of the decision-makers. Please see Collective Response #5 regarding the duration of the proposed use permit. See also Responses 92-2 through 92-9 below, which address the commenter's specific concerns.

Comment 92-2

The timeframe

100 years is a long, long time. It's four or five generations. It's far longer than most people live.

Response 92-2

The commenter's opinion regarding the proposed project timeframe is noted. Please see Collective Response #5 pertaining to the requested use permit duration.

Comment 92-3

It would be short-sighted and foolhardy to approve a project of this magnitude without full transparency and thorough review.

Lack of transparency

Our objection is not just the length of time this EIR proposes. We are also *deeply concerned* with the manner in which this project is being proposed. It feels like a back-door, smoke-filled room, sweetheart deal that will enrich a very few and damage the many.

Response 92-3

The commenter's objection and concern regarding the project process are noted. Please see Collective Response #1 pertaining to the environmental review process for the proposed project. The Draft EIR provides a detailed and thorough review of the proposed project's potential environmental impacts and details mitigation measures where necessary to minimize potentially significant impacts. As such, the Draft EIR fulfills the CEQA requirements to serve as an informational document.

Comment 92-4

Typical mining practices

The consistent pattern of mining companies is to *privatize profits* and to *socialize risks.* In other words, they

- plan on lack of transparency by railroading at high speed the decision-making process -- consisting of [1] thousands of pages of highly technical words and of [2] very tight deadlines to blunt potential questions, comments and opposition from the public.
- obtain excessively long permits for operations which are not in the best interest of the surrounding community.

- extract as much wealth as possible from the site while at the same time degrading and despoiling the natural landscape where the mining operations occur.

- funnel the exorbitant profits to their own corporate owners and executives, leaving little or no benefit to the community from which they are extracting wealth.

- delay or refuse to restore and reclaim the land that has been degraded and despoiled by their operations.

- declare bankruptcy so they don't have to pay for cleaning up and restoring the mining site, burdening the local taxpayers and the state with the clean-up costs to restore the land (restoration which almost never happens).

Response 92-4

The commenter's objection and concerns are noted. Please see Collective Response #1 pertaining to the project environmental review process. The Draft EIR provides a detailed and thorough review of the proposed project's potential environmental impacts and details mitigation measures where necessary to minimize potentially significant impacts. As such, the Draft EIR fulfills the CEQA requirements to serve as an informational document.

Comment 92-5

Our demands

Specific to *this* CEMEX project, we are demanding that you and the Fresno County Supervisors:

- REFUSE to grant a 100-year permit to the expansion and extension of the CEMEX Rockfield Aggregate mining site. A 100-year permit is patently absurd. That's saddling four to five future generations with a huge problem caused by greedy corporations, short-sighted planners, and/or politicians who are foolish or in the pocket of the mining companies. A ten-or-twenty year permit, with requirements for extending another ten years at a time, would be more reasonable.

Response 92-5

The comment's request for denial of the proposed project's requested use permit duration and opinion that a 10- or 20-year permit would be more reasonable are noted and will be considered by County decision-makers. The commenter's opinion regarding the

proposed project timeframe is noted. Please see Collective Response #5 pertaining to the requested use permit duration.

Comment 92-6

- Before even considering approval of the permit, REQUIRE the mining company (CEMEX) to commit a large deposit of money to a clean-up fund before the project starts. Also, you need to REQUIRE the mining company (CEMEX) to commit to contributing money on a monthly or quarterly basis to provide for clean-up of its own mess or to cover for lawsuits against the company for harms or violations of the law. To wait until all the environmental and health damages have already happened is patently absurd. CEMEX needs to build up a clean- up "superfund" account, managed by fiduciary professionals (an account which is impervious to being raided by politicians) if they want to do business in Fresno County.

Response 92-6

Please see Collective Response #4b pertaining to liability and funding for potential damages.

Comment 92-7

- Before the project is even provisionally considered, INSIST that the project NOT ruin or drain our already-depleted groundwater aquifers. "Water is life," as the Indigenous People say. We are totally dependent on water for living and for the main business of the Central Valley -- farming. But California's Central Valley aquifers are extremely stressed and are extremely vulnerable given climate change/global warming. Furthermore, our Central Valley aquifers are extremely shallow (in some cases only about 100 feet deep) -- and CEMEX is proposing an open-pit mine 600 feet deep, the "height" of a 43 story building! That's 500 feet deeper than the aquifers here! A 600-foot open pit mine has the potential to drain all the groundwater in the vicinity.

Response 92-7

The commenter's objections are noted and will be considered by the County decision-makers. Please see Collective Response #17 pertaining to bank stability of the San Joaquin River, and Collective Response #25 pertaining to surface and groundwater connection, and Collective Response #23 pertaining to groundwater quality. The Draft EIR provides an analysis of potential impacts to groundwater resources, and concluded this impact would be less than significant. See discussion of Draft EIR Impacts 4.10-7, 4.10-8, 4.10-9,

4.10-10, 4.10-11, 4.10-12, and 4.10-13, which address the project's potential impacts to groundwater supply at the Plant and Quarry sites. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced in this response.

Comment 92-8

To give a foreign company a 100-year permit to foul or drain our groundwater supplies is folly of the first order.

Response 92-8

Please see Collective Response #25 pertaining to surface and groundwater connection and please see Collective Response #5 pertaining to the requested use permit duration.

Comment 92-9

Other extremely important factors not mentioned in this short letter must be considered. CEMEX should not be allowed to ram through the project approval process without adequate public transparency. We cannot allow them to destroy forever our groundwater supply, the San Joaquin watershed, and the natural beauty of this place.

Response 92-9

Please see Collective Response #1 pertaining to the environmental review process and public input opportunities. The commenter's concerns are noted and will be considered by County decision-makers.

Letter #93 February 10, 2025, Dorothy Woolum

Comment 93-1

I am writing to you to oppose the expansion and extension of the CEMEX Rockfield Project as it is specified in the published EIR.

The production of unsafe levels of dust is unavoidable with such a project and even the EIR's meager mitigation efforts involve huge amounts of our area's precious water resources. This project threatens the respiratory health our residents, who already suffer from our poor air quality. It threatens our access to adequate potable water and chemically-acceptable crop-irrigating water supplies in an area extending out an reputed "breadbasket".

Response 93-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. Dust generation is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR as Appendix D-4, "Revised Section 4.3 Air Quality." See Impact

4.3-2 and Mitigation Measures 4.3-2a and 4.3-2b in Section 4.3.4 of Appendix D-4. Implementation of these measures was determined to reduce Impact 4.3-2 to a less than significant level. See Collective Response #9 regarding the project's potential impacts on the existing air quality conditions in the region. See also Collective Response #11 regarding analysis of the project's population-wide cancer burden. The project's potential impacts on potable water supplies are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality," and Section 4.19, "Utilities and Service Systems." Impact 4.19-2 evaluates the availability of sufficient water supplies to serve the proposed project. This impact was determined to be less than significant. See also Impacts 4.10-8 through 4.10-13 regarding potential impacts to groundwater supplies. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced in this response.

Comment 93-2

Further, the above does not even consider CEMEX's poor record in making good on promised mitigation efforts in the first place (e.g. Boulder, Colorado's "fugitive" dust storms: https://coloradosun.com/2024/10/22/cemex-lyons-boulder-county-permit-revocation/).

CEMEX also has a poor record in making good on reclamation promises, right here in California (e.g., the un-reclaimed Davenport plant on the coast) and world-wide.

Response 93-2

See Collective Response #4a regarding CEMEX's regulatory compliance history.

Comment 93-3

And who of us will even be around at the 100 year(!) end of the Friant operation to hold them accountable? If approved the timeframe of the project should be drastically cut to the order of 10 , not 100, years and should provide some means to guarantee that there will be sufficient CEMEX funds for reclamation.

Response 93-3

See Collective Response #5 regarding the duration of the proposed use permit.

Comment 93-4

I am also concerned about the significant costs of the project to our tax payers. For examples:

** road repairs and new traffic controlling infrastructure will be necessary, and it does not appear that CEMEX will deal with these costs.

**monitoring the air and water quality will surely involve significant financial costs and hassles! (necessary increased staff, possible need for new monitoring sites , litigations, etc)

Response 93-4

The project's potential transportation-related impacts are addressed in Draft EIR Section 4.17, "Traffic and Transportation." See Collective Response #29 regarding funding for road maintenance. See Impact 4.17-1, beginning on page 4.17-27, regarding funding for roadway and intersection improvements. Mitigation Measures 4.17a through 4.17r describe various intersection improvements that were determined necessary to address cumulative traffic increases in the project area, including the proposed project's truck trips. These measures require CEMEX to pay a fair share contribution of the cost to construct these improvements. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17. See Collective Response #29 also related to truck traffic increases anticipated under the proposed project and required roadway improvements. See also Collective Response #24 regarding the proposed groundwater monitoring program.

Comment 93-5

Finally, there should be serious consideration of the project's threat to the well-being of local wildlife and the peace and beauty of the region that lies at the heart of entries to 3 National Parks, a National Monument and the magnificent wilderness areas in the adjacent Sierras. These are invaluable assets that should not be lost, degraded or diminished!

Response 93-5

The project's potential impacts to wildlife in the project area are evaluated in Draft EIR Section 4.4, "Biological Resources." The project's potential impacts to scenic vistas in the region are addressed in Section 4.1, "Aesthetics and Visual Resources." See Impact 4.1-1 beginning on page 4.1-51. Each of the impacts identified in these sections was determined to be less than significant with implementation of the mitigation measures provided. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The comment is noted for the decision-makers.

Letter #94 February 12, 2025, Naomi Quintana

Comment 94-1

To whom it may concern, My name is Naomi Quintana, and I writing this comment as a concerned community member and environmental advocate to strongly oppose the CEMEX Rockfield Expansion along the San Joaquin River. This project poses serious and irreversible harm to our local environment, wildlife, and public resources. The San Joaquin River is home to a fragile riparian ecosystem that supports a wide variety of wildlife. The proposed expansion threatens several special-status species, including the burrowing owl, western pond turtle, western spadefoot toad, and numerous nesting birds. Habitat destruction from blasting and excavation will disrupt these species, some of which are already facing population decline. This expansion would further fragment an already vulnerable ecosystem, reducing biodiversity and weakening the resilience of our natural environment.

Response 94-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential impacts to biological resources are evaluated in Draft EIR Section 4.4, "Biological Resources." See Impact 4.4-2, beginning on page 4.4-52, regarding potential impacts to special-status wildlife species in riparian habitat and Impact 4.4-4, beginning on page 4.4-55 regarding potential impacts to riparian habitat and other sensitive natural communities. The project's potential impacts to protected wildlife species including burrowing owl, western pond turtle, western spadefoot toad, and nesting birds are addressed in Impact 4.4-1, beginning on page 4.4-48, through Impact 4.4-3, beginning on page 4.4-53. Mitigation Measure 4.4-1a (page 4.4-50) reduces potential impacts to burrowing owl. Mitigation Measure 4.4-1b reduces potential impacts to western pond turtle and western spadefoot toad. Mitigation Measure 4.4-1c reduces potential impacts to nesting birds. As clarified and refined in the Final EIR, including revisions to Mitigation Measures 4.4-1a, 4.4-1b, and 4.4-1c, impacts to these resources would be reduced to a less than significant level. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.4. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 94-2

Additionally, the project's excavation plans would create unstable slopes, increasing the risk of erosion and landslides. The long-term environmental consequences of soil destabilization cannot be ignored, especially in an area where the integrity of our land is

crucial for both ecological and human health. Disturbing the geological structure of this region could lead to unforeseen hazards that we, as a community, will ultimately bear the burden of this change.

Response 94-2

The issues of slope stability, erosion, and landslides are addressed in Draft EIR Section 4.7, "Geology and Soils." See Impacts 4.7-6 and 4.7-7 regarding slope stability. See Impacts 4.7-4 and 4.7-5 regarding soil erosion and the topsoil loss, respectively. See Impact 4.7-3 regarding landslide. Each of the impacts identified in these sections were determined to be less than significant with implementation of the mitigation measures provided. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 94-3

Beyond the environmental consequences, this project would have lasting negative effects on the local landscape, traffic, and public infrastructure. The excavation would degrade the scenic vista of the San Joaquin River, a cherished natural landmark.

Response 94-3

The project's potential impacts to scenic vistas are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources," under Impact 4.1-1 beginning on page 4.1-51. Implementation of Mitigation Measure 4.1-1 would address this impact by reducing the contrast in color of the exposed rock of the Quarry Site pit wall. However, there are no feasible mitigation measures available to fully reduce the impact and it was determined to be significant and unavoidable. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.1. The comment is noted for the decision-makers.

Comment 94-4

It would also cause traffic congestion at key intersections, with no clear funding plan to mitigate these delays.

Response 94-4

See Collective Response #29 regarding traffic congestion and funding and implementation of needed intersection improvements (see Mitigation Measures 4.17-1a through 4.17-1r beginning on Draft EIR page 4.17-29).

Comment 94-5

These impacts diminish the quality of life for residents and visitors alike, with no guaranteed solutions to address them. This project is not a necessity, it is an irreversible gamble with our environment and community resources. I urge decision-makers to prioritize the long-term health of our region over short-term industrial gains.

Please reject the CEMEX Rockfield Expansion and protect the San Joaquin River for future generations.

Response 94-5

See Collective Response #3 regarding the need for the proposed project. The commenter's opposition to the proposed project is noted for the decision-makers.

Letter #95 February 13, 2025, Sally Negin

Comment 95-1

Thank you for allowing me to comment on the proposal for the CEMEX Rockfield Quarry Modification Project.

After reading the latest proposal, I have questions about the need to modify the current allowance and the need to extend it so far into the future.

As I'm sure you are aware, CEMEX is a multinational building materials company held in Mexico. It holds it's [sic] business in 50 counties. It was ranked in 2020 as the 5th largest cement company in the world.

That being said, it has options. It has other holdings in the US which produces 30% of its total operations.

As my father was involved in the concrete business, I am aware of the need for these products. I am also aware the need may increase as we work to decrease the use of wood products due to the climate changes especially in California. But that does not mean that we should anticipate the future. Are we trading the impact on wood products for the impact on the local waterways?

Response 95-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 95-2

Why is there a need to dig dipper at the current location with the increased risk to the environment as well as the neighbors - both human and animals? This is so close to a protected area that nothing justifies to the need to extend the current timeline for 70 years!

Response 95-2

The Draft EIR evaluates the project as proposed in the project application submitted to the County (see Draft EIR Appendix B, "Application Materials"). Alternative locations for the proposed project were evaluated and rejected from further consideration as discussed in Draft EIR Section 6.4.2.1, "Alternative Site Locations," beginning on page 6-5. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision- makers.

Comment 95-3

What is the need to expand the current agreement at this time? We can do it as we come to the end of the current agreement. What is the need for a 70 year extension?

Response 95-3

See Collective Response #5 regarding the duration of the proposed use permit. The comment is noted for the decision-makers.

Comment 95-4

I encourage you to allow them to continue their current project without any extension. Allow the current changes in the environment and the current political changes happening now to stabilize before stepping forward. Once an agreement is accepted, it is difficult to walk back. Do not put yourself into a contract that does NOT need to be made. Granted, it is doubtful that many of us will be alive in 70 years, but this would be something that future generations will have to deal with. Isn't that justification enough to not approve this proposal?

Response 95-4

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #96 February 13, 2025, Unnamed Resident

Comment 96-1

I am a concerned citizen of the Fresno County who has recently discovered that CEMEX plans on creating a whole about two football feilds [sic] deep in the San Joaquin River. This concerns me as the blast will disturb local wild life, such as cranes, field mice, and fish, in their natural habitat. I recently

Response 96-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential impacts on wildlife and associated habitat are addressed in Draft EIR Section 4.4, "Biological Resources." See also Collective Response #27 regarding operational impacts on wildlife located on properties adjacent to the project sites. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.4.

Comment 96-2

I recently volunteered with River Park Way Trust (@riverparkwaytrust on IG) to plant native trees and shrubbery along the San Joaquin River and would hate to see our good intentions be blasted away by CEMEX.

Response 96-2

See Collective Response #12 regarding the project's potential effects on recent restoration projects along the San Joaquin River. The comment is noted for the decision-makers.

Comment 96-3

Please consider the wildlife, the nature, and the people before you continue with something like this. I ask that you do more environmental research, as well as more public votes and hearings before the plan takes place.

Response 96-3

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #1 regarding the County's processing of the proposed project.

Letter #97 February 14, 2025, Brenda Markham

Comment 97-1

To whom it may concern With regard to aesthetic impact as a result of blasting and deep mining I see that section 4.2.4 identifies the Plant site and Quarry site as "Vacant or Disturbed Land" and as such would not have any impact and no mitigation required.

How can this be? Destruction of further mining will only destroy the land; especially by blasting a 600' pit by the San Joaquin River. I think this is a poor excuse to avoid making any kind of statement saying that there's nothing to address with regard to aesthetics!

The same reasoning goes with 4.2.3- just because there's no conflict with zoning for forest land, timberland, or timberland production doesn't mean there's not going to be destruction to the surrounding area. Of course there's going to be visual impairment of the land!!

Explain how you are going to mitigate the destruction you will generate over the next 100 years.

Response 97-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. Draft EIR Figure 4.2-1, "Plant Site FMMP Designations," and Figure 4.2-2, "Quarry Site FMMP Designations," display the Farmland Mapping and Monitoring Program (FMMP) designations for the Plant Site and Quarry Site, respectively (Draft EIR pages 4.2-2 through 4.2-5). The majority of the Plant Site has been disturbed by decades of mining operations, and as such is mapped as "Vacant or Disturbed Land" pursuant to the FMMP. The commenter conflates the proposed project's impacts upon agricultural and forestry resources with the impacts upon aesthetics and visual resources. The Draft EIR properly concludes that the project would not result in significant impacts to prime farmland, unique farmland, or farmland of statewide importance because the Department of Conservation has not classified the Quarry Site or Plant Site as containing any of these farmland designations (see Impact 4.2-1 on page 4.2-15 of the Draft EIR). For further information regarding the proposed project's impacts to aesthetics and visual resources, see Draft EIR Section 4.1, "Aesthetics and Visual Resources," and Collective Response #8.

Letter #98 February 14, 2025, Linda and George Sward

Comment 98-1

I am writing to express serious concerns about the impact of the proposed CEMEX quarry expansion. I urge your office to recommend not approving the project due to the significant impacts noted in your letter and others in the draft EIR [of >1000 pages!].

As a long time resident of Fresno County I have already seen the impacts of urban sprawl into eastern Fresno County. As a hiker and birder I see the effects on the river of the current operations [noise, altered habitats, heavy traffic and damages to Friant Rd]. My husband, George Sward, regularly kayaks on the SJ River and sees more directly the impacts of past and current gravel mining on the river. The impacts of a 100 year project that digs down potentially 600 ft into the riverbed are mind boggling! The planned "mitigations" for such a lengthy project cast reasonable doubt on how well and whether they will actually take place! And in the meantime, people, other animals and the physical environment are impacted for many, many decades!

I am not an engineer nor do I have the expertise to analyze such a lengthy report. But I can see what has already taken place and what continues to take place. The proposed project is too big, too damaging and too lengthy to assure true mitigation and accountability. I urge your office to state this in your report.

Response 98-1

Each mitigation measure presented in the Draft EIR and listed in the MMRP, which will be considered for adoption in conjunction with project approval, provide implementation and enforcement responsibilities and timing. The operation would continue to be inspected annually by the County to ensure compliance with all requirements, including the mitigation measures presented in the Draft EIR. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #99 February 15, 2025, Chris Howes

Comment 99-1

As a concerned citizen and resident of this area I must protest the expansion of the Cemex Rockfield quarry. Converting this facility to and explosive methodology will do far more harm to the people, landscape and environment that adding 55 jobs will bring benefit.

Response 99-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 99-2

My entire career was spent leading clim operations for State Farm Insurance all over the United States and, in my professional opinion, the increased risk of blasting in the area may not be tolerated by many homeowners' carriers. Yes, of course I read the mitigation plan on the DEIR but that only addresses explosions/pyrotechnics on their site. Granted, at first blush 350 acres of rock does not seem to be much of a wildfire risk, but when someone ignites an illegal bottle rocket it's usually not the igniter's house that burns; it's someone adjacent to their property! We also need to consider the explosive vendor will be transporting their hazardous materials through Fresno County, all the way increasing the risk of an accident and subsequent wildfire.

With the Pallisades Fire fresh in everyone's memory this is not the time (and probably never will be) to add to the public danger in the highly sensitive geographical area..

Response 99-2

The issue of wildfire risk is addressed in Draft EIR Section 4.20, "Wildfire." No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 99-3

One las thing to consider; having lived all over the country Fresno does not exactly have a stellar image, but it's improving. Do we really want to be known for the second deepest rock mine in California?

Response 99-3

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #100 February 16, 2025, Matthew Ethen

Comment 100-1

Since moving to Fresno in 1989 from water-feature abundant Minnesota, I have been dismayed by the neglect of the San Joaquin River. I am a River Parkway member and hope that the Friant to 99 uninterrupted ribbon can...someday...become a reality.

Expanding the Cemex operation would disastrously limit this possibility and become another example of "Why can't Fresno have nice things?" Playing devil's advocate for the project, can we identify how many "additional jobs" and/or net positive economic impact we could expect? The potential for the San Joaquin River to become an attraction and "something nice...." for Fresno area citizens and visitors seems – as ever -- untapped.

Please forward this to our Fresno County Supervisors.

Response 100-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #101 February 16, 2025, Lee Liddle

Comment 101-1

I strongly oppose any and all proposals to blast and excavate on or near the San Joaquin River. This land has been abused long enough. Cemex should pay all costs to restore and improve the property they have damaged.

Response 101-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The existing operation is subject to an approved reclamation plan that requires CEMEX to complete reclamation of the project sites to an end use of open space, including lakes and natural grazing lands. The operation's current, approved reclamation is available for review on the County's website at the following location: https://www.fresnocountyca.gov/eir7763.

Letter #102 February 16, 2025, Brian Paulsen

Comment 102-1

I want to voice my opposition to Cemex plans to expand by blasiing . The operation is already an eyesore and an obstacle to the San Joaquin River Parkway completion. The river is one of the remaining

scenic and recreational sites left in Fresno County. I don't want it further abused.

Response 102-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #103 February 16, 2025, Cathleen Perez

Comment 103-1

I am a resident of Fresno and would like to share my thoughts on the CEMEX blast mine proposal that will be voted on soon.

I am absolutely against this proposal for the following reasons:

1. The health of the San Joaquin River is at stake - the environmental impact will be devastating to humans, wildlife, and nature - Why is this company allowed to encroach on a wildlife preserve?

Response 103-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #20 regarding the assertion that the project encroaches on an ecological preserve.

Comment 103-2

2. CEMEX states there is nothing they can do about the increased traffic impact in the intersections of Friant/Willow and Willow/Copper. These areas have a very large amount of traffic incidents currently and will just increase safety issues if CEMEX is allowed to begin their blast mine proposal.

I urge you to NOT allow this proposal to move forward.

Response 103-2

See Collective Response #30 regarding traffic and pedestrian safety.

Letter #104 February 16, 2025, Stephanie Salazar

Comment 104-1

I'm sure if this message will reach you in regards the public comments against the Cemex Rockfield Expansion proposal. But I just heard of this project this morning.

As a former Fresno County Employee, and current Madera County Resident who lives within a 5 mile radius of this mining operation, I am strongly opposed to the expansion project and the method of rock quarrying.

My husband and I hike and ride our bikes to the San Joaquin River from the Tesoro Viejo community regularly. From the hills that overlook the River, you can see, hear, and smell the quarry…at its current state of operations.

Response 104-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The commenter describes baseline environmental conditions in the project area. The Draft EIR evaluates the project's potential visual, noise, and odor impacts in Section 4.1, "Aesthetics and Visual Resources," Section 4.13, "Noise," and Section 4.3, "Air Quality" (as updated in the Final EIR as Appendix D-4, "Revised Section 4.3, Air Quality"), respectively. See Chapter 3, "Draft EIR Errata," regarding proposed changes to the Draft EIR.

Comment 104-2

With their proposed changes, I fear that the operations would have a significant negative effect on the noise pollution experienced by humans and wildlife in the area.

Response 104-2

The project's potential noise impacts on humans are addressed in Draft EIR Section 4.13. All impacts identified in this section were determined to be less than significant with incorporation of the mitigation measures provided. Noise impacts on wildlife are addressed in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," to view revisions to these Draft EIR sections. See also Collective Response #13 regarding the effects of blasting and other operations on wildlife on adjacent properties.

Comment 104-3

This location is one of the closest places that one can visit for peace and serenity that doesn't require a major trip out of town.

Needless to mention the destruction of the beautiful natural habitats that surround the river and the plant would have other negative effects. I would highly suspect, that if this quarry were a completely new plant, and not a 100 year old grandfathered operation, that the issue for permit would be denied.

Please take my concern to heart. I do not want this expansion project in my backyard. It's not good for the inhabitants in the area who live and breathe here.

Response 104-3

The project's potential effects to the natural habitats on and surrounding the project sites are addressed in Draft EIR Section 4.4. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.4. See also Collective Response #13 regarding the effects of blasting and other operations on wildlife on adjacent properties. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #105 February 17, 2025, Zach Baroni

Comment 105-1

I am providing a public comment regarding EIR 7763. I would like to express my opposition to the proposed Rockfield Quarry modification project.

Response 105-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 105-2

This project will degrade the environment and the water quality for me, a resident who lives near the proposed project and uses water that flows near the site for drinking. The San Joaquin River is a natural resource that I use for recreation and for water access, since my drinking water comes from wells filled by the San Joaquin. The proposal of a 600-foot deep pit near the San Joaquin threatens environmental damage and degradation of water quality. The CEMEX, the industrial company, has been cited numerous times for environmental infractions, and I cannot trust that they will not continue to break environmental law and threaten the safety of my drinking water.

Response 105-2

The proposed project's potential effects to groundwater quality and groundwater levels at nearby domestic wells are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." Impacts 4.10-1 through 4.10-7 comprehensively address potential water quality impacts both during mining operations and during reclamation at both sites. Mitigation Measures 4.10-1, 4.10-5a, and 5.10-5b reduce the project's potential water quality impacts by requiring implementation of the "Blasting Protocols" developed for the project (see

Final EIR Appendix H-9, "Blasting Protocols") and requiring implementation of an adaptive management program at the Plant Site to monitor and adapt project operations to ensure compliance with water quality standards. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10 and Appendix H, "Noise Assessment." See also Collective Response #4a regarding CEMEX's regulatory compliance.

Comment 105-3

Furthermore, this project threatens the environment for several animal species, including the Western pond turtle and burrowing owl, both vulnerable species whose native environment will be disrupted.

Response 105-3

The project's potential impacts to wildlife species, including the western pond turtle and burrowing owl, are addressed in Draft EIR Section 4.4, "Biological Resources." See Impacts 4.4-1 through 4.4-3. Mitigation Measure 4.4-1b is provided on Draft EIR page 4.4-50 to avoid and minimize potential impacts to western pond turtle by requiring pre-construction surveys and exclusionary measures to protect individual turtles throughout construction activities. After careful review of comments received on the Draft EIR, Mitigation Measure 4.4-1b is revised in this Final EIR through errata presented in Chapter 3, "Draft EIR Errata," to require biological monitoring during pond draining and removal to further clarify implementation requirements, thereby strengthening protections for western pond turtle.

Mitigation Measure 4.4-1a is provided on Draft EIR page 4.4-50 to avoid and minimize potential impacts to burrowing owl by requiring pre-construction surveys and implementation of a relocation plan for any identified individuals. As described in Chapter 3, "Draft EIR Errata," Mitigation Measure 4.4-1a has been revised to clarify and strengthen the survey, avoidance, and relocation requirements for burrowing owl, consistent with the most recent CDFW guidance for burrowing owl, further ensuring that potential impacts are avoided or minimized. The Draft EIR, as revised in this Final EIR, adequately evaluates potential impacts to these species and provides effective measures to mitigate to a less than significant level.

Comment 105-4

Considering that the aggregate reserves we have are more than sufficient, it seems that this mining project does not have a legitimate purpose. We have enough aggregate reserves; there is no reason to threaten the water and the environment near the San Joaquin river, particularly to a company that repeatedly breaks

environmental regulations, and uses its massive profit margin to merely pay fines rather than ceasing from breaking law.

Response 105-4

See Collective Response #3 regarding available aggregate reserves in the region and the need for the proposed project. See also Collective Response #4a regarding CEMEX's regulatory compliance history.

Comment 105-5

Therefore, I reiterate my demand that this project be rejected outright. I'm sorry that people spent so much time and money studying a project which obviously should never have been considered, but that's not my fault. Protect citizens and protect the environment we depend on, especially for our water.

Response 105-5

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #106 February 17, 2025, Johnathan Benson

Comment 106-1

My name is Johnathan Benson, I am a science teacher and nature enthusiast in this community. I am deeply concerned about many of the impacts that this proposed mining expansion would have on our local communities, both human and ecological. Below, I have outlined some of my concerns and questions about this proposed expansion that I would like to see addressed.

1. Does this open-pit mine have to be built in this, notably sensitive, location? Is there a particular reason that the underlying bedrock is different from that from other areas more far-removed from the river? Is the water from the river essential for the operation of the aggregate processing? My question is essentially, does this have to happen here? Or could it happen in a drier place less prone to the myriad problems (stream dewatering, groundwater contamination, noise pollution effects on riparian life, etc.) that are specific to this location? If it is a question of marginally increased cost, then I oppose it, but if there is some reason it has to be in this location then I would be less concerned. I have not seen a thorough rationale for why this mine has to exist here, other than the fact that it already does.

Response 106-1

The Draft EIR focuses on evaluation of the project as proposed by the Operator. However, as required by CEQA, the Draft EIR also provides an evaluation of a range of feasible alternatives to the proposed project. Draft EIR Section 6.4.2.1, "Alternative Site Locations," beginning on page 6-5, describes why an alternative location for the proposed project was rejected from further consideration.

Comment 106-2

2. I enjoy swimming and paddling on the San Joaquin River, I enjoy biking alongside the San Joaquin River, and I enjoy the natural beauty of the areas surrounding the San Joaquin River. All of these benefits, available to the community at large, would be reduced by the expansion of this mining operation. A big part of the natural beauty for me is the biodiversity present in the area. I am certain that I will see less wildlife in the area as it is disturbed significantly by more intensive mining. Rather than recharacterizing the often blighted San Joaquin River into a cultural attraction, this project would further diminish the ecological diversity of this area for a century to come. I understand that there are mitigation strategies in place for the protection of particular species, but how can you account for the opportunity cost of decreased future value of a cultural attraction. Fresno is undoubtedly growing, and will continue to do so. Has the loss of tourism potential due to impacts to the scenic vista been included in the cost benefit analysis for this project? I would like to see thorough estimation of the social and economic benefits of re-wilding the impacted areas of the riparian zone as compared to the benefits provided by the mine expansion.

Response 106-2

The project's potential impacts to visual resources are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources," while impacts to wildlife and biodiversity are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections. The comment is noted for the consideration of the decision-makers.

Comment 106-3

3. The consistent noise of bedrock blasting would be detrimental to my enjoyment of recreational activities near the river, particularly in the, recently reopened, Ball Ranch area. I have seen many other individuals and families

enjoying a day of quiet recreation near the river, this would be negatively impacted by the constant noise of mining, processing, and additional truck traffic. Is there a set of numbers provided that would give the volume (in decibels) of allowed noise at different locations from the mining operation?

Response 106-3

The project's potential noise impacts are evaluated in Section 4.13, "Noise." Each of the impacts identified in this section were determined to be less than significant with implementation of the mitigation measures provided. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.13. See also Collective Response #27 regarding potential effects of blasting on users of adjacent parks and trails.

Comment 106-4

4. One of the major drivers of health issues in the Central Valley is poor air quality. This would be worsened by the expansion of mining operations in this area. The release of silicate dust is a guarantee while blasting granite and that dust would add to the already large volume of dust in the air from agricultural activities in the area. This is especially concerning with several schools within a few miles of the site. Additionally, suburban expansion continues to encroach in this area which will mean even greater human exposure as this mine operates for the next 100 years. I would like to see estimates of the added human health risk of dust exposure from mining operations over the next century, especially as connected to projected developments in the area.

Response 106-4

The project's potential impacts to air quality are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR in Appendix D-4, "Revised Section 4.3, Air Quality." See also Chapter 3, "Draft EIR Errata." Each of the impacts identified in this section were determined to be less than significant with implementation of the mitigation measures provided.

Nevertheless, in response to comments received, an updated Health Risk Assessment was prepared in the Air Quality, Health Risk, and Climate Change Technical Report (Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"). This updated analysis included cancer burden modeling and demonstrated no new impacts and no changes to the findings in the Draft EIR. See also

Collective Response #9 regarding the project's potential effect on the region's existing air quality conditions.

Regarding possible suburban expansion towards the project sites; the project sites are located in Exclusive Agricultural (AE) zone districts with approved industrial uses. The vision, goals, and policies of the Fresno County General Plan do not contemplate the construction of new housing developments in the agricultural zones surrounding the project sites. Further, the project sites are located outside the Spheres of Influence of both Fresno and Clovis for the provision of municipal services to residential land uses.

Comment 106-5

Thank you for your time and consideration. I hope that you will be organizing additional public comment opportunities, especially in-person, so that county leadership can see how seriously their constituents take this issue.

Response 106-5

The County will hold a public hearing for the proposed project prior to deciding on the application and further public comment will be received at that time. The date, time, and location of the hearing will be publicly noticed, and notice of the hearing will be provided to neighboring property owners, individuals and organizations that have requested notice, commenters on the Draft EIR, and other persons entitled to notice pursuant to applicable law.

Letter #107 February 17, 2025, Francesca Cannizzo

Comment 107-1

I am providing a public commenting regarding EIR 7763. I am an ecologist and previously an environmental planner. I am in shock that county officials would claim this EIR is sufficient for publishing. How could the people involved with writing this EIR claim they have any concept of impacts 100 years out? To adequately evaluate impacts on environmental resources for 100 years that would take much more extensive research than proposed in this EIR. Environmental modeling is a standard that could be used to determine impacts to air quality, biological resources, and hydrology. Those models should be employed prior to the quarry inflicting damage that cannot be reversed, not punt this effort down the road when it's too late. Also, the models should be conducted using standards agreed upon by the scientific community, not governed by the company that benefits from the results being in their favor.

Response 107-1

The comment asserts deficiencies in the Draft EIR pertaining to evaluation of impacts for the 100-year duration of the proposed project; however, the comment does not provide evidence that the Draft EIR is deficient in its analysis and modeling of impacts. Although the comment asserts that environmental models should be employed, but the comment does not refer to any specific models that the commenter asserts should have been employed for the Draft EIR.

Comment 107-2

As a citizen of Fresno, I have concerns of why one of the areas with the worst air quality in the county is supporting projects to further degrade our air quality.

Response 107-2

The commenter's concerns regarding air quality are noted and will be considered by County decision-makers. Please see Collective Response #9 pertaining to the project's potential impact to the region's existing air quality.

Comment 107-3

Additionally, the burrowing owl has been listed as a candidate species under the California Endangered Species Act and that is not reflected in this EIR.

Response 107-3

Table 4.4-1, "Special-Status Wildlife Species," on page 4.4-25 of the Draft EIR has been updated to reflect that the burrowing owl is a candidate species under the California Endangered Species Act (CESA). The Draft EIR's description of the burrowing owl has also been updated to reflect the burrowing owl's status as a candidate species under CESA. See Chapter 3, "Draft EIR Errata," of this Final EIR to view these revisions to the Draft EIR.

Consistent with this updated status, if burrowing owls are found onsite during pre-construction surveys, CDFW would be consulted regarding any required Incidental Take Permit and related measures.

Please note that this designation, which changed in October 2024, does not change the Draft EIR's impact analysis of burrowing owls.

Comment 107-4

The mitigation measures listed for spadefoot toad and western pond turtle I believe are not adequate to make the impact less than significant. There is EXTENSIVE research showing that pond turtles and their nests are extremely hard to detect. To actually protect the turtles, surveys should be done months in advance to place transmitters on turtles to see where they are operating around the quarry. How can this EIR claim they are not having an impact when they are not taking the necessary steps to detect such a cryptic species. And then continue to see if they come back to the work site. The way the mitigation measure (4.4-1b) is written it leaves open ended on how to prevent relocated animals from reentering the work area. As someone who has personally relocated many animals, and from learning about people doing this work such as efforts in Yosemite National Park to relocated turtles, they will come back to where they were captured.

Response 107-4

See Draft EIR Section 4.4,"Biological Resources," provides an analysis of the potential impacts to biological resources, including wildlife. The Draft EIR (see Impact 4.4-1 beginning on page 4.4-48) determined that spadefoot toad and western pond turtle would not be significantly impacted because these species are not expected to be on the site. However, Mitigation Measure 4.4-1b would minimize impacts to these species in the event that they are detected during project implementation. As revised in the Final EIR, Mitigation Measure 4.4-1b has been clarified to include biological monitoring during pond draining and removal activities further ensuring that individuals are protected if present. CEQA does not require that EIRs perform all studies that could be conducted to inform the determination of significance; rather it requires that studies be sufficient to evaluate potential impacts and mitigate these potential impacts to the extent feasible. In the case of spadefoot toad and pond turtle at this site, the level of analysis performed, especially with the mitigation proposed, is adequate to conclude that the project would have a less than significant impact on these species under the criteria established by CEQA. No further analysis or mitigation is required.

Contrary to the commenter's assertion, Mitigation Measure 4.4-1b does include a screening measure which would help to prevent a western spadefoot toad or western pond turtle from reentering the work area (Draft EIR page 4.4-50). More specifically, exclusion fencing would be installed to prevent turtles and spadefoot toads from reentering the work area, in the scenario that these species are located during the pre-construction clearance surveys (Draft EIR page 4.4-50).

See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.4. For discussion of the mitigation measures proposed for the western spadefoot toad and western pond turtle, please refer to Responses 58-50 and 65-11.

Comment 107-5

I plan to attend any future meetings regarding this EIR to help make sure county officials don't brush off these comments by writing a few sentences saying "we disagree". The public expects to see how the county is actually addressing our concerns.

Response 107-5

The commenter's intent to attend future meetings is noted. Please see Collective Response #1 pertaining to the public review process.

Letter #108 February 17, 2025, Sophia Froelich

Comment 108-1

I am a resident of Fresno County and am deeply concerned about the proposed blast mine near the San Joaquin River. This is an incredibly important landmark and ecological site.

Response 108-1

The comment is noted.

Comment 108-2

There is already more than enough aggregate to be obtained through permitted sites to meet Fresno's (and Madera's) expected needs for the next 50 years. I cannot understand why CEMEX, a company with a spotty history and more than 3 environmental violations per year for the last 20 years to the tune of $43 million in fines, should be allowed anywhere near a river as important to our city. It is neither needed nor wanted.

Response 108-2

See Collective Response #3 regarding available aggregate reserves in the region and the need for the proposed project. See also Collective Response #4a regarding CEMEX's regulatory compliance history.

Comment 108-3

I have seen the damage done by mining companies firsthand from my time growing up in Alaska. Fresno is already affected by urban sprawl and a lack of green spaces. It does not need a giant open

pit near one of our most important land marks and important waterways. Please do everything in your power to prevent this plan from happening.

Response 108-3

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #109 February 17, 2025, Unnamed Resident

Comment 109-1

Good morning: I don't believe the idea of allowing an enormous pit next to the San Joaquin river is in the best interest of our community. The San Joaquin river is an unbelievably resource that, so far, has not been fully taken advantage of. The long term efforts to build improved public access to this resource are indeed VERY slow but happening nonetheless.

Response 109-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #21 regarding the request that the project sites should be transitioned to publicly accessible parks.

Comment 109-2

The excavation of a huge pit next to the river would not only be a tremendous eyesore but a serious potential hazard as well.

Response 109-2

The project's potential impacts related to aesthetics and visual resources are addressed in Draft EIR Section 4.1, "Aesthetics and Visual Resources." Potential hazards related to project implementation are discussed in Section 4.9, "Hazards and Hazardous Materials." These issues include hazardous materials use and transport (Impacts 4.9-1 through 4.9-3), generation of flyrock (Impact 4.9-4), interference with emergency response (Impact 4.9-5), and wildfire (Impact 4.9-6). See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response.

Comment 109-3

The potential for communication between the river and a rock pit is a real threat.

Response 109-3

The issue of groundwater interaction with surface water flows in the San Joaquin River is discussed in Impact 4.10-12 beginning on Draft EIR page 4.10-113. Implementation of Mitigation Measures 4.10-10a and 4.10-10b (shown on Draft EIR page 4.10-108) reduces this impact to a less than significant level by requiring implementation of an adaptive management plan that would include continuous monitoring of groundwater levels and corrective measures if a significant impact to available groundwater supply occurs as a result of project operations.

Comment 109-4

The banks of rocks pits are notorious for cave-ins!

Response 109-4

The issue of slope stability is addressed in Draft EIR Section 4.7, "Geology and Soils." See Impact 4.7-6, beginning on page 4.7-30, for discussion of slope stability at the Plant Site and Impact 4.7-7, beginning on page 4.7-32, for discussion of slope stability at the Quarry site. With implementation of Mitigation Measures 4.7-6 and 4.7-7a through -7c, these impacts were determined to be less than significant. See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response.

Comment 109-5

The river is a rare and unbelievable opportunity for public use that could last for generations to come. It would be VERY poor planning to place our river at risk for something that, is not only unnecessary, but a bad environmental idea to begin with. Please don't allow this proposal to continue.

Response 109-5

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See also Collective Response #3 regarding available aggregate reserves in the region and the need for the proposed project.

Letter #110 February 18, 2025, Donna Duckworth

Comment 110-1

I can't imagine a County or City accepting a proposal as stated.

With water, air quality and environmental concerns the project would create. We have enough air pollution and river problem's without adding an addition burden to the City/ County.

Please do not allow the project.

Response 110-1

Issues related to water are addressed in Draft EIR Sections 4.4, "Biological Resources," 4.7, "Geology and Soils," 4.10, "Hydrology and Water Quality," and 4.19, "Utilities and Service Systems." The issue of air quality is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," and Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response. See also Collective Response #9 regarding the project's potential impact on the region's existing air quality.

Letter #111 February 18, 2025, Diane and Jim Durando (Letter #1)

Comment 111-1

1) Cemex states that they will not mitigate the traffic congestion

That is ludicrous, This very wealthy company needs to mitigate the traffic congestion on Willow to Friant Road.

There is precedent in this county for this requirement. Table Mountain helped finance turning Friant Road into a four lane highway. Vulcan at the Austin quarry on road 145 and 41 has been required to make modifications on Road 145. They are required to finance Highway 41 to a four lane road when the county is ready to begin construction.

Response 111-1

Draft EIR Section 4.17, "Transportation," presents the evaluation of potential transportation impacts of the project and identifies mitigation that would require the proposed project to fund equitable share contributions for certain roadway improvements. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.17. The comment does not address the adequacy of the Draft EIR. Please see below for additional responses.

Comment 111-2

1) At the Friant Willow junction there should be two left lanes made for turning onto Willow from Friant. The trucks should only be allowed to use one lane.

2) A requirement that the entire Willow Road between Friant and Copper be expanded to 4 lanes.

3) A requirement that the north direction on Willow be expanded to two lanes from International to Copper.

Response 111-2

As indicated by the analyses presented in the Draft EIR, the need for intersection widening improvements is not warranted as a mitigation measure for the project alone. The Draft EIR transportation analysis (see Section 4.17) identifies the project's contribution to cumulative impacts and requires payment of the project's fair share toward future improvements. Specifically, the project would contribute its equitable share of the cost of cumulative mitigation pursuant to Mitigation Measures 4.17-1a and 4.17-1d.

The commenter's recommended road improvements are noted; however, the comment does not provide substantial evidence demonstrating a need for additional or different improvements beyond those identified in the Draft EIR. As discussed in the Draft EIR and Response 12-69, the need for roadway widening is anticipated to occur in the future as a result of regional growth, including large-scale development projects such as Friant Ranch, Millerton New Town, and the Rio Mesa area in Madera County, rather than the project alone.

Accordingly, the Draft EIR's transportation analysis and mitigation measures, as revised in this Final EIR, appropriately address the project's impacts.

Comment 111-3

4) There is a concern with increased heavy truck traffic effecting the traffic safety near the schools on International and Willow.

Response 111-3

Please see Collective Response #30 pertaining to traffic safety. The volume of truck traffic near the intersection of Willow and International Avenues is not expected to exceed historic volumes, as the aggregate mine was in operation before the schools were constructed (Table 4.17-11 of the Draft EIR). The volume of aggregate truck traffic in the future would likely be the same with or without the project, as demand for aggregate in the area would not change (Draft EIR at page 6-15). In the absence of the project, trucks hauling aggregate near the intersection of Willow and International Avenues would likely originate at other aggregate mines in the region, such as those approved in eastern Madera County, but the demand for aggregate would not be reduced (Draft EIR at page 6-25).

Comment 111-4

If Cemex cannot afford this they have no business mining on the river. What happens if there is a catastrophe at the mining site? Will they say we don't have money to repair?

Response 111-4

Please see Collective Response #4b pertaining to liability and funding for potential damage associated with the project.

Comment 111-5

2) Impact on water tables for domestic residential wells.

The possibility of dropping water tables on the extensive dig is a huge concern for residents.

1) Cemex should install at every residential well a constant water level monitor. This should be monitored monthly by an independent contractor paid for by Cemex.

2) Cemex must provide a bond to protect every residence of this community. If the wells fail or have greatly reduced water production and the homes are no longer realistically habitable, protection for the homeowners must be in place before operations begin. Cemex must be liable and purchase the properties at high market value. There must be a penalty in place to be paid to the resident to cover costs of moving through no fault of their own.

Response 111-5

Please see Collective Response #24 pertaining to groundwater monitoring, Collective Response #25 pertaining to groundwater and surface water impact evaluations, and Collective Response #4b pertaining to liability and funding. See also, Response 503-3.

Letter #112 February 18, 2025, James Durando (Letter #2)

Comment 112-1

1-The Friant and Willow and Willow and Copper intersections are referenced as sections of road that will be used by the trucks in the project. These intersections will not effectively handle the traffic loads that the Cemex project will create. Modifications should be made to create safe intersections and road improvements as needed before the project can start.

Response 112-1

The intersections were studied in the Draft EIR and in the Traffic Impact Studies (Draft EIR Appendix I-1, "Traffic Impact Study," Appendix I-2, "Estimates of Vehicle Miles Travelled," Appendix I-3, "Response to Comments on Traffic Impact Study," through Appendix I-4, "Additional Responses to Comments on Traffic Impact Study"); the appropriate intersection control and lane configurations with the project were identified in the analyses. Although the project would not immediately contribute to the need to upgrade road facilities, Mitigation Measures 4.17-1a through 4.17-1r provides that the Operator would contribute their equitable share of the cost of future road facility improvements. See Response 12-69. See also Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.17, "Transportation."

Comment 112-2

2-Why is Willow south of Copper not included in the study area intersections while the Friant Road study area intersections go to the south of Teague. Willow south of Copper is a busy road with a high school, middle school, elementary school and junior college along that stretch of road. Trucks from Cemex use that road currently and increased traffic will lead to more wear and tear on that road surface, increases air quality degradation and a more crowded road. It seems like including those intersections along Willow to Teague would have been an option.

Response 112-2

Locations along Willow Avenue south of Copper Avenue were not analyzed because less than 15 percent of the project trips are expected to regularly travel on Willow Avenue (Section 4.17 of the Draft EIR). A majority of project trips are expected to travel on Friant Road south of Teague Avenue, which is the reason that more intersections along Friant Road were studied (Section 4.17 of the Draft EIR and Chapter 3 of the Final EIR for revisions to Draft EIR Section 4.17).

The City of Fresno General Plan designates Willow Avenue as a super arterial, and the City has identified Willow Avenue as a truck route. The City of Clovis General Plan designates Willow Avenue as an arterial. Although the City of Clovis does not have a truck route plan, City of Clovis Policy 6.1 states: "Truck routes. Plan and designate truck routes that minimize truck traffic through or near residential areas." The intent of such a policy is to require a majority of trucks to travel on major streets, such as Willow Avenue. Both cities allow limited access to Willow Avenue and have planned an ultimate width of six lanes along a majority of the section south of Copper Avenue. Willow Avenue, as

planned by both cities, is intended to accommodate greater traffic volumes and to accommodate trucks.

Additionally, the Draft EIR analyzes the project's air quality impacts in Section 4.3, "Air Quality," as updated in the Final EIR as Appendix D-4, "Revised Section 4.3, Air Quality."

Comment 112-3

3-Mitigation for Traffic signals at Friant and willow needs to be completed before the traffic increases.

Response 112-3

As identified in the Draft EIR and supporting Traffic Impact Studies (Appendices I-1 through I-4), the study intersections were evaluated and appropriate intersection control and lane configurations with the project were identified. The analyses conclude that the project would not cause signal warrants to be satisfied and would not independently require upgrades to roadway facilities.

As development progresses in the region, the County of Fresno and the City of Fresno will continue to require traffic studies to determine if and when signalization or other improvements are warranted, and will require such improvements in accordance with their adopted policies. Although the project would not immediately trigger the need for these improvements, it would contribute its equitable share of the cost of future intersection and roadway improvements pursuant to Mitigation Measures 4.17-1a through 4.17-1r. See Response 12-69. See also Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.17.

Comment 112-4

4-Pavement modifications between North Fork Road at Friant Road and Copper River Drive needs to be completed due to the increased wear that the project truck traffic will generate.

Response 112-4

The Operator would contribute an equitable share of the cost of the pavement improvements (see Mitigation Measures 4.17-1a through 4.17-1r). The agencies having jurisdiction over those sections or roadway would determine the timing of road maintenance and improvements. See Response 12-69. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.17.

Comment 112-5

5-Willow avenue north of Copper has only one northbound lane with a tall cement curb. With no shoulder any stopped vehicle will block that road. There is no shoulder to move onto.

Response 112-5

Wide dirt shoulders exist along a majority of Willow Avenue north of Copper Avenue.

Comment 112-6

6-With the lack of adequate road surface, controlled intersections, and lane widening as needed the area leading to and away from both the plant and quarry seem inadequate to provide the safety and reduced greenhouse gas emissions that should be part of this project. Saying that it will be "fixed" when financially possible is not a solution. Saying that the impact is unavoidable is not the answer. Eliminate the impact first.

Response 112-6

Please see Collective Response #29 pertaining to traffic impacts and road improvement requirements.

Comment 112-7

7-prehistoric bowl mortar (P-10-007115) Where is the prehistoric bowl and mortar (P-10-007115) that was found in the quarry site? Was it returned to a local tribe? Have any tribal archeologists been notified of that find?

Response 112-7

The bowl mortar (P-10-007115) was identified within the quarry area and, during the pedestrian survey, was moved to an undisclosed location within the project but outside the proposed area of impact. The item was not collected. The mortar bowl was determined as not eligible for the California Register of Historic Resources (Draft EIR page 4.5-20). The California Public Records Act exempts disclosure of confidential Native American and archaeological resource information so the exact location cannot be provided. However, the Native American tribes participating in Assembly Bill 52 consultation with the County were provided a copy of Applied EarthWorks' 2020 inventory report.

Comment 112-8

8-As required by the current CUPs, there are appropriate traffic warning signs at access roads for both the Plant Site and Quarry

Site. Existing company identification signs are located at the entrance roads to both the Plant Site and the Quarry Site in accordance with county signage regulations. There are no signs present at the quarry site at all. Who monitors/enforces the conditions of the CUPs?

Response 112-8

The commenter's observations regarding signage are noted. The permittee is responsible for compliance with conditions of approval; conditions compliance monitoring and enforcement is performed by the County or a County-retained third party.

Comment 112-9

9-Perceptible levels of ground vibration and air overpressure at some locations close to the quarry will be present. Is there a map showing where this impact will occur? I would like some specifics as to amount or vibration and how much air overpressure. Have actual tests for these explosions been done in situ? Are these computer models that they are basing this on?

Response 112-9

Figure A-1 in the Blast Impact Analysis Report by Vibra-Tech shows the location of the six closest structures that are immediately adjacent to the site. Also shown on this figure is the final limit of excavation. No test blasts have been done in-situ at the site. The threshold of significance is set at 0.6 in/sec for ground vibration and 0.1 psi for air overpressure. Blasts must be designed to be below these levels at all locations. Since the blast would be designed to be below these levels at the closest receptor, receptors at greater distances would experience much lower levels of ground vibration and air overpressure. Analysis regarding blasting impacts is discussed in Impact 4.13-6, at Draft EIR pages 4.13-65 to 4.13-67. Further, Mitigation Measure 4.10-1, shall be implemented at all times. This mitigation measure would reduce the effects of ground or airborne vibration as a result of blasting to a less than significant level. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.13, "Noise," and supporting technical appendices (see Draft EIR Appendix H, "Noise Assessment").

Comment 112-10

10-Their mitigation states that structures and wells will be monitored. That is very vague. What will they be monitoring? How will they monitor the structures and wells? What type of equipment will be used to do the monitoring? There needs to be specific guidelines as to what will be looked at and how changes will be addressed. It should be a non-cemex entity doing this independent work.

Response 112-10

Please see Collective Response #24 pertaining to groundwater monitoring. To clarify what would be monitored, Mitigation Measure 4.10-10a provides that, groundwater would be monitored in the existing MW-3 well cluster at the Quarry Site (individual wells completed in alluvium, weathered rock, and hard rock), as well as water level data from the CSA 44C wells that would be provided by Fresno County (Draft EIR, pages 4.10-108 through 4.10-111). The MW-3 cluster wells consist of dataloggers, which are programmed to record water levels at least once every six hours. The data shall be downloaded every 6 months for review and inclusion in annual mitigation monitoring reports prepared by a Professional Geologist/Certified Hydrogeologist and submitted to Fresno County annually.

If the monitoring data indicate that groundwater levels drop such that the available water column decreases by more than 15 percent, a potential impact would have occurred. If the data and assessment confirms that a decrease in water levels greater than 15 percent is exclusively attributable to mine dewatering, then CEMEX would implement corrective measures (Draft EIR, pages 4.10-108 through 4.10-111). See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10, "Hydrology and Water Quality."

The initial corrective measure would be to divert additional water from the excavation into the Northeast Pond or to a recharge trench to enhance groundwater recharge. If all available water is being pumped to the Northeast Pond or recharge trench, and the water level remains 15 percent or more below baseline levels, then mining would not progress to greater depths at the quarry.

For wells completed west of the Quarry Site, and for the San Joaquin River, the existing MW-1 monitoring well cluster would be monitored. These wells are also equipped with dataloggers that record groundwater level every 6 hours. If access to any of the five private wells located west of the Quarry Site can be obtained from the private owners, then those wells would become part of the monitoring program. Again, if the available water column decreases by more than 15 percent, a potential impact would have occurred, and the corrective measures would be implemented. Here, the initial corrective measure would be to divert additional water from the excavation to the recharge trench on the west side of the Quarry Site. The rate of pumping into the recharge trench would be increased until the water column in the MW-1 and private wells recovers to within 85 percent or more of baseline levels. If this standard is not met, then mining would not progress to deeper depths.

Following completion of mining to the full approved depth, if no potentially significant impact to nearby wells or flows in the San Joaquin River has occurred, then groundwater monitoring at the MW-1 and MW-3 wells would continue for at least 3 years.

Comment 112-10 does not provide any substantial evidence that Mitigation Measure 4.10-10a is inadequate to monitor groundwater levels.

Comment 112-11

11-Anywhere in the DEIR that it says that monitoring will be the mitigation needs to be reevaluated and done with specificity. Monitoring is too vague a term and means nothing. A monitoring plan with guidelines, methods, procedures, equipment and actions based on the data is needed. Just using the term monitoring as a type of mitigation is lazy and inadequate.

Response 112-11

Although several mitigation measures in the Draft EIR include monitoring as a specific element of mitigation, none of the mitigation measures in the Draft EIR are solely limited to monitoring. For instance, as discussed and presented in Draft EIR Section 4.10, mitigation measures are identified in the Draft EIR that require groundwater quality protection measures and groundwater monitoring and adaptive management (see Mitigation Measure 4.10-1 on Draft EIR page 4.10-92, Mitigation Measures 4.10-5a and 4.10-5b on Draft EIR pages 4.10-96 through 4.10-98, and Mitigation Measures 4.10-10 and 4.10-10b on Draft EIR pages 4.10-108 through 4.10-111, each of which include monitoring and adaptive management in response to conditions observed through monitoring). See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10. The comment does not identify any specific mitigation measures in the Draft EIR for which monitoring is a sole component, nor does it specify a particular mitigation measures that is insufficient.

Comment 112-12

12-Has a blasting quarry operating on a mined-out gravel pit like this been done in California? It seems like a similar quarry would have many answers to the questions arising?

Response 112-12

In accordance with CEQA Guidelines Sections 15126.2(a) and 15125, the EIR focuses on the significant environmental effects of the proposed project and describes the conditions on the project sites. The Draft EIR's analysis of potential environmental effects associated with the project, including blasting and excavation, is based on site-specific conditions and technical studies prepared for this project.

Mining involving blasting at hard rock quarries is commonplace throughout California and is frequently preceded by excavation of overlying alluvial materials. While similar operations exist, the evaluation of other quarries is not required under CEQA, as environmental impacts must be assessed based on the specific characteristics of the project sites and surrounding environment.

Accordingly, the Draft EIR provides an adequate, site-specific analysis of the proposed project's potential impacts.

Comment 112-13

13-In the ground water and surface contamination from blasting there are a few major components missing that need to be considered. What are the explosives that are being used? What are the sizes of the various charges they are using? What are the chemical components that the blasting produces? What are the chemical compounds that will contaminate the surface and ground water? None of this is mentioned in the report. Has any blasting been done on the quarry site to determine ground vibration levels and the distance they are travelling from the point of ignition?

Response 112-13

The Blast Impact Analysis prepared by Vibra-Tech Engineers (see Draft EIR, Appendix H-3, "Blast Impact Analysis") provides information on the characteristics of blasting. Based on Vibra-Tech's analysis prepared for the proposed project it was determined that appropriate vibration and airblast control measures should be implemented when conducting onsite blasting to ensure blast-induced groundborne vibration would not exceed bank stability thresholds. Specifically, Mitigation Measure 4.10-1 would require development and implementation of Blasting Protocols that specify that blasting must begin at the center of the Quarry Site so that monitoring of groundborne vibration can occur and be used to verify that predicted maximum ground vibrations are consistent with actual ground vibration measurements and allow for adjustments to occur based upon the monitoring results. Additionally, charge weight per hole would be adjusted depending on the distance the blast is occurring form the nearby San Joaquin River embankment. If significance thresholds are exceeded or signs of instability of the embankment occur, Fresno County must be notified within 48 hours. Multiple studies have been completed about the effects of blasting on groundwater that all concluded that there would be no potentially significant long-term chemical or mineralogical changes observed in groundwater that could be attributed to blasting. Therefore, and with implementation of Mitigation Measure 4.10-1, it is unlikely that blasting would result in the release of hazardous materials to the environment.

Additionally, the permanent storage of explosives on-site would be prohibited, and the explosives would be delivered to the site once or twice per week by a licensed or qualified blasting contractor to ensure complete detonation and the management of the remaining fragments after the blast to prevent interaction with stormwater and compliance with all relevant regulations, including the California Fire Code, Cal/OSHA Mine Safety Orders, and applicable CUPA programs related to hazardous materials storage and handling. Unused explosives and detonators would be returned to the blasting contractor's secure off-site magazines. As discussed in the Draft EIR, blasting agents typically used for mining include both an oxidizer and an accelerant, generally in the form of nitrate-based compounds and flammable liquids. The Blasting Protocols would minimize the risk of substantial groundwater water quality degradation by expanding blasting activities on the Quarry Site. See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response.

Comment 112-14

14-Who will monitor the ground water and surface water contamination? How will domestic wells and other ground water resources in the area be protected?

Response 112-14

Draft EIR Section 4.10, "Hydrology and Water Quality," provides detailed analyses of potential groundwater and water quality effects of the proposed project. The analyses are based on the Hydrology and Water Quality Analysis Report (Draft EIR Appendix G-5, "Hydrology and Water Quality Analysis Report") which utilizes information from groundwater conditions reports included as Appendix G-3, "Groundwater Conditions at the Plant Site," and Appendix G-4, "Groundwater Conditions at the Quarry Site," of the Draft EIR and groundwater and surface water monitoring and sampling data collected for the project sites to draw conclusions on the existing groundwater hydrology conditions on the project sites and to evaluate the potential impacts to groundwater hydrology under the proposed project. Detailed methodology and findings are provided in Appendix G-5. Additionally, please see Collective Response #25 for discussion pertaining to surface and groundwater analyses.

As discussed, and presented in Draft EIR Section 4.10, mitigation measures are identified in the Draft EIR that require groundwater quality protection measures and groundwater monitoring and adaptive management (see Mitigation Measure 4.10-1 on Draft EIR page 4.10-92, Mitigation Measures 4.10-5a and 4.10-5b on Draft EIR pages 4.10-96 through 4.10-98, and Mitigation Measures 4.10-10 and 4.10-10b on Draft EIR pages 4.10-108 through 4.10-111). See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10 and supporting technical appendices.

The comment does not address the adequacy of the Draft EIR hydrology analyses or the efficacy of these mitigation measures, and no further response is warranted.

Comment 112-15

15-The impact blasting will have on salmonids is mentioned in regards to the reintroduced salmon in the San Joaquin River. Why is an old Alaska Department of Fish and Game study used? The substrate at the study site cannot be like what is at the quarry site. The river in Alaska is most like not that similar to the San Joaquin River in substrate, volume and flow. Has any actual testing with blasting been done for this DEIR in this area on the river?

Response 112-15

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. No site-specific blasting studies have been conducted for the San Joaquin River. CEQA does not require that all possible studies be conducted for the purpose of analyzing environmental impacts, but rather that the analysis be based on substantial evidence and accepted methodologies. (Title 14 CCR Section 15151.)

As described in the Draft EIR, the evaluation of potential blasting impacts to salmonids is based on established and widely accepted thresholds for fish protection, and is supported by project-specific modeling of ground vibration and overpressure. In addition, Mitigation Measure 4.10-1 requires implementation of Blasting Protocols (provided in Draft EIR Appendix H-6, "Blasting Protocols" and updated in Appendix H-9, "Revised Blasting Protocols"), which establish limits on charge weights, timing, and other blasting parameters to ensure that vibration and overpressure levels remain below specified thresholds for the river embankment and pit slope that would be protective of aquatic species in the river.

The Blasting Protocols also require monitoring to verify that blasting remains within modeled and allowable limits. Please refer to Final EIR Appendix H-9 to view the updated Blasting Protocols.

Accordingly, the Draft EIR relies on accepted scientific standards, project-specific analysis, and enforceable mitigation measures with monitoring to ensure that impacts to salmonids would be less than significant.

Comment 112-16

16-Signage at the entrance of the quarry is nonexistent currently. There are no signs indicating an entrance to the quarry site from

north or south. No signs showing trucks entering the road or quarry. The current CUP is not enforced.

Response 112-16

See Response 112-8. The commenter's observations regarding signage are noted. The permittee is responsible for compliance with conditions of approval and would fully comply with all such conditions, including any or all conditions concerning signage. Conditions compliance monitoring and enforcement is performed by the County or a County-retained third party.

Comment 112-17

17-All domestic wells in the area should be tested to provide a baseline for water quality and well production. Testing should be done quarterly during the life of the mining operation to monitor the impact on water quality and production.

Response 112-17

As discussed in Section 4.10, of the Draft EIR, Mitigation Measure 4.10-10a (Quarry Site Groundwater Adaptive Management Program) provides for monitoring of the MW-3 well cluster to assess groundwater level conditions that might affect wells to the east and northeast of the Quarry Site, and of the MW-1 well cluster to assess groundwater level conditions that might affect the San Joaquin River and wells to the west of the Quarry Site. Each well cluster includes a separate well within the alluvium, the weathered rock, and the hard rock. Electronic dataloggers have been present in these wells since August 2017 (except for MW-3S, which was installed in 2018, with datalogger recording beginning in September 2018) (see Draft EIR at page 4.10-108). Therefore, a five- to six-year baseline of groundwater elevation data already exists in each of these well clusters, as provided in Appendix G-6, "Addendum to Hydrology and Water Quality Analysis Report," of the Draft EIR. These wells would continue to be monitored throughout the project duration and after reclamation.

Mitigation Measure 4.10-10a describes the data analysis to be conducted and the changes in groundwater levels that would require further assessment. If the groundwater changes are confirmed, then specific mitigation actions would be required, including increasing the amount of water provided for groundwater recharge, either at the Northeast Pond or at the western recharge trenches, as appropriate (Draft EIR at page 4.10-109). The mitigation measure goes so far as to require mining to cease if groundwater levels cannot be maintained above defined thresholds (Draft EIR at page 4.10-109). The cessation of mining would also result in the halting of dewatering, which would then allow groundwater levels to recover, if they had dropped below the target criteria.

Mitigation Measure 4,10-10a includes the possibility of monitoring groundwater levels in offsite private wells. However, neither CEMEX nor Fresno County can require private well owners to allow monitoring at their individual residential wells (Draft EIR at page 4.10-110). Similar programs have been implemented at other aggregate mining quarries throughout California, the nearest being at the Vulcan Austin Quarry in Madera County, approximately 5 miles northwest of the Quarry Site. For such a program to be implemented, the well owners would be provided the opportunity to participate and enter into an access agreement to have the water levels in their wells monitored. For owners that elect not to participate, data would not be available to assess any effects on the groundwater levels in their wells. That is the prerogative of each well owner and the choice that any well owner can make.

The monitoring and reporting work to be performed under Mitigation Measure 4.10-10a would be conducted by a California-licensed Professional Geologist or Certified Hydrogeologist and must be reviewed and approved by Fresno County (Draft EIR at page 4.10-108). The program would be funded by CEMEX as described in Mitigation Measure 4.10-10b.

Mitigation Measure 4.10-10a specifies that monitoring is to continue for at least 3 years after mining reaches the full approved mining depth and no nearby wells have been significantly affected. In other words, monitoring would occur for at least 3 years after dewatering of the quarry stops (see Draft EIR at page 4.10-111). Thus, during this 3-year period, the water level within the Quarry, and in the surrounding hard rock aquifer, would be recovering, or increasing, since dewatering would no longer be occurring. Thus, there is no practical potential that dewatering of the quarry pit would have any additional or future effects on nearby groundwater levels once the 3-year period begins since dewatering would have ceased. As an additional protective requirement, the 3-year period must include at least two below-normal rainfall years or one critically dry year, as defined by the California Department of Water Resources (DWR) (Draft EIR at page 4.10-111). Thus, if mining reaches the full permitted depth during a period of wet years, the monitoring period and funding mechanism must remain in place for more than 3 years.

Mitigation Measure 4.10-10a also states that if the water level in any of the monitored wells has decreased by more than the defined criterion of 15 percent at the time mining reaches the full permitted depth, pumping to the Northeast Pond and/or recharge trenches must continue indefinitely until the 15 percent criterion is met in all wells (Draft EIR at page 4.10-111). To verify that the 15 percent criterion is met, the monitoring program would have to continue until all wells meet that standard. Thus, the funding mechanism would also remain in place until each of these requirements are met.

With the inclusion of Mitigation Measure 4.10-10a project impacts were determined to be less than significant and no additional mitigation measures are necessary.

Comment 112-18

18-Ambient noise should not increase. Increased truck noise, explosions and eventually plant operations will all increase noise in the area. Operating hours are not reasonable in an area surrounded by existing homes that have been present for over 40 years. Operating 16 hours a day in a suburban residential area should not be allowed.

Response 112-18

Virtually every physical process generates noise that contributes to the local ambient noise environment. Whether it be a tractor operating in an agricultural field, a distant aircraft overflight, a power boat on a lake or river, or a garbage truck in a residential neighborhood, to name a few. As noted in the Response 60-13, CEQA requires that a noise level increase be substantial to result in a finding of a significant noise impact, rather than just audible.

The proposed hours of operation are identified in Table 2-5, "Proposed Typical Hours and Days of Operation," of the Draft EIR (see Draft EIR, page 2-43). The proposed typical hours of operation avoid the most noise-sensitive periods of 9 p.m. to 4 a.m., but recognize that early morning truck loadout, ready mix and asphalt production may be required, as well as extended hours of operation such as cases where night paving projects require the delivery of materials outside normal operating hours. This is particularly necessary for temperature-sensitive Portland cement concrete and hot-mix asphalt during the hotter period of May through October. The proposed hours of operation were carefully considered in the noise analysis prepared for the project Draft EIR, and potentially significant noise impacts specific to pre-7am operations were identified at some residential receptors (see Impact 4.13-3). Appropriate noise mitigation measures, including follow-up noise testing to ensure the mitigation measures are adequate, were developed in response to impacts identified during nighttime hours (see Mitigation Measures 4.13-2 and 4.13-3).

The comment fails to provide any evidence justifying decreased hours of operation, and fails to acknowledge these mitigation measures or analyze why they are deficient.

Comment 112-19

19-Air quality will be impacted by:

Increased truck/tractor activity/dust PM10 PM2.5

Blasting PM10 PM2.5

Batch plant PM 2.5

Rock crushing /Dust PM 10 PM 2.5

Air quality will suffer with increase mining activity and trucking and equipment use in the quarry producing more greenhouse gas emissions.

Diesel exhaust is a major source of PM 2.5 a known health hazzard [sic]

Response 112-19

It is true that air quality would be impacted by some of the sources listed by Comment 112-19. However, as shown in Draft EIR Tables 4.3-20, 4.3-21, 4.3-22, 4.3-23, 4.3-24, and 4.3-25, as updated in Appendix D-4, "Revised Section 4.3, Air Quality," certain features of the project and the mitigation measures proposed would reduce emissions and associated health risks with increased production to less than significant levels (Appendix D-4, Section 4.3.4, "Project Impacts and Mitigation Measures"). The technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Technical Report* (see Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"), including preparation of a Fugitive Dust Control Plan and inclusion of additional information regarding the project's air quality impacts associated with blasting. See Collective Response #9 for further discussion of the project's potential air quality impacts. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the Draft EIR analysis, as amplified by the Final EIR, is sufficient, and no further response is required.

Comment 112-20

20-Ambient Air Quality is monitored by the Air District. The closest station with data being used to monitor pollutants is the project site, Clovis-Villa station (Air Quality Station ID 06-019-5001. This station is located approximately 9 miles south of the project sites and measures a variety of air quality parameters. Looking at the PM 10 and PM 2.5 components the data in Table 4.3-2 Ambient Air Quality in the Project Area shows that the PM 10

values exceed state standards in the years 2013-2017. The PM 2.5 values exceed federal standards for the same years 2013-2017. There are two weaknesses to this information. The Clovis-Villa station is designed to monitor at a neighborhood scale covering an area of 0.5km to 4.0 km the station is about 9 miles away. It is confusing to have two different measuring systems used in an explanation so to convert to US standard measure for length the area covered by the monitoring station would be about 500 yards to 2.4 miles from the station. How does this measure anything from the Plant or Quarry site that is about 9 miles away? Why wasn't the air monitored at the sites of the projects. Some of the data was collected more than 10 years ago. There must be more recent data available. This information does not seem to provide an accurate value for PM10 or PM2.5 for the sites.

Response 112-20

The air quality impact analysis follows the SJVAPCD Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) (SJVAPCD, 2015) which requires a summary of "ambient air quality, including data for at least the last three years from the air quality monitoring station(s) closest to the project site" (GAMAQI, page 55). The Clovis Station is the closest one to the project. The Draft EIR contains the most recent years available when the Air Quality and Climate Change Impact Assessment was prepared (Draft EIR Appendix D-1, "Air Quality, Health Risk, and Climate Change Impact Assessment"). The technical analysis for air quality impacts was updated to include the ambient air quality data from the Clovis station for the years 2020 through 2024, as described in Section 3.2.2 of the *Air Quality, Health Risk and Climate Change Technical Report* (see Appendix D-3). Further data for the Clovis Station is provided below.

The SJVAPCD follows EPA requirements and guidelines when deciding where air monitoring stations are located. An annual Air Monitoring Network Plan and a 5-year Air Monitoring Network Assessment are each prepared for EPA review. The network plans and EPA guidance are described on the District website (https://www.valleyair.org/air-quality-information/air-monitoring/).

The 2025 Air Monitoring Network Assessment (SJVAPCD, 2025) describes the following objectives and goals:

- Objectives:
  - Ensure compliance with the NAAQS,
  - Track long term air quality trends and control strategy effectiveness, Provide data for photochemical modeling and emissions inventory development,
  - Support daily air quality forecasting, and

  - Communicate current conditions to the public and inform of actions to reduce health-risks during air pollution episodes.
- Goals:
  - Determine the highest criteria pollutant concentrations expected to occur in the area covered by the network,
  - Measure typical concentrations in areas of high population density,
  - Determine the impact of significant sources or source categories on air quality,
  - Determine general background concentration levels, and
  - Determine the extent of regional pollutant transport among populated areas.

A network assessment must consider whether project sites support air quality characterization for areas with relatively high populations of susceptible individuals (*e.g.,* children with asthma) and other at-risk populations. Office of Environmental Health Hazard Assessment ranks communities in the top quartile of susceptibility. SJVAPCD reports that a majority of the air monitoring sites are within the specific areas or are within 4 km.

Scales of spatial representativeness are described in terms of physical dimensions of the air parcel or zone where air quality is expected to be reasonably consistent around the monitor. The monitor thus represents that area, not just the location of the monitor. The following **spatial scales** are identified in 40 CFR Part 58, Appendix D:

- **Microscale**: An area ranging from several meters up to about 100 meters.
- **Middle scale**: An area up to several city blocks in sized ranging between about 100 meters to 0.5 kilometers.
- **Neighborhood scale**: An extended area of the city that has relatively uniform land use with dimensions ranging 0.5 to 4.0 kilometers.
- **Urban scale**: An area of city-like dimensions, from about 4 to 50 kilometers.
- **Regional scale**: Covering a rural area of reasonably homogeneous geography without large sources, extending from tens to hundreds of kilometers.

According to Table 3-1 in the 2025 network assessment report, the Clovis-Villa location is an urban center and the purpose of measurements there would be to measure maximum ozone precursor concentrations. The commenter is correct that the concentrations in the urban area are different from those near the project which is in a rural area and far from most of the air pollution sources. However, criteria pollutant exceedances are episodic because they are brought on by unfavorable weather conditions and when episodes occur, they occur throughout the region. The Madera Pump Yard Station may experience

concentrations of pollutants (particularly ozone precursors and $PM_{2.5}$) more like the conditions at the project sites because it is also rural and measurements are taken there to represent background concentrations.

Air pollutants were not measured at the project sites because it is not customary to do so, particularly for a common, well understood source type like a rock quarry in a rural setting. The cost of collecting monitoring data for multiple pollutants over multiple years for a project like this, which is located in an area of relatively average to better-than-average air quality, as compared to the top quartile in the region, is unnecessary. See also Appendix D-4, "Revised Section 4.3, Air Quality," regarding updated emissions data for criteria pollutants including PM_{10} and $PM_{2.5}$.

Comment 112-21

21-How can the Air Quality Control District monitor the sites for this DEIR without any monitoring equipment on the sites? There is no mention of monitoring or any data from monitoring other than the Clovis-Villa station and the Fresno Garland site.

Response 112-21

As discussed in Response 112-20, the purpose and objectives of air monitoring networks go beyond a single site and focus more broadly on where population is most exposed (urban areas), to understand background and transport of pollutants from one area (urban) to another.

Comment 112-22

22-4.3 Air Quality

Goal OS-G To improve air quality and minimize the adverse effects of air pollution in Fresno County.

Policy OS-G.11 The County shall continue, through its land use planning processes, to avoid inappropriate location of residential uses and sensitive receptors in relation to uses that include, but are not limited to, industrial and manufacturing uses and any other uses which have the potential for creating a hazardous or nuisance effect.

In this case the county has allowed residential development by the quarry site. The CUPs for the site expired and now the county wants to create an industrial site in the midst of a suburban residential area. This is in opposition to the Goal OS-G for Air Quality.

Response 112-22

The policy referenced in the comment is actually Policy OS-G.12 (Fresno County 2024), not Policy OS-G.11. As stated in the Air Quality section of the Open Space and Conservation Element of the Fresno County General Plan, the linkages between land use patterns, transportation systems, and air quality are the primary means for local governments to address air quality issues. The policies and implementation programs addressing air quality are directly related to land use and transportation. The project is requesting to expand an existing use and extend the life of its operations. The County is not creating a new "industrial site in the midst of a suburban residential area" because 1) it is not a new site and 2) it is not located in an urbanized area. In fact, the majority of the surrounding adjacent properties to the project sites are zoned Exclusive Agricultural with 20-acre minimum parcel size (AE20). There are two existing, vacant planning areas near the project sites zoned for residential, but they both include conditional neighborhood beautification standards. While there are scattered single family residences resulting from urban sprawl within a mile radius of the project, the residences are located within agriculturally classified zones which were intended for agricultural uses. Thus, allowing the continued operation in the existing sites would create fewer impacts than moving the operations to disturb a new site or multiple sites elsewhere.

Comment 112-23

23-4.4 Biological Resources

Fish-Only Gambusia and Micropterus were observed during habitat assessment. Why didn't they seine the pond to survey what is in the water? The assessment done was a visual observation of the surface of the pond.

Response 112-23

Mosquitofish (*Gambusia affinis*), and largemouth bass (*Micropterus salmoides*) are not listed as endangered or threatened under the California Endangered Species Act or the federal Endangered Species Act. (Title 14 CCR Section 670.5; 50 C.F.R. Section 17.11). Neither the Mosquitofish nor the largemouth bass were observed during the habitat assessment of the project sites in any event. (See, Draft EIR, page 4.4-17). All measures taken are sufficient to avoid and minimize potential impacts, and no additional revisions to the Draft EIR are required.

Comment 112-24

Amphibians-western toad and spadefoot toads exist on the adjacent properties to the north and south. Without a thorough survey they would not be found.

Response 112-24

Please see Response 65-6 regarding the sufficiency of the habitat surveys conducted for this Draft EIR. Please note that bullfrogs are present in the ponds located on the project sites which are invasive and predatory of western spadefoot, thus lessening the likelihood of their presence on the project sites.

To ensure the protection of the western spadefoot, the Operator would conduct pre-construction clearance surveys by a qualified biologist for Western Spadefoot within suitable habitat areas, as required by Mitigation Measure 4.4-1b (Draft EIR, page 4.4-50). As described in Chapter 3, "Draft EIR Errata," Mitigation Measure 4.4-1b has been revised to clarify and strengthen survey and implementation requirements, further ensuring protection of special-status amphibians, including western spadefoot. If individuals are observed, they would be relocated by a qualified biologist to suitable nearby habitat outside the disturbance area. These measures are sufficient to avoid and minimize potential impacts, and no additional revisions to the Draft EIR are required.

Comment 112-25

Reptiles-pond turtles are in the ponds on adjacent properties and travel great distances overland. They should be present in the quarry site ponds. Western fence lizards are very abundant in the area and would be found in the quarry site as well [sic]

Response 112-25

Please see Response 65-6 for further discussion of the sufficiency of the habitat surveys conducted for this Draft EIR. The Draft EIR concluded that the Western pond turtles are not likely to be present on the Quarry Site or Plant Site due to lack of suitable habitat; however, because there is marginal habitat associated with the San Joaquin River and to further ensure protection of the pond turtle, pre-construction clearance surveys would be conducted by a qualified biologist for Western Pond Turtles within suitable habitat areas as required by Mitigation Measure 4.4-1b (Draft EIR, page 4.4-50) and, as clarified in the Final EIR, implementation of Mitigation Measure 4.4-1b includes biological monitoring during pond draining and removal activities. If individuals are observed, they would be relocated by a qualified biologist to suitable nearby habitat outside the disturbance area.

Western Fence Lizards are not listed as endangered or threatened under the California Endangered Species Act or the federal Endangered Species Act. (Title 14 CCR Section 670.5; 50 C.F.R. Section 17.11). No Western Fence Lizards were observed during the habitat assessment of the project sites. (See, Draft EIR, page 4.4-17). These measures, as refined in this Final EIR, are sufficient to avoid and minimize potential impacts.

Comment 112-26

Avian-Tricolored black birds nested in the ponds by the thousands until a few years ago when the tules disappeared. Bald and Golden

eagles do still use the area but are seasonal. Observing them would involve looking at the right time of the year. Ospreys are using the pond to forage all year long. White Pelicans are visitors to the quarry ponds throughout the year as well. The survey ignores more than 5 species of ducks that use the pond as well as no mention of Canada geese.

Response 112-26

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including raptors, prior to the initiation of a mining phase as shown on the Plant Site Mining Plan (see Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," of Chapter 2, "Project Description") and Quarry Site Mining Plan (see Draft EIR Figure 2-8, "Proposed Quarry Site Mining Plan"). As revised in the Final EIR, pre-construction surveys would be conducted by a qualified biologist within 500 feet of the limits of disturbance and would include multiple survey visits, as appropriate. If an active nest of a subject nesting bird species is observed during the survey, appropriate avoidance buffers would be established based on species-specific requirements, including up to 500 feet or greater for listed and raptor species, and construction activities would be modified, delayed, or avoided within the buffer in coordination with California Department of Fish and Wildlife (CDFW), as appropriate, until a time when the birds have left the nest, or the nest becomes inactive under natural conditions. With implementation of Mitigation Measure 4.4-1c, as revised in this Final EIR, the potential for the proposed project to result in adverse impacts to nesting birds at or near the project sites would be less than significant. See Chapter 3, "Draft EIR Errata." Canada geese are mentioned in the Draft EIR as well as numerous waterfowl species; any impacts at the site on these species are less than significant, requiring no mitigation (Draft EIR, page 4.4-52 through 4.4-53). The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. For blasting activities occurring during the nesting season, additional pre-blasting surveys would be conducted within a 0.25-mile radius of blasting locations to address species with greater sensitivity to disturbance, such as Swainson's hawk and bald eagle.

Comment 112-27

Mammals-Mountain Lions have been in the area for years. They use the area of the quarry, the riparian habitat along the river corridor and all of the habitats in the area. They were not sighted in the habitat assessment as it was performed. Trail cameras which

are easily available and inexpensive would have been a good tool for the assessment to have incorporated instead of "observed" or not.

Response 112-27

No mountain lions were observed during the habitat assessment. In any event, blasting activities would be brief, with each blast lasting approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity as affecting this species.

Letter #113 February 18, 2025, George Hewett

Comment 113-1

Tuesday morning greetings, with a quick message to say I'm greatly concerned about any project that utilizes explosives/blasting methods, especially underground and especially in close proximity to a damsite. I'm no geological engineer, if such is the correct term, but just the same I have to wonder if there isn't a potentially "safer," for lack of a better term, method if such a project really needs to be completed at all. Sounds "suspiciously" as though it's yet another case of big business coming in and creating a big disruption of the "ecology," again, for lack of a better term, with the thoughts of big profits being the driving force.

Response 113-1

The proposed blasting operations are described in Draft EIR Section 2.5.2.2, "Quarry Site Mine Plans," beginning on page 2-42 As stated on Draft EIR page 2-44, "[e]xplosives used in blasting would not be stored on-site but would be brought to the site by a California licensed blasting contractor." Transport of explosive materials would occur in compliance with existing regulations that require licensing and the use of identified travel routes (see Draft EIR page 4.9-10). The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #114 February 18, 2025, Debi Schmidt

Comment 114-1

We live not too far from the Cemex blast proposal area. We are AGAINST it. Especially since it's not a necessary item that needs to be "mined" at this time, there is no shortage or huge demand that is not being satisfied.

Response 114-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #3 regarding available aggregate reserves in the region and the need for the proposed project.

Comment 114-2

We do not want the noise or the disruption to the environment, plants, animals, people etc.

Response 114-2

The project's potential noise impacts are addressed in Draft EIR Section 4.13, "Noise," while potential impacts to plants and animals are addressed in Section 4.4, "Biological Resources." Each of the impacts identified in these sections was determined to be less than significant with implementation of the mitigation measures provided. See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response.

Letter #115 February 19, 2025, Kathryn Elliott

Comment 115-1

I think this proposal is a terrible idea. Heavy loads of mined rock on Friant Road will tear the road up and we taxpayers will be asked to pay for its repair.

Response 115-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #29 regarding funding for road maintenance.

Comment 115-2

New housing in the area will suffer air polluted with rock dust

Response 115-2

The project's potential air quality impacts are addressed in Draft EIR Section 4.3, "Air Quality," as updated in this Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," for revisions to Draft EIR Section 4.3. See also Collective Response #9 regarding the project's potential impact on the region's existing air quality.

Comment 115-3

and the road is already burdened with with too much traffic. I hope you will see that CEMEX's plan is turned down.

Response 115-3

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #29 regarding truck traffic increases anticipated under the proposed project.

Letter #116 February 19,2025, Ann Heiniger

Comment 116-1

I am writing to object to CEMEXs blast mine proposal. The current permit should not be extended or modified for the following reasons:

Fresno / Madera counties do not need the aggregate. Our regional demand of 305 million tons for the next 50 years will be met by the 556 million tons of reserves already permitted at on the Kings River and at Austin Quarry.

Response 116-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #3 regarding available aggregate reserves in the region and the need for the proposed project.

Comment 116-2

CEMEX has been fined more than $43 million for 81 environmental violation since 2000. The draft EIR does not require them to have a reserve to pay for future damage, such as a breach between the mine and the river. No amount of money could compensate for the potential environmental damage!

Response 116-2

See Collective Response #4a regarding CEMEX's regulatory compliance history and Collective Response #4b regarding liability for unforeseen damages caused by the proposed project. See also Collective Response #17 regarding riverbank stability and the potential for breach at the Quarry Site.

Comment 116-3

CEMEX has no plans to rectify the unavoidable impact to traffic on Friant.

Response 116-3

Comment 116-3 refers to Impact 4.17-1 (see Draft EIR page 4.17-27) which was determined to be significant and unavoidable. The Draft EIR presents a series of

mitigation measures to address the impacted intersections identified in the Traffic Impact Study (see Draft EIR Appendix I-1, "Traffic Impact Study"). Each measure requires CEMEX to contribute an equitable share of the cost to construct the improvements needed to address cumulative traffic increases at the identified intersections. However, as discussed in greater detail in Draft EIR Section 5.3.17, "Transportation," beginning on page 5-28, the timing of construction of these improvements is not certain and may occur after project implementation. Therefore, the impact was determined to be significant and unavoidable. Regardless, with implementation of Mitigation Measures 4.17-1a through 4.17-1r, CEMEX would pay the project's equitable share of the cost to construct the identified improvements. See also Collective Response #29 regarding the assertion that CEMEX should fully fund and construct the necessary roadway improvements prior to project implementation.

Comment 116-4

The visual blight on the landscape has encroached on an adjacent state ecological preserve.

Response 116-4

The project's potential impacts to aesthetics and visual resources are addressed in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for revisions to this section of the Draft EIR. See also Collective Response #20 regarding the assertion that the project encroaches on an ecological preserve.

Comment 116-5

The constant dynamiting is not compatible with fish and wildlife or humans living near the site!

Response 116-5

The potential effects of proposed blasting on fish, wildlife, and humans are evaluated throughout the Draft EIR. See Draft EIR Section 4.4, "Biological Resources," Section 4.9, "Hazards and Hazardous Materials," and Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response. The comment is noted for the consideration of the decision-makers.

Comment 116-6

Please do not extend the current permit and reject the proposal to modify it!

Response 116-6

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #117 February 19, 2025, Multiple Signers

Comment 117-1

Absolutely no on CEMEX!

Response 117-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #118 February 20, 2025, Jenine Cortopassi

Comment 118-1

I, along with many neighbors living at Copper River Ranch, are quite concerned about the possible Cemex Rockfield expansion.

Between traffic congestion along Friant Road, safety concerns, noise pollution, extreme wear on the roadway AND environmental concerns I am writing to have you consider alternate plans for Cemex.

PLEASE, PLEASE, PLEASE take this request seriously!!!

Response 118-1

The issue of traffic congestion along Friant Road is addressed in Draft EIR Section 4.17, "Transportation." See Collective Response #29 related to project truck traffic and funding for road maintenance. See also Collective Response #30 related to traffic and pedestrian safety. The issue of noise pollution is addressed in Draft EIR Section 4.13, "Noise." See Collective Response #27 regarding noise impacts on users of adjacent parks and trails. See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response.

Letter #119 February 20, 2025, George Folsom

Comment 119-1

I am writing to express my strong opposition to the proposed modification of the existing CEMEX Rockfield Quarry, including Environmental Impact Report (EIR) No. 7763 and Conditional Use Permit (CUP) Application Nos. 3666 and 3667.

First and foremost, the expansion would exacerbate air quality issues, particularly dust and particulate matter, which pose serious respiratory risks to nearby residents. Increased mining operations will generate higher levels of fine dust particles, which have been linked to asthma, lung disease, and other health problems, especially for vulnerable populations such as children and the elderly.

Response 119-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. Health effects related to air pollution are discussed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3 Air Quality"). Specifically, air pollutants and associated health effects are described in Section 4.3.1.2, "Pollutants and Health Effects," while toxic air contaminants are described in Section 4.3.1.3, "Toxic Air Contaminants." Potential health effects resulting from project emissions are evaluated under Impact 4.3-3 in Section 4.3.4," Project Impacts and Mitigation Measures," of Appendix D-4. In response to comments received an updated Health Risk Assessment was prepared in the *Air Quality, Health Risk, and Climate Change Technical Report* (see Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment") of this Final EIR. This updated analysis included cancer burden modeling and demonstrated no new impacts and no changes to the findings in the Draft EIR. See Collective Response #9 regarding the proposed project's potential effects on the region's existing air quality conditions.

Comment 119-2

Additionally, the modification poses a substantial threat to local water resources. The expansion could lead to groundwater depletion, contamination from mining runoff, and long-term effects on nearby ecosystems. Given the ongoing concerns about water scarcity and conservation efforts in our region, approving this modification would be irresponsible and harmful to the local environment.

Response 119-2

The project's potential impacts to water resources are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Collective Responses #24, #25, and #26 regarding groundwater level monitoring and potential effects on groundwater levels. The issue of groundwater depletion is addressed in Impacts 4.10-8 through 4.10-12 and were determined to be less than significant with implementation of Mitigation Measures 4.10-10a and 4.10-10b. The issue of groundwater quality is addressed in Impacts 4.10-1 through 4.10-7 and were determined to be less than significant with implementation of

Mitigation Measures 4.10-1, 4.10-5a, and 4.10-5b. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10. See also Collective Response #23 regarding water quality in onsite ponds.

Comment 119-3

Traffic and noise pollution are also critical concerns. Increased quarry activity will result in more heavy truck traffic, further straining local infrastructure, increasing wear and tear on roads, and elevating the risk of accidents.

Response 119-3

The issue of traffic is addressed in Draft EIR Section 4.17, "Transportation." The issue of noise pollution is addressed in Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response. See Collective Response #29 regarding truck traffic increases anticipated under the proposed project, required improvements, and road maintenance. See also Collective Response #30 regarding traffic and cyclist/pedestrian safety.

Comment 119-4

Furthermore, prolonged exposure to blasting and excavation noise will significantly diminish the quality of life for residents in surrounding areas.

Response 119-4

The project's potential noise impacts are evaluated in Draft EIR Section 4.13. Each of the impacts identified in this section was determined to be less than significant with implementation of the mitigation measures provided. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.13. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.13. See also Collective Response #27 regarding the effects of proposed blasting on users of adjacent parks and trails. The comment is noted for the consideration of the decision-makers.

Comment 119-5

Beyond these immediate impacts, approving this modification sets a dangerous precedent for future industrial expansion at the expense of our environment and community. We must prioritize sustainable development that aligns with long-term public health and ecological conservation goals rather than allowing corporations to expand operations without fully addressing these adverse impacts.

For these reasons, I urge the Planning Commission to reject the proposed modification of the CEMEX Rockfield Quarry and uphold the best interests of the community and environment. Thank you for your time and consideration.

Response 119-5

No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Letter #120 February, 20, 2025, Debra Keldrauk

Comment 120-1

It has come to my attention that CMEX has applied for a permit to convert to a blast mine. This is such a terrible idea for the Fresno/Friant area. With homeowners insurance in California already at a super premium and many consumers in CA being denied, this would only add to the problem. CEMEX is already a problem working as a mechanized mine, in my opinion.

Response 120-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 120-2

I know countless citizens who have had rocks pop up on that road between Fresno and Friant, cracking windshields and creating yet another insurance issue: the high cost of auto insurance.

Response 120-2

See Collective Response #30 regarding vehicle damage.

Comment 120-3

Face it: everything in California is horribly expensive. We need a break. If CEMEX wants to blast they need to find another site in another city, they have been here since the 1920's I say enough already. Please do not consider approving this new permit to blast.

Response 120-3

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #121 February 20, 2025, Brenda Markham (Letter #1)

Comment 121-1

With regards to the potential impact of water quality (section 2.5.6).

If the wall of earth separating the river and the open pit collapses, the impact of the water quality would be devastating. CEMEX claims they would "monitor" this; there has been no money set aside to mitigate this).

This is totally unacceptable.

Response 121-1

See Collective Response #17 regarding river bank stability and the potential for breaching at the Quarry Site.

Letter #122 February 20, 2025, Brenda Markham (Letter #2)

Comment 122-1

According to CEMEX, There are two unavoidable impacts:

1) The pit itself (which in and of itself is destructive and not aesthetic at all!)

Response 122-1

The comment references Impacts 4.1-1 (see Draft EIR page 4.1-15) and 4.1-3 (see Draft EIR page 4.1-61). Mitigation Measure 4.1-1 (see Draft EIR page 4.1-61) is provided to reduce these impacts and represents the only feasible mitigation measure available to address the visual impact of the exposed quarry pit walls by reducing color contrast. This measure would be funded and implemented by CEMEX following completion of active mining in each phase. Although all available, feasible mitigation measures would be implemented, the impact remains significant and unavoidable because a significant change in the visual character of the Quarry Site from two viewpoints would remain. The comment is noted for the decision-makers. See also Collective Response #8 for further discussion of Mitigation Measure 4.1-1.

Comment 122-2

2) Traffic delays (due to increase in truck trips) both at Friant and Willow and Willow and Copper.

CEMEX apparently is not rectifying these impacts, namely because they don't have the funds! Again, totally unacceptable

Response 122-2

The comment references Impact 4.17-1 (see Draft EIR page 4.17-27). See Collective Response #29 regarding truck traffic increases anticipated under the proposed project. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #123 February 20, 2025, Unnamed Resident

Comment 123-1

I would like to bring my concerns to the County of Fresno regarding the CEMEX Rockfield Quarry project. My concerns center around the following analyses:

1) Hydrology and Water Quality

2) Biological Resources

3) Land Use and Planning

Hydrology and Water Quality

The Draft EIR did not adequately analyze the Project's impact to the beneficial uses and water quality of the San Joaquin River. Specifically, I am concerned that the River Supply Channel's impact was not analyzed in this draft EIR. Excluding an analysis of River Supply Channel makes the draft EIR inadequate. I request that the Lead Agency conduct further analysis.

The River Supply Channel connects the Plant Site to the San Joaquin River (SJR) in two ways. According to the draft EIR, this Plant Site receives water from the San Joaquin River via a supply channel (see DEIR, Section 4.10.1.4 Current Operational Water Uses and Supplies - Plant Site Water Use and Supplies). However, this direct connection does not flow *from* the Plant Site, but rather *towards* the Plant Site. It can be presumed that the channel is sloped towards the Plant Site, though this is not explicitly stated. The second connection is the confluence/intersection of the supply channel and Little Dry Creek (about 0.3 miles west of the Plant site), where flows in Little Dry Creek (LDC) may transport water from the river supply channel to the SJR. The fact that Little Dry Creek intersects with the Supply Channel is not mentioned in the draft EIR at all. This confluence/intersection may not be a concern if the water quality of the River Supply Channel (RSC) is within acceptable levels, and if the Plant Site's discharges to the RSCl meet the requirements of the Industrial General Permit and any requirements from the California Department of Fish and Wildlife.

Unfortunately, the Draft EIR and its appendices do not discuss the water quality of the River Supply Channel.

The River Supply Channel may be a pollutant source that regularly contributes to the degradation of the San Joaquin River regardless of season, but the draft EIR does not discuss this or analyze this potential impact. Taking a look at available aerial imagery shows that the RSC's pond is often discolored (see Exhibit 1). According to these aerials, the discoloration extends 0.20 miles upstream, where the confluence of LDC and the RSC is located. Both images in Exhibit 1 show the discolored water commingling with LDC flows, and the image taken on June 23, 2023 shows LDC flowing through a discolored section, over a weir, and out towards the SJR. It could be argued that the weir prevents overflows for a certain rain event or flow rate, or that Best Management Practices are in place to prevent contaminants from entering the supply channel. However, the EIR does not even mention the potential for commingling at this location– let alone the impacts this commingling may have on the San Joaquin River.

There are multiple sources of flows in Little Dry Creek that may cause an overtop of the weir near the Plant Site. These sources include: (a) flows from Big Dry Creek Reservoir, (b) flows from the Clovis Recycled Water Plant, (c) potential flows from Millerton New Town, and (d) rain events (see Exhibit 2). This list may not include all sources, but this list does show that flows may occur in all seasons and are not storm dependent. For example, flows from the Clovis Recycled Water Plant may occur throughout the year, and flows from the Big Dry Creek Reservoir may occur whenever the Fresno Metropolitan Flood Control District must dewater the reservoir. The exhibit I have included shows flows occurring during the Winter *and* during the Summer, where the Summer flows are visibly overtopping the weir. Furthermore, it is likely that storm-related flows overtop the weir regularly, but aerials can't capture those events because of cloud cover during storm events. However, the Lead Agency may inspect the weir during storm events to confirm how frequent overtopping happens.

This may be a pre-existing issue as the Site's Industrial Stormwater Pollution Prevention Plan (SWPPP) does not include this commingling point as part of its Project Area. I don't know the reasoning behind not including this in the Plant Site's SWPPP. If there was no risk for contaminated flows to the SJR, then I would agree that it wouldn't be necessary to include the confluence of LDC and the RSC. But, I have explained possible sources and shown photo evidence of commingling of discolored water with Little Dry Creek's flows where the commingled flows enter the San Joaquin

River. It is a safe presumption that discoloration may indicate contamination/pollution. The SJR is unambiguously a Waters of the U.S., and the home of state and federally protected species.

I recommend that impacts 4.10-1 and 4.10-17 should be re-analyzed taking the River Supply Channel into consideration. Impact 4.10-1 analyzes whether the Project would violate surface water quality standards or Waste Discharge Requirements or otherwise substantially degrade surface water quality at the Plant Site or Quarry Site during Mining and Reclamation. My discussion shows that this impact was not adequately analyzed because the draft EIR excluded mention or discussion of the River Supply Channel's potential impact on the surface water quality of the San Joaquin River; which aerial photography shows there is a risk of this occurring [sic]. Impact 4.10-17 analyzes whether the Project would result in a release of pollutants in Flood Hazard, Tsunami, or Seiche. As mentioned previously, Little Dry Creek commingles with the supply channel and may regularly overtop its weir and carry any contaminants to the San Joaquin River. It can be presumed that a flood event would scale up this commingling, and the draft EIR inadequately discusses the risk of floods in regards to these commingling events.

An analysis of the supply channel's water quality and of the frequency of commingling events is necessary because this information is unknown. I am basing my critique of this project's EIR based on aerials showing discolored water in the supply channel. Aside from this discoloration, I personally do not have knowledge of the channel's water quality. However, I request that the applicant or Responsible Agency re-analyze the aforementioned impacts considering the information provided.

Response 123-1

The river supply channel (RSC), as referred to by this commenter, is called the river water delivery ditch in the Draft EIR (see Section 2.4.2.1, "Plant Site Existing Conditions," first paragraph and under the heading "Water Usage"). The RSC is an existing component of the Plant Site operations, and no changes are proposed as part of the project except that water use from the river through the ditch would decrease once the aggregate processing plant at the Quarry Site begins operation (see Draft EIR Section 2.5.2.1, "Plant Site Mine Plans," under the heading "Water Usage"). Therefore, since the proposed conditions with respect to the RSC are identical to the existing, baseline, conditions for the RSC, there are no potential impacts to the environment related to the RSC, in accordance with CEQA.

Furthermore, the water from the San Joaquin River flows by gravity through the RSC from the river to the Plant Site. There is currently no discharge of water from the Plant Site operations to the RSC and there is no proposed future discharge to the RSC as part of the project. Thus, the water quality within the RSC is essentially equivalent to the water quality within the river, which is reported in Table 4.10-3, "Plant Site Surface Water Quality Data," of the Draft EIR.

The aerial images provided as exhibits with this comment document existing conditions on lands that are not a part of the Plant Site. There would be no changes to the RSC as part of the proposed project. Therefore, as noted above, the project would not result in any changes to conditions along the RSC such that conditions under the project would be the same as existing, or baseline, conditions for the purposes of the CEQA analysis. As a result, no further analysis is warranted under CEQA.

Comment 123-2

Biological Resources

I will quickly mention that any potential water quality impacts may affect biological resources near the Project. I recommend that the following impacts are re-analyzed considering the newly identified confluence between the RSC and LDC:

a. Impact 4.4-2 - Adverse effect, directly or indirectly, on special status species in riparian habitat surrounding the plant Site during mining operations
   i. The Project may affect special status species in SJR by affecting Little Dry Creek's water quality. Little Dry Creek is an immediate tributary to the San Joaquin River, and the potential pollutant source, the Plant Site, is less than a mile from the San Joaquin River.
b. Impact 4.4-4 - Substantial adverse effect on any riparian habitat or other sensitive natural community
   i. See reasoning for Impact 4.4-2
c. Impact 4.4-5 - Impact on protected wetlands or water of the state.
   i. See reasoning for Impact 4.4-2
d. Impact 4.4-6 - Interfere with migratory fish
   i. See reasoning for Impact 4.4.-2. The following migratory species may be affected:
      1. Chinook Salmon
      2. Steelhead
      3. Pacific Lamprey

Response 123-2

It is assumed that by "RSC" the commenter refers to the "River Supply Ditch," the name given in the Draft EIR to the channel that supplies the Plant Site with water from the San Joaquin River, and by "LDC" the commenter refers to "Little Dry Creek." It is unclear which "newly identified confluence" between the River Supply Ditch and Little Dry Creek this comment refers to.

The project sites is already disturbed by ongoing mining activities and would not result in a significant increase in activity. The proposed project would not involve any new alterations to the River Supply Ditch. The River Supply Ditch has been routinely dredged to remove built up silts and to allow the ongoing functioning of the ditch (Draft EIR, page 4.4-7). Furthermore, all construction activities associated with the Plant Site would be separated from Little Dry Creek by more than 500 feet (Draft EIR, page 4.11-28). Potential for indirect impacts to Little Dry Creek due to dust and noise/vibration are addressed through Mitigation Measures 4.3-2 and 4.10-1, respectively (Draft EIR, page 4.11-30).

The Draft EIR (see Section 4.10, "Hydrology and Water Quality," and supporting technical appendices) provides a detailed analysis of hydrology and water quality at the project sites, including groundwater–surface water interactions (Section 4.10.1.9). While Little Dry Creek is a tributary to the San Joaquin River, the analysis concludes that the project would not result in significant off-site water quality impacts. Little Dry Creek does not support special-status fish species with respect to maintaining key aspects of their life histories. The analysis concludes that such impacts would not occur with implementation of the project.

In addition, flows in the San Joaquin River in the vicinity of the project are primarily regulated by releases from Millerton Reservoir, rather than local groundwater or precipitation, and aquatic habitat conditions are therefore largely influenced by regional water management factors.

Accordingly, the Draft EIR, as revised in this Final EIR, provides adequate analysis to determine that the project would not result in substantial impacts to the biological resources identified by the commenter. The commenter does not provide substantial evidence demonstrating that a significant adverse impact to these resources would occur.

Comment 123-3

Land Use and Planning

Finally, I'd like to raise my concern that the draft EIR did not explicitly determine the Project's impact on the San Joaquin River Parkway Master Plan. This issue may be an oversight as the Parkway

Master Plan was discussed in Section 4.11 - Land Use and Planning (see Page 4.11-44 regarding SJR Parkway Master Plan Goal, and see Page 4.11-47 regarding the SJR Parkway Policy). However, during the analysis of Impact 4.11-2, the SJR Parkway Master Plan was left out. As in, the draft EIR stated that the Project would have a less than significant impact on the Fresno County General Plan, the Madera County General Plan, the Fresno County Zoning Ordinance, and the Fresno County Surface Mining and Reclamation Ordinance. The draft EIR did not state what impact the Project would have on the San Joaquin River Parkway Master Plan. This concern could be easily addressed by having a discussion of the impacts to the SJRP Master Plan in the Final EIR.

My recommendation is that the Final EIR should explicitly determine the Project's impact on the San Joaquin River Parkway Master Plan, where the applicant and the Responsible Agency should discuss this issue with the San Joaquin River Conservancy and the San Joaquin River Parkway and Conservation Trust.

Response 123-3

Please see Collective Response #18 pertaining to the San Joaquin River Parkway Master Plan. The commenter's recommendations for Operator and agency coordination are noted.

Comment 123-4

Additionally, as a local resident, I encourage the Lead Agency to mediate a deal where the SJR Conservancy may provide public access along the San Joaquin River adjacent to the Plant Site and the Quarry Site in the near future (<5 years). A river-long trail could be world-class, and a valuable resource to Central Valley residents. It seems that it could be possible to connect the Pacific Crest Trail to the City of Fresno via a SJR-long trail.

Response 123-4

The commenter's recommendations and observations regarding public access to the San Joaquin River are noted. Please see Collective Response #22 pertaining to trail access and easement.

Comment 123-5

Listed Questions and/or Recommended Further Analysis and Discussion:

This section clearly lists the questions I would like answered, and the recommendations I made in my comment letter.

1. Recommendation: Clarify whether the River Supply Channel flows towards the Plant Site or towards the San Joaquin River?
2. Recommendation: Mention that Little Dry Creek intersects with the River Supply Channel.
3. Recommendation: Analyze the following:
   a. The flow rate/rain event in LDC's watershed required to overtop the aforementioned weir.
   b. An analysis of sources of flows within Little Dry Creek.
   c. Water quality analysis of Little Dry Creek upstream and downstream of the confluence point.
   d. Water quality analysis of the River Supply Channel.
4. Recommendation: Re-analyze the following impacts:
   a. Impact 4.10-1: Violate Surface Water Quality Standards or Waste Discharge…
      i. May potentially impact beneficial uses: SPWN, COLD, MIGR
   b. Impact 4.10-17: Release of Pollutants in Flood Hazard, Tsunami, or Seiche
      i. Pollutants may be carried to the San Joaquin River.
5. Recommendation: Require that the Site's Industrial SWPPP is updated to include this commingling point and to include sampling at this location. Additionally, BMPs should be implemented at this location. The RWQCB may have additional requirements.
6. Recommendation: Consult with the following agencies regarding potential contamination from the river supply channel:
   a. California Department of Fish and Wildlife (copied)
   b. Central Valley Regional Water Quality Control Board (Fresno office, copied)

Response 123-5

The River Supply Channel and Little Dry Creek have been present for many decades and are, therefore, part of the existing baseline conditions for the project. No changes are proposed with respect to the use or operation of the River Supply Channel or Little Dry Creek. Therefore, the project would not result in any potentially significant impacts related to the River Supply Channel or Little Dry Creek. Also see Response 6-35.

Comment 123-6

7. Re-analyze the following impacts:
   a. Impact 4.4-2
   b. Impact 4.4-4
   c. Impact 4.4-5
   d. Impact 4.4-6

Response 123-6

See Response 123-2 describing the Draft EIR analysis. The Draft EIR adequately analyzes the referenced impacts, and the commenter does not provide substantial evidence either of an analytical deficiency on any of the referenced impacts or that the conclusions in the Draft EIR are incorrect.

Comment 123-7

8. Recommendation: Explicitly state the Project's impact to the San Joaquin River Parkway Master Plan while analyzing Impact 4.11-2.

Thank you for your time and for accepting my comments to improve this Project's EIR.

[A graphic was included as part of Comment 123-7 that is not reproduced here. To view this graphic please see Letter 123 in Appendix M, "Draft EIR Comment Letters"]

Response 123-7

Please see Collective Response #18 and Response 11-16 regarding the project's consistency with the San Joaquin River Parkway Master Plan. The Draft EIR provides a consistency analysis with the San Joaquin River Parkway Master Plan on pages 4.11-44 through 4.11-47. See Chapter 3, "Draft EIR Errata," for revisions to this consistency analysis. As determined in the Draft EIR, and amplified by this Final EIR, the proposed project would be consistent with the applicable San Joaquin River Parkway Master Plan goals and policies.

Letter #124 February 21, 2025,Tom Bozzo

Comment 124-1

I have been a resident of Fresno since 1985, and live near Woodward Park. I am retired and walk along the San Joaquin River bluff and trails almost daily.

As an outdoor enthusiast, River access and restoration have been issues that I am sincerely interested in.

As such, I have completed a partial review of the Benchmark DEIR conducted relative to the CEMEX request to extend their CUP and dramatically alter the size and scale of their operations. I am deeply concerned that the scope of their request will have irreparable impacts on the well-being of the residents and wildlife in the region.

While the content of the Benchmark document may check the boxes required under CEQA, in my opinion there are numerous shortcomings in their review, and many liberties taken in their assumptions as to what impacts might be significant, and whether they might be mitigated.

With such a massive document, and short timeline for public review and comment, I've noted some concerns in several key areas, with questions below. They are not listed in any order of concern or importance. And there are other substantial issues that should be of concern, such as water, air quality, traffic, noise and more.

Response 124-1

The commenter's concerns and observations are noted for the record. The comment does not provide evidence of any deficiencies in the Draft EIR. Please see Collective Response #1 pertaining to public review and input opportunities. Please see below for responses to specific comments.

Comment 124-2

I've also done some comparisons with the existing Vulcan operations, as I'm certain that much of the general public is unaware of how the river bottom mining operations are being conducted. It would be unfortunate to have someone dismiss the importance of the CEMEX decision by simply thinking that Vulcan is already operating under similar constraints with their CUP.

Response 124-2

The comment does not address the adequacy of the Draft EIR, and no further response is warranted.

Comment 124-3

CEMEX DEIR Review

Project need

- Recites need for 6 MT of aggregate for future growth.
- What is the regional supply of aggregate materials?
- Who can meet the area demand with available resources?
- What other sites in the area might be able to supply future demand?
- What percentage of local supply is provided by CEMEX?
- Does CEMEX export local materials out of the area?
- Are the employees at CEMEX able to continue at other locations? Other employers?
- Would the CEMEX plant expansion have an adverse effect on other local companies?

Response 124-3

Please see Collective Response #3 pertaining to regional aggregate availability and demand. The commenter's questions regarding alternative employment opportunities and effects on other local companies does not pertain to and/or do not provide explanation of the relevance to the adequacy of the Draft EIR, and no further response is warranted.

Please see Collective Response #3 regarding aggregate supply and demand in the Fresno region.

Comment 124-4

Community / Corporate cooperation

- CEMEX is currently encroaching on an existing Environmental Reserve, outside of their permit.

Response 124-4

Please see Collective Response #20 pertaining to the relationship between the project sites and the Willow Unit Ecological Reserve.

Comment 124-5

- Since 2000, CEMEX has been cited 667 times and fined $52.4 million for Environmental, safety & employment related offenses.
- Compared to Vulcan, cited 148 times and fined $4.8 million in the same categories listed above.
- CEMEX quarry site is 3 miles north of the San Joaquin River and the City of Fresno. But less than that if a direct line is extended to the north Fresno communities of Copper River.
- Vulcan Austin quarry site is 10 miles from the River and City of Fresno, and further than that to Madera.
- Vulcan mining operations at the Friant site have terminated and restoration is underway.
- What assurance do we have that CEMEX, a foreign corporation will have the resources and commitment to meet proposed restoration efforts at the end of the project?

Response 124-5

Please see Collective Response #4a pertaining to regulatory compliance history.

Comment 124-6

Geology / Hydrology / Biology

- Limited scope on the stability of the mining wall.
- Limited discussion on the potential issues of disturbing the underlying soil / rock stability with blasting and digging.

Response 124-6

Draft EIR Section 4.7, "Geology and Soils," discusses geological conditions and slope stability analyses performed for the proposed project (see Draft EIR Impacts 4.7-6 and 4.7-7 pertaining to slope stability and Mitigation Measures 4.7-6 and 4.7-7). See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.7. The comment does not address the adequacy of the slope stability analysis, and no further response is warranted.

Comment 124-7

- Limited discussion on the impact of operations on existing groundwater levels and domestic wells.

Response 124-7

Draft EIR Section 4.10, "Hydrology and Water Quality," provides detailed analyses of potential groundwater and water quality effects of the proposed project. The analyses are based on the Hydrology and Water Quality Analysis Report (Draft EIR Appendix G-5, "Hydrology and Water Quality Analysis Report") which utilizes information from groundwater conditions reports included as Appendix G-3, "Groundwater Conditions at the Plant Site," and Appendix G-4, "Groundwater Conditions at the Quarry Site," of the Draft EIR and groundwater and surface water monitoring and sampling data collected for the project sites to draw conclusions on the existing groundwater hydrology conditions on the project sites and to evaluate the potential impacts to groundwater hydrology under the proposed project. Detailed methodology and findings are provided in Appendix G-5. As discussed, and presented in Draft EIR Section 4.10, mitigation measures are identified in the Draft EIR that require groundwater quality protection measures and groundwater monitoring and adaptive management (see Mitigation Measure 4.10-1 on Draft EIR page 4.10-92, Mitigation Measures 4.10-5a and 4.10-5b on Draft EIR pages 4.10-96 through 4.10-98, and Mitigation Measures 4.10-10 and 4.10-10b on Draft EIR pages 4.10-108 through 4.10-111). These sections fully comply with CEQA and address with sufficient detail all concerns presented for the County decision-makers. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced in this response.

Comment 124-8

- Restoration of the Chinook Salmon on the SJR. Would blasting and/or mining have any adverse effect on aquatic life? Anyone who has been around a fish aquarium knows what happens when you tap on the glass. I can't imagine how fish in the river would react to blasting sound and vibration.

Response 124-8

Please see the Draft EIR's discussion of blasting impacts to wildlife in Impact 4.4-6 on page 4.4-62. Blasting activities would be brief, with each blast lasting approximately one to two seconds, and would not result in significant impacts to wildlife (Draft EIR at page 4.4-53). The groundborne vibrations that would be generated by the project are not likely to result in adverse impacts to Chinook salmon. Please see Response 65-13 for further discussion of blasting impacts to Chinook salmon (Draft EIR page 4.4-63).

Comment 124-9

- Index recites old studies completed in Alaska that are unlike the River. What impact would blast pressure and vibration waves have at this specific site?

Response 124-9

See Responses 124-8 and 65-13, and Collective Response #16 regarding the usage and efficacy of Alaskan Blasting Standards for analyzing impacts to fish in the San Joaquin River. See Draft EIR Impact 4.4-4 for further discussion of potential blasting impacts upon riparian habitat and 4.4-6 for discussion of potential blasting impacts upon migratory fish or wildlife species movement.

The report referenced in this comment is applicable to the project sites. The Alaska report focused on damage thresholds to various types of fish as a result of blasting, and methods to prevent damage to fish as a result of blasting. The effect of blasting that is contemplated in the Alaska report is largely similar to that in the proposed project – that blasting creates a large amount of pressure at a localized area and that pressure radiates out through different mediums and the effects are felt at varying levels depending on the distance from the blast and the medium the vibrations travel through. Further, blasting activities would be brief, each lasting one to two seconds in duration, and are not expected to result in sustained or long-term impacts.

Comment 124-10

- Has CDFW and the USFW reviewed the proposal and shared their concerns?

Response 124-10

A list of state and federal agencies which provided comments on the Draft EIR is provided in Section 4.2, "Public Agencies Comments and Responses," Table 4-1, "Comment Letters," in Chapter 4, "Response to Comments," of this Final EIR. As listed there, the California Department of Fish and Wildlife (CDFW) submitted comments on the Draft EIR. The Draft EIR was provided to the U.S. Fish and Wildlife Service (USFWS), but no comments on the Draft EIR were submitted from USFWS. Federal agencies that commented on the Draft EIR include the United States Bureau of Reclamation (USBR) and National Marine Fisheries Service (NMFS), as listed in Table 4-1. All comment letters are provided in the EIR in their original form in Appendix M, "Draft EIR Comment Letters," where the comment letters are numbered in the upper right corner of the first page to correspond to the numbering used in Chapter 4.

Comment 124-11

The size and scale of the DEIR is daunting, to say the least. And the issues required to be addressed under CEQA are well outside the areas of expertise of the general public. I'm hopeful that the Planning Department and Board of Supervisors will be able to cast

serious doubt on whether this project is in the best interests of the local community.

Thanks for your time and consideration.

Response 124-11

See Collective Response #1 pertaining to review and input opportunities. The commenter's observations regarding the Draft EIR and the project are noted for consideration by County decision-makers.

Letter #125 February 21, 2025, Ronald Martin, Ph.D.

Comment 125-1

The EIR that the CEMEC Corporation submitted in pursuit of a permit for a century of gravel mining a few feet from from the San Joaquin River shows that their plan is a threat to our planet as it is asking for permitting for use of fossil-fueled trucks.

Response 125-1

The Quarry Site is 200 feet away from the San Joaquin River. The Draft EIR was prepared by an independent consultant on behalf of and under contract with Fresno County with input from CEMEX regarding operational details and studies provided by CEMEX. The technical studies submitted by CEMEX to support the Draft EIR were peer reviewed by various independent consultants also on behalf of and under contract with Fresno County.

Comment 125-2

Table 4.8-5 of the EIR, Applicability of Scoping Plan Climate Change Policies and Measures, refers to an executive order concerning heavy-duty trucks requiring that such trucks meet the Mobile Source Strategy for Cleaner Technology and Fuels. There are detailed requirements and timelines for classes of vehicles.

The CEMEX EIR simply states that none of this applies to them since their trucks are not heavy-duty trucks but heavy-heavy duty trucks.

A continuing CEMEX gravel operation would continue to be a cause of the release of green-house gasses that are warming our planet. And we don't want that.

We should plan for more responsible industry, without exceptions, for the sake of earth's habitability for grandchildren.

Response 125-2

The issue of climate change and greenhouse gas emissions is addressed in Draft EIR Section 4.8, "Greenhouse Gas Emissions," as updated in this Final EIR (see Appendix D-5, "Revisions to Section 4.8, Greenhouse Gas Emission,"), Table 4.8-5, "Applicability of Scoping Plan Climate Change Policies and Measures," provides an analysis of the applicability of climate change policies and measures under the state's cap and trade program to the proposed project. While these policies and measures were determined not to apply to the proposed project, other state and local climate change regulations do apply to the project as described throughout Draft EIR Section 4.8.2, "Regulatory Setting."

Comment 125-3

Rather, as CEMEX's permit to mine gravel runs out, let them wind down their San Joaquin River operation, move elsewhere if they choose, and free the mining area to become part of the River Parkway and Conservation Trust.

Response 125-3

See Collective Response #21 regarding the assertion that the project sites should be transitioned to publicly accessible parks.

Letter #126 February 21, 2025, Julie Olsen

Comment 126-1

I am a resident near clovis North and would be impacted by the proposed Cemex Rockfield Expansion. I am against this expansion due to increased noise, pollution and traffic congestion. What can I do to show my opposition?

Response 126-1

The issue of noise is addressed in Draft Section 4.13, "Noise." Pollution is a broad topic that is evaluated throughout the Draft EIR including in Section 4.3, "Air Quality" (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.10, "Hydrology and Water Quality," as updated in this Final EIR. The issue of traffic congestion is addressed in Draft EIR 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response. The commenter's opposition is noted for the consideration of the decision-makers.

Letter #127 February 21, 2025, Gerald Vinnard

Comment 127-1

I write to submit comments on the Environmental Impact Report ("EIR:) for the Cemex proposal to mine gravel to a depth of 600

feet in the area between Friant Road and the San Joaquin River, and southeast of Lost Lake Park.

For many years, residents of our community have looked forward to the development of a recreational trail running continuously from the town of Friant along the San Joaquin River to Highway 99. Any such trail running south from Lost Lake Park would have to be located between the proposed quarry site and the San Joaquin River.

The EIR states that the mining activities will include blasting within the site at any time from 6:00 am to 7:00 pm. Anyone using a recreational trail adjacent to the quarry site will be exposed to these very loud, startling, unpleasant and unpredictable noises. This could be particularly problematic for anyone riding horses on a nearby trail, as the sudden noise could cause a horse to become uncontrollable and possibly "throw" a rider. Noises such as this are unacceptable in a recreational area. Mitigation of this problem could include limitations on the times blasting is permitted.

Response 127-1

Please see Collective Response #22 pertaining to dedication of trail easements along the San Joaquin River corridor at both the Plant Site and Quarry Site.

Comment 127-2

As the EIR acknowledges, corridors for the movement of wildlife are important. The banks of the San Joaquin River provide one such corridor. As relevant, that "corridor" includes the area downstream from Lost Lake Park between the proposed quarry site and the River. The EIR specifies a 200 foot wide setback between the proposed quarry site and the River, which would be the only possible location for the extension of a wildlife corridor south from Lost Lake Park. This is also the only feasible location for the extension of the contemplated recreational trail.

Response 127-2

The commenter refers to a condition of approval imposed on the Quarry Site by Conditional Use Permit No. 367 which states:

4. All extraction operations, including stockpiling, shall be set back a minimum of 200 feet from the existing San Joaquin River Channel. Riparian vegetation within 200 feet of said Channel shall not be disturbed.

The CUP does not more clearly define the limits of the river channel as it applies to this required setback. This condition applies specifically to extraction operations and stockpiling of mined materials and does not prohibit other uses within the 200-foot setback area, such as construction of a recreational trail, subject to applicable permits and approvals.

Comment 127-3

The EIR is vague as to exactly where the western edge of this 200 foot buffer will be located. Is the distance to be measured from the low or the high water shore of the River, of perhaps from an historic high water shore? If the low water shore is used, the trail could be flooded during periods of high water, rendering it unusable for either a wildlife corridor or a trail.

Response 127-3

The western perimeter of the Quarry Site is located 200 feet from the San Joaquin River (SJR). Per Fresno County General Plan Policy OS-E.14, the County requires a 200-foot-wide minimum wildlife corridor along particular stretches of the San Joaquin River (SJR). As noted in the General Plan, the exact locations for the corridors should be determined based on the results of biological evaluations of the SJR.

There is an existing minimum 200-foot buffer established at the Quarry Site (see Figure 2-8, "Proposed Quarry Site Mining Plan," within the Draft EIR), and this would not change and be maintained throughout the life of the project.

Comment 127-4

The EIR states that after mining activities cease, the quarry area will be left with a 100 foot deep pond having a surface 500 feet below the surrounding area. The water in the pond will be stagnant, with no inflow or outflow. This presents a number of problems, some of which are as follows:

- The pit will be an eyesore for users of the nearby recreational trail.
- The pit will be a safety hazard for wildlife and trail users.
- The pit will breed mosquitoes.
- The pit will produce unpleasant odors.
- Over time, trash and debris will accumulate in the pit, and will need to be removed.

Response 127-4

As described in the Quarry Site Groundwater Conditions Report, provided as Draft EIR Appendix G-4, "Groundwater Conditions at the Quarry Site," post reclamation, groundwater would flow through the reclaimed lake from the northeast to the southwest. In addition, the lake water would experience seasonal vertical movement or overturning (mixing of the water column) due to temperature stratification. This lateral groundwater movement and vertical movement of surface water would preclude stagnation in the reclaimed lake.

The potential effects of the project on the visual landscape of the project area are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." Viewpoint location 1 provides a representational view from the river corridor just west of the Quarry Site. As shown on Draft EIR Figure 4.1-2, "Quarry Site Public Viewpoint—Location #1," the Quarry Site excavation would not be visible from this location and, as described in Draft EIR Table 4.1-3, "U.S. Bureau of Land Management Visual Project Impact Ratings at Nearby Viewpoints," the project is expected to have a beneficial impact to views at this location.

With regard to safety hazards associated with the Quarry Site excavation, the project would comply with SMARA and Fresno County requirements pertaining to pit safety and reclamation of the sites. CEQA focuses on a project's environmental impacts. Any risk of trespassing and related concerns unrelated to environmental impacts is outside the scope of the analysis required under CEQA. With regards to potential impacts to wildlife after the completion of mining and reclamation, please refer to Impact 4.4-3 beginning on page 4.4-53 of the Draft EIR. The Quarry Site would have fencing around the perimeter of the property, which would reduce potential impacts to non-avian animals (see Draft EIR Appendix B-1, "Surface Mining and Reclamation Plan," page 59).

Mosquito breeding habitat typically includes shallow pools of stagnant water with emergent vegetation in warm months. Following reclamation, the Quarry Site excavation would gradually fill to become a large, deep open-water lake (approximately 108 acres and up to 100 feet deep) with continual and seasonal water circulation. These conditions would not provide habitat favorable to mosquito breeding and an increase in mosquito populations would not be expected to occur as a result of the project.

With regard to potential production of unpleasant odors in the Quarry Site excavation, Draft EIR Impact 4.3-4 on pages 4.3-65 through 4.3-69 presents the assessment of potential odor impacts of the project including potential stagnation and odors under reclamation conditions. The evaluation based on substantial evidence discussed in the Draft EIR concludes that it is not anticipated that due to groundwater flow through the reclaimed

pond on the Plant Site the potential for odors due to stagnation would be minimized. As also discussed, the Quarry Site Groundwater Conditions Report (Draft EIR Appendix G-4, "Groundwater Conditions at the Quarry Site") indicates that groundwater would flow through the reclaimed lake from the northeast to the southwest and seasonal vertical movement of water due to temperature differences would preclude stagnation and, therefore, odors due to stagnation would not occur. The comment does not address the adequacy of these Draft EIR impact evaluations, and no further response is warranted.

The potential for trash or debris to accumulate in the Quarry Site excavation is not an environmental impact evaluated under CEQA. Post reclamation, the Quarry Site would be closed to the public and its perimeter fenced minimizing the potential for trash or debris to enter onto the site or into the excavation.

See Collective Response #27 regarding the project's potential operational effects on users of the nearby parks and trails. See also Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response.

Comment 127-5

Cemex should be required to dedicate an easement or grant for a trail on the proposed setback. Cemex should also be required to plant appropriate vegetation along the eastern side of the setback to screen trail users' views of the quarry.

Response 127-5

Please see Collective Response #22 pertaining to trail easement dedication. There are vegetated topsoil stockpiles along the western perimeter of the Quarry Site that would provide visual screening from the location of the proposed trail easement.

Comment 127-6

Other possible mitigation measures for these problems could include a cement lining and pump-driven circulation system for the water in the pond, a chain link fence surrounding the pond, and mosquito fish.

Response 127-6

As described in Response 127-4, post-reclamation, water in the reclaimed lake at the Quarry Site would not be stagnant. The commenter fails to provide sufficient evidence or reasoning that a significant impact related to stagnant water in the reclaimed lake would occur or that the proposed mitigation measures are warranted. The comment is noted for the consideration of County decision-makers.

Comment 127-7

permitted, Cemex should be required to provide appropriate financial assurances, such as a bond, for any mitigation measures that are required.

Thank you for considering these comments.

Response 127-7

Mitigation measures adopted for the project would be presented in a mitigation monitoring and reporting program (MMRP) that would provide for County oversight to ensure implementation of adopted mitigation measures. Additionally, the Operator is responsible for reclamation of the project sites in accordance with the approved Reclamation Plan. Both Fresno County and the state Surface Mining and Reclamation Act (SMARA) require that surface mining operators maintain a financial assurance mechanism payable to the SMARA lead agency (here, Fresno County) and to the State of California sufficient to accomplish reclamation as prescribed by the surface mining operation's approved reclamation plan, including conditions of approval and mitigation measures associated with reclamation. The Operator is required to annually prepare and submit for County review and approval a financial assurance cost estimate and evidence of a financial assurance mechanism in an amount at least equal to the cost estimate to ensure reclamation in accordance with the approved reclamation plan would be available in the event of the Operator's failure to reclaim the site in accordance with the approved reclamation plan.

Letter #128 February 22, 2025, Beth Arrindell

Comment 128-1

I am writing to formally submit my comments regarding the Draft Environmental Impact Report (EIR) for the proposed CEMEX Rockfield Quarry Modification Project. My children have participated in the San Joaquin River Parkway and Conservation Trust's River Camp programs, as campers and counselors. I am deeply concerned about the potential environmental and public health impacts this project may have on the **2500 children** who participate in the camp programs along the San Joaquin River each summer. The camp locations along the river are one to five miles from the planned CEMEX plant and quarry sites.

The Draft EIR acknowledges significant environmental impacts; however, I believe the proposed **mitigation measures are insufficient to protect the children, staff and volunteers in the River Camp programs.** Below, I outline key areas of concern and

offer recommendations for stronger, more effective mitigation strategies.

Response 128-1

The commenter's concerns regarding potential effects associated with camp programs along the San Joaquin River are noted. Please see below for responses to specific issues raised in the comment letter.

Comment 128-2

1. Water Quality and Safety Risks

The potential contamination of the San Joaquin River from mining operations poses a direct risk to children and adults who swim, canoe, and engage in other water-based activities. The Draft EIR states that blasting and excavation could introduce contaminants such as nitrates, heavy metals, and sediment into groundwater and surface water sources.

Recommended Mitigation Measures:

- Implement **independent, third-party water quality monitoring** with real-time data transparency, focusing on **nitrates, heavy metals, turbidity, and bacterial contaminants.**
- Require **double-lined retention ponds** with **leak detection systems** to prevent groundwater contamination.
- Mandate **advanced filtration systems** (e.g., activated carbon and biofiltration) to treat runoff before it reaches the San Joaquin River.
- Increase the **minimum buffer zone from 200 feet to at least 500 feet** to better prevent contamination risks to the river.
- Establish an **emergency response plan** for immediate action in the event of contamination.

Response 128-2

As discussed in the Draft EIR, the project is designed as a zero-discharge facility with respect to offsite discharges, and, therefore, the project does not discharge to the San Joaquin River; and there would be no impacts to surface water quality offsite (see Responses 6-15, 6-51, 6-55, 65-23 and 459-2.)

The Draft EIR did identify the potential for blasting to potentially affect groundwater quality during mining, and that potential impact is addressed in Mitigation Measure 4.10-1.

To provide additional detail, Mitigation Measure 4.10-1 is in place to provide measures to minimize the potential water quality impacts associated with blasting. In order to reduce the risk of release to groundwater and surface water, the practices and procedures would be implemented for all blasting associated with the project (see Final EIR Appendix H-9, "Blasting Protocols").

The Operator would continue to comply with local, state, and federal regulations regarding the protection of surface water and groundwater at the Plant Site and the Quarry Site. Pollution control programs include Storm Water Pollution Prevention Plan (SWPPP); Hazardous Materials Business Plan (HMBP); a Spill Prevention Control and Countermeasure Plan (SPCC); Employee Training; Record Keeping; Preventative Maintenance; and Best Management Practices as required by existing permits for the sites.

The comment's recommended additions to the groundwater water quality and safety risks are noted. In addition to the above, see Responses 6-75 and 493-3 (for the Quarry Site) and 6-72 (for the Plant Site), which provide for project sites groundwater well sampling protocols and measures. The Draft EIR analyses are adequate on groundwater quality, thus, adoption of the comment's recommended additions to the groundwater well sampling program is unnecessary (see *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 880).

Comment 128-3

2. Noise and Vibration from Blasting

Blasting operations could create loud noises and vibrations that may disturb campers, many of whom are young children. The Draft EIR does not provide strong enough measures to minimize this impact.

Recommended Mitigation Measures:

- Prohibit blasting during **peak camp hours (8:00 AM – 4:00 PM)** to avoid disturbing activities.
- Require the use of **blast mats** to absorb shockwaves and reduce noise levels.

- Install **real-time vibration monitoring** along the riverbank to assess the impact of seismic activity on nearby camp facilities.

- Establish a **notification system** so that River Camp staff receive advance warning before any blasting occurs.

Response 128-3

Draft EIR Impact 4.13-6 analyzes noise and vibration levels generated by blasting. This impact was identified as being potentially significant and Mitigation Measure 4.10-1, was developed to implement strict protocols for blasting at the site, including blast monitoring. As explained in Response 65-37, Mitigation Measures 4.7-6, 4.7-7a, and 4.10-1 adequately address the potential of pit failure and provides for ongoing slope stability analyses. Additionally, Mitigation Measure 4.10-1, which addresses potential impacts to the San Joaquin River embankment, requires continuous pre-blast and post-blast visual inspections of the portions of the San Joaquin River embankment that are located within 1,000 feet of each blast and depths less than 100 feet within the hard rock portion of the quarry pit. In the case of a potential effect, all blasting must cease until the County approves a Corrective Action Plan (see Draft EIR, pages 4.4-57 through 4.4-58; Mitigation Measure 4.10-1; and Appendix H-9, Section E, page 5). The Blasting Protocols also detail the requirements for complaint response procedures; record-keeping; and annual reporting of monitoring, complaints investigations, and corrective actions. Lastly, the Blasting Protocols would require the Operator of the Rockfield Quarry to develop an annual Blasting Plan that includes the proposed blasting designs for areas proposed for blasting each year. The blasting design must be supported by calculations that maintain blast-induced vibrations below the significance thresholds. The plan must be submitted to the County each year for review. Following implementation of the Blasting Protocol, the Draft EIR determined that blasting noise and vibration would be less than significant at nearby sensitive land uses, and no additional mitigation beyond that included in the "blasting protocol" would be warranted. See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response.

Since the Draft EIR already has Comment 60-15's recommended mitigation measures, the adoption of the commenter's recommended noise mitigation measures are unnecessary (see King & Gardiner Farms, LLC v. County of Kern (2020) 45 Cal.App.5th 814, 880).

Comment 128-4

3. Air Quality and Health Risks from Dust and Emissions

Mining activities will generate significant amounts of particulate matter (PM10, PM2.5) and diesel exhaust emissions, which could

negatively impact children's respiratory health. The EIR's mitigation measures do not go far enough to ensure safe air quality.

Recommended Mitigation Measures:

- Require **continuous air quality monitoring** at River Camp locations with **publicly available real-time data.**
- Implement **enhanced dust suppression** techniques, including water misting and chemical stabilizers.
- Mandate the use of **low-emission or electric-powered vehicles and equipment** to reduce diesel exhaust exposure.
- Create **vegetative buffer zones** using trees and shrubs to filter air pollutants.

Response 128-4

The comment is inaccurate. The Draft EIR shows that after mitigation, the project would generate particulate matter (PM_{10}, $PM_{2.5}$) and diesel exhaust emissions in amounts that are less than significant and would expose the public, including children and sensitive individuals, to amounts that produce no observable adverse health effects.

What constitutes an adverse health effect from air pollution is described by the American Thoracic Society in a white paper cited by the Office of Health Hazard Assessment (OEHHA) as the standard by which health risk assessment is performed in California. The white paper appears at Appendix D of the Air Quality and Climate Change Impact Assessment in Draft EIR Appendix D-1, "Air Quality, Health Risk, and Climate Change Impact Assessment," as updated in the Final EIR as Appendix D-3.

Mitigation Measures 4.3-2a, 4.3-2b, and 4.3-4 are sufficient to reduce the potentially significant emissions to less than significant emissions that would have no observable adverse effect on the public. The measures comply with CEQA, which requires that significant impacts be mitigated to less than significant levels or the maximum amount feasible. Further, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Technical Report* (Appendix D-3) including preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. See also Appendix D-4, "Revised Section 4.3, Air Quality," regarding revisions to the Draft EIR Section in accordance with the updated analysis.

CEQA Guidelines Section 15126.4(a) requires lead agencies to consider feasible mitigation measures to avoid or substantially reduce a project's significant environmental impacts. When the analysis supports that the proposed project's potential environmental impacts would be less than significant, mitigation measures are not required. When potential impacts are reduced to less than significant levels, additional mitigation measures are not required. Because the impacts to air quality mentioned above would be reduced to less than significant levels with the project's proposed mitigation measures, the additional mitigation measures requested in this comment would not be required.

Comment 128-5

4. Ecological Damage to River Habitat and Wildlife

The San Joaquin River is a critical habitat for many species, and degradation due to mining could disrupt biodiversity, impacting the hands-on environmental education provided by River Camp.

Recommended Mitigation Measures:

- Require a **comprehensive habitat restoration plan** that prioritizes native species and long-term ecological recovery.
- Expand **riparian habitat conservation areas** beyond the proposed buffer zones.
- Conduct **independent biological assessments** before and during mining operations to assess impacts on local wildlife populations.

Response 128-5

The Draft EIR discusses impacts to biological resources in Section 4.4, "Biological Resources," and provides a detailed analysis of the project's potential to affect biological resources using methodologies consistent with CEQA. The analysis did not determine that the project would result in significant impacts to biological resources.

The project sites are already disturbed by ongoing mining activities and would remain within existing boundaries. As such, impacts to riparian habitat adjacent to the San Joaquin River would be less than significant with implementation of Mitigation Measures 4.10-1, and 4.3-2b. For further discussion of potential impacts to adjacent habitats, please see Draft EIR Impact 4.4-4. See also Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections.

Regarding the proposed mitigation measures, each is addressed in turn. The commenter suggests implementation of a comprehensive habitat restoration plan; however, at the

completion of each mining phase, reclamation would occur at the Plant and Quarry sites in accordance with Fresno County and SMARA requirements. It is unclear what riparian habitat conservation areas the commenter is referring to. The Quarry Site would be required to maintain a 200-foot setback from the San Joaquin River in accordance with Fresno County policies, and due to the location of the existing quarry pit, it would not be feasible to increase this setback distance.

The proposed measure to conduct independent biological assessments before and during mining operations is not necessary, as it would not improve the analysis of impacts to wildlife currently provided in the Draft EIR, which already includes pre-construction surveys and mitigation measures for potentially affected species. CEQA does not require that all possible studies be conducted for the purpose of analyzing environmental impacts (Title 14 CCR Sections 15151, 15204(a)).

The commenter does not provide substantial evidence that the analysis is deficient or that impacts from the project, with mitigation, would be significant.

Comment 128-6

5. Increased Truck Traffic and Safety Risks

The projected increase in heavy truck traffic poses safety risks for families traveling to and from River Camp. The Draft EIR does not adequately address traffic mitigation near recreational areas.

Recommended Mitigation Measures:

- Implement **strict truck routing plans** that avoid high-use recreational areas during peak summer months.
- Require **additional pedestrian crossings and signage** near camp entrance points.
- Install **sound barriers along major truck routes** to minimize noise pollution affecting campers.

Response 128-6

The Draft EIR analyzes the project's potential traffic impacts in accordance with CEQA requirements. Draft EIR Figure 4.17-1, "Traffic Study Intersections and Project Trip Distribution Percentages," displays the project site's location in proximity to the selected intersections of the traffic impact analysis. The River Camp is located south of the Plant Site. The River Camp's entrance points are located between Traffic Study intersection 6 (Willow Ave. and Friant Road) and 7 (Copper Ave. and Friant Road) on Figure 4.17-1. According to Draft EIR Figure 4.17-1, 55 percent of the project's trip distribution would

occur between intersections 6 and 7. The commenter suggests implementation of truck routing plans to avoid recreational areas during summer months. The project would comply with the County's policies and regulations pertaining to truck routes and these policies allow truck traffic adjacent to recreational areas. Moreover, there is no indication of how signage and pedestrian crossings placed near camp entrances would mitigate potential traffic impacts along Friant Road.

The project's traffic noise impacts are discussed in Section 4.13, "Noise," of the Draft EIR. Please refer to Impact 4.13-1 for further discussion of the traffic noise analysis and study intersections. The Draft EIR concluded that the project's potential to generate substantial temporary or permanent increases in ambient noise due to project-generated traffic would be less than significant. Thus, the installation of sound barriers along truck routes would not be necessary here. See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response. Please see Collective Response #29 for further discussion of the traffic impacts analysis and traffic mitigation measures. See also Collective Response #30 for further discussion of road safety.

Comment 128-7

Conclusion

While the proposed mitigation measures in the Draft EIR acknowledge potential environmental impacts, they do not go far enough to **protect the health, safety, and experience of children at River Camp.** Without **stronger protections,** this project could significantly harm the San Joaquin River ecosystem and the quality of outdoor educational opportunities available to future generations. **Fresno County must require CEMEX to 1.) adopt more robust mitigation strategies, and 2.) describe how they (CEMEX) will fund them before approving any mining expansion near this sensitive area.**

I appreciate your consideration of these comments and respectfully request that they be addressed in the Final Environmental Impact Report.

Response 128-7

Please see responses above pertaining to the concerns and mitigation recommendations provided by the commenter. The commenter's concerns are noted and will be considered by County decision-makers.

Letter #129 February 22, 2025, Deanna Bailey

Comment 129-1

I am writing to object to the CEMEX blast mine proposal.

The current permit should not be extended or modified for the following reasons:

- Fresno and Madera counties do not need the aggregate. Our regional demand of 305 million tons for the next 50 years will be met by the 556 million tons of reserves already permitted at the Kings River and at Austin Quarry.

Response 129-1

See Collective Response #3 regarding available aggregate reserves in the region and the need for the proposed project.

Comment 129-2

- CEMEX has been fined more than $43 million for 81 environmental violations since 2000.

Response 129-2

See Collective Response #4a regarding CEMEX's regulatory compliance history.

Comment 129-3

- The draft EIR does not require CEMEX to have a reserve to pay for future damage, such as a breach between the mine and the river.

- No amount of money could compensate for the potential environmental damage.

Response 129-3

See Collective Response #4b regarding liability for unforeseen damages caused by the proposed project.

Comment 129-4

- CEMEX has no plans to rectify the unavoidable impact to traffic on Friant Road.

Response 129-4

The comment refers to Impact 4.17-1 (see Draft EIR page 4.17-27) which was determined to be significant and unavoidable. The Draft EIR presents a series of mitigation measures

to address the impacted intersections identified in the Traffic Impact Study (see Draft EIR Appendix I-1, "Traffic Impact Study"). Each measure requires CEMEX to contribute an equitable share of the cost to construct the improvement(s) needed to address cumulative traffic increases at the identified intersections. However, as discussed in greater detail in Draft EIR Section 5.3.17, "Transportation," beginning on page 5-28, the timing of construction of these improvements is not certain and may occur after project implementation. Therefore, the impact was determined to be significant and unavoidable. Regardless, with implementation of Mitigation Measures 4.17-1a through 4.17-1r, CEMEX would pay the project's equitable share of the cost to construct the identified improvements. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced in this response.

Comment 129-5

- The visual blight on the landscape has encroached on an adjacent state ecological preserve.

Response 129-5

See Collective Response #20 regarding the assertion that the project encroaches on an ecological preserve.

Comment 129-6

- The constant dynamiting is not compatible with fish and wildlife or humans living near the site!

Response 129-6

The project's potential noise and vibration effects on humans are discussed in Draft EIR Section 4.13, "Noise," while potential noise and vibration effects on fish and wildlife are discussed in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response. See also Collective Response #13 regarding potential effects on wildlife located on properties surrounding the project sites and Collective Response #16 regarding vibration effects on salmon.

Comment 129-7

Please do not extend the current permit and reject the proposal to modify the permit!

Response 129-7

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #130 February 22, 2025, Unnamed Resident (Local Water Keeper)

Comment 130-1

I'd like to add the included exhibit as part of my original comment. My concerns with the project's water quality impacts still stand. Specifically, that the draft EIR did not address the comingling of the River Supply Channel and Little Dry Creek. This was not discussed at all. The draft EIR is inadequate because it does not analyze the impact of the river supply channel to Little Dry Creek, a tributary to the San Joaquin River. Specifically, the Plant Site's supply pond appears discolored in multiple aerials, and full of sediment in the most recent aerial (see attached image). **The public cannot get a full picture of the CEMEX project's impacts to the environment without this analysis/discussion.** See my original letter for recommendations to improve the EIR's analysis.

Response 130-1

The commenter's request to include the additionally provided exhibit(s) is noted and the exhibits are included with the commenter's submittal in their original form as Letter #130 in Appendix M, "Draft EIR Comment Letters." Please see Responses to Comment Letter 123 (the commenter's February 20, 2025, comment letter) which have been prepared in consideration of the additional exhibit and comments in the commenter's February 22, 2025, comment letter.

Comment 130-2

Included is an aerial taken on February 9, 2025 showing the Plant Site, the River Supply Channel, and the San Joaquin River. This aerial matches the aerials included in my original comment letter (which will be included with this smaller letter). Note the heavy brown discoloration of the River Supply Channel (RSC) as it crosses Little Dry Creek (LDC). From what I gather from the EIR, the RSC flows towards the Plant Site, not towards the San Joaquin River (SJR). However, my original comment letter shows that the RSC's discoloration usually extends upstream, over LDC. The discoloration may not reach the SJR, but LDC may have flows that commingle with the RSC's discolored water, consequently allowing a mixture of RSC and LDC water to flow to the SJR, less than a mile away. The attached aerial shows brown discolored water suggesting heavy sedimentation in the water. The aerial was taken 3-4 days before a large storm that produced over an 1.0" of rain at the Fresno Airport rain gauge (see attached). It is safe to presume that the rain storm produced enough flows in LDC to carry polluted water from the RSC over the nearby weir to the SJR.

Response 130-2

See Responses 6-35 and 123-5. The river supply channel has been present for many decades and is, therefore, part of the existing baseline conditions for the project. No changes are proposed with respect to the use or operation of the river supply channel. Therefore, the project would not result in any potentially significant impacts related to the river supply channel.

Comment 130-3

The EIR leaves questions unanswered (un-mentioned, to be frank) regarding the impact of this comingling to the SJR:

- What's the water quality of the RSC usually?
- What is the water quality of the RSC when it is discolored as shown in the aerials?
- How often does LDC commingle with RSC water?
- How often does LDC + RSC commingle water flow over the nearby weir (aerials show overflows during the summer)?
- What is the water quality impact to the SJR during the weir overflow?
- Why isn't the supply pond and channel included in the Project boundary in the EIR, or the Plant Site's SWPPP?
- Why doesn't CEMEX regularly sample the water quality in the River Supply Channel as part of their SWPPP requirements?
- What is the impact of this comingling to biological resources in the SJR?

Response 130-3

The river supply channel (RSC), as referred to by this commenter, is called the river water delivery ditch in the Draft EIR (see Section 2.4.2.1, "Plant Site Existing Conditions," first paragraph and under the heading "Water Usage"). The RSC is an existing component of the Plant Site operations, and no changes are proposed as part of the project except that water use from the river through the ditch would decrease once the aggregate processing plant at the Quarry Site begins operation (see Draft EIR Section 2.5.2.1, "Plant Site Mine Plans," under the heading "Water Usage"). Therefore, since the proposed conditions with respect to the RSC are identical to the existing baseline conditions for the RSC, there are no potential impacts to the environment related to the RSC, in accordance with CEQA.

The nature of an almost 80-year-old Holding Contract and the status of water rights are not environmental impacts that are addressed under CEQA.

Furthermore, the water from the San Joaquin River flows by gravity through the RSC from the river to the Plant Site. There is currently no discharge of water from the Plant Site operations to the RSC and there is no proposed future discharge to the RSC as part of the project. Thus, the water quality within the RSC is essentially equivalent to the water quality within the river, which is reported in Table 4.10-3, "Plant Site Surface Water Quality Data," of the Draft EIR.

The aerial images provided as exhibits with this comment document existing conditions on lands that are not a part of the Plant Site. There would be no changes to the RSC as part of the proposed project. Therefore, as noted above, the project would not result in any changes to conditions along the RSC such that conditions under the project would be the same as existing, or baseline, conditions for the purposes of the CEQA analysis. As a result, no further analysis is warranted under CEQA.

Comment 130-4

Please see my original comment letter for recommendations to improve the EIR's analyses and to provide the public with a full picture of the project's environmental impacts.

Response 130-4

Please see Responses to Letter 123 for responses to the commenter's *original* (February 20, 2025) comment letter.

Letter #131 February 23, 2025, T Cassidy

Comment 131-1

The EIR that the CEMEC Corporation submitted in pursuit of a permit for a century of gravel mining a few feet from from the San Joaquin River shows that their plan is a threat to our planet as it is asking for permitting for use of fossil-fueled trucks.

Table 4.8-5 of the EIR, Applicability of Scoping Plan Climate Change Policies and Measures, refers to an executive order concerning heavy-duty trucks requiring that such trucks meet the Mobile Source Strategy for Cleaner Technology and Fuels. There are detailed requirements and timelines for classes of vehicles. The CEMEX EIR simply states that none of this applies to them since their trucks are not heavy-duty trucks but heavy-heavy duty trucks. Continuing the CEMEX gravel operation would be a long-term source of release of green-house gasses that are warming our planet.

Response 131-1

Draft EIR Table 4.8-5, "Applicability of Scoping Plan Climate Change Policies and Measures," provides a summary of the climate change programs, policies and measures discussed in the California Air Resource Board's (CARB's) Scoping Plan, as required by Assembly Bill 32. As presented in Table 4.8-5, the Scoping Plan's recommended action of implementing Mobile Source Strategy (Cleaner Technology and Fuels) Phase 1 regulations are not applicable to heavy-heavy duty vehicles.

Additionally, see Response 12-40, which describes how the GHG technical analysis was reviewed and the analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Technical Report* (see Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"). The new analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. See also Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions."

The maximum annual increase in emissions relative to baseline conditions were estimated for the proposed project and can be found in Appendix D-5, Table 4.8-9, "Proposed Project GHG Emissions Including Cap-and-Trade Program Sources," which shows the proposed project does not exceed the 10,000 MT CO_2e significance threshold for GHG emissions. Therefore, impacts related to generating GHG emissions would be less than significant and no additional analysis is required.

Comment 131-2

Additionally

4.3.1.2 Pollutants and Health Effects

4.3.1.3 Toxic Air Contaminants

Toxic air contaminants can cause long-term health effects such as cancer, birth defects, neurological damage, asthma, bronchitis or genetic damage; or short- term acute effects, such as eye watering, respiratory irritation (a cough), running nose, throat pain, and headaches. For evaluation purposes, toxic air contaminants are separated into carcinogens and non-carcinogens based on the nature of the physiological effects associated with exposure to the pollutant.

Carcinogens are assumed to have no safe threshold below which health impacts would not occur, and cancer risk is expressed as excess cancer cases per one million exposed individuals, typically over a lifetime of exposure. Non- carcinogenic substances differ

in they are generally assumed to feature a safe level of exposure below which no negative health impact is believed to occur.

These levels are determined on a pollutant-by-pollutant basis. Acute and chronic exposure to non-carcinogens is expressed as a Hazard Index, which is the ratio of expected exposure levels to an acceptable reference exposure levels.

Response 131-2

In response to air comments on the Draft EIR, the HRA was updated in the A*ir Quality, Health Risk and Climate Change Technical Report* (see Appendix D-3). This updated analysis includes cancer burden modeling and confirms that there are no new impacts and no changes to the conclusions presented in the Draft EIR.

Additionally, Draft EIR Section 4.3, "Air Quality," has been updated in the Final EIR as Appendix D-4, "Revised Section 4.3, Air Quality." The updated HRA quantified the effects of toxic air contaminants on sensitive receptors, which were determined to be less than significant before and after mitigation. See Impact 4.3-3 in Section 4.3.4, "Project Impacts and Mitigation Measures," of Appendix D-4. Additionally, Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," of Appendix D-4, demonstrates that after mitigation the project would result in less PM_{10} and $PM_{2.5}$ than currently being emitted. For these reasons, the Draft EIR analysis of PM_{10} and $PM_{2.5}$ impacts was sufficient and supports the finding of less than significant health impacts. See Chapter 3, "Draft EIR Errata." See also Collective Response #11 regarding the analysis of the population-wide cancer burden for the project.

Comment 131-3

We should plan for more responsible industry, for the sake of earth's habitability for future generations, without exceptions. Rather, as CEMEX's permit to mine gravel runs out, let them wind down their San Joaquin River operation, move elsewhere if they choose, and free the mining area to become part of the River Parkway and Conservation Trust.

Response 131-3

The commenter's preferences and requests are noted and will be considered by County decision-makers. The comment does not address the adequacy of the Draft EIR, and no further response is warranted.

Letter #132 February 23, 2025, Ron Cortopassi

Comment 132-1

I live at Copper River Ranch and am concerned about the extension and expansion of the Cemex operation along the San Joaquin River.

My concerns are as follows:

a. The environmental impact on the ecosystem and biodiversity of the river bottom. I have had firsthand experience of surface mining and drilling in Rangley, Colorado. Its effects on deer migrations and diminished wildlife populations was significant. With the continued development of open space it is more important than ever that we preserve those ecosystems that provide habitat for wildlife and also recreational space for citizens to enjoy. The San Joaquin River is a precious resource that is unique and valuable. We have already managed to destroy the river's natural migrations of salmon and steel head, let us not further damage this precious place.

Response 132-1

The project's potential impacts to biological resources are addressed in Draft EIR Section 4.4, "Biological Resources." Each of the impacts identified in Section 4.4 were determined to be less than significant with implementation of the mitigation measures provided. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.4. See Collective Response #12 regarding river and salmon restoration projects in the region.

Comment 132-2

b. Other than to advance the business and profit incentives of rock removal from this area, there is no lack of available rock for construction and other commercial ventures. Therefore, I can see no justification for continuing to damage and desecrate this unique ecological place.

Response 132-2

See Collective Response #3 regarding available aggregate reserves in the region and the need for the proposed project.

Comment 132-3

c. The Central San Joaquin Valley already has some of the worst air quality in the United States. The incident of asthma, COPD and other respiratory disease plages our city and county. How can we continue to justify rock removal and the generation of air particulates when this is purely a business venture with no need for additional product (gravel, rock, etc).

Response 132-3

The project's potential impact on air quality is discussed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR. See Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment," and Appendix D-4, "Revised Section 4.3, Air Quality," for a health risk assessment of the project. See also Collective Response #9 regarding the project's potential impact to the region's existing air quality.

Comment 132-4

d. Noise pollution, traffic congestion and danger to cyclist who use Friant, Copper and Willow for recreation and/or travel to and from school or work.

Response 132-4

The issue of noise pollution is addressed in Draft EIR Section 4.13, "Noise." The issues of traffic congestion and cyclist/pedestrian safety are addressed in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections. See also Collective Response #29 regarding the truck traffic increases anticipated under the proposed project and Collective Response #30 regarding cyclist and pedestrian safety. The comment is noted for the consideration of the decision-makers.

Comment 132-5

e. The impact of explosives being used at the excavation site and its close proximity to homes.

Response 132-5

The potential effects of the proposed blasting operations are evaluated throughout the Draft EIR. See Section 4.9, "Hazards and Hazardous Materials," and Section 4.13, "Noise." See also Draft EIR pages 2-42 and 2-43 for a summary of the proposed blasting operations. Blasting would be performed by a California licensed blasting contractor. The blast design would change based on the distance between the planned blasting location and the nearest sensitive receptors. Modifications could include reducing the amount of explosives used or changing the diameter of the bole holes. Sensitive receptors identified near the project sites are described in Draft EIR Section 4.13.1.2, "Sensitive Receptors in the Project Vicinity," and shown in Figure 4.13-1, "Nearest Sensitive Receptors to Plant Site," and Figure 4.13-2, "Nearest Sensitive Receptors to Quarry Site." See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response.

Comment 132-6

f. The effects on our home values and quality of life with the environmental impact of this project (noise pollution, traffic congestion, dangers of rocks harming cars and people, and air pollution secondary to excavation and truck emissions.

Response 132-6

See Collective Response #7 regarding evaluation of the project's economic effects and Collective Response #6 regarding operational nuisances frequently attributed to mining operations. The comment is noted for the consideration of the decision-makers.

Comment 132-7

g. How can anyone forsee the environmental consequences of granting Cemex a 100 year extension on their operations. Especially with a project that does not serve the population at large.

Response 132-7

See Collective Response #5 regarding the proposed duration of the use permit.

Comment 132-8

I hope you will give serious consideration to these issues those expressed by others and reject Cemex's proposal.

Response 132-8

The comment is noted for the consideration of the decision-makers.

Letter #133 February 23, 2025, Amanda Joy

Comment 133-1

NO THANK YOU! Explosive mining near town, near waterways, near a dam, with our hot, dry summer heat and already high fire risk???!!! Are you kidding me?! Is our city's safety for sale? Please put people over profit.

Response 133-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. Hazards associated with the use of explosives on the project sites are evaluated primarily in Draft EIR Section 4.9, "Hazards and Hazardous Materials." The issue of wildfire is also discussed in Draft EIR Section 4.20, "Wildfire." See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections. The comment is noted for the consideration of the decision-makers.

Letter #134 February, 23, 2025, Georgia Murach

Comment 134-1

I'm trying very hard to control my anger with the Board of Supervisors for even allowing this project to go forward!

What price can there be on our neglected San Joaquin River? This river should be a crowning jewel for a park system itself, instead it faces a 600 foot deep mining pit!

Rockfield Quarry Modification, AKA Cemex, is the culprit.

Response 134-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #21 regarding the request that the project sites should be transitioned to publicly accessible parks.

Comment 134-2

For my part, I would like to know if the Cemex's 2024 EIR correlates the increases in ozone and fine particulates that impact human health. We often seem to have the worst air quality in the nation and this is a serious concern for me.

Response 134-2

The project's potential air quality impacts are addressed in Draft EIR Section 4.3, "Air Quality," as updated in this Final EIR. See Impact 4.3-2 for a discussion of the project's estimated emissions of ozone precursors and fine particulate matter ($PM_{2.5}$). See Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment," and Appendix D-4, "Revised Section 4.3, Air Quality," regarding the project's potential impacts on ozone and fine particulate emissions. See also Collective Response #9 regarding the project's potential effects on the region's existing air quality. The comment is noted for the consideration of the decision-makers.

Letter #135 February 23, 2025, Louise Richardson

Comment 135-1

Please deny CEMEX'S application to modify an existing use permit that allows hard-rock mining within the boundaries of the San Joaquin River Parkway.

Heavy trucking of megatons of aggregate will further ruin Friant Road and add countless traffic jams at the Friant Road and Audubon Drive intersection and at the Friant Road and Champlain intersection.

Please deny this application, also known as the Rockfield Quarry Modification Project.

Thank you for your time and consideration.

Response 135-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #29 regarding the truck traffic increases anticipated under the proposed project, required roadway improvements, and funding for roadway maintenance.

Letter #136 February 23, 2025, Cheryl and Ralph Waterhouse

Comment 136-1

NO on the proposal to modify Cemex Permit

Please vote NO on this proposal to expand the Cemex operation. This corporation is located too close to a large populated area and would destroy important habitat.

Response 136-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential impacts to wildlife habitat are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.4.

Letter #137 February 24, 2025, Suzanne Abrams

Comment 137-1

Please use your decision-making power to STOP CEMEX's proposed blasting and drilling of a 600-foot-deep pit near the San Joaquin River to supply aggregate for future area construction.

Please take note that:

- The pit would, be a huge eyesore on this currently beautiful landscape.

Response 137-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential aesthetic impacts are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." Mitigation Measure 4.1-1 is provided to reduce the project's visual effects; however, both Impact 4.1-1 and 4.1-3 were determined

to be significant and unavoidable. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.1 and Mitigation Measure 4.1-1.

Comment 137-2

- Trucks connected with the project would cause ongoing traffic delays at two nearby intersections.

Response 137-2

See Collective Response #29 regarding truck traffic increases anticipated under the proposed project.

Comment 137-3

- Statistics noted in The Fresno Bee on Feb. 16, 2025 indicate that the need for this project is in serious question. CA state geologists have reported that other sources already can supply nearly double the area's projected demand for aggregate over the next 50 years. (See "Aggregate Sustainability in California," updated in 2018 by the California Geological Survey.) What's the reasoning here?

Response 137-3

See Collective Response #3 regarding the available aggregate reserves in the region and the need for the proposed project.

Comment 137-4

- CEMEX has 81 separate environmental violations since 2000, according to the same issue of *The Fresno Bee.* With their record, is there reason to trust that CEMEX would observe environmental rules?

Response 137-4

See Collective Response #4a regarding CEMEX's regulatory compliance history.

Comment 137-5

Please note that the draft agreement doesn't require that CEMEX put money aside to pay for potential environmental damage by this project.

Response 137-5

See Collective Response #4b regarding liability for unforeseen damages caused by the proposed project.

Comment 137-6

In my view, all of this adds up to the need to STOP CEMEX. We do not need this project.

Please do not allow CEMEX to impose its negative effects on our community!

Response 137-6

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #138 February 24, 2025, Catherine Farinelli

Comment 138-1

I am a resident of the Woodward Lake community.

I am opposed to the Cemex open pit mine expansion project.

We need to preserve the environment especially in these delicate times.

Not only would it harmful to the environment but would also cause unnecessary hardship to the surrounding communities which have expanded immensely in the last 2 decades.

I feel they should stop or take their business elsewhere. Thank you

Response 138-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The potential environmental effects of the proposed project are evaluated throughout the Draft EIR. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Letter #139 February 25, 2025, Nancy Gilmore

Comment 139-1

I am submitting comments on the Draft Environmental Impact Report (EIR) for the CEMEX Rockfield Quarry Proposed Expansion. As a Fresno County resident for over 40 years, a Board Member of the Fresno Audubon Society, and someone with academic and professional expertise in Biology and Engineering holding a B.S. in Mechanical Engineering and undergraduate studies in Biology from Cal Poly, San Luis Obispo, I have serious concerns regarding the report's treatment of air quality and impacts on migratory and special-

status birds. Additionally, as someone who suffers from asthma, I am particularly concerned about how this project will exacerbate air quality issues in an already compromised region.

Response 139-1

The commenter's background and concerns are noted and will be considered by County decision-makers. The project's impacts on air quality are addressed in Section 4.3.4, "Project Impacts and Mitigation Measures," of Draft EIR Section 4.3, "Air Quality." See Appendix D-4, "Revised Section 4.3, Air Quality," for revisions to Draft EIR Section 4.3 and supporting appendices. Please see Responses 139-2 through 139-6 for further discussion of the commenter's specific concerns.

Comment 139-2

Air Quality Impacts

While the EIR proposes mitigation measures such as a Fugitive Dust Control Plan (Mitigation Measure 4.3-2), **it does not sufficiently evaluate the long-term cumulative effects of continuous quarry operations.**

Health Risks: The San Joaquin Valley has high asthma rates, and fine particulate pollution worsens respiratory conditions. The EIR does not provide a clear plan for monitoring long-term air quality impacts.

Cumulative Emissions: The report does not adequately consider the combined effect of quarry emissions alongside other industrial and agricultural pollutants in the region.

Ongoing Operations: While construction-related emissions are discussed, the impact of continuous dust and emissions over a 100-year period remains largely unaddressed.

Response 139-2

Contrary to the assertion in the comment, the Draft EIR evaluates long-term cumulative effects including health risks associated with ongoing operations by including a human health risk assessment (HRA) consistent with the state guidelines (OEHHA 2015). The cumulative nature of thresholds used in each air quality impact determined in the Draft EIR is discussed below.

- Impact 4.3-1 describes how the project would be consistent with applicable air quality plans. Addressing cumulative air quality conditions is the primary role of

air quality plans and thus consistency with air quality plans is a cumulative analysis.

- Impact 4.3-2 is discussed in Section 7.14 of the GAMAQI (SJVAPCD, 2015) which describes the thresholds as levels that would "Result in a Cumulatively Considerable Net Increase of any Criteria Pollutant."
- Impact 4.3-3 is discussed in Section 8.5.2 of the GAMAQI, which describes how health risk assessment thresholds that were used to evaluate Impact 4.3-3 are meant to exclude background levels from their application. As such, these levels are the amounts that are cumulatively considerable.
- Impact 4.3-4 involves odor. If it would be the case that other odorous sources around the project exist, then cumulative odor may need to be assessed but that is not the circumstance in this case.

CEQA requires cumulative analysis where emissions from other past, present, and foreseeable future projects (and locations) are added to, or in this case, subtracted from, the project impact. However, as demonstrated above, the thresholds of significance used in the Draft EIR account for cumulative effects. The HRA determined that the impacts associated with long-term health risks would be less than significant after mitigation. Therefore, no change to the HRA is warranted to account for cumulative or operation related emissions previously addressed.

Nevertheless, in response to air comments on the Draft EIR, the HRA was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Technical Report*, (Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment") including preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. See also Appendix D-4, "Revised Section 4.3, Air Quality,"

Comment 139-3

Impacts on Birds & Migration

The EIR focuses on nesting birds but **fails to account for migratory species and special-status birds, particularly the Tricolored Blackbird (Agelaius tricolor).**

Tricolored Blackbird Concerns: This species, listed as threatened under the California Endangered Species Act since 2019, has been well documented in Fresno County. Given its colonial nesting habits in agricultural and disturbed landscapes, the expansion could disrupt critical habitat.

Response 139-3

The Draft EIR discusses the tricolored blackbird on page 4.4-36. There are no known occurrences of tricolored blackbird within the immediate vicinity of the project sites according to the California Natural Diversity Database (CNDDB). Both the Quarry and Plant Sites are already disturbed by decades of ongoing mining activities and do not provide suitable habitat for the tricolored blackbird. As such, the project would not significantly impact the tricolored blackbird. Please also see Response 58-37 for further discussion of potential impacts to the tricolored blackbird.

Neither the Plant Site nor the Quarry Site is located within federally designated Critical Habitat (Draft EIR, page 4.4-37).

Noise, dust, and similar mining-related disturbances have existed for decades at the project sites due to ongoing mining operations. Because the existing mine has operated in this location for many decades, natural nesting or foraging substrates are largely absent within the project area, and the area is unlikely to support nesting or non-nesting use by birds.

For further discussion of the project's potential impacts to migratory fish or wildlife species movement, corridors, or nursery sites, please refer to Impact 4.4-6 of the Draft EIR. See also Collective Response #15 regarding potential impacts to birds aside from those associated with nesting.

Comment 139-4

Dust & Noise Impact: Airborne dust settling on foraging areas and increased noise from operations may affect feeding and breeding success.

Response 139-4

Please see Responses 58-38, 58-40, and 58-41 regarding potential effects of fugitive dust emissions on plants and wildlife. Mitigation Measures 4.3-2a and 4.3-2b would require the implementation of the Fugitive Dust Control Plan, which would help reduce the potential impacts raised in the comment. CEQA does not require that all possible studies be conducted for the purpose of analyzing environmental impacts. (Title 14 CCR Sections 15151, 15204(a).)

Comment 139-5

Lack of Seasonal Study: The EIR does not sufficiently analyze how quarry activities could disrupt non-nesting birds during migration or other non-nesting periods.

Response 139-5

The proposed project would not significantly impact wildlife, including non-nesting and migratory birds, during mining operations at the Quarry Site (Draft EIR Impact 4.4-2). See Response 58-48 for further discussion of Draft EIR Impact 4.4-2.

For further discussion of the project's potential impacts to migratory fish or wildlife species movement, corridors, or nursery sites, please refer to Impact 4.4-6 of the Draft EIR. Please also refer to the Draft EIR's discussion of Impact 4.4-4, which concludes that the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community with the implementation of Mitigation Measures 4.10-1, 4.3-2a, -2b, and -2c (Draft EIR page 4.4-55 through 4.4-58).

Comment 139-6

This project has the potential for significant environmental and public health consequences. A much more thorough review is necessary to ensure that these impacts are fully understood and effectively mitigated.

Thank you for your time and consideration.

Response 139-6

The commenter's concerns are noted and will be considered by County decision-makers. The Draft EIR provided a sufficiently detailed analysis of potential environmental impacts, in accordance with CEQA.

Letter #140 February 24, 2025, Lynn Gorman

Comment 140-1

Re: the CEMEX Rockfield Quarry Modification Project DEIR, I would like to convey my opposition to the project, as the location is wrong for a hard rock project. The San Joaquin River corridor below Friant Dam was designated as a Mineral Resource Zone because of its' alluvial aggregate, not hard rock, resources. Those aggregates are near exhaustion, as has been recognized and planned for decades. The Counties of Fresno and Madera, the City of Fresno, the State, and the community at large have all recognized this, and planning and community expectations have shifted from resource extraction to residential development and open space uses.

Response 140-1

Mineral Resource Zone designations are based on the likelihood for significant mineral deposits to occur in an area and are intended to broadly support county land use planning. However, the actual presence and significance of mineral deposits must be determined through site-specific investigations. Therefore, the particular MRZ designation for an individual site, or the absence of these designations in an area, does not preclude the use of a site for mineral resource extraction. As discussed at the bottom of Draft EIR page 4.7-16, the majority of the Plant Site is designated by the state as MRZ-1 (areas where adequate information indicates no significant mineral resources are present). However, Operator borings of the Plant Site indicate that, although much of the site has been mined and backfilled to depths of between 5 and 32 feet bgs, there are recoverable sand and gravel resources to a depth of about 85 feet bgs. Furthermore, the proposed use is permitted by the current general plan land use designation and zoning classification for the project sites. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 140-2

The San Joaquin River Parkway and Conservation Trust, a local organization with widespread support, is an outgrowth of this long-anticipated phasing out of sand and gravel extraction on the San Joaquin River and the urgent need for local parks. This local commitment was recognized and supported by the State when it formed the San Joaquin River Conservancy to insure acquisition of these lands for ultimate public access and open space use. The Central San Joaquin Valley has the distinction of having fewer State parks than any other region, and Fresno, the 5th largest city in the State, has some of the lowest amount of open space per capita. The San Joaquin River represents a unique opportunity to correct this deficiency with a continuous and uninterrupted Parkway, a goal that many, including myself, have been working toward for decades. This project is entirely inconsistent with that goal.

Response 140-2

See Collective Response #21 regarding the assertion that the project sites should be transitioned to publicly accessible parks. The comment is noted for the consideration of the decision-makers.

Comment 140-3

Naturally-occuring aggregates are limited to current and historic river channels, which is the only reason why the MRZ designation was made on the San Joaquin River, but the hard rock of the Sierra makes up virtually the entire eastern County and underlies much of

the Valley. Countless other local locations could be considered with far fewer environmental risks and impacts. Given the amount of mining already authorized within the local production-consumption region, there is no real need for this expansion, but even if there were a shortage of locally-produced sand, gravel, and other rock materials, there is no reason for a hard rock project such as this to be located directly on the San Joaquin River, with its' unique environment, and within the footprint of the long-anticipated Parkway.

This is the wrong location and should not be approved.

Response 140-3

See Response 140-1. See also Collective Response #3 regarding the available aggregate reserves in the region and the need for the proposed project.

Letter #141 February 24, 2025, Ellen and Lynn Hemink

Comment 141-1

I am writing to express my extreme disagreement with the proposed modification to the existing CEMEX Rockfield Quarry (EIR N0.7763 and Unclassified Conditional Use Permit Application Nos. 3666 and 3667)

One of the greatest attributes to balanced, healthy life in Fresno and surrounding areas is the access to nature and natural environments. Access to and protection of the San Joaquin River and the nature corridor along its banks is of primary importance.

Response 141-1

The commenter opposes the proposed project. See Collective Response #21 regarding public access to the San Joaquin River. See also Collective Response #12 regarding the project's potential effects on ongoing river restoration projects in the area. However, the comment is noted for the consideration of the decision-makers.

Comment 141-2

Blasting for deep pit mining of aggregate material will be detrimental to the birds and other wildlife to say nothing of people living in the area. Excessive noise pollution is a known health risk.

Response 141-2

The project's potential noise and vibration impacts on humans are addressed in Draft EIR Section 4.13, "Noise," while such impacts on fish and wildlife are addressed in Section

4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections. See Collective Response #16 regarding vibration impacts on salmon. See also Collective Response #27 regarding operational impacts on users of adjacent parks and trails.

Comment 141-3

The addition of heavy truck traffic hauling aggregate will add to the air pollution and be a continual traffic hazard to an already dangerous stretch of highway.

Response 141-3

The project's potential traffic impacts are addressed in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for revisions to this Draft EIR section. The project's potential air quality impacts are addressed in Section 4.3, "Air Quality," as updated in this Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," for revisions to this section. See also Collective Response #9 regarding the project's potential impact on the region's air quality, Collective Response #29 regarding truck traffic increases anticipated under the proposed project, and Collective Response #30 regarding traffic and pedestrian safety.

Comment 141-4

In addition there is no documented need for the increased aggregate to be blasted from the proposed 600 foot deep pit. According to the Aggregate Sustainability in California report, the Fresno region already has 556 million tons of permitted aggregate reserves more than enough to meet future needs.

Response 141-4

See Collective Response #3 regarding the available aggregate reserves in the region and the need for the proposed project.

Comment 141-5

Unfortunately, according to Good Jobs First, a Washington, DC based non-profit that tracks corporate and governmental accountability in economic development, CEMEX's record for environmental violations is of huge concern. The proposed project for deep pit mining is ripe with the possibility of environmental damage. How can Fresno disregard its people, its natural environment, its wildlife to a project run by a corporation with so little concern for its negative impact particularly when the product in question is not needed for future use?

PLEASE do not allow the proposed modification to the existing CEMEX Rockfield Quarry.

Response 141-5

See Collective Responses #4a and 4b regarding CEMEX's regulatory compliance history and liability for damages that may occur as a result of the proposed project. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #142 February 24, 2025, Barry Kriebel

Comment 142-1

I am making these comments in opposition to the Cemex application. I am a long term member of the Fresno Community and an original homeowner at Woodward Lake since 1987, a long time supporter of the San Joaquin Parkway, and supporter of the agricultural and recreational uses of the San Joaquin River.

It is very common for companies to remove valuable resources from our lands without creating adequate financial resources to remedy their path of destruction. Unless Cemex voluntarily establishes a fully funded safe and secure escrow which can be used by the County to restore the land and its environmental effects, their application should be denied.

Response 142-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #4b regarding liability for unforeseen damages caused by the proposed project.

Letter #143 February 24, 2025, Leo Labbe

Comment 143-1

This memorandum documents additional concerns that I have regarding the CEMEX Rockfield EIR7763. For reference, my initial concerns were sent to you on February 2, 2025 via EMAIL.

After I submitted my initial comments stating my strong objection to this EIR, I kept on learning more while discussing this EIR with other concerned citizens and reading the 3000 plus page EIR document, reviewing its impact on the environment, the community for several generations the more I become adamant against the approval of this project.

Do we need more Aggregate?

In discussions I was recently advised that the existing mines in our area can produce 180% of the needed aggregate! So I ask, why do we need more capacity for what we have an ample supply?

Response 143-1

See Letter #16 for responses to the commenter's referenced February 2, 2025, comment letter. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #3 regarding the available aggregate reserves in the region and the need for the proposed project.

Comment 143-2

Nobody wants WANT!

I've shared my concerns with many other perplexed Fresno County Citizens and concluded that the EIR contains no metrics for ongoing monitoring of environmental issues and overall performance of CEMEX. In fact the Fresno County monitors daily Air quality and often bands home fireplace uses on bad Air quality days! Yet they might approve a foreign LLC to further degrade the Air quality.

Response 143-2

The operation would continue to be inspected annually by County staff or a County-retained consultant to determine compliance with applicable regulations, permit conditions, and conditions of approval in accordance with the County's Surface Mining Ordinance (Section 834.4.220 of the Fresno County Zoning Ordinance). The Draft EIR would place additional use permit conditions on the operation to avoid or minimize identified impacts. Mitigation Measures 4.7-7a through 4.7-7c require regular monitoring of slopes by a qualified geologist to ensure stability. Mitigation Measures 4.10-5a and 4.10-5b require ongoing groundwater level monitoring while Mitigation Measures 4.10-10a and 4.10-10b require ongoing water quality monitoring and implementation of an adaptive management plan.

The project's potential air quality impacts are evaluated in Draft EIR Section 4.3, "Air Quality," as updated in this Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). The Rockfield operation would also be subject to routine inspection by air district staff to ensure compliance with air district permit conditions. For example, Mitigation Measure 4.3-2b requires the preparation of a Fugitive Dust Control Plan that would be submitted to and reviewed by the SJVAPCD. See Appendix D-4, Section 4.3.4, "Project Impacts and Mitigation Measures." See also Collective Response #9 regarding

the project's potential effects on the region's existing air quality conditions. The comment is noted for the decision-makers.

Comment 143-3

Most citizens are already concerned about Water, Air, Noise and Traffic levels (WANT) and are adamant that we don't WANT any more contaminants added to our already fragile environment!

Response 143-3

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. Refer to Draft EIR Section 4.10, "Hydrology and Water Quality," for discussion of impacts to hydrology, Section 4.3 (see Appendix D-4, "Revised Section 4.3, Air Quality"), for discussion of impacts to air quality, Section 4.13, "Noise," for discussion of impacts to noise, and Section 4.17, "Transportation," for discussion of impacts to traffic, respectively. See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response.

Comment 143-4

In addition, the blasting will not only add unwanted noise, but it will cause vibrations that are not defined and their repeated occurrence would cause many unknown effects on humans, waterfowl, other native animal species, the fish population and specifically the reintroduction of the Salmon population in the San Joaquin River.

Response 143-4

The project's proposed blasting operations are described in the Draft EIR under Section 2.5.2.2, "Quarry Site Mine Plans," on page 2-42. Blasting would be limited to one to two blasts per week on weekdays between the hours of 10 a.m. and 2 p.m. The effects of noise and vibration from these blasting events are evaluated in Draft EIR Section 4.13, "Noise," and Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections referenced in this response. See Collective Response #13 regarding effects of blasting on wildlife and Collective Response #16 regarding effects of vibration on salmon.

Comment 143-5

The potential for Water and Air pollution will be compounded by the blasting with the possibility of disturbing heavy metals and other contaminants and releasing them to the Air and Water which could contaminate the nearby San Joaquin River or the water table that neighbors depend upon for their well Water!

Response 143-5

Potential water quality impacts associated with blasting are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality," under Impact 4.10-1 on page 4.10-90, second paragraph. Implementation of the blasting protocols (Mitigation Measure 4.10-1) would reduce potential water quality impacts by prohibiting the storage of explosives on the site, requiring blasting to be performed by a qualified contractor, and specifying best practices for handling and disposing of blasting materials. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced in this response. See also Collective Response #9 regarding potential air emissions from blasting events. The comment is noted for the decision-makers.

Comment 143-6

Monitoring WANT

The EIR should list the current levels of each contaminate, as well as, the maximum acceptable level of the WANT issues.

I would suggest that a licensed Independent Environmental Firm provide the basic levels for a normal safe community and the threshold that would have a negative impact on all forms of health and life in the area.

These potential contamination parameters would require constant checking and appropriate actions if exceeded. CEMEX would be responsible for monitoring the levels with periodic reporting to the County on the exact levels and trends. The County would be allowed to verify readings with unannounced audit visits. All equipment used would be required to have routine validation and calibrations completed by an authorized firm. Additionally, sensors for Air and Noise pollution would sound alarms when exceeded and send an immediate alert to the Fresno County officials for appropriate action.

Response 143-6

Each section of Draft EIR Chapter 4, "Environmental Analysis," provides a description of the existing conditions on the project sites, specific thresholds of significance, and mitigation as necessary to reduce identified impacts. Where appropriate, these measures may include implementation of monitoring programs and adaptive management plans.

For water resources, see Draft EIR Section 4.10 for a description of the existing water quality conditions on the project sites as well as existing groundwater levels in the project area. See Section 4.10.1.6, "Surface Water Quality," for existing surface water quality

conditions (Tables 4.10-3 and 4.10-4), Section 4.10.1.7, "Local Geologic and Groundwater Conditions," for existing local groundwater supply conditions, and Section 4.10.1.8, "Groundwater Quality," for existing groundwater quality conditions (Tables 4.10-5 and 4.10-6). See also Draft EIR Appendix G, "Hydrology and Water Quality," for more detailed data related to these topics. Mitigation Measures 4.10-5a and 4.10-5b would require an adaptive management program for the Plant Site ponds which would include monitoring and, if necessary, mitigation measures to address exceedances of applicable water quality standards. See also Collective Responses #23 and #26 regarding surface water quality and groundwater level monitoring, respectively.

For air quality, Draft EIR Section 4.3.1.4, "Regional Air Quality and Attainment Status," as updated in this Final EIR provided in Appendix D-4, "Revised Section 4.3, Air Quality," describes the existing ambient air quality in the project area and applicable standards. See Table 4.3-2, "Ambient Air Quality in the Project Area," for monitoring data from five previous years and see Table 4.3-1, "Ambient Air Quality Standards," for the corresponding federal and state ambient air quality standards obtained from CARB. See also Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment," for analysis of the ambient air quality years 2020 through 2024 and an updated analysis of the project's potential impact on air quality. This updated analysis demonstrates no new impacts and no changes to the findings in the Draft EIR. The technical report presented in this appendix was independently peer reviewed by a County-retained consultant prior to being incorporated into the Draft EIR.

For noise, see Draft EIR Section 4.13.1.3, "Plant Site Ambient Noise Environment," beginning on page 4.13-12 and Section 4.13.1.4, "Quarry Site Ambient Noise Environment," beginning on page 4.13-21, which describe the existing ambient noise environment surrounding the project sites (see Table 4.13-3, "Existing Ambient Noise Environment at Nearest Receptors to Plant Site," and Table 4.13-4, "Existing Ambient Noise Environment at Nearest Receptors to Quarry Site," on page 4.13-22). See also Draft EIR Appendix H, "Noise Assessment," for more detailed information related to noise. The technical reports presented in this appendix were independently peer reviewed by a County-retained consultant prior to being incorporated into the Draft EIR.

Existing traffic volumes and intersection operations are detailed in Section 5.0 of Draft EIR Appendix I-1, "Traffic Impact Study." Impact significance criteria are also provided in Appendix I-1 at Section 2.0. Draft EIR Section 4.17, "Transportation," provides an evaluation of the project's impacts to the local transportation system and provides mitigation measures requiring funding of various roadway and intersection improvements to address these impacts. The Traffic Impact Study was prepared by an

Operator-retained consultant and was independently peer reviewed by a County-retained consultant prior to being incorporated into the Draft EIR.

See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections and appendices referenced in this response.

Comment 143-7

Any breach of water from the San Joaquin River would require immediate stoppage in mining activity with a repair plan requiring approval of Fresno County Offices and execution of the plan at the sole expense by CEMEX until the damage is completely mitigated.

Response 143-7

The operation would continue to be inspected annually by County staff or consultant to determine compliance with applicable regulations, permits, and conditions of approval in accordance with the County's Surface Mining Ordinance (Section 834.4.220 of the Fresno County Zoning Ordinance). See also Collective Response #17 regarding riverbank stability and the potential for breach to occur at the Quarry Site.

Comment 143-8

Cost for highway upgrades

The increase in Traffic activity in the nearby area is already a major concern with broken windshields and loose aggregate falling from CEMEX trucks. The speed limit in that area is 65MPH which is the expected highway speed and the CEMEX truck require a long distance to safely merge in or exit with Traffic especially when commuter Traffic is at peak.

Response 143-8

See Collective Response #30 regarding traffic safety and damage to vehicles.

Comment 143-9

In addition, the fully loaded trucks are difficult to stop; they are hard on the highways due to their excessive weight when loaded with product.

Response 143-9

See Collective Response #29 regarding road maintenance.

Comment 143-10

It is strongly recommended that CEMEX finances entrance and exit lanes to their sites to safely allow their trucks to enter and exit. I would also recommend that a study be performed at the intersection of Willow and Friant Road. This is where southbound Traffic turns left onto Willow at high speeds against Traffic moving at 60MPH. A traffic light may be required and if so the cost should also be borne by CEMEX.

Response 143-10

The Draft EIR evaluates the project's potential impacts to the Plant Site and Quarry Site entrances along Friant Road. See page 4.17-33 and Mitigation Measure 4.17-1h which requires CEMEX to pay an equitable share contribution of the cost to signalize the intersection in the future to address cumulative increases in traffic volumes. See also page 4.17-34 and Mitigation Measure 4.17-1i which similarly requires CEMEX to conduct a traffic signal warrant analysis and pay an equitable share contribution of the cost of future signalization.

The Draft EIR also analyzed the project's potential impacts to the intersection of Friant Road and Willow Avenue (see Draft EIR page 4.17-29). The Draft EIR determined that with project traffic the level of service standard would be exceeded at this intersection. Mitigation Measures 4.17-1a, 4.17-1c, and 4.17-1j are provided requiring CEMEX to pay an equitable share contribution of the total cost to signalize the intersection.

Comment 143-11

Termination

I suggest that the EIR contains a section for "Termination For Cause" if CEMEX ever exceeds the levels established by the Independent Environmental Firm for WANT issues or other performance failures that the county not only has the right, but the obligation to terminate the site activity!

In addition to the WANT metrics there should be other measures that are part of maintaining acceptable limits on any project of this magnitude. They should include others such as:

Not adhering to the agreed work schedule Exceeding the number of daily truck loads

Blasting during silent periods And many, many more…….

Having an agreement for 100 years with no performance clauses is totally absurd.

Response 143-11

Violations at the proposed project and other mining operations in Fresno County are regulated under applicable provisions of the Fresno County Ordinance Code and the Surface Mining and Reclamation Act (SMARA). If an operation is not in compliance with County approvals, including the applicable use permit or reclamation plan, the County would follow the procedures set forth in SMARA (PRC Section 2774.1 and Section 2774.2) concerning violations and penalties, as well as applicable County enforcement provisions, including those related to revocation of a CUP. Should the County fail to comply with the provisions of SMARA, the State Mining and Geology Board (SMGB) may take action to assure compliance through administration of SMARA.

Comment 143-12

I would ask that Fresno County issue a statement of compliance with the current agreement that exits with CEMEX LLC. Comments have been made by many that they continually violate standards and they keep on mining.

If there are no standards and metrics then there is no obligation to perform!

I look forward to your response and I urge the Fresno County Supervisors to ***decline this CEMEX 100 YEAR*** request to blast and mine 600 FEET within 200 FEET of the San Joaquin River. That is just insane!

Response 143-12

See Collective Response #4a regarding CEMEX's regulatory compliance history. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #144 February 24, 2025, Bill Schmidt

Comment 144-1

I am writing to express my opposition to the proposed CEMEX expansion of their facility off Friant Road.

I am a resident of Fresno County and live very close to the CEMEX facility. From our home, about 1.5 miles away, we can hear the loud plant operations at all hours.

Response 144-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The comment refers to existing noise conditions that are not the result

of the proposed project and are not evaluated in the Draft EIR. The project's potential noise impacts and feasible mitigation measures are provided in Draft EIR Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.13.

Comment 144-2

Further, the traffic on Friant due to the trucks transporting materials causes traffic delays. More importantly is the damage the heavy trucks cause to the roads.

Response 144-2

See Collective Response #29 regarding truck traffic increases anticipated under the proposed project, required intersection improvements, and funding for roadway maintenance.

Comment 144-3

CEMEX stating, they will not or cannot support road improvements for the expansion is disingenuous.

Response 144-3

The comment refers to Impact 4.17-1 (see Draft EIR page 4.17-27) which was determined to be significant and unavoidable. The Draft EIR presents a series of mitigation measures to address the impacted intersections identified in the Traffic Impact Study (see Draft EIR Appendix I-1, "Traffic Impact Study"). Each measure requires CEMEX to contribute an equitable share of the cost to construct the improvement(s) needed to address cumulative traffic increases at the identified intersections. However, as discussed in greater detail in Draft EIR Section 5.3.17, "Transportation," beginning on page 5-28, the timing of construction of these improvements is not certain and may occur after project implementation. Therefore, the impact was determined to be significant and unavoidable. Regardless, with implementation of Mitigation Measures 4.17-1a through 4.17-1r, CEMEX would pay the project's equitable share of the cost to construct the identified improvements.

Comment 144-4

I understand that the materials taken from the plant are necessary for construction, however I believe the area has 180% of the needed material for decades to come that is financially feasible to mine.

Please record my opposition to the expansion and add my email to any list of citizens who are kept updated on the proposal.

Response 144-4

See Collective Response #3 regarding the available aggregate reserves in the region and the need for the proposed project. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #145 February 24, 2025, Sue Vaughn

Comment 145-1

I am writing to protest the expansion of mines to include blasting and a continuation of the business for 100 years as it was original supposed to terminate its operations since 2008. I live at Woodward Lake and enjoy our outdoor activities in the area. The increased pollution will be detrimental to our environment including damage to our river water ecosystem.

Thank you for considering the long range effects of this important decision to the inhabitants of all the residents located near the blast areas.

Response 145-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The issue of water pollution and impacts to the San Joaquin River are addressed primarily in Section 4.9, "Hazards and Hazardous Materials," and Section 4.10, "Hydrology and Water Quality." Potential impacts to water ecosystems are addressed in Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced in this response.

Letter #146 February 24, 2025, Kaili Zink-Hernandez and Family

Comment 146-1

I am a lifelong resident of Fresno, and my family and I are frequent visitors to the San Joaquin River Parkway trails. Our young daughters adore their trips to the River House and Sumner Peck Ranch, so we are now greatly concerned with the proposed CEMEX Rockfield expansion.

Adding a 600 foot deep pit is something that should not just be approved overnight; further studies, particularly in regards to the environmental impact, need to occur.

Response 146-1

The Notice of Preparation of the Draft EIR was released for public review and comment on June 5, 2020. The Draft EIR provides a comprehensive evaluation of the project's potential environmental effects and meets the requirements of CEQA and the CEQA Guidelines. However, the comment is noted for the consideration of the decision-makers.

Comment 146-2

Our 4 year old loves trying to find animal tracks as we hike along the nearby trails - animals that may be chased out of their natural habitat with this project.

Response 146-2

The project's potential effects on wildlife are evaluated in Draft EIR Section 4.4, "Biological Resources." Each of the impacts identified in this section were determined to be less than significant with implementation of the mitigation measures provided. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.4. See also Collective Response #13 regarding potential impacts of blasting on wildlife located on surrounding properties.

Comment 146-3

Then, of course, there would be added particulates to the air, adding to our already heavily impacted poor air quality. Again, this is in an area where so many Central Valley residents seek to enjoy the outdoors - we run and bike through Woodward Park and its extended trails, pick blueberries and citrus at Sumner Peck Ranch, to name a few. We should be able to enjoy what precious levels of fresh air that we can - again, what would be the projected environmental impact here in this regard?

Response 146-3

The project's potential impacts to air quality are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #9 regarding the project's potential impact on the region's existing air quality conditions.

Comment 146-4

We would also be interested to see the impact that the CEMEX plant in general has on the nearby water supply/water table, something that heavily dissuaded us from looking at an otherwise delightful piece of property along Old Friant Road, and something that

continues to dissuade us from ever refilling our water bottles while we're down at the River House.

Response 146-4

The project's potential impacts to groundwater quality and supplies are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Impact 4.10-1 through 4.10-7 for discussion of the project's impacts to water quality. See Impacts 4.10-8 through 4.10-12 for discussion of the project's impacts to groundwater supply. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Responses #23, #24, #25, and #26 related to water resources. However, the comment is noted for the consideration of the decision-makers.

Comment 146-5

Lastly, I'm sure others will raise concerns over the traffic impact along Friant Road as well, an already heavily traveled thoroughfare. The large trucks leaving CEMEX and headed for the 41 onramps have affected many a work-time commute. Yet, I feel this is just a small concern in comparison to the long-term ramifications and environmental impact that this rockfield expansion could cause. As our daughter said, "Please protect our beautiful river."

Response 146-5

See Collective Response #29 regarding truck traffic increases anticipated under the proposed project and required roadway improvements. The comment is noted for the decision-makers.

Letter #147 February 25, 2025, Carole Bryson

Comment 147-1

I'm sending this email to let you know I am opposed to the Rockfield Quarry Modification Project. From what I've read about it, it benefits Cemex company, but there is no benefit at all to the residents of Fresno County.

We are in need of parks, playgrounds, and other quiet green spaces where we can relax and enjoy nature, wildlife, and just being out of doors. This project threatens that.

Response 147-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #21 regarding the request that the project sites should be transitioned to publicly accessible parks.

Comment 147-2

We (and the whole valley) need clean water. Water is precious here, and this project, so close to the river, would endanger our supply.

Response 147-2

The project's potential impacts on water supplies are addressed in both Section 4.10, "Hydrology and Water Quality," and Section 4.19, "Utilities and Service Systems." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Responses #23, #24, #25, and #26 related to groundwater and surface water quality and supplies. This comment is noted for the decision-makers.

Comment 147-3

There will be traffic delays at the affected intersections, with no plans to remedy the delays. How does that make things better for taxpayers?

Response 147-3

The project's potential traffic related impacts are addressed in Draft EIR Section 4.17, "Transportation." See Impact 4.17-1 beginning on page 4.17-27. Mitigation Measures 4.17a through 4.17r describe various intersection improvements that were determined necessary to address cumulative traffic increases in the project area, including the proposed project's truck trips. These measures require CEMEX to pay a fair share contribution of the cost to construct these improvements. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #29 related to truck traffic increases anticipated under the proposed project and required roadway improvements.

Comment 147-4

All of this, just to benefit Cemex. Fresno County doesn't even need the aggregate that will be mined; the County has enough aggregate for the next 50 years.

Response 147-4

See Collective Response #3 regarding the available aggregate reserves in the region and the need for the proposed project.

Comment 147-5

I've lived in this area for a long time, and so often I have seen taxpayers get stuck with paying for infrastructure, cleanup, etc. while developers and big companies profit from their projects.

Please don't allow this unnecessary and potentially harmful project to go forward.

Response 147-5

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #148 February 25, 2025, Mitchell Hall

Comment 148-1

As a member of Fresno Fly Fishers for Conservation and a concerned resident of Fresno County, I am writing to express my deep opposition to the CEMEX proposal that would extend commercial mining operations on the banks of the San Joaquin River for the next 100 years.

Response 148-1

See Response 20-1.

Comment 148-2

This area is one of the most spectacular parcels of land in the region, yet public access remains extremely limited. Instead of prioritizing conservation and community use, this agreement would extend private and commercial restrictions, preventing generations of Fresno County residents from enjoying this vital natural resource.

Response 148-2

See Response 20-2.

Comment 148-3

I am particularly concerned about the expedited approval process for this 100-year commitment. The brief public comment period, which ends on March 10th is far too little time for Fresno County residents to learn about the project's consequences. A project of this magnitude demands thorough consideration, not a rushed decision that will impact future generations.

Response 148-3

See Response 20-3.

Comment 148-4

The environmental consequences of this project cannot be ignored. The California Department of Fish and Wildlife (CDFW) has made significant strides in reintroducing salmon to the San Joaquin River, yet this mining operation could jeopardize these efforts.

Response 148-4

See Response 20-4.

Comment 148-5

The increased truck traffic, potential river pollution and habitat destruction would be devastating for local wildlife.

Response 148-5

See Response 20-5.

Comment 148-6

Fracking and blasting a 600-foot mine so close to the river could lead to accidental discharges, seepage, and contamination of the surrounding water table endangering both aquatic ecosystems and local wells.

Response 148-6

See Response 20-6.

Comment 148-7

Beyond the environmental harm, this project poses economic concerns. CEMEX, a foreign-owned LLC, is granted limited liability by design, meaning if damages occur, there may be little accountability.

Response 148-7

See Response 20-7.

Comment 148-8

Moreover, the current agreement lacks measurable performance oversight, and

Response 148-8

See Response 20-8.

Comment 148-9

reports indicate repeated violations of work schedules and environmental standards.

Response 148-9

See Response 20-9.

Comment 148-10

The increased truck traffic alone—up to 1,000 trucks per day will degrade our roads and impact local residents, with little assurance that CEMEX will be held responsible for the consequences.

Response 148-10

See Response 20-10.

Comment 148-11

Fresno County deserves better. Rather than approving a destructive mining operation, this land should be preserved and made accessible to the public. A park or conservation area would not only protect the environment but could also generate long-term revenue through recreation, tourism, and sustainable business opportunities. A private mine will only benefit a foreign corporation, while our community bears the long-term costs.

Response 148-11

See Response 20-11.

Comment 148-12

I urge you to reconsider this agreement and advocate for a better future for Fresno County. Our community has the right to more input and a greater say in how this land is used. Please extend the public comment period and conduct a thorough review of the environmental and economic impacts before making a decision that will affect our region for the next century.

Response 148-12

See Response 20-12.

Letter #149 February 25, 2025, Linda Odell

Comment 149-1

As a concerned senior citizen who has witnessed the effects of exploitation of the earth's resources or monetary profit – I urge you to use wisdom and conscience to oppose the upcoming proposal that would allow the CEMEX corporation to further mine the banks of the San Joaquin River.

We must start reversing the damage that we have been inflicting – our future generations will be the ones paying for our greed [sic].

God has given us all we need in remarkable ecosystem that is designed to sustain us all - if we would start protecting the environment as wise stewards.

Please do the right thing – for the sake of, and responsibility to the future habitants of our land.

Response 149-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #150 February 25, 2025, Jackie Taggart

Comment 150-1

As a resident of Fresno City, I wish to express my opposition and concern regarding the extension of the CEMEX Quarry along the San Joaquin River. I feel this is so very wrong on many levels. This would be a huge threat to our natural resource of the San Joaquin River.

Response 150-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 150-2

My main reasons for opposing this project are the environmental impact on the ecosystem and biodiversity of the area,

Response 150-2

The project's potential impacts to ecosystems and biodiversity in the project area are addressed in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Responses

#12, #13, #14, #15, and #16 related to various biological resource issues. However, the comment is noted for the consideration of the decision-makers.

Comment 150-3

increased air pollution,

Response 150-3

The issue of air pollution is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to this Draft EIR section.

Comment 150-4

increased water usage,

Response 150-4

See Impact 4.19-2 beginning on Draft EIR page 4.19-8. The project's water demands are disclosed in Table 4.19-1, "Existing and Proposed Water Use Summary (Acre-Feet per Year)," on page 4.19-9 and are compared to available water supplies in Table 4.19-2, "Availability of Water vs Project Use (Acre-Feet Per Year)," on page 4.19-10. It was determined that for all project stages water availability would be in excess of the proposed water use and the impact would therefore be less than significant.

Comment 150-5

increased heavy truck usage of Friant Road,

Response 150-5

The issue of traffic is addressed in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced in this response. See also Collective Response #29 regarding truck traffic increases anticipated under the proposed project.

Comment 150-6

and the impact of explosives in a sensitive area.

Response 150-6

Hazards associated with the proposed use of explosives on the Quarry Site are evaluated in Draft EIR Section 4.9, "Hazards and Hazardous Materials." Noise and vibration impacts are evaluated in Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced in this response.

Comment 150-7

Please do not let this company have the permits it seeks.

Response 150-7

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #151 February 25, 2025, Julie Taylor

Comment 151-1

I am writing to express my deep concern over the proposal CEMEX is making. This will affect so much in that area.

I'm sure you are aware that state geologists have written that 305 million tons of aggregate will be needed for the next 50 years worth of construction. We currently have 556 million tons of permitted aggregate reserves. Since these reserves mostly come from Minkler and Austin quarries, the only reason CEMEX wants this project on the San Joaquin river is to increase their profits. I imagine they will sell everything from the proposed plant to other locales.

Response 151-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #3 regarding the available aggregate reserves in the region and the need for the proposed project.

Comment 151-2

Why does Fresno need this imposition of the increased noise (from blasting) and traffic,

Response 151-2

The issue of noise is addressed in Draft EIR Section 4.13, "Noise," while the issue of traffic is addressed in Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #29 regarding truck traffic increases anticipated under the proposed project.

Comment 151-3

Plus, the possibility of shaft collapse (that BTW doesn't require CEMEX to put money in reserve to pay for potential damage)?

Response 151-3

The issue of slope stability is addressed in Draft EIR Section 4.7, "Geology and Soils." Impact 4.7-6 evaluates slope stability at the Plant Site and was determined to be less than significant. Impact 4.7-7 evaluates slope stability at the Quarry Site and, with implementation of Mitigation Measures 4.7-7a through 4.7-7c, was also determined to be less than significant. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See Collective Response #17 regarding riverbank stability. See also Collective Response #4b regarding funding for unforeseen damages caused by the proposed project.

Comment 151-4

It's possible that much lower on your list of things to consider are the potential effects on the environment- water quality,

Response 151-4

The issue of water quality is addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 151-5

encroachment on a state ecological preserve,

Response 151-5

See Collective Response #20 regarding the assertion that the project encroaches on an ecological preserve.

Comment 151-6

as well as on residents in surrounding communities. However, these ecological effects are often disregarded by those who only look at profit.

I am asking you to seriously consider not just profit but all the side effects that a project such as this will have on this community.

My vote is NO.

Response 151-6

Where appropriate, the Draft EIR evaluates potential impacts on nearby communities. Section 4.1, "Aesthetics and Visual Resources," evaluates potential impacts to views from nearby residents in Madera County (see Impact 4.1-1 and Figure 4.1-1, "Potentially Sensitive Viewpoint Locations"). Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), evaluates potential impacts to regional air quality including multiple surrounding communities. Section 4.17, "Transportation," evaluates potential cumulative impacts to operation of the regional road network based on foreseeable development in Fresno and Madera counties. Chapter 5, "Cumulative Impacts," further evaluates the project's contribution to cumulative impacts which, depending on the cumulative setting identified for the issue area, may consider effects on nearby communities in addition to the project area. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced in this response.

Letter #152 February 25, 2025, Neil Thompson (Letter #1)

Comment 152-1

As specified in Section 2.5.4 of the Executive Summary, the current count of 55 employees at the Plant Site process (and deliver as Ready-Mix drivers) the 1.4 MT annual production as allowed by the current CUPs.

This equates to 25,455 tons per employee on an annual basis. According to Table Note b. of Table 4.17-1, the interplant haul is accomplished by six private party truckers who arrive and leave the site with their own trucks and are, therefore, not employees.

In Table 2-6 the employee count for Stage 1 (5 years) increases to 57 employees who will process (and deliver) 2.0 MTY, or 35,088 tons per employee annually. This amounts to a 38% increase in the production rate with two additional employees. What accounts for the significant production increase? Or will the employee count increase?

In Table 2-6 the employee count for Stage 1 (10-30 years) and Stage 2 (30-100 years) increases to 60 employees who will process (and deliver)

3.0 MTY, or 50,000 tons per employee annually. This amounts to a 42 % increase in the production rate with three additional employees. What accounts for the significant increase? At 50,000 tons per employee this is a 96% increase over the existing production rate. Will they really be able to double their

efficiency? What happens if they do not significantly increase their efficiency? A ready-mix truck will only hold 9.5 cubic yards. The efficiency of those drivers can increase only if they drive substantially faster or drive a substantially shorter distance.

Table 4.17-1 Existing Annual Trip Generation at Plant and Quarry Sites provides conflicting employee data that does not correlate with Table 2-6. Table 4.17-1 shows annual Trips for employees at the Quarry Site (entering and exiting totaling 500 annual trips) and at the Plant Site (entering and exiting totaling 26,926 annual trips) for a total employee trip count of 27,426 annual trips. Dividing by 365 days per year results in an employee count of 75.14. This is significantly more than the 55 employees that are claimed in Table 2-6. Why is there a difference?

Likewise, in Table 4.17-2 Project Annual Trip Generation – Stage 1 (2.0 MT Per Year) provides conflicting employee data that does not correlate with Table 2-6. Table 4.17-2 shows annual Trips for employees at the Quarry

Site (entering and exiting totaling 6,000 annual trips) and at the Plant Site (entering and exiting totaling 22,602 annual trips) for a total employee trip count of 28,602 annual trips. Dividing by 365 days per year results in an employee count of 78.36. This is significantly more than the 57 employees that are claimed in Table 2-6. Why is there a difference?

Further, in Table 4.17-3 Project Annual Trip Generation – Stage 1 (3.0 MT Per Year) provides conflicting employee data that does not correlate with Table 2-6. Table 4.17-3 shows annual Trips for employees at the Quarry Site (entering and exiting totaling 6,000 annual trips) and at the Plant Site (entering and exiting totaling 24,252 annual trips) for a total employee trip count of 28,602 annual trips. Dividing by 365 days per year results in an employee count of 82.88. This is significantly more than the 60 employees that are claimed in Table 2-6. Why is there a difference?

Finally, in Table 4.17-4 Project Annual Trip Generation – Stage 2 (3.0 MT Per Year) provides conflicting employee data that does not correlate with Table 2-6. Table 4.17-4 shows annual Trips for employees at the Quarry Site (entering and exiting totaling 30,252 annual trips) for a total employee trip count of 28,602 annual trips. Dividing by 365 days per year results in an employee count of 82.88. This is significantly more than the 60 employees that are claimed in Table 2-6. Why is there a difference?

Table 4.17-1 Existing Annual Trip Generation at Plant and Quarry Sites shows 39,906 total annual trips for Ready-Mix concrete sales whereas Table 4.17-3 Project Annual Trip Generation – Stage 1 (3.0 MT Per Year) shows 63,158 total annual trips for Ready-Mix concrete sales – a 58% increase. However, the increase in total aggregate production from 1.4 MTY to 3.0 MTY is a 114% increase. Why is the increase in Ready-Mix production substantially less (50%) than the total aggregate production increase.

Substantial review and reconciliation of the actual and projected employee counts is warranted.

Thank you for your consideration.

Response 152-1

Increases in aggregate extraction and associated production rates do not require a similar increase in onsite employees in a linear fashion as the commenter suggests. As shown in Table 2-5, "Proposed Typical Hours and Days of Operation," within the Draft EIR, the operational hours would be slightly expanded, therefore existing employees would have the ability to conduct mining/processing operations for longer periods in a given day, thereby increasing production without increasing staff. Similarly, equipment improvements over time would also allow for the same or fewer employees to extract and produce more material per year.

Additionally, the employee trip numbers utilized within the Traffic Impact Study (see Draft EIR Appendix I-1, "Traffic Impact Study") were calculated using a different methodology to intentionally overestimate the trip data to make the analysis more conservative. Using higher estimated traffic numbers ensured that potential Level of Service (LOS) impacts to affected roadways would be overestimated, and therefore conservative when compared to the actual employee automobile trip numbers associated with the project. The lower employee numbers and associated trip data presented in Table 2-6, "Existing and Proposed Truck Trip Generation," represent the actual estimated employee numbers developed by the Operator based on the design and capacity of the proposed project.

Letter #153 February 25, 2025, Ada Allaire

Comment 153-1

I strongly oppose allowing CEMEX to continue its mining operation close to the San Joaquin River. Please don't allow the drilling and blasting of a 600-foot deep pit so close to the river.

Response 153-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #154 February 26, 2025, Neil Thompson (Letter #2)

Comment 154-1

Dear Mr. Randall,

According to Section 2.2.2 of the Executive Summary: "*Upon approval of the project, the combined annual sales of aggregate from both sites are estimated to increase from the 1.4 MT/year allowed under the current permits to 2.0 MT/year within approximately five years of project approval and up to 3.0 MT/year within approximately 10 years of project approval.*"

According to this statement, impacts to Pavement Conditions would not be triggered until the project attained the 3.0 MT per year threshold, currently estimated to be 10 years after project approval.

- The 3.0 MT per year threshold is more than twice the current 1.4 MT permitted production rate.
- What happens if the project never produces 3.0 MT/year?
- What if the production rate is held slightly less than 3.0 MT/year but more than twice the current 1.4 MT/year allowable to avoid triggering the Pavement Condition Mitigation 4.17-1b?
- What recourse does the County have to obtain compensation for the deteriorating pavement conditions caused by significant overloading?

Response 154-1

See Response 12-69. The project would contribute an equitable share of the cost of the pavement improvements even when actual annual production is less than 3.0 MT per year (see Mitigation Measures 4.17-1a through 4.17-1r). This would function to compensate the County for increased wear on the pavement as a result of the project. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.17, "Transportation."

Comment 154-2

Table 4.17-10 indicates the Existing Traffic Index to be 9.5.

What Traffic Index was utilized for the current pavement section design and existing construction? Was it less than the current traffic flow TI of 9.5?

Response 154-2

CEQA requires that an EIR analyze the impacts of the project compared to the existing conditions. The existing traffic index for segments of Friant Road and Willow Avenue is presented in Table 4.17-10, "Traffic Index Summary—Existing and Existing Plus Project," on page 4.17-27 of the Draft EIR and was based on field calculations included in the Traffic Impact Study, included as Appendix I-1, "Traffic Impact Study," of the Draft EIR. The Traffic Index utilized for the current pavement section design and existing construction is not pertinent to the evaluation of the project's impacts to the existing traffic index.

Comment 154-3

Mitigation Measure 4.17-1b should be revised to include: The County should start collecting 1/20th of the project's share during the first year of the project and continue collecting every year for one hundred years. The equitable fair share contribution shall be recalculated every 20 years.

Because the design life of pavement is typically 20 years, the project should contribute its fair share over each of the five 20-year periods over the lifetime of the project.

Response 154-3

See Response 12-69. The County may consider a per-load fee to accomplish the equitable share contribution for the entire life of the project, and may consider an annual adjustment for inflation. Mitigation Measures 4.17-1a through 4.17-1r provides that the Operator would contribute their equitable share of the cost of future road facility improvements. See Final EIR Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.17.

Letter #155 February 27, 2025, Vickie Klassen

Comment 155-1

I'd like to voice my opposition to the permit for CEMEX to expand their operations. This would be a great dis-service to out environment and our community!

Please do NOT allow this to pass.

Response 155-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #156 February 27, 2025, Cheryl Milnac

Comment 156-1

CEMEX, a multinational mining company wants to dynamite a 600 foot deep pit too close to the San Joaquin River. County planners spent 5 years preparing a 3,767 page draft EIR for the so-called **"Rockfield Quarry Modification Project".**

For the Fresno area, the ***Aggregate Sustainability in California*** report (last updated by the **California Geological Survey** in 2018) states that 305 million tons of aggregate will be needed for the next 50 years. We already have **556** million tons of permitted aggregate reserves.

Response 156-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #3 regarding the available aggregate reserves in the region and the need for the proposed project.

Comment 156-2

If the wall of earth separating the river and the open mine gave way, a **disaster** would result.

Response 156-2

See Collective Response #17 regarding river bank stability and the potential for breaching at the Quarry Site. See also Collective Response #4b regarding liability for unforeseen damage caused by the proposed project.

Comment 156-3

For these and many other reasons please oppose the development of the **Rockfield Quarry Modification Project.**

Response 156-3

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #157 February 27, 2025, Multiple Signers

This comment letter is a duplicate of other comment letters received (#156, #160, #225, and #226). See responses to Comment Letter #156 for details.

Letter #158 February 27, 2025, Laura Rosenburger Haider

Comment 158-1

Section 4.10-43 -Hydrology shows that in one well, gross alpha radiation activity was over the water quality standard. The NRC stated that no level of radiation exposure is safe. A USGS study by Dr. Peter McMahon (around 2019) led him to claim that manganese pulls radium out of sediment. Table 4.10-6 shows that at the Rockfield Quarry site, manganese was not within water quality standards in 3 wells.

Response 158-1

The water quality data presented in the Draft EIR represents existing baseline conditions and therefore does not represent conditions that must be addressed as part of this project. Rather, the environmental review must evaluate whether the proposed project would result in impacts to the existing water quality conditions at levels deemed to be significant. Accordingly, the EMKO hydrogeologic study contained in Draft EIR Appendix G-1 includes a water quality analysis, the pertinent portions of which are discussed below in relation to the comment.

In the sample from MW-2M, the gross alpha activity is appreciably greater than the sum of the activity reported for the common alpha particle emitters uranium, radium 226, and radium 228. For all other samples, the sum of the alpha activity reported for the common alpha particle emitters ranges from at least 50 percent to over 90 percent of the gross alpha activity, whereas for MW-2M the sum of the alpha activity from the common emitters is about 30 percent of the gross alpha activity. Thus, the gross alpha result for MW-2M may not be representative of site conditions.

Letter #159 February 27, 2025, Julia Smith

Comment 159-1

As a long time resident in Fresno, I am asking you to oppose the Rockfield Quarry Modification Project. My concerns are long range considerations, something that must be considered when making decisions that impact the entire San Joaquin Valley.

Environmentally, the project will increase an already serious air quality problem in the San Joaquin Valley.

Response 159-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. Issues regarding air quality are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). See also Collective Response #9 regarding the project's potential impact to the existing air quality of the region.

Comment 159-2

CEMEX had already agreed to wind down their activity. State geologists have stated there is no need for more aggregate as the reserve supply is greater than the need for the next fifty years.

Response 159-2

See Collective Response #3 regarding the available aggregate reserves in the region and the need for the proposed project.

Comment 159-3

The rapidly growing metropolitan area around Fresno is growing so fast that traffic congestion is now a problem without having to also deal with trucks hauling rock.

Response 159-3

See Collective Response #29 regarding truck traffic increases anticipated under the proposed project.

Comment 159-4

It will also endanger one of the best treasures in the valley, what is left of the San Joaquin River. Currently, water quality is good and recreational use becoming one of the best hidden adventures in Fresno!

Response 159-4

The issue of water quality and impacts to the San Joaquin River are addressed in Draft EIR Section 4.9, "Hazards and Hazardous Materials," and Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 159-5

The dust and possible breaching of overflow from the excavation would cause permanent harm to not only the river but also the ribbon of trees and wild life along the river.

Response 159-5

See Collective Response #17 regarding river bank stability and the potential for breaching at the Quarry Site.

Letter #160 February 27, 2025, Jeri Stubblefield

This comment letter is a duplicate of other comment letters received (#156, #160, #225, and #226). See responses to Comment Letter #156 for details.

Letter #161 February 27, 2025, Cindy Volpa

Comment 161-1

I just became aware of the proposal being submitted to the County by the Cemex corporation. I live in close proximity to the quarries and also spend a great deal of time enjoying the river nearby. I am so distressed by the proposal and can't believe it's even being considered.

I'm aware that Cemex has had to submit an environmental impact report. The results should speak to the issues of proximity to the San Joaquin River,

Response 161-1

The issue of water quality and impacts to the San Joaquin River are addressed in Draft EIR Section 4.9, "Hazards and Hazardous Materials," and Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 161-2

the depletion of ground water,

Response 161-2

The issue of groundwater depletion is addressed in Draft EIR Section 4.10. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Responses #24, #25, and #26 related to groundwater monitoring and potential impacts to groundwater levels from seepage into the quarry pit.

Comment 161-3

and of course the threats to the nearby wildlife. I'm planning to attend the meeting on February 28th.

Please pass my letter along to the committee considering this horrifying proposal.

Response 161-3

The project's potential impacts to wildlife are addressed in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #162 February 27, 2025, Joe Volpa

This comment letter is a duplicate of Letter #161. See Response Letter #161 for details.

Letter #163 February 28, 2025, Sarah Allison

Comment 163-1

I am writing to formally express my strong opposition to the proposed 100-year permit for the CEMEX mining operation and to challenge the adequacy of the Draft Environmental Impact Report (EIR) prepared for this project. The EIR, as currently drafted, does not sufficiently or accurately assess the environmental, ecological, and community impacts that this long-term operation will have on the San Joaquin River and surrounding areas. This 100-year permit is a threat to the beauty of Fresno County.

As someone who has worked in an industrial setting for over 18 years, I appreciate clean air, open spaces, and pristine pockets of green space and wildlife in and around the San Joaquin River. Many people do! It is a respite from the hustle and bustle of the cities and towns in Fresno County.

Response 163-1

The comment and the commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 163-2

I find that the EIR fails to adequately address the following concerns:

1. Impacts on wildlife habitat

Response 163-2

The project's potential impacts to wildlife habitat are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Responses #12, #13, #14, #15, and #16 related to biological resources.

Comment 163-3

2. Water quality

Response 163-3

The project's potential impacts to water quality are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #23 related to water quality.

Comment 163-4

3. Air pollution-from the production facility and from trucks going in and out.

Response 163-4

The project's potential impacts to air quality are evaluated in Draft EIR Section 4.3, "Air Quality," As updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). See also Collective Response #9 related to the project's impact on the region's existing air quality conditions.

Comment 163-5

4. Noise pollution

Response 163-5

The project's potential impacts related to noise are evaluated in Draft EIR Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section.

Comment 163-6

5. Groundwater depletion---the citizens and farmers of Fresno County cannot spare one drop of fresh water for a project like this.

Response 163-6

The project's potential impacts to groundwater supplies are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Responses #23, #24, #25, and #26 related to groundwater levels and monitoring.

Comment 163-7

6. Industrial blight. ---don't ruin the beauty of the San Joaquin River with something like this.

Response 163-7

The project's potential impacts to aesthetics are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #8 regarding the proposed mitigation for the project's visual impacts (Mitigation Measure 4.1-4 on Draft EIR 4.1-61).

Comment 163-8

A project of this scale and duration requires a far more comprehensive environmental review that includes thorough scientific analysis, long-term cumulative impact assessments, and meaningful mitigation strategies. The EIR, as it stands, does not meet these standards, and I urge Fresno County to require revisions that fully account for the long-term consequences of extending CEMEX's mining operations.

I request that the Planning Department reconsider this permit considering the inadequacies of the EIR and demand a more thorough environmental review before any decisions are made.

Response 163-8

The Draft EIR provides an adequate analysis of potential environmental impacts and provides mitigation measures to reduce impacts to less than significant, where applicable. The long-term, cumulative effects of the proposed project are described in Draft EIR Chapter 5, "Cumulative Impacts."

Letter #164 February 28, 2025, Stephanie Castillo

Comment 164-1

I am writing to formally express my opposition to the proposed 100-year permit for the CEMEX mining operation and to challenge the adequacy of the Draft Environmental Impact Report (EIR) prepared for this project. The EIR, as currently drafted, does not

sufficiently or accurately assess the environmental, ecological, and community impacts that this long-term operation will have on the San Joaquin River and surrounding areas.

Response 164-1

The Draft EIR provides an adequate analysis of potential environmental impacts and provides mitigation measures to reduce impacts to less than significant, where applicable.

Comment 164-2

As someone with experience in outdoor recreation, I find that the EIR fails to adequately address the following concerns:

1. Impacts on wildlife habitat and water quality

Response 164-2

The project's potential impacts to wildlife habitat are evaluated in Draft EIR Section 4.4, "Biological Resources." See also Collective Responses #12, #13, #14, #15, and #16 related to biological resources. The project's potential impacts to water quality are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See also Collective Response #23 related to water quality. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 164-3

2. Air pollution and noise pollution

Response 164-3

The project's potential impacts to air quality are evaluated in Draft EIR Section 4.3, "Air Quality," as updated in this Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). See also Collective Response #9 related to the project's impact on the region's existing air quality conditions. The project's potential impacts related to noise are evaluated in Draft EIR Section 4.13, "Noise."

Comment 164-4

3. Groundwater depletion and

Response 164-4

The project's potential impacts to groundwater supplies are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See also Collective Responses #23, #24, #25,

and #26 related to groundwater levels and monitoring. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section.

Comment 164-5

cumulative environmental impacts

Response 164-5

The long-term, cumulative effects of the proposed project are described in Draft EIR Chapter 5, "Cumulative Impacts."

Comment 164-6

A project of this scale and duration requires a far more comprehensive environmental review that includes thorough scientific analysis, long-term cumulative impact assessments, and meaningful mitigation strategies. The EIR, as it stands, does not meet these standards, and I urge Fresno County to require revisions that fully account for the long-term consequences of extending CEMEX's mining operations.

I request that the Planning Department reconsider this permit in light of the inadequacies of the EIR and demand a more thorough environmental review before any decisions are made.

Thank you for your time and consideration.

Response 164-6

The Draft EIR provides a comprehensive evaluation of the project's potential environmental effects and meets the requirements of CEQA.

Letter #165 February 28, 2025, Diana Durham

Comment 165-1

I am writing to formally express my opposition to the proposed 100-year permit for the CEMEX mining operation and to challenge the adequacy of the Draft Environmental Impact Report (EIR) prepared for this project. The EIR, as currently drafted, does not sufficiently or accurately assess the environmental, ecological, and community impacts that this long-term operation will have on the San Joaquin River and surrounding areas.

Response 165-1

The Draft EIR provides a comprehensive evaluation of the project's potential environmental effects and meets the requirements of CEQA.

Comment 165-2

As someone with familiarity with the location I find that the EIR fails to adequately address the following concerns:

1. Impacts on wildlife habitat, water quality, air pollution, noise pollution, groundwater depletion, cumulative environmental impacts, and community health.

Response 165-2

The environmental issues listed are evaluated throughout the Draft EIR. See Section 4.4, "Biological Resources," Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," as updated in this Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.13, "Noise," and Chapter 5, "Cumulative Impacts." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced in this response.

Comment 165-3

2. Safety concerns for recreational cyclists on Friant Road.

Response 165-3

See Collective Response #30 regarding traffic and cyclist/pedestrian safety.

Comment 165-4

3. Beauty of the San Joaquin River.

Response 165-4

The project's potential impacts to the aesthetics and visual resources of the project area are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section.

Comment 165-5

A project of this scale and duration requires a far more comprehensive environmental review that includes thorough scientific analysis, long-term cumulative impact assessments, and meaningful mitigation strategies. The EIR, as it stands, does not meet these standards, and I urge Fresno County to require revisions that fully account for the long-term consequences of extending CEMEX's mining operations.

I request that the Planning Department reconsider this permit in light of the inadequacies of the EIR and demand a more thorough environmental review before any decisions are made.

Thank you for your time and consideration.

Response 165-5

The Draft EIR provides a comprehensive evaluation of the project's potential environmental effects and meets the requirements of CEQA.

Letter #166 February 28, 2025, Chris Hamilton (Letter #1)

Comment 166-1

Hi David!

I've been reading the EIR for the Cemex Rockfield Expansion. It is clearly written and very helpful in understanding the effects of the project might have.

I have some questions I was hoping your staff can answer.

1. I have heard that there have been tainted wells of nearby landowners as a result of the current operations. If so, what was done by Cemex and the county to remedy the problem.

Response 166-1

A review of County records indicates that there have been no violations at the current Rockfield operation that resulted in, or had the potential to result in significant effects to groundwater quality. The comment is noted for the consideration of the decision-makers.

Comment 166-2

2. There appears to be a risk, of an excavation pit wall which borders the river, of potentially collapsing. The report states that the company will monitor regularly to prevent. Is there a required scheduled for that monitoring? If there is a collapse and any toxic waste is washed into the river... who pays for the clean up?

Response 166-2

See Collective Response #17 regarding riverbank stability and the potential for breach.

Comment 166-3

3. A 600 foot deep mining operation that lasts 100 years is a project that is so vast in scope and repercussions that it is difficult to truly monitor and hold people accountable.

Response 166-3

See Collective Response #5 regarding the duration of the proposed use permit.

Comment 166-4

What prevents an international business, like CEMEX, from walking away from a toxic, deep pit and leaving the locals to pay for the clean up. The proposed bond is unlikely to be large enough to cover any major damage.

4. If Mexico doesn't allow this type of mining, why are we approving it?

Response 166-4

See Collective Response #4b regarding liability for unforeseen damages caused by the proposed project as well as the legality of the proposed mining methods.

Comment 166-5

Thank you for your hard work. Government employees are so under threat and under appreciated these days. I just want you to know I am thankful for people like you who are helping to create beautiful communities for all the citizenry.

Response 166-5

The comment is noted.

Letter #167 February 28, 2028, Chris Hamilton (Letter #2)

Comment 167-1

I have some additional concerns regarding this project that I don't see covered by the DEIR. I'm looking forward to hearing your findings.

1. **Increased particulate matter from diesel trucks resulting in increase health risks not addressed.**

   The projected average number of daily truck trips for this project is between 650 to over 900 daily truck trips based on the charts in the study. The particulate emissions from the diesel trucks is much higher and more toxic than auto emissions especially with more EV and hybrid vehicles on the road . Higher particulate matter results in greater risks of developing cancer and asthma. There has to be an increase in health risks, such as cancer and asthma, for people along the

trucks' routes but the DEIR doesn't address that. Proximity makes a difference.

Response 167-1

The VMT from on-road trucks was used to calculate associated emissions. Regarding the possibility of heavier traffic on Friant Road resulting in higher levels of diesel particulate exposure, additional modeling was undertaken and shows that the potential increase in trucks on *any* road, and specifically Friant Road, would expose receptors to health risks at levels that are less than significant. Further, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Technical Report* (see Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment") including preparation of the aforementioned haul route models. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 167-2

2. Incorrect baseline for statistics

In the study, Cemex has a baseline for air pollution and wear and tear on the roadways that is calculated incorrectly. It calculates effects based on what CEMEX operations are already creating rather than starting at zero which would reflect if the business was not operating so no damage was done to the air or the roadways. If the company completed mining the surface level deposits as first approved, they would have completed it within the 100 year time frame. Then, the baselines would reflect "no damage"- "0" to use as the basis for the deciding whether to allow expansion and blasting.

Response 167-2

The Draft EIR properly evaluates the proposed project in consideration of the existing site conditions and ongoing activities which the County determined represents the appropriate environmental baseline for the purpose of environmental review of the proposed project.

Comment 167-3

3. Incorrect calcuations [sic] of Cemex operation damage to roadway and mitigations insufficient

According to government statistics, large semi trucks create 15 times the wear and tear on a roadway compared to a passenger vehicle. In the DEIR, Cemex calculates their share of the responsibility by number of vehicles in each category

(auto vs Cemex trucks) during the day not by proportional damage. It also states that there are no funds to mitigate needed roadway improvements. Wouldn't that be another reason to not have this project. If a multibillion dollar company, doesn't value its impact on the surrounding community enough to prevent decline of safety and quality of life for residents of Fresno County, then their requests should be denied.

Response 167-3

Please see Collective Response #29 pertaining to traffic impacts and mitigation requirements.

Comment 167-4

4. Safety- No stats re: damage to people and vehicles due to truck spills

I drive my car and ride my bicycle with friends on Friant road several days a week. There is no question that having trucks filled with rock and gravel pose a danger to both car and bike traffic. There is always gravel in the bike lane and often 6 inch boulders that have been dropped off passing trucks. A nearby resident was driving his car and hit a 6" boulder with their car and sustained considerable damage. The community is trying to promote bicycling for health and recreation but it doesn't take much in the roadway to have a life changing accident. Fresno has experienced tremendous growth in the last 100 years when a simple conditional use permit was given. The huge developments that are being built have changed the use of Friant Road from a rural 2 lane road to a 4 lane residential commute route. The benefits of expanding the project do not compensate for the negative impacts it causes.

Response 167-4

Please see Collective Response #30 pertaining to traffic safety.

Comment 167-5

5. Fresno Already Has Sufficient Sand & Gravel Resources – Additional Mining Not Needed

The DEIR does not acknowledge that the California State Department of Mines and Geology has found that Fresno has 180% of the sand and gravel it needs for the next 30 years. Why create a 400-600 foot deep crater in the earth that

threatens the health of the San Joaquin river and its wildlife if we don't even know what our needs will be 30 years from now.

Response 167-5

Please see Collective Response #3 pertaining to regional aggregate supply and demand.

Comment 167-6

6. **How many loads (% of business) are delivered outside the Fresno Area**

   Fresno has 180% of the supplies it needs for the next 30 years. The DEIR does not provide information regarding how many loads and percentage of their business is trucked out of Fresno County. Longer deliveries create greater air pollution for the valley. If the supplies aren't needed locally and are being shipped to other places, the people of Fresno are bearing the environment burden for international corporate profits. The expansion should thus be denied.

   Thank you for all your hard work. I appreciate your dedication to create a healthy, happy and successful community through wise planning and development.

Response 167-6

Please refer to Collective Response #3 for discussion of aggregate supply and demand in the Fresno region.

While vehicle miles traveled (VMT) were quantified for haul trucks traveling to and from the project site, the following relevant assumptions are summarized in the Traffic Impact Study (TIS) and related supplemental documentation (see Appendix I-1, "Traffic Impact Study" of the Draft EIR):

1. The number of sources available in a region is not expected to affect the demand for the material and the more sources that are available the shorter the average length per trip is expected to be.
2. The project truck trips estimated in the TIS would redistribute to other sources; and the assumption was made that no additional employees or automobile trips would be required at the other sources.
3. The VMT analysis indicates that, although the project appears to generate a high number of VMT, the actual effect of the project on a regional basis is to reduce VMT as compared to the condition in which the project does not exist. See Table

4.17-8, "No-Project Annual VMT Estimates—All Regional Aggregate Sources Operating," and Table 4.17-9, "No-Project Annual VMT Estimates—Only Currently-Active Regional Aggregate Sources Operating," on page 4.17-23 of the Draft EIR.

4. With no project, and the same demand for aggregate, aggregate users within the region served by the project would need to travel farther (i.e., more VMT) on average to obtain aggregate.

The project would implement Mitigation Measures 4.3-2 and 4.3-4 for further emission reductions, including off-road engine upgrades to meet Tier 4 Final Particulate Emissions standards. A key objective of the proposed project is to help serve the local construction industry by continuing to provide a local source of aggregate materials in lieu of more environmentally impactful and more distant sources.

Letter #168 February 28, 2025, Judith Looby

Comment 168-1

I am writing to formally express my opposition to the proposed 100-year permit for the CEMEX mining operation and to challenge the adequacy of the Draft Environmental Impact Report (EIR) prepared for this project. The EIR, as currently drafted, does not sufficiently or accurately assess the environmental, ecological, and community impacts that this long-term operation will have on the San Joaquin River and surrounding areas.

Response 168-1

The Draft EIR provides a comprehensive evaluation of the project's potential environmental effects and meets the requirements of CEQA.

Comment 168-2

As someone with experience in outdoor recreation and knowledge of this area, I find that the EIR fails to adequately address the following concerns:

1. Impacts on wildlife habitat, water quality, air pollution, noise pollution, groundwater depletion, cumulative environmental impacts, or community health.

Response 168-2

The environmental issues listed are evaluated throughout the Draft EIR as updated by the Final EIR. See Section 4.4, "Biological Resources," Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," as updated in this Final EIR (see Appendix D-4,

"Revised Section 4.3, Air Quality"), Section 4.13, "Noise," and Chapter 5, "Cumulative Impacts." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced in this response.

Comment 168-3

A project of this scale and duration requires a far more comprehensive environmental review that includes thorough scientific analysis, long-term cumulative impact assessments, and meaningful mitigation strategies. The EIR, as it stands, does not meet these standards, and I urge Fresno County to require revisions that fully account for the long-term consequences of extending CEMEX's mining operations.

I request that the Planning Department reconsider this .permit in light of the inadequacies of the EIR and demand a more thorough environmental review before any decisions are made.

Response 168-3

The Draft EIR provides a comprehensive evaluation of the project's potential environmental effects and meets the requirements of CEQA.

Letter #169 February 28, 2025, Ron Martin

Comment 169-1

There is a problem with the DEIR for the CEMEX rockfield expansion permit. Section Impact 4.3-4, Asphalt Plant Emission Controls, is identified as a Possibly Significant problem. The mitigation measure proposed is to heat largely the types of asphaltic concrete that release the least noxious organic compounds. Also when more volatile organic (VOCs) are heated, the VOCs are to be piped back to the burner in the plant, and before the plant is operational, Imperial County building inspectors would be brought in to verify the piping.

Why would inspectors be brought from four hundred miles away to inspect a plant in Fresno County? Are Imperial County Inspectors inspectors more competent for some reason than our Fresno County inspectors? This is not explained. Transporting and housing these distant inspectors, from Imperial County, will incur extra travel and lodging expenses, which should be borne by CEMEX.

Another possibility is that this DEIR is not designed for the San Joaquin River, but is a recycled report for a project near the Mexican border. Perhaps this report is not fully an examination of Fresno County's northern border's environment.

Response 169-1

The comment identifies an errant reference in Mitigation Measure 4.3-4 which incorrectly references verification by "Imperial County Building Inspectors" where the reference should be to "Fresno County Building Inspectors." The text of Draft EIR Mitigation Measure 4.3-4 is revised in this Final EIR through errata presented in Chapter 3, "Draft EIR Errata." The correction does not affect the efficacy of the mitigation measure.

Comment 169-2

Seeking to usually make lower-VOC asphaltic concrete is only a partial mitigation. Piping of noxious gasses cannot be expected to seal perfectly. If we consider the nearby housing developments, with more to be built in the future, the gasses will degrade more health of Fresno County residents than ever.

Response 169-2

The project sites are located in Exclusive Agricultural (AE) zone districts with approved industrial uses. The vision, goals, and policies of the Fresno County General Plan do not contemplate the construction of new housing developments in the agricultural zones surrounding the project sites. Further, the project sites are located outside the Spheres of Influence of both Fresno and Clovis for the provision of municipal services to residential land uses.

The Draft EIR assesses impacts from the proposed asphalt plant based on standard mix design and asphalt cement materials. Mitigation Measure 4.3-4, as updated in the Final EIR, (Asphalt Plant Emissions Controls) does not rely on substitution of lower-emitting asphalt cement materials, but instead requires implementation of measures to control emissions, including the use of blue smoke control equipment, which would reduce emissions of criteria air pollutants and odors. Implementation of Mitigation Measure 4.3-4 would reduce impacts to less than significant without quantifying potential asphalt cement substitutes. See Appendix D-4, "Revised Section 4.3, Air Quality," and Chapter 3, "Draft EIR Errata."

A hot-mix asphalt plant previously operated at the Plant Site until 2009, and according to San Joaquin Valley Air Pollution Control District (SJVAPCD) records, no complaints regarding odors or emissions were received. The Draft EIR also determined that potential health risks for nearby receptors, including VOC emissions associated with asphalt production, would be less than significant after mitigation (Appendix D-4, Section 4.3.4, "Project Impacts and Mitigation Measures").

Further, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Technical Report* (see Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"), including an analysis of the project's potential to release odorous emissions. See Appendix D-3, Section 3.5.4. This analysis revealed that the project would have a less than significant impact concerning odorous emissions with implementation of the proposed mitigation measures. See also Appendix D-4, Section 4.3.4, "Project Impacts and Mitigation Measures."

Accordingly, additional mitigation or quantification of lower-emitting asphalt cement materials is not required.

Comment 169-3

Even if this DEIR is applied to our county, with its weak mitigation measures, it is best that this river gravel and asphalt operation be wound down now. If the corporation chooses, it would be best to set up their operations far from the river.

Response 169-3

Please see Response 169-2 pertaining to the sufficiency of Mitigation Measure 4.3-4. The commenter's preferences regarding existing and future operations are noted and will be considered by County decision-makers.

Letter #170 February 28, 2025, Neil Thompson (Letter #1)

Comment 170-1

The traffic Mitigation Measures that pertain to signalization and/or intersection improvements are very broad and lack specificity as to who, what, when and how the implementation of the Mitigation Measure will be monitored. This information is important because many of these mitigating improvements may not be triggered until sometime in the distant future well after the current cast of characters have moved on.

Response 170-1

County of Fresno, City of Fresno, and City of Clovis policies require new developments to perform traffic analyses to identify the effect of the new development on intersection and roadway levels of service. As regional growth continues, new developments will be required to construct improvements to mitigate the impacts. Mitigation Measures 4.17-1a through 4.17-1r provides that the Operator would contribute their equitable share of the cost of future road facility improvements.

Comment 170-2

Some of the questions that need to be addressed are:

Mitigation measure 4.17-1a: Equitable Share Contribution – Friant Road and Willow Avenue Traffic Signal.

This Mitigation is not expected to be warranted until the project is producing 3.0 MT/year – projected to be 10 years from approval or possibly far beyond.

The project should contribute its fair share over the 10 years preceding the signalization.

- What is the calculation?
- Who runs the calculation?
- When is the calculation run?
- What percentage share does the project carry?
- Who determines what is an equitable share. How is it spread?
- When are the contributions made? When do they start?
- Are the contributions in advance? In arrears?
- Are they made annually? Monthly?
- Who monitors when each of these calculations are run?
- Who monitors when each of these contributions are made?
- What transparency is there on this process until the signalization is complete?

Response 170-2

The mitigation measure requiring contribution of an equitable share is applicable at the initiation of the project and is not deferred to the future based on actual production. The calculations of the equitable share percentages are presented in the Traffic Impact Study included in the Draft EIR (Appendix I-1, "Traffic Impact Study," of the Draft EIR). The calculation of the equitable share amount in terms of dollars and its collection is managed by the lead agency, the County of Fresno. In the case of the project, the equitable share amount may be collected in advance, or an agreement may be made to make regular payments, potentially in terms of a per-load fee. Transparency is ensured by the Freedom

of Information Act and the California Public Records Act, which allows private parties to request records held by public agencies.

Comment 170-3

Mitigation Measure 4.17-1c Friant Road and Willow Avenue signalization

- The project should contribute its fair share over the 5 years preceding the signal installation.
- What is the calculation formula to establish required contributions?
- Who runs the calculation?
- When is the calculation run?
- What percentage share does the project carry?
- Who determines what is an equitable share. How is it spread?
- When are the contributions made? When do they start?
- Are the contributions in advance? In arrears?
- Are they made annually? Monthly?
- Who monitors when each of these calculations are run?
- Who monitors when each of these contributions are made?
- What transparency is there on this process until the signalization is complete?

Response 170-3

See Response 170-2.

Comment 170-4

Mitigation Measure 4.17-1d Copper Avenue and Willow Avenue signalization

- The signal has been installed and is operational.
- Will this project be required to reimburse other developments for its equitable share of the signalization?

Response 170-4

Mitigation Measure 4.17-1d requires the project to pay an equitable share of the cost of future widening and signalization of the Copper and Willow Avenue intersection. (Draft EIR 4.17-31.) The equitable share of the cost would be collected and managed by the County. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced in this response.

Comment 170-5

Mitigation Measure 4.17-1e Widening of SR 41 and Road 145 Intersection.

The project should contribute its fair share over the 15 years preceding the road widening.

- What is the calculation formula to establish required contributions?
- Who runs the calculation?
- When is the calculation run?
- What percentage share does the project carry?
- Who determines what is an equitable share. How is it spread?
- When are the contributions made? When do they start?
- Are the contributions in advance? In arrears?
- Are they made annually? Monthly?
- Who monitors when each of these calculations are run?
- Who monitors when each of these contributions are made?
- What transparency is there on this process until the intersection widening is complete?

Response 170-5

See Response 170-2.

Comment 170-6

Mitigation Measure 4.17-1f Road 206 and Road 145 Intersection Improvements

The project should contribute its fair share over the 15 years preceding the intersection improvements.

- What is the calculation formula to establish required contributions?
- Who runs the calculation?
- When is the calculation run?
- What percentage share does the project carry?
- Who determines what is an equitable share. How is it spread?
- When are the contributions made? When do they start?
- Are the contributions in advance? In arrears?
- Are they made annually? Monthly?
- Who monitors when each of these calculations are run?
- Who monitors when each of these contributions are made?
- What transparency is there on this process until the intersection improvements are complete?

Response 170-6

See Response 170-2.

Comment 170-7

Mitigation Measure 4.17-1g Friant Road and North Fork Road Intersection Improvements

The project should contribute its fair share over the 15 years preceding the intersection improvements.

What is the calculation formula to establish required contributions?

- Who runs the calculation?
- When is the calculation run?

- What percentage share does the project carry?
- Who determines what is an equitable share. How is it spread?
- When are the contributions made?
- When do they start?
- Are the contributions in advance? In arrears?
- Are they made annually? Monthly?
- Who monitors when each of these calculations are run?
- Who monitors when each of these contributions are made?
- What transparency is there on this process until the intersection improvements are complete?

Response 170-7

See Response 170-2.

Comment 170-8

Mitigation Measure 4.17-1h Friant Road and Quarry Site Access Intersection Improvements

The project should contribute its 100% share over the 15 years preceding the intersection improvements.

- Why is this an Equitable Share Improvement? Without the Quarry operation there would not be a requirement for intersection improvements. The project should pay 100% of the required improvement and signalization costs.
- Who will perform the annual traffic warrant analyses? Who will review and verify the results of the analyses?
- Who will monitor the County Annual Mine Inspections for annual production?
- When is the contribution to be made? When do they start?
- Are the contributions in advance? In arrears?
- Are they made annually? Monthly?
- Who monitors when each of these warrant calculations are run?

- Who monitors when each of these contributions are made?
- What transparency is there on this process until the intersection improvements are complete?

Response 170-8

The Traffic Impact Study included in the Draft EIR indicates that the equitable share percentage at the site access driveways is 100 percent (Appendix I-1 of the Draft EIR). The County would require that the project retain a licensed traffic engineer or civil engineer with experience in traffic engineering to perform warrant studies at regular intervals. County staff would be responsible for reviewing the analyses and confirming the results. The County may require the project to construct the traffic signals when warranted.

See also the Response 170-2.

Comment 170-9

Mitigation Measure 4.17-1i Friant Road and Plant Site Access Intersection Improvements

The project should contribute its 100% share over the 15 years preceding the intersection improvements.

- Why is this an Equitable Share Improvement? Without the Plant Site operation there would not be a requirement for intersection improvements. The project should pay for 100% of the required improvements and signalization.
- Who will perform the annual traffic warrant analyses? Who will review and verify the results of the analyses? Who will monitor the County Annual Mine Inspections for annual production?
- When is the contribution to be made? When do they start?
- Are the contributions in advance? In arrears?
- Are they made annually? Monthly?
- Who monitors when each of these warrant calculations are run?
- Who monitors when each of these contributions are made?
- What transparency is there on this process until the intersection improvements are complete?

Response 170-9

See Responses 170-2 and 170-8.

Comment 170-10

Mitigation Measure 4.17-1j Friant Road and Willow Avenue Intersection Improvements

The project should contribute its fair share over the 15 years preceding the signal installation.

- What is the calculation formula to establish required contributions?
- Who runs the calculation?
- When is the calculation run?
- What percentage share does the project carry?
- Who determines what is an equitable share. How is it spread?
- When are the contributions made? When do they start?
- Are the contributions in advance? In arrears?
- Are they made annually? Monthly?
- Who monitors when each of these calculations are run?
- Who monitors when each of these contributions are made?
- What transparency is there on this process until the signalization is complete?

Response 170-10

See Response 170-2.

Comment 170-11

Mitigation Measure 4.17-1k Copper Avenue and Willow Avenue signalization

- The signal and road widening has been installed and is operational. Will this project be required to reimburse other developments for its equitable share of the signalization?

Response 170-11

See Responses 170-4 and 12-69.

Mitigation Measures 4.17-1a through 4.17-1r provides that the project Operator would contribute their equitable share of the cost of future road facility improvements.

Comment 170-12

Mitigation Measure 4.17-1l Widening of SR 41 and Road 145 Intersection.

(This mitigation measure is essentially identical to MM 4.17-1e, as the year 2040 may occur before 15 years have passed since project approval.)

- The project should contribute its fair share over the 15 years preceding the road widening.
- What is the calculation formula to establish required contributions?
- Who runs the calculation?
- When is the calculation run?
- What percentage share does the project carry?
- Who determines what is an equitable share. How is it spread?
- When are the contributions made? When do they start?
- Are the contributions in advance? In arrears?
- Are they made annually? Monthly?
- Who monitors when each of these calculations are run?
- Who monitors when each of these contributions are made?
- What transparency is there on this process until the intersection widening is complete?

Response 170-12

See Response 170-2.

Comment 170-13

Mitigation Measure 4.17-1m Road 206 and Road 145 Intersection Improvements

(This mitigation measure is essentially identical to MM 4.17-1f, as the year 2040 may occur before 15 years have passed since project approval.)

- The project should contribute its fair share over the 15 years preceding the intersection improvements.
- What is the calculation formula to establish required contributions?
- Who runs the calculation?
- When is the calculation run?
- What percentage share does the project carry?
- Who determines what is an equitable share. How is it spread?
- When are the contributions made? When do they start?
- Are the contributions in advance? In arrears?
- Are they made annually? Monthly?
- Who monitors when each of these calculations are run?
- Who monitors when each of these contributions are made?
- What transparency is there on this process until the intersection improvements are complete?

Response 170-13

See Response 170-2.

Comment 170-14

Mitigation Measure 4.17-1n Friant Road and North Fork Road Intersection Improvements

(This mitigation measure is essentially identical to MM 4.17-1g, as the year 2040 may occur before 15 years have passed since project approval.)

- The project should contribute its fair share over the 15 years preceding the intersection improvements.
- What is the calculation formula to establish required contributions?
- Who runs the calculation?
- When is the calculation run?
- What percentage share does the project carry?
- Who determines what is an equitable share. How is it spread?
- When are the contributions made? When do they start?
- Are the contributions in advance? In arrears?
- Are they made annually? Monthly?
- Who monitors when each of these calculations are run?
- Who monitors when each of these contributions are made?
- What transparency is there on this process until the intersection improvements are complete?

Response 170-14

See Response 170-2.

Comment 170-15

Mitigation Measure 4.17-1o Friant Road and Quarry Site Access Intersection Improvements

(This mitigation measure is essentially identical to MM 4.17-1h, as the year 2040 may occur before 15 years have passed since project approval.)

- The project should contribute its 100% share over the 15 years preceding the intersection improvements.
- Why is this an Equitable Share Improvement? Without the Quarry operation there would not be a requirement for intersection improvements. The project should pay for 100% of the required improvement and signalization.

- Who will perform the annual traffic warrant analyses? Who will review and verify the results of the analyses? Who will monitor the County Annual Mine Inspections for annual production?
- When is the contribution to be made? When do they start?
- Are the contributions in advance? In arrears?
- Are they made annually? Monthly?
- Who monitors when each of these warrant calculations are run?
- Who monitors when each of these contributions are made?
- What transparency is there on this process until the intersection improvements are complete?

Response 170-15

See Responses 170-2 and 170-8.

Comment 170-16

Mitigation Measure 4.17-1p Friant Road and Plant Site Access Intersection Improvements

(This mitigation measure is essentially identical to MM 4.17-1i, as the year 2040 may occur before 15 years have passed since project approval.)

- The project should contribute its 100% share over the 15 years preceding the intersection improvements.
- Why is this an Equitable Share Improvement? Without the Plant Site operation there would not be a requirement for intersection improvements. The project should pay for 100% of the required improvements and signalization.
- Who will perform the annual traffic warrant analyses? Who will review and verify the results of the analyses? Who will monitor the County Annual Mine Inspections for annual production?
    - When is the contribution to be made? When do they start?
    - Are the contributions in advance? In arrears?
    - Are they made annually? Monthly?

- Who monitors when each of these warrant calculations are run?
- Who monitors when each of these contributions are made?
- What transparency is there on this process until the intersection improvements are complete?

Response 170-16

See Responses 170-2 and 170-8.

Comment 170-17

Mitigation Measure 4.17-1q Friant Road and Willow Avenue Intersection Improvements

(This mitigation measure is essentially identical to MM 4.17-1j, as the year 2040 may occur before 15 years have passed since project approval.)

- The project should contribute its 100% share over the 15 years preceding the intersection improvements.
- The project should contribute its fair share over the 15 years preceding the signal installation.
  - What is the calculation formula to establish required contributions?
  - Who runs the calculation?
  - When is the calculation run?
  - What percentage share does the project carry?
  - Who determines what is an equitable share. How is it spread?
  - When are the contributions made? When do they start?
  - Are the contributions in advance? In arrears?
  - Are they made annually? Monthly?
  - Who monitors when each of these calculations are run?
  - Who monitors when each of these contributions are made?

- What transparency is there on this process until the signalization is complete?

Response 170-17

See Response 170-2.

Comment 170-18

Mitigation Measure 4.17-1r Copper Avenue and Willow Avenue signalization (This mitigation measure is essentially identical to MM 4.17-1k, as the year 2040 may occur before 15 years have passed since project approval.)

- The signal and intersection widening has been installed and is operational. Will this project be required to reimburse other developments for its equitable share of the signalization?

Response 170-18

Mitigation Measure 4.17-1r requires the project to pay an equitable share of the cost of future widening and signalization of the Copper Avenue and Willow Avenue intersection (Draft EIR 4.17-31). The equitable share of the cost would be collected and managed by the County. See Responses 170-2, 170-4, and 170-11.

Comment 170-19

Please rewrite these Mitigation Measures with sufficient detail such that each of the parties (Applicant, County, Public, etc.) will know who is responsible for what at least 15 or more years from Approval.

Response 170-19

The commenter requests that Mitigation Measures 4.17-1a through 4.17-1r be rewritten to provide additional implementation detail regarding responsibility, timing, calculation, monitoring, and transparency. The County acknowledges the commenter's concern regarding long-term administration of transportation mitigation measures; however, the County does not agree that the mitigation measures are inadequate or require comprehensive revision. As discussed in Responses 170-1 through 170-18, the Draft EIR identifies the responsible party for implementation of the mitigation measures, establishes that the Operator would contribute its equitable share, or where applicable 100 percent, of identified roadway and intersection improvements, and explains that equitable share percentages are based on the Traffic Impact Study included as Draft EIR Appendix I-1.

As explained in Responses 170-2 and 170-8, the County, as lead agency, would be responsible for administration of the mitigation program, including calculation and collection of required contributions, review of warrant analyses where applicable, and confirmation of the timing of required improvements. For intersections where annual warrant analyses are required, the County would require the project to retain a qualified traffic engineer to prepare the analyses, subject to County review. For the project's access intersections, the Traffic Impact Study identifies the project's share as 100 percent. For other facilities, the project's equitable share is identified in the Traffic Impact Study and would be administered by the County consistent with applicable policies and permitting requirements.

The Draft EIR is required to identify feasible mitigation measures to reduce significant impacts; it is not required to describe every future administrative step or to prescribe all details of long-term funding collection procedures within the text of the EIR itself. The mitigation measures, together with the Traffic Impact Study and the County's project approval and monitoring processes, provide sufficient performance standards and implementation direction to ensure enforceability. To the extent the comment reiterates concerns regarding timing of payments, calculation of equitable share, responsibility for warrant analyses, reimbursement for already constructed improvements, or monitoring and transparency, those issues are addressed in Responses 170-1 through 170-18. Accordingly, no further revision to the Draft EIR is required in response to this comment. The reader is referred to Chapter 3, "Draft EIR Errata," to view other proposed revisions to Draft EIR Section 4.17, "Transportation." For additional discussion of traffic impacts and mitigation, please see Collective Response #29.

Letter #171 February 28, 2025, Neil Thompson (Letter #2)

Comment 171-1

Mitigation Measure 4.7-6 Regarding Plant Site Slope monitoring includes at least two open ended questions:

- The measure calls for a periodic inspection to be performed. The inspection and reporting program to be established by a County approved engineering geologist or geotechnical engineer should specify a maximum period of time between inspections.

Response 171-1

Mitigation Measure 4.7-6 requires that the Operator of the Quarry "shall retain a County-approved qualified engineering geologist or geotechnical engineer experienced in evaluating the stability of slopes in alluvial materials." The engineering geologist or

geotechnical engineer shall develop an inspection and reporting program for the Plant Site slopes, with the interim mining slopes and perimeter slopes periodically inspected as dictated by the exposed conditions. This Mitigation Measure intentionally allows the qualified professional to determine the appropriate inspection frequency based on site-specific conditions, slope gradients and stability, and groundwater observations. This flexibility ensures that the program can adapt to changing conditions and maintain slope stability consistent with the safety factors, as detailed in Mitigation Measure 4.7-6 and the Plant Site geotechnical evaluation completed for the revised reclamation plan by Tetra Tech in 2021. The County would review the inspection and reporting program to confirm that the proposed inspection intervals are adequate to protect public safety, comply with the intent and purpose of the mitigation measure, and implement any feasible recommendations to mitigate slope stability concerns as necessary to ensure that impacts are reduced to a less than significant level.

Comment 171-2

- It should be clear that the Operator shall pay for all inspections including County review costs.

Response 171-2

Mitigation Measure 4.7-6 clearly details that the Operator of the Rockfield Quarry is responsible for retaining the County-approved qualified engineering geologist or geotechnical engineer to develop and implement the inspection monitoring and reporting program. Consistent with standard practice, the Operator would be responsible for all costs associated with implementing the mitigation measure, including the preparation of inspection reports and necessary slope stability recommendations. The Operator would also be responsible for compensating the County for their review and inspection costs in accordance with the County's adopted permit and fee system in place.

Comment 171-3

- The "if feasible " caveat regarding recommended implementations should be defined. Who will determine if it is feasible? The Operator? The Engineer? The County? Can safety be disregarded?

Response 171-3

The "if feasible" language included in Mitigation Measure 4.7-6 refers to the practical implementation of slope stability recommendations, considering site conditions, engineering constraints, and regulatory requirements. Feasibility would be determined by the County-approved qualified engineering geologist or geotechnical engineer in consultation with the Operator and subject to County review and approval. As defined

by the CEQA Guidelines Section 15364, "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. Safety shall not be disregarded; the mitigation measure requires that slope stability be maintained to achieve the minimum static and pseudo-static factors of safety, as explicitly stated in the mitigation measure. If a recommended action cannot be implemented, the engineer must identify alternative measures that achieve equivalent safety performance, and these alternatives would be reviewed and approved by the County.

Letter #172 February 28, 2025, Neil Thompson (Letter #3)

Comment 172-1

Mitigation Measure 4.7-7a Regarding Quarry Site Slope monitoring includes at least two open ended questions:

- The measure calls for a periodic inspection to be performed. The inspection and reporting program to be established by a County- approved engineering geologist or geotechnical engineer should specify a maximum period of time between inspections.

Response 172-1

Section 4.7, "Geology and Soils," of the Draft EIR, evaluated the potential soil stability at the project sites and offered mitigation measures, including Mitigation Measures 4.7-6, 4.7-7a, 4.7-7b, and 4.7-7c, "Quarry Site Groundwater Conditions." With implementation of these mitigation measures, these potential soils and geological impacts would be reduced to a less than significant level. The periodic inspections would occur between 6 and 12 months after site operations start. The inspections required by Mitigation Measure 4.7-7a would occur at least once a year. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.7 and supporting appendices.

As discussed in Response 65-37, the adaptive approaches in Mitigation Measure 4.7-7a, as revised in this Final EIR, adequately address the potential of pit failure and its impacts on groundwater quality and flow, and are thus sufficient under CEQA.

Comment 172-2

- It should be clear that the Operator shall pay for all inspections including County review costs.

Response 172-2

Mitigation Measures 4.7-6 and 4.7-7a require the Operator to retain a qualified geologist or geotechnical engineer to develop an inspection and reporting program for slope

stability monitoring at both the Plant and Quarry sites. Accordingly, the Operator would pay the costs associated with slope stability monitoring at the project sites. Fresno County would require the project to implement a Mitigation Monitoring and Reporting Program (MMRP) to submit all of the inspection reports and data during ongoing project operations. Determination of fees and costs associated with review of the MMRP would be at the sole discretion of Fresno County.

Comment 172-3

The "if feasible " caveat regarding recommended implementations should be defined. Who will determine if it is feasible? The Operator? The Engineer? The County? Can safety be disregarded?

Response 172-3

Section 15364 of the CEQA Guidelines defines feasible as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal social, and technological factors." Consideration of safety would be encapsulated by these factors. The lead agency shall use this definition to make the determination for feasibility of implementing a measure. Mitigation Measure 4.7-6, which is sufficient to address any concerns, provides the following:

"Recommendations shall be implemented within 6 months by the Operator, if feasible, otherwise no later than one year from the publishing of the recommendations."

Comment 172-4

Mitigation Measure 4.7-7b Regarding Quarry Site Kinematic Analyses has at least one open ended questions

- The "if feasible" caveat regarding recommended implementations should be defined. Who will determine if it is feasible? The Operator? The Engineer? The County? Can safety be disregarded?

Response 172-4

Section 15364 of the CEQA Guidelines defines feasible as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal social, and technological factors." Consideration of safety would be encapsulated by these factors. Mitigation Measure 4.7-7b requires a County-approved qualified engineering geologist or geotechnical engineer to provide feasible recommendations, if necessary, to mitigate kinematic-type failures. The engineer would determine the feasibility of any recommendations and would determine the feasibility of implementing such recommendations within 6 months or within a year.

Comment 172-5

It should be clear that the Operator shall pay for all inspections including County review costs.

Response 172-5

The Operator would pay for the costs associated with retaining a qualified geologist or geotechnical engineer, required by Mitigation Measures 4.7-6 and 4.7-7a, to carry out periodic field surveys of structural geologic data and shall apply that information to kinematic analyses of the quarry pit. Fresno County would require the project to implement a Mitigation Monitoring and Reporting Program (MMRP) to submit all of the inspection reports and data during ongoing project operations. Determination of fees and costs associated with review of the MMRP would be at the discretion of Fresno County.

Letter #173 February 28, 2025, Neil Thompson (Letter #4)

Comment 173-1

Mitigation Measure 4.10-5a Plant Site Pond Adaptive Management Program anticipates that, at the completion of the mining and reclamation work, testing will be required for at least 5 years and that remediation work may be required to obtain required water quality standards.

Mitigation Measure 4.10-5b requires that a funding mechanism be established to provide funds to pay for the work required in MM 4.10-5a although no specifics are given regarding this mechanism.

Response 173-1

The comment is noted. Mitigation Measure 4.10-5b requires the Operator to establish a funding mechanism for the Plant Site Pond Adaptive Management Program prior to the completion of mining at the Plant Site. The commenter does not specify any proposed changes to Mitigation Measure 4.10-5b.

Comment 173-2

- What would happen if the Operator ceased operations prior to the allowed limits of excavation?

Response 173-2

The Operator must comply with SMARA and the Fresno County Surface Mining Ordinance. If the Operator ceased operations prior to the allowed limits of excavation, the project sites would be required to be reclaimed in accordance with the approved reclamation plan.

Comment 173-3

- What would happen if reclamation work was not complete?

Response 173-3

If the Operator does not reclaim the project sites, the County or its contractor would utilize the financial assurances required by SMARA to reclaim the site according to the approved reclamation plan. See Section 834.4.220, subsection K of Fresno County's Surface Mining Ordinance.

Comment 173-4

- Who would be responsible to satisfy the water quality standards?

Response 173-4

The Draft EIR discusses water quality in Section 4.10, "Hydrology and Water Quality." See the Draft EIR's discussion of Impact 4.10-1 regarding the project's potential impacts on surface water quality standards during mining and reclamation. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section.

Comment 173-5

The Funding Mechanism should be established prior to the Approval of the Project and contributions to the fund should start and continue with each truckload of aggregate that is removed from the Plant Site.

Response 173-5

Fresno County's Surface Mining Ordinance requires the approval of a CUP, Mining and Reclamation Plan, and Financial Assurances for all surface mining operations in the County and outlines the submission requirements and processing procedures for each. (Draft EIR page 4.11-49.) The lead agency, the County, would require the Operator to establish the financial assurance cost estimate and the financial assurance mechanism as a condition of approval of the project, in accordance with the County's Surface Mining Ordinance, Section 834.4.220. The financial assurances are required to remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed.

Letter #174 February 28, 2025, Neil Thompson (Letter #5)

Comment 174-1

Mitigation Measure 4.10-10a Quarry Site Groundwater Adaptive Management Program anticipates that, at the completion of the

mining, testing will be required for at least 5 years and that remediation work may be required to obtain required water quality standards.

Mitigation Measure 4.10-10b requires that a funding mechanism be established to provide funds to pay for the work required in MM 4.10-10a although no specifics are given regarding this mechanism.

- What would happen if the Operator ceased operations prior to the allowed limits of excavation?
- What would happen if remediation work was not complete?
- Who would be responsible to satisfy the water quality standards?

The Funding Mechanism should be established prior to the Approval of the Project and contributions to the fund should start and continue with each truckload of aggregate that is removed from the Quarry Site.

Response 174-1

See responses to Comment Letter #173. See also Collective Response #4b regarding liability for unforeseen damages caused by the proposed project.

Letter #175 February 28, 2025, Neil Thompson (Letter #6)

Comment 175-1

I am confused by Impacts 4.10-11 and 4.11-12 regarding the impacts to existing groundwater elevations and supplies at the Quarry Site. Both Impacts are listed as Less than Significant although MM 4.11-12 is LTS with implementation of MM 10.10- 5a and 10.10-5b.

How can that be if the residual water elevation in the Quarry at completion is at -190' BSL as shown on Figure 2-10. That 190' plus 330' equals 520' below the nominal Quarry Site elevation of 330' ASL. Either the Impacts as specified are incorrect or the residual water elevation on Figure 2-10 will ultimately be much higher.

Response 175-1

There is no Impact 4.11-12 in the Draft EIR. Based on the context of the comment, the comment apparently intended to refer to Impact 4.10-12.

Impact 4.10-11 is related to whether the project may impede sustainable management of the groundwater basin. As discussed in the Response 65-38, the alluvial sediments at the

project sites that are part of the groundwater basin have already been mined from the site. The underlying bedrock zones (i.e., the weathered rock and the hard rock units) are not within the groundwater basin. Thus, groundwater conditions within those bedrock units would not have any potentially significant impacts on sustainable management of the groundwater basin, as concluded in Impact 4.10-11.

Impact 4.10-12 addresses whether decreases in groundwater levels would result in substantial volumes of water flowing from the San Joaquin River to the Quarry Site. As discussed in Collective Response #25 and the Responses 6-12 and 6-14, the volume of water that would flow into the Quarry is a very small fraction of the flows within the San Joaquin River due to the very low permeability of the weathered rock and hard rock. Therefore, despite the anticipated reclaimed water level elevation in the Quarry of 190 ft below sea level, no significant additional inflow of water from the river into the Quarry would occur through the weathered rock and hard rock due to the very low permeabilities. Impact 4.10-12 does find that additional flow could occur through the alluvium if pumping to the recharge trenches were to cease. This potential impact is addressed through Mitigation Measures 4.10-10a and 4.10-10b.

Regarding the final elevation of the water in the quarry Pit after reclamation, an average of 285 acre-feet of groundwater and 315 acre-feet of rainfall would enter the quarry Pit per year (Draft EIR at page 4.10-112). Of this, 15 acre-feet would flow out of the quarry pit as groundwater and 585 acre-feet would evaporate each year (Draft EIR at page 4.10-112). This would result in no anticipated net inflow or outflow to the reclaimed quarry pit.

Letter #176 March 1, 2025, Brian Agbayani

Comment 176-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have a particular concern since I live in the Tesoro Viejo community just a few miles from the Cemex plant, literally on the other side of the hill. Though we are not residents of Fresno County, many of the residents in Tesoro Viejo work and shop in nearby Fresno. The residents in the Tesoro Viejo community area would almost certainly be detrimentally affected by the proposed mining activities, including the proposed daily blasting, as well as all of the other environmental impacts that have been identified with this project. The DEIR barely mentions any potential impact on area residents, even though our community is literally around the corner.

Response 176-1

The Tesoro Viejo community, and other residential communities in the project area, were evaluated as sensitive receptors as appropriate throughout the Draft EIR. As discussed in Draft EIR Section 4.1, "Aesthetics and Visual Resources," the Sumner Hill residential development within Madera County was considered in the aesthetic evaluation represented by viewpoints #12 and #13.

As shown on Figure 4.13-2, "Nearest Sensitive Receptors to Quarry Site," on page 4.13-15, four sensitive receptors (Q1 through Q4) within Madera County were selected for inclusion in the noise analysis. These receptors represent residences within the Tesoro Viejo community. As shown in Table 4.13-17, "Estimated Quarry Site Noise Levels (dBA) at Nearest Receptors," on page 4.13-60, noise levels at each of these receptors would increase but not in excess of the applicable impact thresholds.

Furthermore, the Tesoro Viejo community is included in the evaluation of the project's cumulative impacts. See Draft EIR Chapter 5, "Cumulative Impacts," Table 5-1, "List of Nearby Projects," beginning on page 5-4. As shown in this table and on Figure 5-1, "Cumulative Projects," residential communities in the project area including those in Fresno County and the cities of Fresno and Clovis were considered in the cumulative analysis for the project, as appropriate.

See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced in this response.

Comment 176-2

Given the potential impacts on the residents near the Cemex mine, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives.

Response 176-2

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #177 March 1, 2025, Michelle Harris

Comment 177-1

I am writing to express my concern that the EIR for the 100-year permit for the CEMEX mining operation, as currently drafted, does not sufficiently or accurately assess the environmental, ecological, and community impacts that this long-term operation will have on the San Joaquin River and surrounding areas.

I'm a staff wildlife biologist with Colibri Ecological Consulting and involved in tricolored blackbird monitoring in the Central Valley, and I find that the EIR fails to adequately address the following concerns:

Response 177-1

The comment's assertions that the Draft EIR does not sufficiently or accurately assess impacts are noted; however, the comment does not provide evidence or describe deficiencies of the Draft EIR. Please see responses to specific comments below.

Comment 177-2

1. Potential habitat destruction for endangered tricolored blackbirds and other wetland species.

Response 177-2

Noise, dust, and similar mining-related disturbances have existed for decades at the project sites due to ongoing mining operations, and the proposed excavation areas would stay within the boundaries of the currently existing project sites. In addition, because the existing mine has operated in this location for many decades, natural nesting or foraging substrates are largely absent within the project area. The project areas thus are unlikely to support nesting, or non-nesting use by birds. The proposed project affect the habitat for tricolored blackbird or other wetland species. Please refer to the Draft EIR's discussion of Impact 4.4-4, which concludes that the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community with the implementation of Mitigation Measures 4.10-1, 4.3-2a, and 4.3-2b (Draft EIR page 4.4-55 through 4.4-58).

Comment 177-3

2. Impacts to the San Joaquin River, including water quality and groundwater depletion.

Response 177-3

The Draft EIR provides extensive discussion and analysis of resources associated with the San Joaquin River. Additionally, please see Collective Response #12 pertaining to San Joaquin River restoration efforts, Collective Response #13 pertaining to potential effects on offsite wildlife, Collective Response #14 pertaining to Swainson's hawk, Collective Response #15 pertaining to non-nesting birds, Collective Response #16 pertaining to salmon and San Joaquin River habitat, Collective Response #23 pertaining to groundwater quality, Collective Response #24 pertaining to groundwater monitoring, and Collective Response #25 pertaining to surface and groundwater connectivity. The

comment does not address the adequacy of the Draft EIR evaluation of impacts to the San Joaquin River water quality or groundwater depletion, and no further response is warranted.

Comment 177-4

3. Whether expansion is necessary or if we as a society can learn to consume and build less.

Response 177-4

Please see Collective Response #3 pertaining to regional aggregate demand and supply. The comment does not address the adequacy of the Draft EIR, and no further response is warranted.

Comment 177-5

A project of this scale and duration requires a far more comprehensive environmental review that includes thorough scientific analysis, long-term cumulative impact assessments, and meaningful mitigation strategies. The EIR, as it stands, does not meet these standards, and I urge Fresno County to require revisions that fully account for the long-term consequences of extending CEMEX's mining operations.

I request that the Planning Department reconsider this permit and demand a more thorough environmental review before any decisions are made.

Response 177-5

The commenter's concerns and request are noted. The comment does not provide evidence or explain deficiencies in the Draft EIR analysis, cumulative impacts evaluation, or mitigation measures.

Letter #178 March 3, 2025, Alice and Robert Knapp

Comment 178-1

Dear Mr. Randall.

My husband and I have been members of the San Joaquin River Parkway for many years and have enjoyed wonderful experiences along the San Joaquin River and the adjoining parkway. We live in the area and have a personal interest in maintaining the integrity of the Parkway. The SJRP is committed to "PRESERVING & RESTORING San Joaquin River lands of ecological, scenic or historic significance, to EDUCATE the public on the need for STEWARDSHIP, to RESEARCH issues affecting the river, and to promote educational,

recreational and agricultural uses of the river bottom consistent with the PROTECTION OF THE RIVER'S RESOURCES."

It has come to our attention that Cemex Construction Materials is proposing an expansion of its operations near the San Joaquin River. They are requesting an extension of mining for 100 years, changing the technique from mechanical digging of sand and gravel to blasting hard rock and crushing it into gravel, and increasing the depth of the mine to 600 feet below ground surface. These requests are obviously extreme and without evidence of the effect that will manifest in the 100-year future.

Response 178-1

The commenter's opposition to the proposed project is noted for the decision-makers. See Collective Response #5 regarding the proposed duration of the use permit. The long-term effects of the proposed project are evaluated throughout the Draft EIR. See Draft EIR Chapter 5, "Cumulative Impacts."

Comment 178-2

Recently we were introduced to the CEMEX Rockfield Draft EIR (Environmental Impact Report). According to professional analysis, this report falls way short of being accurate. The consideration of wildlife, pit depth and its geologic ramifications, noise, traffic, pollution, cultural historic context, and safety issues are not addressed adequately, to mention a few. This report needs careful consideration with all parties well informed so that the best decisions are made.

Response 178-2

The project's potential impacts to wildlife are evaluated in Draft Section 4.4., "Biological Resources," while impacts related to the proposed pit depth and geology are evaluated in Draft Section 4.7, "Geology and Soils." The project potential impacts related to noise and traffic and evaluated in Draft EIR Section 4.13, "Noise,' and Section 4.17, "Transportation," respectively. Potential impacts to cultural and historic resources are evaluated in Draft EIR Section 4.5, "Cultural Resources," and Section 4.18, "Tribal Cultural Resources." Finally, the project's potential impacts related to public safety are addressed primarily in Draft EIR Section 4.9, "Hazards and Hazardous Materials." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced in this response. See also Collective Response #30 regarding traffic and pedestrian safety.

Comment 178-3

The idea that you would grant 100 years of mining to this business is unconscionable. A decision affecting generations to come when no one knows what this kind of mining will do to the environment! Please explain why 100 years is even being considered.

Response 178-3

See Collective Response #5 regarding the proposed duration of the use permit. The effects of the proposed mining operations are disclosed in the Draft EIR and its technical appendices. The comment is noted for the decision-makers.

Comment 178-4

The surrounding area around CEMEX is land devoted to stewardship and recreation. The CEMEX proposal is the exact opposite.

Response 178-4

See Collective Response #27 regarding potential operational impacts on users of the parks and trails adjacent to the project sites. See also Collective Response #21 regarding the assertion that the project sites should be publicly accessible parkland.

Comment 178-5

None of us are opposed to sand and gravel operations if they are situated in the right location. I cannot imagine a more wrong location for an operation of this nature that reflects so negatively on the San Joaquin River and the surrounding area, if approved.

Thank you for the opportunity to comment and we trust that this ill-founded proposal will be denied.

Response 178-5

The comment is noted for the decision-makers.

Letter #179 March 1, 2025, Carol Labbe

Comment 179-1

The more that I review the EIR the more frustrated that I become that this type of project would even be considered in our backyard!

CEMEX has already destroyed the wonderful landscape from Friant Road and minimized access to the San Joaquin River for the citizens of Fresno County. Now they want to start blasting and drilling to

ungodly depths of 600 feet right near the river for the next 100 years!

Response 179-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The comment references the existing baseline conditions in the project area which are not evaluated in the Draft EIR.

Comment 179-2

What could possibly go wrong? We are already cursed with air and water pollution and now they want to increase noise, dust, shock and vibration that will make us feel as though we are in a combat area. We will add to the pollution of water, air

Response 179-2

The baseline conditions in the project area related to air quality and water quality as well as the project's potential impacts on these resources are described in Draft EIR Section 4.3, "Air Quality," as updated in this Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.10, "Hydrology and Water Quality," as they are updated in this Final EIR. See also Collective Response #9 regarding the project's potential effects on the region's existing air quality.

The project's proposed blasting operations are described in the Draft EIR under Section 2.5.2.2, "Quarry Site Mine Plans," on page 2-42. Blasting would be limited to one to two blasts per week on weekdays between the hours of 10 a.m. and 2 p.m. The effects of noise and vibration from these blasting events are evaluated in Draft EIR Section 4.13, "Noise," and also Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced in this response. See also Collective Response #27 regarding the project's potential operational impacts on adjacent parks and trails.

Comment 179-3

and increased traffic which will cause more chaos, as these huge trucks enter and exit Friant Road!

Response 179-3

The issues of traffic congestion and safety are addressed in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #30 regarding traffic safety.

Comment 179-4

All of this increased pollution will have a tremendous impact on all forms of life.

A relevant anecdote; a few days ago a neighbor cut down a tree that was leaning on a fence. We noticed that the squirrels and birds were going crazy dashing around looking for their home and the next day they were gone. Some like CEMEX might call this progress! We call it destruction!

Response 179-4

The comment is noted.

Comment 179-5

Cemex has the audacity to use terms like:

LTS = Less than Significant; PS = Potentially Significant; S = Significant; SU = Significant and Unavoidable Oh and they use the initials NI which is not defined but I can only assume to mean No Impact or Not Important.

I have to ask who made them so authoritarian!

Response 179-5

The Draft EIR was prepared by a County-retained consultant and all Operator-prepared technical studies supporting the Draft EIR were peer reviewed by County-retained experts to confirm their methods and conclusions. The entire Draft EIR, including the technical appendices, represent the independent judgement of the County as the CEQA lead agency.

The level of significance terms referenced in this comment are standard terms established in CEQA and the CEQA Guidelines and routinely used in environmental impact reports. To confirm, the abbreviation "NI" does stand for "No Impact." The No Impact determination is reserved for issues where the analysis indicates that the project would have no potential to effect the resource being evaluated. For instance, a project would have no potential to affect coastal resources if the site is located inland, away from the coastal zone.

Comment 179-6

First of all, the area would not be so unpleasant if they were never here. This probably would be a community park giving access

to the public to enjoy the great outdoors. Something we are lacking in our county!

Or maybe remained as farmland where the owner lived in harmony with nature.

Response 179-6

The comment describes existing baseline conditions which are not evaluated in the Draft EIR. See Collective Response #21 regarding the assertion that the project sites should be publicly accessible parkland.

Comment 179-7

Who set the standard for LTS? There is no measurement that defines the level of significance and the threshold for the issue to become significant! My favorite is SU which equals "Significant and Unavoidable". I would argue that it is totally avoidable if they were to leave the area and return it to its natural state.

Oh but they can't as they have already stripped the land barren removing all of the topsoil and leaving us with a dust factory!

Response 179-7

The Draft EIR provides clear thresholds of significance for each resource area within the respective sections of Chapter 4, "Environmental Analysis." For example, the applicable thresholds of significance for air quality are presented in Section 4.3.3, "Significance Thresholds and Analysis Methodology, " (see Appendix D-4, "Revised Section 4.3, Air Quality").

The significant and unavoidable finding indicates that an impact cannot be fully mitigated and would be significant and unavoidable if the project is approved and implemented. The effects of the "No Project" alternative, which assumes that the project is not approved or implemented, are disclosed in Draft EIR Chapter 6, "Alternatives." Upon completion of mining operations, whether the project is approved or denied, the project sites would be reclaimed to an end use of open space and freshwater habitat per the project's Surface Mining and Reclamation Plan (see Draft EIR Appendix B-1, "Surface Mining and Reclamation Plan").

Regarding dust produced during the operation of the project, the technical analysis was updated with new information, as described in the revised *Air Quality, Health Risk and Climate Change Technical Report* (see Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"), including the preparation of a Fugitive Dust Control Plan.

Comment 179-8

Many of the impact statements are listed as Potentially Significant with mitigation occurring during the implementation phase, so our great-grandchildren may see the results in 100 years! What a travesty!

Response 179-8

The timing of each mitigation measure presented in the Draft EIR is provided in the text of the individual measure and are also detailed in the project's Mitigation Monitoring and Reporting Program (MMRP), which will be considered for adoption in conjunction with project approval. The comment is noted for the decision-makers. Comment 179-9

The word blasting appears 317 times in the EIR Summary. The following is an excerpt from the EIR

"However, the proposed project would introduce blasting to the Quarry Site. Blasting generates groundborne noise and vibration that could impact fish in the San Joaquin River."

Response 179-9

See Collective Response #16 regarding the effects of blast-induced ground vibration and the Alaska-based study that is referenced in the Draft EIR.

Comment 179-10

They go on to refer to an Alaska Department of Fish and Game comment that showed no impact to the Salmon in that study. Yet they provide no details on the conditions and use of the explosives. Were they blasting 200 feet from the river to depths of 600 feet? I would suggest that Fresno County and California Fish and Game provide their own study.

Response 179-10

See Collective Response #13 regarding blasting noise effects on wildlife on surrounding properties and Collective Response #27 regarding blasting noise effects on users of adjacent parks and trails.

Comment 179-11

The EIR does state that the noise level would exceed the limit of 85 dB with lasting level of 140 dB which is the threshold for pain! I'm sure that they will protect their workers, but what will that do to all of the wildlife in the area and the surrounding neighborhoods who are trying to enjoy a peaceful afternoon outside.

Will it cause damage to nearby homes, or maybe weaken the nearby Millerton Dam.

Response 179-11

The issue of noise is addressed in Draft EIR Section 4.13, "Noise." The comment seems to refer to Draft EIR page 4.13-26, second paragraph, which describes the regulations of the Occupational Health and Safety Administration (OSHA) related to worker exposure to excessive noise levels. This discussion of existing regulations does not describe the project's anticipated operational noise levels. As discussed in Impacts 4.13-1 through 4.13-4 beginning on Draft EIR page 49, with mitigation, the project's anticipated operational noise levels would be below applicable County noise standards at the nearest sensitive receptors. Impact 4.13-6, beginning on Draft EIR page 4.13-65, specifically addresses potential impacts resulting from groundborne or airborne vibrations from blasting events and would be less than significant with implementation of Mitigation Measure 4.10-1. This measure requires implementation of the proposed Blasting Protocols (provided as Draft EIR Appendix H-6, "Blasting Protocols" and updated in Appendix H-9, "Revised Blasting Protocols") that provide a range of measures intended, in part, to minimize offsite noise and vibration impacts. These measures include implementation of a blast monitoring program that would adjust the blasting design based on monitoring data thus ensuring vibration levels do not exceed thresholds or otherwise have the potential to cause damage to surrounding structures. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.13 and supporting appendices.

See Collective Response #27 regarding potential effects of blasting on users of nearby parks and trails. See also Collective Response #13 regarding potential effects of operational noise on wildlife in the surrounding area.

Comment 179-12

We moved to Fresno 28 years ago because it was a great place to live; it offered great scenery, access to the mountains in a pleasant surroundings. Please don't let a Foreign LLC like CEMEX spoil it for profit!

The community needs support from our County officials.

Response 179-12

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #180 March 2, 2025, William A. and Deborah Dotson

Comment 180-1

Hello - as long time residents of Fresno (26 years in this location) - specifically near the intersection of Friant and Fort Washington, we are vehemently opposed to any further activity by CEMEX.

Between the noise, the dust, the traffic, and disturbances caused by the large trucks rumbling up and down Friant, we can't believe that our Fresno legislators would even consider any request from CEMEX to blast a giant hole in their location beyond what they have now and increase their activity. We should be considering closing them down, not providing them a reason to stay and grow.

Please vote NO to stop this travesty.

Response 180-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The comment references various existing conditions in the project area including noise, dust, and traffic attributed to the existing operations and truck trips. Existing and proposed traffic conditions are described in Draft EIR Section 4.17, "Transportation." See Table 4.17-11, "Estimated Annual Average Daily Trip Generation at Plant Site and Quarry Site," on page 4.17-28. However, existing traffic conditions are part of the baseline conditions in the project area and are not evaluated in the Draft EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #6 regarding common operational nuisance complaints such as noise, dust, and traffic congestion.

Letter #181 March 2, 2025, James Durando

Comment 181-1

The DEIR says that "Best Practices" for the control and mitigation of fly rock from rock blasting and the mitigation of groundwater and surface water contamination from the use of explosive products are in place. What are these best practices that are mentioned? There is no explanation of the methods or manners of these "best practices".

Response 181-1

Blasting protocols are presented in Appendix H-9, "Revised Blasting Protocols," in a blasting protocol document that summarizes the monitoring, control and reporting requirements for ground vibrations and air overpressures emitted from blasting at the

project sites. In addition, the blasting protocol document provides "Best Practices" for the control and mitigation of flyrock from rock blasting and the mitigation of groundwater and surface water contamination from the use of explosive products. The Blasting Protocols are referenced and summarized in the Draft EIR (e.g., see Impact 4.9-4 on pages 4.9-19 through 4.9-21; see Impact 4.10-1 on pages 4.10-88 through 4.10-92).

Comment 181-2

What are the specific blasting protocols that will be used to prevent the contamination of groundwater and surface water because of blasting? It mentions explosive products but not what they are. Each type of explosive product will produce its own type of contaminants for ground and surface water. What are the actual explosive products that will be used? What are the byproducts of the explosion that will contaminate the ground water and surface water?

How will the contaminant levels be monitored and by whom? What is the plan to mitigate the contamination of the water table and surface waters? What health concerns can be caused by the contaminants left if the water?

Blasting agents need to be identified in this DEIR. "The use of blasting agents has the potential to contaminate groundwater with nitrates and other chemicals, such as petroleum hydrocarbons, if not managed properly." This is a nonresponse as to what the blasting agents will be. The DEIR states that dynamite will not be used. What will be used to do the blasting? Virtually any blasting agent will produce nitrates and other chemicals. Nitrate and nitrite water contamination are major health issues with drinking water. How will this be minimized or avoided completely? The mention of soil type for the effects of the blasting agents will be hard rock granite. Are there any datasets of tests with this DEIR for that type of rock which is found in the quarry site.

Response 181-2

The proposed blasting protocols are described in detail throughout the body of the Draft EIR, and within the Blasting Protocols report included in Appendix H-6 of the Draft EIR. See Chapter 3, "Draft EIR Errata," and Appendix H-9, "Revised Blasting Protocols," for revisions to the Blasting Protocols. In accordance with Mitigation Measure 4.10-1, the Operator shall at all times implement the requirements of the "Blasting Protocols", which strictly dictates the size, location and design of onsite blasting, as well as the best management practices (BMPs) and monitoring requirements to be implemented during blasting. The Blasting Protocols also dictates specific BMPs to be implemented to ensure

onsite blasting would contaminate groundwater or surface water. See also Responses 12-75, 58-46, and 65-30 which adequately address the Blasting Protocols and Mitigation Measure 4.10-1.

Multiple studies have been completed about the effects of blasting on groundwater, which all concluded that there are no significant long-term chemical or mineralogical changes observed in groundwater that could be attributed to blasting (see discussion of Impact 4.9-2 in the Draft EIR). With the implementation of Mitigation Measure 4.10-1 (which also requires implementation of Blasting Protocols), the potential for release of hazardous materials due to blasting would be less than significant (Draft EIR page 4.9-17). The Blasting Protocols would also prohibit the storage of explosives on-site, and the explosives would be delivered to the site once or twice per week by a licensed or qualified blasting contractor to ensure complete detonation and the management of the remaining fragments after the blast to prevent interaction with stormwater and compliance with all relevant regulations, including the California Fire Code, Cal/OSHA Mine Safety Orders, and applicable CUPA programs related to hazardous materials storage and handling. Unused explosives and detonators would be returned to the blasting contractor's secure off-site magazines. As discussed in the Draft EIR, blasting agents typically used for mining include both an oxidizer and an accelerant, generally in the form of nitrate-based compounds and flammable liquids. Implementation of Blasting Protocols would minimize the risk of substantial groundwater water quality degradation by expanding blasting activities on the Quarry Site. See Response 6-15 regarding groundwater quality at the project sites.

Comment 181-3

According to the DEIR "Studies have concluded that there are no significant long-term chemical or mineralogical changes observed in groundwater that could be attributed to blasting." Where are the results of those studies? Is this data described in one of the many tables included in the DEIR. "In one study, water samples were taken in the same hole that explosives were detonated in, and no change in water quality due to the decomposition products of the explosives could be discerned from the analysis." Not possible for the water to be unchanged. Is there evidence of the water samples before and after the detonation? Statements need to be supported by data. Were there other impacts on the water quality due to products other than "decomposition products"? This statement in the DEIR may not be completely accurate or transparent.

Response 181-3

The quoted statements from the Draft EIR provided in this comment, which appear on both page 4.9-18 and page 4.10-100 of the Draft EIR, also include citations for three specific studies upon which the discussion and analysis is based (these being Bond (1975), Berger (1980), and Beaver (1984). Despite the conclusion that it is unlikely that blasting would result in impacts to groundwater quality, the Draft EIR includes Mitigation Measure 4.10-1 which requires implementation of the Blasting Protocols presented in Appendix H-6 and updated in Appendix H-9, "Revised Blasting Protocols." Those Blasting Protocols include a Groundwater and Surface Water Contamination Mitigation Plan.

Comment 181-4

This DEIR indicated that "Ground vibration at the closest residential/commercial structures, the closest wells, and at several locations along the crest of the East side of San Joaquin River embankment is (are) monitored with digital seismographs."

What were the results for the East side of the San Joaquin River embankment? Where is the data for ground vibration and an explanation of those results? This is a critical area of concern in this DEIR for the quarry site. A breech in the embankment or subsurface flow between the San Joaquin River and the quarry pit would be catastrophic. Where are the results of this monitoring? Where were the seismographs situated? When was this done? Which residential/commercial structures were monitored? Is there a map with these locations marked. Are the results of the monitoring for each site available and explained? There should be data from their study that can be shared with the public. Over what period were these tests run? There is no mention of what type of vibration was being measured. How was the vibration generated? Was it ground vibration from blasting, using similar charges that would be detonated in the quarry? Was it monitoring ground vibration from natural ground movement? This is not clearly stated what was being measured and how it was being measured with the seismographs. This nonspecific description leaves many questions unanswered.

The DEIR states "The data is closely analyzed and logged into a spreadsheet program to track the readings and to build a dataset that can be used to further track the frequency of the vibration time histories, predict the vibration levels, and make adjustments to the blast plan as blasting progresses." That is a horribly long run on sentence! There are no mentions of how any of the data will be utilized. How will it be analyzed? How will tracking the "readings frequencies of vibration" be used to predict vibration

levels and allow for the blast plan to be adjusted? What criteria from the vibration data would be used to adjust the blasting plan? Logging data with no explanation of how it will be analyzed and used does not explain the purpose of this vibration monitoring.

Response 181-4

There is currently no blasting at the project sites, therefore there is currently no monitoring or collection of vibration data. A report entitled, *Blast Impact Analysis CEMEX – Rockfield Quarry, Fresno, California dated September 9, 2019*, by Vibra-Tech details the ground vibration criteria for the protection of the river embankment, wells and structures (Appendix H-3, "Blast Impact Analysis," of the Draft EIR). The report gives maximum allowable scaled distances for each receptor location to meet the criteria limits. These allowable scaled distances were determined based on standard attenuation equations shown in equations 1 and 2 of the report (Draft EIR at pages 4.13-47 and 4.13-48).

The ground vibration criteria for nearby structures and the ground vibration criteria for the embankment are variable particle velocity vs. frequency criteria. As blasting gets closer to a particular off-site receptor such as a structure, well, or the river embankment, it would be important to understand the ground vibration amplitude vs. distance relationship along with the corresponding frequency. By collecting peak particle velocity and scaled distance data, it is possible to use least squares regression analysis to predict and control future vibration levels. The mitigation or control comes by changing the charge weight (adjustments to the blast plan) the for a given distance to maintain ground vibrations below the criteria. Blast timing analysis can also be undertaken to control ground vibration frequency.

Further, Mitigation Measure 4.10-1, shall be implemented at all times. To ensure that actual ground vibrations match the projected vibrations, the Mitigation Measure 4.10-1 requires that blasting begins at the center of the Quarry Site so that monitoring of groundborne vibration can occur and confirm that predicted maximum ground vibrations are consistent with actual ground vibration measurements (Draft EIR at page 4.13-66). This mitigation measure would reduce the effects of ground or airborne vibration as a result of blasting to a less than significant level.

Comment 181-5

Air Pollution is a concern in the San Joaquin Valley and even more so in the area around the Plant site and Quarry site. The geography of this localized area in a trough with elevated hills on both sides that produce an elongated bowl. Fog settles in this area in the winter and dust and other particulate accumulate there as well. Potential emissions for the project include ROG, NOx, CO, SOx,

PM10, and PM2.5. Individually or in combination these can create long-term health effects. It seems that monitoring of these emissions has not been done directly on either site. The data that has been shared in the DEIR may not be accurate. Are there tests that have been performed on the sites that shows these specific emissions and their levels in situ? Were tests run at various times of the year under varying conditions?

Response 181-5

The air quality and health risk models incorporate five years of hourly meteorological data and terrain elevation data that are representative of the conditions in the area. Emissions of particulates were speciated into toxic components and assessed in the health risk assessment. After mitigation, health risks from the project are less than significant. Further, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Technical Report* (see Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment") including additional dispersion modeling. This updated model showed that after mitigation, the project would have a less than significant impact in regard to criteria pollutant emissions. See Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.4, "Project Impacts and Mitigation Measures." See also Collective Response #11 regarding analysis of the population-wide cancer burden of the project. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 181-6

The effects of the emissions and PM10 and PM2.5 for various sources can have dramatic health on people. The DEIR lists how pollutants can affect health but neglects to indicate what levels of the contaminants will cause adverse effects. Their operations will have a negative impact on the health of the people of Fresno county. The mitigation of PM2.5 does not seem to be adequate and many of the vehicles and the operations of the quarry and plant sites will generate PM2.5. PM2.5 exposure is very dangerous with many negative outcomes. How

does the mitigation plan for PM2.5 reduce the risk to people in the area?

Response 181-6

Contrary to the assertion in the comment, the Draft EIR indicates what levels of the contaminants would cause adverse effects beginning with Table 4.3-1, "Ambient Air Quality Standards," which contains the ambient air quality standards including

standards for PM_{10} and $PM_{2.5}$. The Draft EIR goes further to speciate the toxic components in PM_{10} and $PM_{2.5}$ and performs health risk assessment to evaluate the acute and chronic non-cancer risks and cancer risk associated with the particulates generated by the project. Although the commenter incorrectly claims the "operations will have a negative impact on the health of the people," as shown in Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," after mitigation the project would result in less PM_{10} and $PM_{2.5}$ than currently emitted. The claim that $PM_{2.5}$ mitigations "do not seem to be adequate" lacks a basis or even suggestion of mitigations that may be needed. The health risk assessment provides those answers. Appendix D-4, "Revised Section 4.3, Air Quality," Table 4.3-25, "Mitigated Project Health Risk Impacts," shows that with implementation of the project's mitigation measures the health risk levels would be less than significant.

Additionally, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Technical Report* (see Appendix D-3) including preparation of a Fugitive Dust Control Plan and additional modeling. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Letter #182 March 2, 2025, Danielle Grassi

Comment 182-1

I am writing to express my concern about the Rockfield Expansion Project. Particularly the idea of blasting the hard rock and increasing the depth of the mine. The San Joaquin River is one of the few nice areas of wildlife we have to enjoy in Fresno. Mining operations will impact wildlife, air quality, and cause irreversible damage to the watershed. I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives.

Response 182-1

Potential impacts to wildlife are evaluated in Draft EIR Section 4.4, "Biological Resources." Potential impacts to air quality are evaluated in Draft EIR Section 4.3, "Air Quality," as updated in this Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). Potential impacts to the watershed that encompasses the proposed project are evaluated in Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 182-2

Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 182-2

See Collective Response #1 regarding transparency and the County's processing of the proposed project.

Letter #183 March 2, 2025, Robert Hills (Letter #1)

Comment 183-1

I do not see in the eir [sic]who will be responsible financially for the increased accidents on Friant road. Will Cemex take responsibility, or will the county be responsible. If the traffic on Friant cannot be mitigated because of lack of funds to correct, why would the project be allowed to move forward until the funds are available. The EIR should not be allowed to skirt this issue, nor should the county in good faith condone this issue.

Response 183-1

See Collective Response #29 regarding the project's potential traffic impacts and associated mitigation measures regarding road improvements. See Collective Response #30 regarding traffic safety.

Letter #184 March 2, 2025, Robert Hills (Letter #2)

Comment 184-1

In the EIR they allude to the fact that they are already tearing up the environment, so it somehow justifies continuing to do so. How does this pass the smell test. How can Cemex justify this. They should be made to go back and justify these areas in a direct fashion, or admit that they cannot be mitigated [sic].

Response 184-1

In accordance with CEQA, the Draft EIR describes the existing conditions of the project sites at the time the Notice of Preparation (NOP) is released for public comment and evaluates the project's effects on those existing conditions.

Letter #185 March 2, 2025, Robert Hills (Letter #3)

Comment 185-1

I am concerned that Cemex is using the bait and switch approach. Attempting to get something outlandish passed (100 years and 600 ft.) and then accepting something less to appear as accepting a compromise. This is not acceptable and should be dismissed for what it is. The integrity of the San Joaquin river is to precious to gamble with its future [sic].

Response 185-1

See Collective Response #5 regarding the duration of the proposed use permit. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Letter #186 March 2, 2025, Robert Hills (Letter #4)

Comment 186-1

If and when wells run dry in the area, who will be responsible to purchase the properties at fair value sinse their properties will become worthless. Will the county for approving a shady project or will cemex do the right thing.

Response 186-1

See Collective Response #4b regarding liability for unforeseen damages caused by the proposed project. See also Collective Responses #24 through #26 for further discussion of the project's potential impacts to groundwater levels.

Letter #187 March 2, 2025, Robert Hills (Letter #5)

Comment 187-1

Since this project should have been shut down many times, I do not beleive the job issue should be a consideration. The workers on the site have known for many years that their jobs should be coming to an end. I am sure Cemex will have a nice severence package for the workers. How many years do their jobs have to be guaranteed? They have already been extended many times. This issue should not

overshadow the protection of the San Joaqin river, the tranquility of the area and the greater good for the population of Fresno. I do have empathy for the loss of jobs.

Response 187-1

No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers. See Collective Response #12 regarding the project's potential effects on river restoration projects in the region.

Letter #188 March 2, 2025, Robert Hills (Letter #6)

Comment 188-1

Cemex needs to hire an indepent engineering firm to be on site whenever their is activity at the mine.

Response 188-1

Mitigation Measures 4.7-6 and 4.7-7a, presented on Draft EIR page 4.7-32 and page 4.7-35, respectively, would require the Operator to retain a County-approved qualified engineering geologist or geotechnical engineer experienced in evaluating the stability of slopes in alluvial materials to develop and implement an inspection and reporting program on both project sites. Mitigation Measure 4.7-7b further requires the retained geologist or engineer to carry out periodic field surveys of structural geologic data at the Quarry Site during mining excavations and complete kinematic analyses until it can be assured that the geologic conditions on the site are consistent.

Comment 188-2

Cemex has been fined for all kinds of violations at many sites. Both ommision and commission [sic].

Response 188-2

See Collective Response #4a regarding CEMEX's regulatory compliance history.

Comment 188-3

When there is a infraction, the mine needs to be shut down until the issue is remidied and whatever fines necessary are paid. If there is not a remedy, then the project needs to be shut down, and the land be brought back to its natural state. This has been the plans for many years.

Response 188-3

Violations at the proposed project and other mining operations in Fresno County are regulated under applicable provisions of the Fresno County Ordinance Code and the Surface Mining and Reclamation Act (SMARA), which states that if an operation is not in compliance with County requirements or the applicable use permit or reclamation plan,

the County would follow the procedures set forth in SMARA (PRC Section 2774.1 and Section 2774.2) concerning violations and penalties, as well as applicable County enforcement provisions, including those related to revocation of a conditional use permit. Should the County fail to comply with the provisions of SMARA, the State Mining and Geology Board (SMGB) may take action to assure compliance through administration of SMARA.

Letter #189 March 2, 2025, Robert Hills (Letter #7)

Comment 189-1

The proposal for the extended land use and the time duration of the project is not realistic.

Response 189-1

See Collective Response #5 regarding the duration of the proposed use permit.

Comment 189-2

How does cemx propose to protect Lost lake. How does it propose to protect it from noise, air pollution [sic], and the protection of the wildlife. Wildlife does not respond well to noise, as well as humans.

Response 189-2

The proposed project's potential noise impacts on surrounding uses are evaluated in Draft EIR Section 4.13, "Noise." See Collective Response #27 regarding the project's potential operational effects on users of adjacent parks and trails, such as the Lost Lake area.

The proposed project's potential air quality impacts are evaluated in Draft EIR Section 4.3, "Air Quality," as updated in this Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). See Chapter 3, "Draft EIR Errata." All project air quality impacts were determined to be less than significant with implementation of the provided mitigation measures.

The proposed project's potential effects on wildlife are evaluated in Draft EIR Section 4.4, "Biological Resources." See also Collective Response #13 regarding the project's potential effects on wildlife located on adjacent properties, such as the Lost Lake area.

See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response.

Comment 189-3

Cemex proposal to allow a trail to go through their property is not only ludirous but also dangerous.

Response 189-3

The issue of hazards to humans from the proposed project is addressed in Draft EIR Section 4.9, "Hazards and Hazardous Materials." See Impact 4.9-4 on page 4.9-19 regarding hazards associated with flyrock from blasting events. Implementation of the Flyrock Mitigation Plan established by the Blasting Protocols for the project (see Mitigation Measures 4.10-1) would reduce this impact to a less than significant level. See also Collective Response #27 regarding the potential effects of project operations on the users of adjacent parks and trails.

See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.9. See also Response 58C-3 for further discussion of the blasting protocols required by Mitigation Measure 4.10-1.

Comment 189-4

Many other areas have enhanced their proximity to a river for the enjoyment of their citizens. Why would Fresno not want to embrace the river, instead of abusing it.

Response 189-4

See Collective Response #21 regarding the assertion that the project sites should be publicly accessible parks.

Letter #190 March 2, 2025, Robert Hills (Letter #8)

Comment 190-1

I am not aware if the IRA considered anything with the tribal community. I am aware that the tribal community at Table Mountain are trying to get access to the sight. At this time I am told Cemex is not coorperating. If a company cannot be transparent, they can not be trusted. How does Cemex plan to address the issue?

Response 190-1

The County has and will continue to coordinate with Table Mountain Rancheria as required pursuant to CEQA and for a respectful government-to-government relations. See responses to Comment Letters #50 and #52, each submitted by representatives of the Table Mountain Rancheria. The comment does not address the adequacy of the Draft EIR,

nor does the comment provide evidence of issues associated with tribal coordination involving the County.

Letter #191 March 2, 2025, Robert Hills (Letter #9)

Comment 191-1

If this project does go through, since Cemex is a LLC, they should have to put up a huge bond. What amount do they propose to put up so the county tax payables are not stuck paying for their folly. It also needs to be tied to inflation, as time passes it will be worthless. It should be reviewed and accessed on a yearly basis. Has Cemex addressed these issues and has it agreed to an realistic bond tied to inflation.

Response 191-1

See Collective Response #4b regarding liability for unforeseen damages caused by the proposed project.

Comment 191-2

Please remember Cemex has had compliance issues in other locations. Actually, their past record alone should negate the county from even considering any agreement, particularly for a 100 years.

Response 191-2

See Collective Response #4a regarding CEMEX's regulatory compliance history.

Comment 191-3

Do laws in Mexico prohibit this type of mining?

Response 191-3

See Collective Response #4b regarding the legality of the proposed mining methods.

Letter #192 March 2, 2025, Robert Hills (Letter #10)

Comment 192-1

I did not see anything to address the large numbers of bike riders on Friant road.

Response 192-1

Please see Collective Response #30 pertaining to roadway safety, including discussion of bicyclists' use of Friant Road.

Comment 192-2

I am somewhat disappointed in the vagueness of the EIR considering all the extentsions [sic] that they have had. They need to study the consequenses [sic] of air quality, noise and safetjy [sic] of the bike riders.

Response 192-2

Draft EIR Section 4.3, "Air Quality," as updated in this Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), evaluates potential air quality impacts of the proposed project and Draft EIR Section 4.13, "Noise" presents evaluation of potential noise impacts of the project, including noise impacts associated with predicted project-related traffic noise levels. See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections. The comment does not provide evidence that the Draft EIR analysis of these topics is deficient. Please also see Collective Response #30 pertaining to roadway safety, including discussion of bicyclists' use of Friant Road.

Comment 192-3

Will the Cemex trucks just bully themselves into the 2nd lane to avoid the riders who often ride double file. The law says traffic has to stay 4 feet away from the riders. They do not make any exceptions when the bikers are riding double file on the line. This also makes it dangerous for the traffic in the passing lane when the trucks pull over into their lanes. I see it often.

Response 192-3

Please see Collective Response #30 pertaining to roadway safety, including discussion of bicyclists' use of Friant Road.

Letter #193 March 2, 2025, Robert Hills (Letter #11)

Comment 193-1

I do not see any remedy for the folks that have their windshieds broken by the gravel left on the road and coming off the trucks. This has been a historical issue with Cemex. With all the cameras and so forth, windshields are $500.00 a pop. Maybe the cars effected could enter Cemex's property and someone cut them a check for $500.00 to remedy the problem Cemex has caused them. Also it is dangerous for bike riders.

Response 193-1

See Collective Response #30 regarding vehicle damage from CEMEX trucks.

Letter #194 March 2, 2025, Krystle Hollingsworth

Comment 194-1

As a Fresno resident I am concerned about the effect this blast will have on our environment as well as the wildlife in the area. Please STOP the proposed Lost Lake blast.

Response 194-1

The project's potential impacts to wildlife are evaluated in Draft EIR Section 4.4, "Biological Resources." Each of the impacts identified in this section were determined to be less than significant with implementation of the mitigation measures provided. See Chapter 3, "Draft EIR Errata," for revisions to this Draft EIR section. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Letter #195 March 2, 2025, Ariana Murillo

Comment 195-1

I hope this finds you well. I am reach outing to you as a concerned citizen and a Native American woman. It has come to my knowledge about the CEMEX expansion that will put in danger wildlife, the river and the surrounding lands. As you may know Fresno County is Yokut land, and the Native American community has always been protectors of this land since for thousands of years the Native population have survived off the land. This land has beautiful history tied to it and therefore I do not want this expansion to happen knowing the dangers it will cost to the wildlife, the land, to the Native American Community, and the Fresno County public.

Response 195-1

See Draft EIR 4.18, "Tribal Cultural Resources," for an evaluation of the project's potential effects on sites and objects with cultural value to local tribes. Potential impacts to wildlife are addressed in Draft EIR Section 4.4, "Biological Resources," while potential impacts to the San Joaquin River are primarily addressed in Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections.

Letter #196 March2, 2025, Leigh-Ann Olsen

Comment 196-1

Thank you for taking comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. As an environmental science teacher in Fresno County and avid user of

the San Joaquin River for birding and student opportunities, I wanted to share my concerns about

the expansion of the CEMEX mining operation.

The river provides several ecosystem services such as aesthetics, habitat for several species, clean water, temperature regulation, stabilization of soil, and a place for people to experience natural spaces close to where they live. Most of our valley is industrialized or agriculturalized. It's hard to find unadulterated natural spaces close by.

I have seen numerous bird species that utilize the river along with river otters, muskrats, several fish species, and many more! These species are so amazing to witness and would be impacted by your proposal.

Mining operations are important for economical reasons and I understand that, however they should be done responsibly so as not to impact those who depend on the ecosystem services provided by this important river.

Response 196-1

The commenter's concerns regarding the proposed project are noted for the consideration of the decision-makers. The project's potential effects on wildlife are addressed in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for revisions to this Draft EIR section.

Comment 196-2

On top of our water resources, air quality can be heavily impacted by the dust and particulates as a result of increased mining. Our air quality has historically been one of the worst but it IS improving! Why should we go backwards? We have high rates of asthma and will still be suffering from the impact of wildfires in California. Do we really want to add to that issue?

Response 196-2

Draft EIR Section 4.3, "Air Quality," as updated in this Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), evaluates potential air quality impacts of the proposed project. See Chapter 3, "Draft EIR Errata." See also Collective Response #9 regarding the project's potential effects on the region's existing air quality. The comment is noted for the consideration of the decision-makers.

Comment 196-3

My students will be doing water quality studies along the river this year and over the next few years. I was hoping to use the San Joaquin as an example of a cleaner river than our closer Kings River so we could compare the two. If this proposal goes through I would hate to have to explain to future students why they may see declining results.

Response 196-3

The project's potential effects on surface water quality are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for revisions to this Draft EIR section. The comment is noted for the consideration of the decision-makers.

Comment 196-4

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives.

Response 196-4

A range of feasible alternatives to the proposed project are evaluated in Draft EIR Chapter 6, "Alternatives." No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 196-5

Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 196-5

See Collective Response #1 regarding transparency in the County's processing of the proposed project application.

Letter #197 March 2, 2025, Denise Taylor

Comment 197-1

I am writing to express my opposition to the proposed 100-year permit for the CEMEX mining operation and to challenge the Draft

Environmental Impact Report (EIR) prepared for this project. The EIR, as currently drafted, does not sufficiently or accurately assess the environmental, ecological, and community impacts that this long-term operation will have on the San Joaquin River and surrounding areas. As someone familiar with the location, I find that the EIR fails to adequately address the following concerns:

1. The Swanson's hawk has a right to not only exist, but to flourish. With this project the hawk's very existence will be in peril. Its habitat and ability to breed will be significantly impacted by the project's blasting, excavating, and trenching as well as by the use of heavy construction equipment.

Response 197-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #14 regarding the project's potential effects on Swainson's hawk.

Comment 197-2

2. The serious harm to the Chinook Salmon because of blasting.

Response 197-2

The project's potential effects on salmon resulting from blasting are evaluated in Draft EIR Section 4.4, "Biological Resources." See Impact 4.4-1 beginning on Draft EIR page 4.4-48. See Chapter 3, "Draft EIR Errata," for revisions to this Draft EIR section. See also Collective Response #16 regarding the effect of blasting-induced vibration on salmon.

Comment 197-3

3. Blasting and digging could destabilize the underlying soil and rock layer.

Response 197-3

The project's potential effects related to slope and ground stability are evaluated in Draft EIR Section 4.7, "Geology and Soils." See Impact 4.7-3 beginning on Draft EIR page 4.7-28. See also Chapter 3, "Draft EIR Errata," for revisions to this Draft EIR section.

Comment 197-4

4. Very little is known of the synergy of living ecological systems. Wildlife and the microbial organisms that support them are at risk of irreparable harm if a 600-foot deep pit is blasted or dug.

Response 197-4

The project's potential impacts to wildlife are evaluated in Draft EIR Section 4.4, "Biological Resources." No species of microorganisms are currently protected under existing federal or state regulations and were not evaluated in the Draft EIR. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.4. The comment is noted for the decision-makers.

Comment 197-5

A project of this scale and duration requires a far more comprehensive environmental review that includes thorough scientific analysis, long-term cumulative impact assessments, and meaningful mitigation strategies. The EIR, as it stands, does not meet these standards, and I urge Fresno County to require revisions that fully account for the long-term consequences of extending CEMEX's mining operations. I request that the Planning Department reconsider this permit in light of the inadequacies of the EIR and demand a more thorough environmental review before any decisions are made.

Thank you for your time and consideration.

Response 197-5

The Draft EIR provides a comprehensive evaluation of the project's potential environmental effects and meets the requirements of CEQA.

Letter #198 March 2, 2025, Alexis Torres

Comment 198-1

Fresno has been one of the best places I've ever been to in the US. The land scapping, green trees, and surrounding mountains is what makes Fresno a beautiful place to live in. I've always appreciated how the community's in Fresno love our few and only locations of nature. I asked you to press cancel on this project so we can continue to appreciate the amazing city of Fresno and we can push the agenda of a cleaner city even more now than ever.

Response 198-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #199 March 3, 2025, Kerry Allred

Comment 199-1

I am writing to express my opposition to the proposal on the expansion of the Cemex open mining on the San Joaquin River. To allow hard rock blasting, or a 600 foot deep pit, or blasting for the next 100 years is absolutely destructive to the environment and will have repercussions far beyond our life term. I strongly urge a NO stance.

Response 199-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #200 March 3, 2025, Beth Arrindell

Comment 200-1

I am writing to express my deep concerns and strong objection to the findings in the aesthetics section of the Draft Environmental Impact Report (EIR) for the CEMEX Rockfield Modification Project. As a long-time resident of Fresno, I frequently visit Lost Lake Park, and hike in areas surrounding the planned Quarry Site. This project, as currently proposed, will cause irreparable harm to the scenic vistas and visual character of the surrounding area.

Response 200-1

The commenter's concerns and objection to the Draft EIR aesthetics section are noted. Please see below for responses to specific comments and issues raised in the comment letter.

Comment 200-2

The Draft EIR states that:

- The project will result in a substantial adverse effect on a scenic vista (Impact 4.1-1).
- The project will cause a substantial degradation of the existing visual character or quality of public views in nonurbanized areas (Impact 4.1-3).
- The proposed mitigation, including rock staining, will not eliminate the discordant and disharmonious visual contrast caused by the engineered quarry benches.

It is unacceptable that the only proposed solution for mitigating these impacts is to apply a superficial stain to the exposed rock faces. This approach does not meaningfully address the permanent alteration of the landscape and fails to provide an effective or lasting solution to the substantial visual degradation caused by the project.

Response 200-2

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation. The commenter does not provide any additional or alternative visual mitigation recommendations for consideration by the County.

Comment 200-3

Furthermore, the proposed trail easement along the San Joaquin River at the Quarry Site raises serious public safety concerns. The Draft EIR does not adequately address the risks posed by the planned trail's proximity to the quarry excavation. The following questions need to be answered before the project can proceed:

Safety and Risk Mitigation

1. Will a protective fence or barrier between the trail and the quarry be installed after the quarry is reclaimed? If not, why not?

2. What measures will be taken to prevent trail users from accidentally accessing hazardous areas?

3. Will the trail have warning signs, lighting, or emergency access points to ensure user safety?

4. How will liability be handled if an accident occurs near the quarry?

Trail Design and User Experience

6. Will the trail have any buffer zones, landscaping, or natural barriers to visually separate it from the quarry? If there are buffer zones, how wide will they be?

7. How will noise and dust from ongoing quarry operations affect trail users? What mitigation measures planned?

Response 200-3

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River. Please see Collective Response #27 pertaining to potential effects on adjacent parklands.

Comment 200-4

Environmental Considerations

10. Will trail construction impact local wildlife, and if so, what mitigation measures will be in place?
11. How will stormwater runoff from the trail be managed to prevent erosion near the quarry?
12. Will trail lighting (if any) be designed to minimize disruption to nocturnal wildlife?

Long-Term Maintenance and Responsibility

13. Who will be responsible for maintaining the trail and ensuring it remains safe over time?
14. If the quarry site changes in the future (e.g., deeper excavation, flooding), how will thataffect the trail's viability?
15. What plans are in place for the trail's upkeep after the quarry is fully reclaimed?
16. Will CEMEX commit to paying for the above safety and mitigation measures, (#1 – 15above)? If not, why not?

Response 200-4

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 200-5

I also have serious concerns about the environmental impact of the proposed rock staining process. The Draft EIR lacks details about the risks of staining materials to soil and water quality. The following questions need to be addressed:

Composition and Environmental Safety of the Stain

17. What specific materials and chemicals are used in the rock staining process?

18. Are the staining chemicals non-toxic, biodegradable, and environmentally approved? What studies, regulatory approvals, or impact assessments confirm their safety?

19. Has the stain been tested for leaching in wet conditions? If so, what specific studies demonstrate the extent of leaching?

20. Does the stain contain heavy metals, volatile organic compounds, or harmful substances? If so, what material safety data sheets, chemical analysis reports, or regulatory reviews confirm the safety of the stain?

21. What published evidence or peer-reviewed research supports the use of rock stains planned for this project?

Soil Testing and Monitoring

22. Will soil samples be tested before and after staining to detect contamination? If so, what testing methodology and standards will be used?

23. At what distances from the staining area will soil samples be collected, and what scientific basis supports this sampling range?

24. What testing parameters will be used (e.g., pH, metal content, chemical residues), and which regulatory or industry standards will guide these tests?

25. How frequently will soil testing occur, both initially and as part of ongoing monitoring? What are the regulatory requirements or precedent studies upon which this testing frequency is based?

Water Quality Protection

26. Will groundwater wells and surface water sources be tested for staining-related contaminants? If so, what sampling methodology, frequency, and testing parameters will be used, and which environmental standards will be followed?

27. What scientific or engineering measures will be implemented to prevent stain runoff into water sources during rain

events? What hydrological studies or best management practices justify these measures?

28. Will a sediment and erosion control plan be implemented? If so, what specific techniques and regulatory guidelines will govern its design and enforcement?

29. What is the response plan if contaminants, including those from staining, are detected in water sources? What enforcement mechanisms ensure compliance and remediation?

Regulatory Compliance and Best Practices

30. What federal, state or local regulations govern the use of rock stains in mining operations? Provide references to specific statutes, environmental codes or agency guidelines apply.

31. Will the project follow best management practices for applying stains in an environmentally responsible manner? What industry standards, case studies or agency-approved guidelines support CEMEX's planned use of rock stains?

Long-Term Environmental Monitoring and Accountability

32. Will there be long-term monitoring of soil and water quality after the staining process is completed? If so, what monitoring duration, testing parameters and regulatory oversight will be in place?

33. Who will be responsible for ongoing monitoring and reporting results? Will independent third-party verification be required? If not, why not?

Response 200-5

The proposed rock staining process is a standard practice employed by quarries around the country and in California. The products that may be used for staining the quarry pit walls would be well established within the commercial and industrial industry. Any products used onsite would have undergone environmental testing and would be free of volatile organic compounds (VOCs) that could be volatilized into the environment.

The staining product would only be applied to the "visible pit walls" and would not be applied to soils, vegetation, or any other areas not disturbed/exposed by mining. As such, staining application would generally be limited to the higher portions of the pit walls, as the lower portions would generally not be visible from surrounding viewpoints. This

would further lessen the potential for staining products to potentially encounter native soil or water contained within the excavation pits. There are no known areas of soil or groundwater contamination or recorded hazardous materials released within or near the Plant and Quarry sites, and the Operator would continue to properly manage and store onsite materials (including any rock staining products) in accordance with existing BMPs, and spill prevention plans. Lastly, as the CEQA lead agency, the County would have oversight over the implementation of rock staining, as well as all other mitigation measures, through implementation of the Mitigation Monitoring and Report Program (MMRP).

The project would comply with County and SMARA requirements governing erosion control (Draft EIR page 4.7-19). Draft EIR Impact 4.7-4 analyzes the project's potential to result in substantial soil erosion and concluded that this impact would be less than significant.

Comment 200-6

Finally, Fresno County must require stronger mitigation measures, require additional studies, and insist on meaningful solutions rather than superficial fixes. Approving the project as it stands would set a dangerous precedent for handling significant environmental impacts. Given the project's proximity to parks, residential areas, and the San Joaquin River, I strongly encourage the County to reconsider the project's location. At the very least, the proposal should be rejected unless these concerns are fully addressed.

Response 200-6

The commenter's concerns and requests are noted and will be considered by County decision-makers. The Draft EIR discusses the evaluation of alternative project locations at Section 6.4.2.1, "Alternative Site Locations."

Letter #201 March 3, 2025, Adham Barghi

Comment 201-1

I live next door to Woodward park. I am voicing my comment and saying NO to the Cemex Expansion.

Response 201-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #202 March 3, 2025, Kathleen Belden

Comment 202-1

With all due respect, I urge you to do all you can to prevent the CEMEX expansion from moving forward. The San Joaquin River is home to so many species that are essential to the health of the local ecosystem, and destroying their habitat will have effects for generations to come.

Response 202-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. Wildlife species and associated habitats located within the project sites and surrounding area are described in Draft EIR Section 4.4, "Biological Resources." The project's potential impacts on wildlife species are evaluated under Impact 4.4-1 beginning on Draft EIR page 4.4-48. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section.

Comment 202-2

My family and I visit the river area regularly, which is where I teach my children how to respect and care for their environment in a tangible way. When I am teaching my 5 year old son about the local bird populations, I am instilling in him a love and respect for the natural world that then affects how he (and we) consume and care for the resources around us. When I am explaining to my daughter the interactions between the different animals in the food web in our local ecological community, I am teaching her to treat other living creatures with kindness.

Please don't allow the mining project to be approved. We need these protected wild places more than we know.

Response 202-2

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #203 March 3, 2025, Brendan Bergh

Comment 203-1

My wife and I received the mailer concerning the potential CEMEX expansion that would impact the San Joaquin River. We are homeowners and We are throughly opposed to any expansion. This is one of the only remaining open spaces in the area and we love the area.

Response 203-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 203-2

We are also worried about any potential harm to the local fish and wildlife and our water quality. Fresno water is already suspect enough.

Response 203-2

Potential impacts to fish and wildlife species are addressed in Section 4.4, "Biological Resources," of the Draft EIR. Potential impacts to water quality are addressed in Section 4.10, "Hydrology and Water Quality," of the Draft EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Letter #204 March 3, 2025, Rebekah Bergh

Comment 204-1

I oppose the expansion and am a resident of Fresno county who enjoys outdoor spaces. Fresno has little to do for fun, so please don't take this space away.

Response 204-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #205 March 3, 2025, William Bopp

Comment 205-1

Dear Mr. Randall:

I am writing to you regarding the Draft Environmental Impact Report for the expansion project.

I am a born and raised, Fresno boy, 67 years old, who likes to jog/run down by the San Joaquin River. It is a jewel. It's only going to get better with time.

I see that your title says Senior Planner. I assume you are good at your job. Like you, I've spent some time reading the pros and cons to this project.

I seem to come back to this one sentence: "They want to dynamite hundreds of feet below ground in close proximity to one of the country's most endangered rivers."

As you know, things happen. Mistakes are made.

I'd like my grandkids to enjoy this river that we have in Fresno. I'm sure you feel the same for your grandkids.

Do the right thing. Do NOT approve this project. It's the right thing to do.

Response 205-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #206 March 3, 2025, Melinda Brewer

Comment 206-1

After reviewing the PowerPoint information online, and although I am pro-industry advancement, I believe it is too much of a risk to move forward with this project. We cannot afford damaging the river and wildlife surrounding it.

Response 206-1

The project's potential impacts to the San Joaquin River are addressed in Section 4.10, "Hydrology and Water Quality," of the Draft EIR. Potential impacts to wildlife are addressed in Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #207 March 3, 2025, Kelli Dudley

Comment 207-1

I urge you to think critically of the environmental impacts of such an expansion. Currently, we need to consider the lasting impacts of expansions like these. As climate continues to change at the hands of corporations, we the people need to protect our lands. Our environmental future rests in the hands of people like you, and we need you to think of everyone and every living thing impacted by this, not merely financial gain. Please do your part for the people of Fresno, please reconsider this expansion and the harmful effects it will have on our beautiful lands in Fresno. I urge you to lead with your heart and have compassion and empathy for all beings whose safety rest in your hands.

Response 207-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #208 March 3, 2025, Sharon Edwards

Comment 208-1

I am writing to vehemently oppose the proposed CEMEX expansion. If approved, it will cause irreparable damage to the San Joaquin River and the fish and wildlife that depend on it.

Response 208-1

The project's potential impacts to the San Joaquin River are addressed in Section 4.10, "Hydrology and Water Quality," of the Draft EIR. Potential impacts to fish and wildlife species are addressed in Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #209 March 3, 2025, Preston Ernest

Comment 209-1

I am writing to voice my opposition to the proposed 100-year permit for the CEMEX mining operation and to formally challenge the adequacy of the Draft Environmental Impact Report (EIR). In my professional experience working with our region's unique ecosystems and native plant communities, I have witnessed firsthand how sensitive habitats can be disrupted by long-term industrial activities. Despite the significance of this project's potential impact on the San Joaquin River and surrounding areas, the EIR as drafted appears insufficient in scope and depth.

Response 209-1

The commenter's opposition to the proposed project and challenge to the adequacy of the Draft EIR are noted. Please see below for responses to specific issues raised in the comment letter.

Comment 209-2

Several key issues demand stronger analysis:

1. **Potential Degradation of Local Habitats**

   The EIR does not convincingly detail how continuous mining will affect flora and fauna that rely on existing

ecosystems. Even slight encroachments can lead to cumulative habitat loss, yet the report provides limited evidence of a robust plan to preserve biodiversity over a century-long timeline.

Response 209-2

Draft EIR Section 4.4, "Biological Resources," provides a detailed evaluation supported by substantial evidence of the project's potential to effect biological resources both within the project sites and adjacent areas. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. The comment does not address the adequacy of the Draft EIR's evaluation of biological resources impacts, and no further response is warranted.

Comment 209-3

2. Threats to Water Resources

Extended mining activities have the potential to alter groundwater tables and water quality—factors crucial to both native species and the broader community. The EIR offers minimal detail on how these resources will be monitored or protected over the long term.

Response 209-3

Please see Collective Response #23 pertaining to groundwater quality, Collective Response #24 pertaining to groundwater monitoring, and Collective Response #25 pertaining to surface water and groundwater interconnectivity. The comment does not provide evidence of a deficiency in the Draft EIR analyses of these topics.

Comment 209-4

3. Insufficient Cumulative Impact Assessment

Given that this permit spans 100 years, a comprehensive forward-looking evaluation is critical. The document needs to address how ongoing mining intersects with other regional pressures, including land-use changes, climate variability, and population growth.

Response 209-4

Draft EIR Chapter 5, "Cumulative Impacts," provides a detailed evaluation of cumulative impacts of the proposed project that explains the methodology including methods for assessing future cumulative conditions as influenced by specifically identified past, present, and reasonably foreseeable future projects as well as regional growth projections

(see "Analysis Method" at Draft EIR pages 5-2 and 5-3, and see Table 5-1, "List of Nearby Projects," on Draft EIR pages 5-4 and 5-5). Draft EIR Chapter 5 then provides a detailed evaluation assessing how each of the project impacts identified in Draft EIR Chapter 4, "Environmental Analysis," would have the potential to result in cumulative impacts in consideration of other specific projects and regional growth. The comment does not explain or provide evidence of a deficiency in the Draft EIR cumulative impact evaluation.

Comment 209-5

A project of this magnitude demands thorough scientific scrutiny, transparent mitigation strategies, and a clear plan for oversight to safeguard our local environment. Without a more rigorous assessment, it is premature to move forward with such a far-reaching permit.

Thank you for considering my perspective. I respectfully request that the Planning Department reconsider this permit until the shortcomings in the EIR are adequately addressed.

Response 209-5

The comment does not explain or provide evidence of a deficiency in the Draft EIR. The commenter's perspective and request is noted and will be considered by County decision-makers.

Letter #210 March 3, 2025, Amy Gallagher

Comment 210-1

Hi, I am a Fresno County resident and wanted to submit comments on the DEIR for the CEMEX Rockfield Expansion Project.

A healthy, thriving river will be so much better economically for the region than any mine. I was at the Louis S. Eaton Trail today that runs north of Woodward Park along Friant and even though it was a cold, breezy morning, there were so many people out enjoying nature. I hiked Ball Ranch farther north last week and we saw so many dog walkers, families, and birders out enjoying the area. We need to do everything we can to protect the few green spaces we have.

Response 210-1

See Collective Response #7 regarding economic effects of the project. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 210-2

Why would we allow a company to ruin our river? We have one river; we don't get a do-over.

Response 210-2

Potential effects to the San Joaquin River are addressed in Section 4.10, "Hydrology and Water Quality," of the Draft EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Responses #17 and #25.

Comment 210-3

Also, a hundred years? A hundred-year contract is so long it almost boggles the mind. My elementary-aged children would have to live with the noise pollution, the air pollution, and the lack of river access for their *entire* lives. We should not move forward with a project that will negatively affect generations of Fresno county residents.

We need the river - whole and healthy - more than we need a mine.

Response 210-3

See Collective Response #5.

Comment 210-4

A few questions that need to be answered:

1. I need to know that the river will not be affected at all. My children go to River Camp just south of the proposed area and they deserve a childhood full of nature, and a chance to enjoy the river.

Response 210-4

Potential effects to the San Joaquin River are addressed in Section 4.10 of the Draft EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Responses #17 and #25.

Comment 210-5

2. Birds! We have so many birds along the river, I need to know that their habitat and food will be safe and that the mining will not affect them.

Response 210-5

Potential impacts to birds and other wildlife species are addressed in Section 4.4, "Biological Resources," of the Draft EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See Impact 4.4-1 beginning on Draft EIR page 4.4-48. See also Collective Responses #13 through #15.

Comment 210-6

3. Fresno already has some of the worst air pollution in the country. I need to know that there will be NO additional air pollution.

Response 210-6

Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR, evaluates potential air quality impacts of the proposed project. See Chapter 3, "Draft EIR Errata," and Appendix D-4, "Revised Section 4.3, Air Quality." See also Collective Responses #9 regarding the project's potential effects on the region's existing air quality.

Comment 210-7

4. No one is going to want to hike or camp at Lost Lake for the hundred years they're mining next door. Lost Lake is one of the few county parks that we can camp at, and to lose that would be terrible. I need to know that the mining won't affect the enjoyment of being at Lost Lake.

Response 210-7

See Collective Response #27 regarding operational effects on users of nearby parks and trails.

Comment 210-8

5. And blast mining that close to a Friant Dam, less than three miles apart? That feels like a disaster waiting to happen. Have *independent* dam engineers agreed that explosions that close to a dam are ok?

Response 210-8

See Responses 300-4 and 448-34.

Comment 210-9

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in

this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected. Thank you for your time and consideration of these comments.

I look forward to your response and further discussions on this important matter.

Response 210-9

See Collective Response #1 regarding additional analysis, enhanced mitigation measures, and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of alternatives to the proposed project.

Letter #211 March 3, 2025, Thomas Grogan

Comment 211-1

Dear Sir, my wife and I live very close to Cmex and abhor the idea that the business is expanding. There are already too many large trucks traveling up and down Friant Avenue.

Response 211-1

The issue of truck traffic on Friant Road is addressed in Section 4.17, "Transportation," of the Draft EIR. See Impact 4.17-1 beginning on Draft EIR page 4.17-27. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #29.

Comment 211-2

Also, the damage to the river and the surrounding environments can't be mitigated once done.

Response 211-2

Potential effects to the San Joaquin River are addressed in Section 4.10, "Hydrology and Water Quality," of the Draft EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Responses #17 and #25.

Comment 211-3

Hard rock blasting is noise and dust pollution as well as threatening to our water to say nothing about impacting fish and wildlife.

Response 211-3

The issues of noise and dust are addressed in Section 4.13, "Noise," and Section 4.3, "Air Quality," of the Draft EIR, respectively. The project's potential impacts to water and fish and wildlife species are addressed in Section 4.10 and Section 4.4, "Biological Resources," of the Draft EIR, respectively. Further, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Revised Air Quality, Health Risk and Climate Change Impact Assessment*, (see Appendix D-3) including the impact of the project's proposed blasting on air quality. See Appendix D-4, "Revised Section 4.3, Air Quality," and Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections and supporting appendix referenced in this response.

Comment 211-4

There must be a better quarry location than next to a projected 5,000 homes! We are opposed to the project.

Response 211-4

See Draft EIR Section 6.4.2.1, "Alternative Site Locations," for a discussion of alternative locations for the proposed project. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #212 March 3, 2025, Karen Hammer

Comment 212-1

I am a resident of Fresno County and I am writing to express my opposition to the proposed 100-year permit for the CEMEX mining operation and to challenge the adequacy of the Draft Environmental Impact Report (EIR) prepared for this project. The EIR does not sufficiently or accurately assess the environmental, ecological, and community impacts this long-term operation will have on the San Joaquin River and surrounding areas.

Response 212-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See the following more detailed Responses 212-2 through 212-6 to the commenter's individual comments describing inadequacies in the Draft EIR.

Comment 212-2

As someone who frequently travels on roads through the area impacted by this project, and with experience in conservation and outdoor recreation, I find that the EIR fails to adequately address the following concerns:

1. The DEIR states that project emissions may exceed cancer risk thresholds. Has an analysis been done of the population-wide cancer burden? CEQA requires an analysis be done before taking into account possible mitigation measures. Fresno already has some of the worst air quality in the state!

Response 212-2

See Collective Response #11 regarding analysis of the project's population wide cancer burden. See also Collective Response #9 regarding the project's potential effects on the region's existing air quality.

Comment 212-3

2. What about the noise from blasting and its effects not only on residents in the area, but on people walking in the adjacent park lands? What mitigation measures are there for noise reduction at night as well as in the daytime?

Response 212-3

The issue of noise is addressed in Section 4.13, "Noise," of the Draft EIR. See Impact 4.13-3 regarding operational noise at the Quarry Site (where blasting would occur) (see Draft EIR page 4.13-59) and Impact 4.13-6 regarding groundborne vibration resulting from blasting (see Draft EIR page 4.13-65). Mitigation Measure 4.13-3 requires the operator to select and implement noise reduction measures from a range of measures as appropriate depending on the location and conditions of the active mining area. Additional noise monitoring would then be conducted to ensure noise levels meet County standards or additional measures would be implemented until standards are met. Mitigation Measure 4.10-1 would require a similar adaptive monitoring program to ensure that sufficient noise control measures are implemented to reduce blasting-related noise to below applicable standards. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.13. See also Collective Response #27 regarding effects of blasting on users of nearby parks and trails.

Comment 212-4

3. I am very concerned about traffic congestion and the heavy trucks that will be using the Friant/Willow corridor. I am concerned about my safety and the safety of student drivers from the Willow/International education complexes. What will CEMEX do to mitigate the traffic impacts?

Response 212-4

The issues of traffic congestion and roadway safety are addressed in Section 4.17, of the Draft EIR. See Collective Response #29 regarding increased truck traffic and Collective Response #30 regarding traffic safety. Mitigation Measures 4.17-1a through 4.17-1r require the Operator to pay the project's fair share of the cost of a range of road and intersection improvements in the project area to address identified service deficiencies and improve traffic safety. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17.

Comment 212-5

4. Some areas of local and regular recreation for residents of Fresno County include Ball Ranch, Ledger Island, Sumner Peck, and the River Center. Has the EIR analyzed the impact this project would have on the ability of county residents to recreate in these areas taking into account the noise pollution, traffic congestion and hazards, and air quality/

Response 212-5

The Draft EIR addresses the topics of noise pollution and traffic congestion in Section 4.13 and Section 4.17, respectively. The topics of hazards and air quality are addressed in Section 4.9, "Hazards," and Section 4.3 (see Appendix D-4, "Revised Section 4.3, Air Quality"), as they are updated in this Final EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #27 pertaining to the project's potential operational effects on users of nearby parks and trails.

Comment 212-6

A project of this scale and duration - 100 years??!! - requires a far more comprehensive environmental review with thorough scientific analysis, long-term cumulative impact assessments, and meaningful mitigation strategies. This DEIR does not meet these standards, and I urge Fresno County to require revisions that fully account for the long-term consequences of extending CEMEX's mining operations.

I request that the Planning Department reconsider this permit in light of the inadequacies of the EIR and demand a more thorough environmental review before any decisions are made.

Response 212-6

See Collective Response #5 regarding the duration of the proposed use permit. Chapter 5, "Cumulative Impacts," of the Draft EIR presents the cumulative impact analysis for the

proposed project. The Draft EIR sufficiently analyzes potential environmental impacts of the proposed project. The comment is noted for the consideration of the decision-makers.

Letter #213 March 3, 2025, Carla Hawks

Comment 213-1

Do not allow Cemex to make another gravel pit on what's left of our river.

What does an international corporation like Cemex care about our quality of our environment? They do not care.

I am extremely opposed to another gravel pit. I worked at PW&P for John Thompson and I know how much the Parkway means to our community.

Do what's right for Fresno County and the San Joaquin River.

Response 213-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #214 March 3, 2025, Robert Hills (Letter #1)

Comment 214-1

I did not see in the ERI any mention of the recreational needs of people of color and the less fortunate. Not everyone has a cabin in Shaver, a boat or even the means to hop up to Shaver to recreate by the water. Lost lake has been an outlet for swimming, fishing and picknicking for many years. We walk there once a week for the peace and tranquility of the area. Cemex needs to address this issue.

Response 214-1

See Collective Response #21 regarding public access to the river. The project's impacts to recreational resources are analyzed in Draft EIR Section 4.16, "Recreation." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #215 March 3, 2025, Robert Hills (Letter #2)

Comment 215-1

I think the ERI is a little wishy washy when it comes to the reaction of fish if this project is giving the go ahead. I am a fly fisherman. Every fly fisherman in the world knows that fish

react in a fraction of a second to shockwaves, noise and shadows. If they don't, they won't catch any fish. This area will become a dead zone if it is foolishly given the go ahead.

Response 215-1

See Collective Response #27 regarding effects of blasting on users of nearby parks and trails. See also Collective Response #16 regarding the effects of vibrations on salmon spawning. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #216 March 3, 2025, Jonathan Howerton

Comment 216-1

The purpose of this email is to voice my objections to the proposed CEMEX expansion. I am a resident in the Woodward Lake community and feel that this expansion would negatively affect my quality of life as well as the quality of life for the entire geographic area.

My biggest concerns include noise, traffic, environmental damage to the land, environmental damage to the river and waterways, and damage to wildlife habitats. Please include these concerns in the decision making process.

Response 216-1

The issues of noise and traffic are addressed in Section 4.13, "Noise," and Section 4.17, "Transportation," of the Draft EIR, respectively. Potential impacts to water resources and wildlife habitat are addressed in Section 4.10, "Hydrology and Water Quality," and Section 4.4, "Biological Resources," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #217 March 3, 2025, Steven Hromada, PhD.

Comment 217-1

I have reviewed the Draft EIR for the CEMEX project, and I see a few glaring issues, especially with respect to the Biological Resources:

The project claims that Western Pond Turtle is unlikely to occur on the project site as "the level of disturbance" prohibits movement of the species without a citation. This federal candidate species is known to occur at the Fresno Water Treatment plant (and others in CA, Germano 2010), so this claim that it is unlikely to occur due to disturbance seems optimistic. They noted that red-

eared slider turtles were found, suggesting that suitable aquatic turtle habitat is present yet they could not detect pond turtles during their brief assessments. Red- eared sliders can exclude pond turtles from basking sites, making detection of pond turtles more difficult (Lambert et al., 2019). A real survey and plan to exclude turtles from the project site is needed, as there could be risks (vehicle collisions) associated with turtles using the site even if habitat is not disturbed.

Response 217-1

The Draft EIR does state that the potential for western pond turtle to occur at the project sites is low due to the disturbance surrounding the silt ponds that would inhibit movement of Western Pond Turtles into the project site (Draft EIR at page 4.4-35). However, the Draft EIR does plan for the possibility of western pond turtles occurring at the project sites. Mitigation Measure 4.4-1b would require pre-construction clearance surveys of the ponds on the Plant and Quarry sites no more than 14 days prior to the removal of a pond (Draft EIR at page 4.4-49). As clarified in Chapter 3, "Draft EIR Errata," Mitigation Measure 4.4-1b also requires biological monitoring during pond draining and removal activities to ensure protection of western pond turtle. If any western pond turtles are discovered within the project sites as part of this pre-construction clearance, a qualified biologist with approval from the CDFW would relocate the individual to similar habitat near the project sites (Draft EIR at page 4.4-49). These measures are sufficient to avoid and minimize potential impacts, and no additional revisions to the Draft EIR are required.

Comment 217-2

There is no mention of surveys for the Northern legless lizard (Anniella pulchra). Although not known from this area, the species of special concern was recently discovered in the dry riverbed of the Fresno river in Madera (Hansen and Shedd 2025). This suggests that the species potentially occurs in eastern Fresno county, though no formal surveys have been performed. The species can persist in annual grassland habitats and surveys should be performed to confirm absence.

Response 217-2

Please see Response 65-6 regarding the sufficiency of the field surveys conducted for the Draft EIR. CEQA does not require that protocol level surveys be conducted for the purposes of establishing the likelihood of a species' presence on or adjacent to the project site. Species of Special Concern receive consideration by CDFW and local lead agencies during the CEQA process (Draft EIR at page 4.4-39). In light of this, the CDFW *recommends* consideration of these species during project impact analyses (Draft EIR at

page 4.4-39). The Northern legless lizard is not federally or State listed as threatened or endangered, and was not observed in the habitat surveys conducted for the Draft EIR.

Comment 217-3

Better surveys for presence of western spadefoot is also needed, as they may occupy the annual grassland on the site and use other bodies of water for reproduction. There are historic occurrences along the San Joaquin River.

Response 217-3

See Response 65-6 regarding the sufficiency of the field surveys conducted for the Draft EIR. The analysis demonstrates that blasting and mining activities are not expected to result in significant impacts to these species (Draft EIR at page 4.4-48). However, to further ensure protection, Mitigation Measure 4.4-1b requires the Operator to conduct pre-construction clearance surveys of the ponds on the Plant and Quarry sites no more than 14 days prior to the removal of a pond (Draft EIR at page 4.4-49). If any Western spadefoot toads are discovered within the project sites as part of this pre-construction clearance, a qualified biologist with approval from the CDFW would relocate the individual to similar habitat near the project site (Draft EIR at page 4.4-49). These measures, as revised and strengthened in Chapter 3, "Draft EIR Errata," to include additional biological monitoring and implementation requirements during pond removal, are sufficient to avoid and minimize potential impacts, and no additional revisions to the Draft EIR are required.

Comment 217-4

Suitable habitat also likely exists for other amphibian (e.g. *Batrachoseps gregarius*) and reptile species (e.g. *Thamnophis sirtalis*, *Sceloporus occidentalis*) that were absent from the report suggesting that the study was not thorough in accounting for potential impacts.

Response 217-4

See Response 65-6 for discussion of the field surveys conducted for the Draft EIR. The species identified in the comment were not identified during the habitat assessment conducted at the project site, nor were they identified as having the potential to occur within the boundaries of the survey area. Further, none of the species identified in Comment 217-4 are identified as endangered and the habitat onsite was not determined to be suitable for these species.

Comment 217-5

Further, although breeding birds may not be present directly on the site, the changes in practices and increased traffic may cause nests to fail in the surrounding area. Nesting birds in the area should be better documented and potential impacts of blasting on nearby nests should be considered.

Response 217-5

The impacts from construction and mining, including blasting, on nesting and migration patterns are adequately analyzed in the Draft EIR. See Response 65-12 for further discussion of the project's potential impacts on wildlife related to blasting and continued mining operations. With implementation of Mitigation Measure 4.4-1c, as revised through errata in Final EIR Chapter 3, "Draft EIR Errata," a qualified biologist would conduct pre-construction surveys for nesting birds on the project sites or within 500 feet of planned disturbance before initiation of each mining phase. Potential impacts to nesting birds would therefore be less than significant (Draft EIR at page 4.4-49).

Wildlife in the surrounding area of the project sites has habituated well to the recurring noise of the project site. Osprey have successfully nested annually on power poles immediately adjacent to rock plants and along truck haul routes; bald eagles have nested above and next to heavily trafficked access roads and next to crushing operations and forage within the mining operation; great horned owls roost and nest annually on rock plants; raptors successfully nest and forage within the mining operations; and resident and migratory birds have been observed to nest adjacent to active mining operations (Draft EIR at page 4.4-52). As such, no significant impacts to nesting birds are anticipated.

Letter #218 March 3, 2025, Barbara Hueyn

Comment 218-1

I am totally against approving the CEMEX Expansion. It will:

1. Irreparably harm the river.

Response 218-1

The project's potential impacts to the San Joaquin River are addressed in Section 4.10, "Hydrology and Water Quality," of the Draft EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 218-2

2. Limit land use needs in the future 100 years. Land has already been dedicated to provide natural outdoor experiences for the citizens.

Response 218-2

See Collective Response #18 regarding the project's consistency with regional recreational planning efforts in the area. See also Collective Response #21 regarding public access to the San Joaquin River.

Comment 218-3

3. Add to the congestion on the roads in close proximity to Woodward and the Parkway, residences, and commercial establishments.

Response 218-3

See Collective Response #29 regarding traffic congestion and increased truck trips.

Comment 218-4

4. Limit Senior citizens the pleasure open spaces available, since they are unable to travel farther.

Response 218-4

See Collective Response #21 regarding public access to the San Joaquin River and Collective Response #27 regarding the project's operational effects on users of nearby parks and trails.

Comment 218-5

5. Increase disturbing wildlife.

Response 218-5

Project impacts on wildlife are addressed in Section 4.4, "Biological Resources," of the Draft EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Responses #12 through #16 regarding the project's potential impacts upon fish and wildlife species.

Comment 218-6

The company has outlived using the land for their own use. The city has grown around them. Their existence unfortunately no longer fits into the scheme of our city.

Response 218-6

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #219 March 3, 2025, John and Norma Kirby

Comment 219-1

In considering approval of the Cemex expansion plans, we note all the areas listed below that benefit Cemex.

We note nothing in this rather long list that explains the benefits to the residents of Fresno County. *We therefore stand in opposition to the approval of this expansion plan.*

Cemex's expansion plan primarily benefits from increased market reach, particularly in the US, allowing them to capture a larger share of the construction materials market, leading to potential for **higher revenue**, **improved profitability**, **and stronger market position** ; additionally, their focus on sustainable practices and "Urbanization Solutions" could attract environmentally conscious customers and tap into growing urban development needs, while also potentially enhancing brand reputation and opening new growth avenues.

Key benefits of Cemex's expansion plan:

Market Penetration:

By expanding their presence in the US, especially in the aggregates market, Cemex can tap into a large and growing construction sector, potentially increasing sales and market share significantly.

Profitability Boost:

Accessing a larger market with higher demand could lead to increased revenue and profitability, allowing for re investment in further growth initiatives.

Diversification:

Focusing on the "Urbanization Solutions" business can provide a new revenue stream beyond traditional cement products, aligning with growing urban development needs.

Sustainability Advantage:

By prioritizing lower-carbon and circular practices, Cemex can appeal to environmentally conscious customers and potentially gain a competitive edge.

Operational Efficiency:

Investment in technology and digital platforms like "Cemex Go" can optimize operations, improve customer service, and reduce costs.

Brand Reputation:

A focus on sustainability initiatives can enhance CemeX's brand image and attract a broader customer base.

Response 219-1

See Draft EIR Section 6.3.1, "Project Objectives," which discusses the objectives of the project. See also Chapter 3, "Draft EIR Errata," for proposed revisions to the project objectives as presented in the Draft EIR Executive Summary, Chapter 2, "Project Description," and Chapter 6, "Alternatives." One of the main objectives is to continue supplying aggregate and construction materials in the Fresno region. The comment, and the commenter's opposition to the proposed project, are noted for the consideration of the decision-makers.

Letter #220 March 3, 2025, Russell and Rebecca Lindquist

Comment 220-1

This email is to share our concerns about the Cemex expansion and the type of mining they will be conducting.

We are longtime Fresno County residents who value efforts to support a beautiful river as a resource for residents and wildlife in our area.

We need natural beauty close to population, not a few hours drive away. Many cities place high value on their waterways and natural habitats because they understand the importance of these resources for human respite and wildlife refuge, not to mention property values.

We have enjoyed time spent along the river and bird walks along its shores. However, we remember well the unsightly mining that used to permeate the San Joaquin River! We appreciate leaders who turned it into something better and more useful so it can contribute to quality of life for our Valley.

The Cemex expansion threatens this valuable resource to Fresno County. Let's not go backwards.

Response 220-1

The issue of visual resources is addressed in Section 4.1, "Aesthetics and Visual Resources," of the Draft EIR. Potential impacts to wildlife habitat are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #27 regarding the project's operational effects on users of nearby parks and trails and Collective Response #7 regarding economic effects of the project. The comment and the commenter's opposition to the project are noted for the consideration of the decision-makers.

Letter #221 March 3, 2025, Steven Matthews

Comment 221-1

I am writing to let you know I oppose the CEMEX expansion project. I feel it is detrimental to the residents of Fresno County.

It will increase traffic, add wear and tear to the roads, impact recreational areas nearby, impact fish and wildlife, add pollution, while adding no benefit to the tax paying residents of Fresno County.

Please take my opinion into consideration.

Response 221-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The issues of traffic congestion and road maintenance are addressed in Draft EIR Section 4.17, "Transportation." See also Collective Response #29 regarding project truck traffic and funding for road maintenance. See Collective Response #27 regarding the project's potential operational effects on users of nearby parks and trails.

Project impacts on fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." The issues of air and water pollution are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.10, "Hydrology and Water Quality," as they are updated in the Final EIR, respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections and supporting appendices referenced in this response. See also Collective Response #7 regarding economic effects of the project.

Letter #222 March 3, 2025, Gerard Medeiros

Comment 222-1

I am writing to express my strong opposition to the proposed expansion of the CEMEX Rockfield Quarry, as detailed in the Draft Environmental Impact Report (DEIR). This project poses significant threats to the San Joaquin River ecosystem, public safety, and local infrastructure.

Environmental Concerns:

- Depth of Excavation: The plan to excavate up to 600 feet below ground surface raises concerns about potential impacts on groundwater levels and the overall health of the river ecosystem.

Response 222-1

The project's potential impacts to groundwater levels and to the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. The comment is noted for the consideration of the decision-makers.

Comment 222-2

- Blasting Operations: Transitioning from mechanical digging to blasting hard rock introduces risks of habitat disruption, noise pollution, and potential harm to aquatic and terrestrial wildlife.

Response 222-2

The effects of blasting and other operational activities are evaluated throughout the Draft EIR. See Draft EIR Section 4.4, "Biological Resources," for an evaluation of effects on wildlife habitat and aquatic and terrestrial wildlife. See also Draft EIR Section 4.13, "Noise," for an evaluation of noise pollution. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 222-3

Public Safety and Infrastructure:

- Increased Traffic: The project is expected to increase heavy truck traffic on local roads, leading to accelerated wear and tear, elevated maintenance costs, and heightened risks of accidents.

Response 222-3

See Collective Response #29 regarding increased traffic and road maintenance costs. See also Collective Response #30 regarding traffic safety.

Comment 222-4

- Air Quality: Blasting and increased vehicular emissions could degrade air quality, adversely affecting public health, especially for vulnerable populations.

Response 222-4

The issues of air pollution and public health are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality." Additionally, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3) including the impact of the project's proposed blasting on air quality and an updated HRA. This updated analysis demonstrates no new impacts and no changes to the findings in the Draft EIR. See also Chapter 3, "Draft EIR Errata."

Comment 222-5

Economic Considerations:

- Tourism and Recreation: The San Joaquin River is a vital recreational asset. The proposed expansion could deter tourism, impacting local businesses and diminishing residents' quality of life.

Response 222-5

See Collective Response #7 regarding the project's potential economic effects.

Comment 222-6

Recommendations:

1. Comprehensive Environmental Review: Conduct a thorough and updated environmental impact assessment to address the potential consequences of deeper excavation and blasting.

2. Public Consultation: Engage with local communities, environmental organizations, and other stakeholders to gather input and address concerns transparently.

3. Alternative Solutions: Explore less invasive methods or alternative sites that would minimize environmental and community impacts.

In conclusion, the potential risks associated with the CEMEX Rockfield Quarry expansion outweigh the anticipated benefits. I urge the Fresno County Public Works & Planning Department to reconsider the approval of this project to safeguard our community and natural resources.

Response 222-6

The comment describes the environmental review process under CEQA which has been completed for the proposed project and presented in the Draft EIR. Analysis of the project's potential impacts is presented in Draft EIR Chapter 4, "Environmental Analysis." Draft EIR Chapter 6, "Alternatives," presents an evaluation of a range of alternatives to the proposed project. Section 2.2, "Public Review Period and Notifications," of this Final EIR summarizes the public participation process for the project. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #223 March 3, 2025, Carol Ann Meme

Comment 223-1

I am writing regarding my **OPPOSITION** to the CEMEX expansion project that is being considered for approval by the County Board of Supervisors.

There are several areas of concern that I have.

1. The DEIR states that the project could have emissions that may exceed cancer risk thresholds. There is no evaluation of the population-wide cancer burden. We already have an increased risk of cancer due to environmental issues (air pollution, poor water quality, etc) here in the Central Valley and this will only add to that burden.

Response 223-1

After mitigation, the cancer risk at the maximum exposed individual sensitive receptor (MEIR) decreases from the baseline condition (i.e., cancer risk is a negative value demonstrating that the project would be a benefit) (see Draft EIR, Table 4.3-24, "Unmitigated Project Health Risk Impacts," and Table 4.3-25, "Mitigated Project Health Risk Impacts"). Accordingly, other locations would have even less cancer risk, demonstrating an even larger benefit in these other locations. Thus, the cancer burden, a

measure summing effects from each census block, would show a benefit. Therefore, cancer burden was not required to be calculated in the Draft EIR. Nevertheless, in response to air comments on the Draft EIR, the technical analysis was reviewed and updated with new information described in the *Revised Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3). The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. See also Tables 4.3-24 and 4.3-25, as updated in this Final EIR at Appendix D-4, "Revised Section 4.3, Air Quality."

Comment 223-2

2. The DEIR does not adequately analyze potential impacts of blasting on wildlife in this area. The examples given only related to surface mining and not the deep pit mining that is being proposed. Our wildlife in this area are already burdened by excessive heat, drought, loss of habitat and lack of clean water. This will only make conditions worse for our already threatened wildlife.

Response 223-2

See select collective responses addressing the potential impacts of blasting, specifically Collective Response #12 (river and salmon restoration), Collective Response #13 (nesting birds and other wildlife), Collective Response #15 (non-nesting birds and birds outside of nesting season), and Collective Response #16 (salmon spawning). The project sites are already disturbed by decades of ongoing mining operations, and the proposed excavation areas would stay within the boundaries of the currently existing project sites. As such, the proposed project would not result in the loss of habitat for tricolored blackbird or other wetland species. Please refer to the Draft EIR's discussion of Impact 4.4-4, which concludes that the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community with the implementation of Mitigation Measures 4.10-1, 4.3-2a, and 4.3-2b (Draft EIR page 4.4-55 through 4.4-58).

Comment 223-3

3. Impacts from blasting on local residents are not adequately addressed in the DEIR. Besides the noise, there are the impacts it can have on structures, wells, destabilization of the San Joaquin River embankment. The DEIR also did not analyze the impact that blasting may have on those who use Woodward Park.

Response 223-3

Please see Collective Response #17 pertaining to blasting impacts upon bank stability and risk. Please see Collective Response #27 pertaining to potential effects on adjacent parks.

Comment 223-4

4. There is also concern that this additional mining is not even really needed. I read an article in the Fresno Bee by Marik Warszawski stating that there are more than adequate reserves of the materials that this mining is going to produce. So why would we risk all these potential negative impacts when we have plenty of the product already at hand and provided by a different vendor?

Response 223-4

Please see Collective Response #3 pertaining to regional aggregate demand and supply.

Comment 223-5

Please let the county know that this is a very bad idea from many standpoints. Let's protect our air quality, our wildlife and the residents who live in this area from more destruction for no purpose.

Thank you for taking the time to read my comments.

Response 223-5

The comment does not address the adequacy of the Draft EIR. The commenter's opinions regarding the project and interest in protection of air quality, wildlife, and residents are noted and will be considered by County decision-makers.

Letter #224 March 3, 2025, Rene Mertens

Comment 224-1

Please do not allow 100 more years of mining by CEMEX near the SJ River. The environmental impact to wildlife and the river would be a disaster. The noise and scale of blasting would impact neighborhoods in surrounding areas and the health of those communities.

This is an existential threat to the SJ River and all those who enjoy its beauty and would also threaten water quality.

Response 224-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #5 regarding the duration of the proposed use permit. Potential impacts to wildlife and the San Joaquin River are addressed in Section 4.4, "Biological Resources," and Section 4.10, "Hydrology and Water Quality," respectively. The issue of noise is addressed in Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective

Response #27 regarding the effects of proposed blasting on users of surrounding parks and trails.

Letter #225 March 3, 2025, Cheryl Milnac

Comment 225-1

CEMEX, a multinational mining company wants to dynamite a 600 foot deep pit too close to the San Joaquin River. County planners spent 5 years preparing a 3,767 page draft EIR for the so-called **"Rockfield Quarry Modification Project".**

For the Fresno area, the ***Aggregate Sustainability in California*** report (last updated by the **California Geological Survey** in 2018) states that 305 million tons of aggregate will be needed for the next 50 years. We already have **556** million tons of permitted aggregate reserves.

Response 225-1

See Collective Response #3 regarding aggregate demand and the need for the proposed project.

Comment 225-2

If the wall of earth separating the river and the open mine gave way, a **disaster** would result.

For these and many other reasons please oppose the development of the **Rockfield Quarry Modification Project**

Response 225-2

See Collective Response #17 regarding river bank stability and the potential for breach and flooding of the quarry pit. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #226 March 3, 2025, Multiple Signers

This letter is a duplicate of Letter #225.

Letter #227 March 3, 2025, Marcella L Osterhaus

Comment 227-1

The proposed expansion of CEMEX operations along the San Joaquin River is detrimental to the environment.. It negatively impacts the surrounding habitat and possibly impacts the San Joaquin River itself. CEMEX has been in that location and has a permit for 100 years but at this point allowing it to expand by digging a 600

foot hole so close to the river, so near a growing area is harmful to the community.

Response 227-1

The project's potential impacts to the San Joaquin River are addressed in Section 4.10, "Hydrology and Water Quality," of the Draft EIR. Potential impacts to wildlife are addressed in Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #17 regarding river bank stability and the potential for breach to occur. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 227-2

Recreational areas like ball ranch, and the open area of Sumner-Peck affords people to go out and enjoy the river so allowing Cemex to dig a 600 foot hole in that area is not good.

Response 227-2

See Collective Response #21 regarding public access to the San Joaquin River and Collective Response #27 regarding the effects of blasting and other project activities on users of nearby parks and trails.

Comment 227-3

Friant Road has a lot of traffic already and it continues to have more and more traffic as homes are being built north and east of it. Allowing many heavy gravel trucks to use it daily makes the situation worse.

Response 227-3

The issue of traffic congestion is addressed in Section 4.17, "Transportation," of the Draft EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #29 regarding project truck traffic.

Comment 227-4

Many families enjoy going to the San Joaquin River and allowing Cemex to dig there harms air quality. The environmental impact report was done when? Has there been a recent EIR done? In this area we have very few places to take families to the San Joaquin River and this is one of them and it's important to keep it to enjoy now and years to come.

Response 227-4

The issue of air quality is addressed in Section 4.3, "Air Quality," of the Draft EIR. The Draft EIR for the proposed project was completed in December 2024 and released for public review between December 21, 2024, and March 10, 2025. See Chapter 3, "Draft EIR Errata," and Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to Draft EIR Section 4.3 and supporting technical appendices. See Collective Response #9 regarding the project's potential impact on the region's existing air quality conditions. See also Collective Response #21 regarding public access to the San Joaquin River.

Letter #228 March 3, 2025, John Peckham

Comment 228-1

I oppose the expansion. My main fear is for the San Joaquin river. Many millions of dollars have and will be spent to try and introduce Chinook Salmon back to the river. Blasting and possible contamination by silt and other runoff could severely damage fish and other wildlife. I and some of my Kokanee Power friends have volunteered at the Friant fish hatchery. We know how delicate the salmon fry are. They need clean water.

Response 228-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. Potential impacts to fish species and the San Joaquin River are addressed in Draft EIR Section 4.4, "Biological Resources," and Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #12 regarding project effects on salmon restoration efforts and Collective Response #16 regarding effects of blasting on salmon spawning.

Comment 228-2

It seems that there are two other locations for the aggregate that is needed. Kings River and 145 and 41 area. Thanks for listening. Please register my NO vote.

Response 228-2

See Collective Response #3 regarding aggregate demand and the need for the proposed project. The commenter's opposition is noted for the decision-makers.

Letter #229 March 3, 2025, Karl Quinn

Comment 229-1

I am writing to ask you NOT to approve the the proposed CEMEX expansion.

I am a hiker and photographer and would like to preserve the San Joaquin River and surrounding area. After many years of hard work, the river is doing much better. Let us preserve that progress for everyone to enjoy.

Response 229-1

Potential impacts to the San Joaquin River are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #18 regarding the project's consistency with the Parkway Master Plan and Collective Response #12 regarding the project's potential effects on recent river restoration efforts.

Comment 229-2

The proposed expansion with one hundred years of continued mining is a very long time! A many hundred foot deep pit mine will have drastic and deleterious effects on the surrounding wild area. Please do not approve this proposal.

Response 229-2

See Collective Response #5 regarding the duration of the proposed use permit. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #230 March 3, 2025, Nanette Stockle

Comment 230-1

Please disapprove Cemex expansion. I would not approve threating water quality and impacting fish and wildlife. Please say NO to Cemex expansion!!

Response 230-1

The issue of water quality is addressed in Section 4.10, "Hydrology and Water Quality," of the Draft EIR. Potential impacts to fish and wildlife species are evaluated in Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #231 March 3, 2025, Jack Tacchino

Comment 231-1

Like so many of my friends and neighbors, I am deeply opposed to allowing the expansion of CEMEX. Allowing the creation of a 600-foot-deep mining pit in this residential and environmental area would be greatly damaging in many ways. Mining rights for 100 years in this area would also be irresponsible. Please reject the CEMEX project.

Response 231-1

See Collective Response #5 regarding the duration of the proposed use permit. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #232 March 3, 2025, Neil Thompson (Letter #1)

Comment 232-1

Dear Mr. Randall.

Figure 2-8 Quarry Site Proposed Mining Plan indicates a potential route for a Parkway Trail along the western side of the Quarry Site.

Figure 2-8 also includes notes that seem to indicate that there was, is and will be a 200' setback from the edge of the river channel and any earth stockpiling or excavation. Please note that the 200' setback is from the edge of the river (presumably at normal water release levels from Millerton Lake) to the top edge of the open pit mine where the 2:1 slope drops into the pit. The setback is not from CEMEX's property line! There are several locations near the westerly bend in the river where the setback will be less that 100 feet from the edge of the pit. This means that the "berm" that will separate the river from the pit will be far less wide than anticipated. And there is no indication that the "berm" will have any height to it nor that it will be higher than the edge of the pit.

Response 232-1

To clarify, Figure 2-8, "Proposed Quarry Site Mining Plan," shows a potential parkway trail easement along the eastern bank of the San Joaquin River, just west of the Quarry Site. The commenter is correct in assessing that the minimum 200-foot setback is from the river's edge and not the parcel boundary, which is adjacent to the riverbank in many locations. The Operator has adhered and would continue to adhere to the existing

setbacks summarized in Section 2.4.2.2, "Quarry Site Existing Conditions," within the Draft EIR (see page 2-18). The Operator is also engaged in discussions with the San Joaquin River Conservancy to provide easements for future development of connected trails along the river from the Plant and Quarry sites and is consistent. Such an easement would be consistent with the San Joaquin River Parkway Master Plan Update EIR. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 2.4.2.2. See also Collective Response #17, which describes that CEMEX raised the berm separating the Quarry Site from the San Joaquin River to conservatively address potential flooding impacts.

As discussed in the Draft EIR, vegetated topsoil stockpiles are located along the western perimeter of the project sites to provide additional screening for visual relief. Specifically, as described in Section 2.4.2.2, there is an existing, minimum five-foot high screening berm along the North Friant Road frontage and an existing minimum fifteen-foot-high screening berm along the south property line, extending from the southwest corner of the site to approximately 475 feet from the North Friant Road right-of-way.

Comment 232-2

A close examination of the topographic survey found in Appendix G-1, Appendix 1, Figure 2 shows the extent of the stockpiling and excavations that have been performed in the past. It is obvious that significant earthwork would be required to construct the "berm" to separate the river from the pit mine. It is unclear when the berm would be constructed. Without the berm there would not be any chance of constructing a Parkway Trail along the approximately 1.5 miles of river frontage.

Response 232-2

Please see Collective Response #17, which describes that CEMEX raised the berm separating the Quarry Site from the San Joaquin River to conservatively address potential flooding impacts. Various perimeter berms and stockpiles exists throughout both project sites and provide additional screening from the river channel. Berms may also be created in the future onsite as needed/feasible. However, any future berms would be installed no closer than 25 feet to any property boundary except for those berms meant to shield offsite areas from noise or visibility (these would primarily be maintained along the project site's eastern boundary along North Friant Road, and not along the western boundary adjacent to the river). Specifically, there is an existing 5-foot screening berm along the frontage of North Friant Road and a 15-foot screening berm along the southern property boundary of the Quarry Site that would remain in place.

Comment 232-3

It is also evident that a serious flood risk exists along this stretch of the river as the westerly bank is much higher than the Quarry side is. This flooding risk would increase the likelihood that the Trail would be severely damaged or rendered unusable for long periods of time and at great cost of reconstruction.

Response 232-3

See Responses 12-26 and 58-25. See also Collective Responses #17, pertaining to flooding, riverbank stability, and potential for breach to occur, and Collective Response #22, pertaining to dedication of trail easements adjacent to the project sites. Additionally, the Draft EIR included detailed hydrology analyses (see the technical studies in Appendix G, "Hydrology and Water Quality") that looked at potential flooding conditions/flow rates within the adjacent San Joaquin River. Specifically, a 100-year HEC-RAS analysis was prepared along the Quarry Site. This study reach covers the majority of the Quarry Site and was used to define the current floodplain and identify potential impacts related to hydrologic and water quality conditions as a result of the proposed project. Detailed methodology is provided in Appendix G-1, "Hydraulic Analysis," of the Draft EIR. Based on these analyses, the Draft EIR found that the proposed project mining operations and reclamation activities would not alter the course of either the San Joaquin River or Little Dry Creek.

The Quarry Site is located adjacent to and contains portions of the FEMA 100-Year Zone AE Floodplain that encompasses the San Joaquin River (SJR). As discussed in the Draft EIR, the easterly bank of the SJR does not show signs of significant bank erosion and the bank has never breached into the Quarry Site, based upon 100-year flow velocity and floodway characteristic data. The Applicant has also discussed providing an easement to the County for purposes of future pedestrian trail improvements, and potential flood risks would be assessed and addressed while planning and designing the future trail improvements if that proposal moves forward. See Chapter 3, "Draft EIR Errata," for revisions to Section 4.10, "Hydrology and Water Quality," of the Draft EIR.

For these reasons, the project is not expected to generate additional flood risks within the adjacent San Joaquin River, nor would it create additional risks to the existing or planned future trails. CEMEX would continue to implement existing BMPs to ensure water and erosion are properly controlled.

Comment 232-4

The construction of a Parkway Trail would probably require at least a 20-25' easement for the trail itself plus additional slope easements to accommodate changing terrain contours. The visual

quality of the trail immediately next to the pit is less than appropriate. About as exciting as walking down the Los Angeles River.

Response 232-4

Please see Collective Response #22 pertaining to dedication of trail easements along the San Joaquin River corridor at the project sites.

Comment 232-5

Did I mention the safety risk of someone, or many, falling down the 2:1 slope into the pit? No fence can keep preteens, teenagers and other curious humans from exploring dangerous conditions. Who will install the fence? Who will maintain the fence FOREVER? The significant liability for the County will never cease.

Response 232-5

As discussed in the Draft EIR on pages 2-35 and 2-41, the project sites would be fenced to ensure site security and public safety. The majority of the project sites would be fenced in accordance with Mine Safety and Health Administration (MSHA) regulations, including but not limited to four-foot-high barbed wire ranch fencing and six-foot-high chain-link fencing. Additionally, upon project approval, fencing meeting applicable Fresno County standards, including those set forth in the Fresno County Zoning Code, Section 834.4.220, "Material Extraction Sites," would be erected along boundaries of each project site, including areas adjacent to public rights-of-way. The fencing would be erected by the operator and maintained both during onsite operations and post-reclamation, as needed, to prevent trespassing and prohibit unauthorized access to the site.

Comment 232-6

The offer of the Parkway easement is given as an inducement for the County's approval of the Application, yet it is not listed as a required Mitigation Measure.

Response 232-6

Please see Collective Response #22 pertaining to dedication of trail easements along the San Joaquin River corridor at the project sites. The dedication of trail easements is a component of the proposed project and not a mitigation measure, therefore, it is not identified as a mitigation measure in the Draft EIR.

Comment 232-7

Without a Parkway trail along the westerly (or easterly) boundary of the Quarry Site, the Quarry Site will physically divide an established community, the San Joaquin River Parkway with the San Joaquin Conservancy as Lead Agency, which is a CEQA Impact 4.11-1. Without the trail the Quarry will physically block all pedestrian traffic from moving up and down the river corridor. It will also substantially block westerly bicycle traffic as the use of Friant Road for west bound bicyclists has been known to be a dangerous section with significant aggregate on the bike path and stones being thrown from the aggregate trucks.

Response 232-7

Access along the San Joaquin River does not represent a connection between established communities and neither restriction of access nor establishment of new access would inhibit or promote connection between established communities. Please see Collective Response #30 pertaining to traffic safety, including that associated with bicycle use along Friant Road.

Comment 232-8

The lack of a trail also falls under CEQA Impact 4.11.2 as the Quarry Site "*conflict(s) with land use policies, plans and regulations*".

OS-A.15 **San Joaquin River Protection.** *The County shall support policies of the San Joaquin River Parkway Master Plan to protect the San Joaquin River as an aquatic habitat, recreational amenity, aesthetic resource, and water source. (See Policy OS-H.11*)

OS-C.8 **Aggregate Mine Buffers** *The County shall, where feasible along the San Joaquin River, site recreational trails, bikeways, and other recreation areas at least three hundred (300) feet from the edge of active aggregate mining operations and separate them by physical barriers. Recreational trail/bikeway crossings of active haul routes should be avoided whenever possible; if crossing of haul routes are necessary, separate where feasible.*

OS-H.10 restates **OS-A.15** noted above.

OS-I.3 Trail/Bikeway Right-of-Way *The County shall require that adequate rights- of-way or easements are provided for designated trails or bikeways as a condition of land development approvals.*

HS-C.4 Floodwater Diversion *The county shall require new flood control projects or developments within areas subject to 100- and*

200- year frequency floods are designed and constructed in a manner that will not cause floodwaters to be diverted onto adjacent property or increase flood hazards to property located elsewhere.

HS-C.12 200- Year Water Surface Elevation Investigations *The County shall encourage the performance of appropriate investigations to determine the 200-year water surface elevations for the San Joaquin River, taking into account recent storm events and existing channel conditions, to identify the potential extent and risk of flooding. New development, including public infrastructure projects, shall not be allowed along the river until the risk of flooding at the site has been determined and appropriate flood risk reduction measures identified.*

Therefore, the EIR should be revised to include a required Mitigation Measure for a future Parkway Trail easement at the Quarry Site.

Response 232-8

Please see Collective Response #22 pertaining to dedication of trail easements along the San Joaquin River corridor at the project sites. As discussed above, the dedication of trail easements is a component of the proposed project and not a mitigation measure, therefore, it is not required or appropriate to be identified as a mitigation measure in the Draft EIR. Please see Collective Response #17 for discussion of the 200-year flood analysis conducted for the Quarry Site.

Comment 232-9

The Mitigation Measure should address, at a minimum, the following issues

- The easement shall be on the westerly side of the Quarry, adjacent to the river.
- The easement shall not be within 300 feet from the breakover point into the mine that has a slope the is steeper than 4:1 (horizontal to vertical).
- The layout of the easement shall be solely on the lands of CEMEX
- The easement shall provide such width as necessary for a Multi-Use Trail with Shoulder for Equestrian Use as shown on Figure 7-2 of the Joaquin River Parkway Master Plan plus such additional width for slope easement as necessary.

- The surface elevation of the land within the easement shall be not lower than one foot above the established flood water surface elevation for a 200-year flood event.

- The surface elevation of the land within the easement shall be completed within 5 years after the approval of the Application such that the Parkway Trail can be constructed at that time if the Conservancy so desires.

- The easement shall not require the construction of bridges within the lands of CEMEX.

Response 232-9

Please see Collective Response #22 pertaining to dedication of trail easements along the San Joaquin River corridor at the project sites. As discussed above, the dedication of trail easements is a component of the proposed project and not a mitigation measure; therefore, it is not required or appropriate to be identified as a mitigation measure in the Draft EIR. The commenter's recommendations for requirements associated with trail easement dedications are noted and will be considered by County decision-makers; however, the recommendations are not required to mitigate a significant environmental effect and need not be incorporated to the project's easements dedication component.

Letter #233 March 3, 2025, Neil Thompson (Letter #2)

Comment 233-1

Section 6 of the DEIR discusses the various Alternatives that have been proposed in addition to the Alternative 1: No Project.

With the exception of Alternative 4: Reduced Mining Depth (300 feet) with Additional Setbacks, none of the revised project alternatives (Alternates 2, 3 & 5) provide any reduction in the impacts to the environment other than reducing the duration of the impact from a very long term to only a long term - maybe only impacting two or three generations as opposed to impacting four generations of a typical family. And the physical impacts to the river, wildlife, birds and surrounding land would never benefit from the reduction in time of disruption from 100-years to 63-years.

These are hollow Alternatives. They provide no basis for acceptance as they only impact the Applicant by reducing the Operational Life or extraction volume.

Response 233-1

Draft EIR Chapter 6, "Alternatives," describes a range of project alternatives and compares the associated potential environmental impacts to those of the proposed project. The chapter includes a discussion of the CEQA requirements for an alternatives analysis and the methodology used for the selection of alternatives, with the intent of developing potentially feasible alternatives that avoid or substantially lessen the significant impacts identified for the proposed project while still meeting most of the basic project objectives. The chapter identifies a reasonable range of alternatives that meet these criteria. Each of the alternatives is evaluated for its comparative merits with respect to minimizing adverse environmental effects compared to existing environmental conditions (referred to as the baseline conditions) and compared to the impacts of the proposed project. The Draft EIR evaluation of alternatives provides a detailed and sufficient evaluation of a reasonable range of alternatives to the proposed project in compliance with CEQA. The comment does not address the adequacy of the Draft EIR or suggest additional feasible alternatives for further consideration. Please see responses below to specific issues raised by the commenter regarding alternatives.

Comment 233-2

Section 6.4.2.1 provides excuses for not considering alternative sites. The Applicant avoids acknowledging that they have previously investigated another site (Jesse Morrow) at great length. It stands to reason that the Rockfield site(s) was not their first selection but a fallback position when the Jesse Morrow site became unavailable. If there are two potential sites (Rockfield and Jesse Morrow) in Fresno County, there must be other potential sites.

Response 233-2

Please see Response 233-1 pertaining to alternatives. The Applicant's previously proposed Jesse Morrow Mountain quarry site is located near Minkler over 30 miles southeast of the proposed project and the application for that surface mine permit was rejected by Fresno County in 2012. The Draft EIR provides an extensive discussion of the feasibility of offsite locations as an alternative to the proposed project and the ability of offsite locations to achieve the project objectives. As discussed in Draft EIR Section 6.4.2.1, "Alternative Site Locations," on pages 6-5 through 6-7, "[n]o specific location with the attributes necessary to accomplish the project objectives is known in enough detail to be identified as a specific alternative site to feasibly meet the project objective of developing a known high-quality aggregate deposit" and "relocating the proposed operation to another site in the region would introduce new impacts to a site with no previous aggregate mining activity." For these and other reasons detailed in the Draft EIR, an

alternative location was properly rejected from further evaluation. Although the comment suggests that there must be other potential sites, the comment does not provide evidence of any other potential sites.

Comment 233-3

- The Alternative Analysis should be rewritten to provide significant alternatives that might at least include:
  - no hard rock mining at the Rockfield site(s)
  - expanded setbacks along the river and Friant Road
  - reclamation plans that do not have hard rock facings
  - potential alternative sites

Thank you for your consideration.

Response 233-3

Draft EIR Chapter 6 evaluates project alternatives, including a "No Project Alternative" that would involve ongoing mining activities and processing operations at the existing Plant and Quarry sites through 2026, as allowed under existing permits. Under the No Project Alternative, the existing mining operations would cease when the existing permits expire in 2026, and the Quarry and Plant sites would be reclaimed as open space uses including lakes and grazing land. The evaluation for the No Project Alternative determined a reduced impact on aesthetic and visual resources compared to the proposed project. Four reduced mining-depth alternatives are also considered in the Draft EIR.

Project Alternative 4 evaluates the project with a reduced mining depth of 300 feet and additional setbacks. This alternative would reduce the total mining depth from the proposed 600 feet to 300 feet below ground surface and would impose an additional 100-foot setback from the San Joaquin River, totaling 300 feet, and a 100-foot setback from Friant Road (Draft EIR page 6-39). Under this alternative, the total areas of disturbance would be reduced by approximately 30 acres and shorten the lifespan of the project operations by 37 years. The analysis of each project alternative considers whether the alternative would reduce impacts as compared to the project as proposed.

In summary, the alternatives analysis in the Draft EIR demonstrates that a reasonable range of alternatives were thoroughly considered. These alternatives ensure that decision-makers and the public have a comprehensive understanding of the potential benefits and trade-offs associated with each option.

Letter #234 March 3, 2025, Linda Tibonie

Comment 234-1

It is very hard not to be emotional at the mere thought of this happening along the beloved San Joaquin River. It"s bad enough that Cemex was allowed to operate where it currently is instead of being turned over to the Parkway Trust.

Response 234-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #235 March 3, 2025, Claudia Tischler

Comment 235-1

I am writing to oppose the Cemex expansion for 100 years on the river.

Response 235-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #5 regarding the duration of the proposed use permit.

Letter #236 March 3, 2025, Doris Van

Comment 236-1

I live in North east Fresno and frequently go to Woodward Park. I am against the proposal to allow 100 more years of mining and to create a 600 ft pit. The impact to residents of Fresno and Madera will be huge - air quality will be worse, traffic and noise will be unacceptable to those who live nearby or use the parks or river.

Response 236-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The issues of air quality and traffic congestion are addressed in Section 4.3, "Air Quality," and Section 4.17, "Transportation," of the Draft EIR, as they are updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," and Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #9 regarding the project's potential impact on the region's existing air quality and Collective Response #29 regarding project truck traffic. See Collective Response #5 regarding the duration of the proposed use permit.

Comment 236-2

This location is too close to those who live nearby or travel on the road that already is impacted by traffic. The San Joaquin river is used by the community and they project will be an eyesore. This will increase traffic and pollution on the nearby roads and community.

Please do not approve this project as it will affect our children and grandchildren.

Response 236-2

The project's potential visual impacts are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." As described under Impact 4.1-1 beginning on Draft EIR page 4.1-51, the project would result in significant and unavoidable visual impacts at two locations even with implementation of Mitigation Measure 4.1-1. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.1 and Mitigation Measure 4.1-1. See also Collective Response #8 regarding the proposed visual mitigation. See Response 236-1 above regarding air quality and traffic. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #237 March 4, 2025, Karla Baker

Comment 237-1

I do not want 100 more years of mining our river. Please stop the mining of our beautiful river and do not contribute to the further expansion of this horrible eyesore. Also I'm very troubled by all the river rock people are using on mediums and in their landscaping. Its no different from asphalt, concrete, in that it further reduces the humidity in the air and increases the temperature of our city. Please stop this polluting project.

Karla Baker retired LCSW and mental health provider and someone who wants to protect our beautiful river for our children.

Response 237-1

The project's potential visual impacts are addressed in Section 4.1, "Aesthetics and Visual Resources," of the Draft EIR. See also Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment, and the commenter's opposition to the proposed project, are noted for the consideration of the decision-makers. See Collective Response #5 regarding the duration of the proposed use permit

Letter #238 March 4, 2025, Gerald and Charleen Bier

Comment 238-1

We are extremely opposed to the application of Cemex for a 600-foot mining pit along the San Joaquin River.

We hope the county staff will vigorously recommend against this application.

Response 238-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #239 March 4, 2025, Dalessi M

Comment 239-1

As a citizen of the San Joaquin Valley, I strongly oppose and urge you to move to end the expansion of CEMEX. This project will impact San Joaquin River and is extremely harmful to our environment, putting fish and wildlife in the area at risk and threatening our water quality. We, the people of San Joaquin Valley, do not want this for our environment and will hold local leadership accountable for the generational impacts and damage on our valley's endangered habitats and resources.

Response 239-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. Potential effects to the San Joaquin River and water quality are addressed in Section 4.10, "Hydrology and Water Quality," of the Draft EIR. Potential effects to fish and wildlife species and their habitats are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Letter #240 March 4, 2025, Ron Darnell

Comment 240-1

I am very familiar with blasting in open pit mines in the coal mines in New Mexico, Arizona, Utah, and Colorado. I was in a service truck for Cummins Rocky Mountain and served the oil fields in the San Jaun Basin and multiple open pit coal mines in 4 states around the 4 Corners area.

It required radio silence for 15 min the whole mine property before a blast. These mines were very remote. I would have concerns of radio frequency causing detonation near a population like ours

along with issues to the city water wells on the north side of town.

Response 240-1

Mining the hard rock requires drilling and blasting that would occur approximately 600 feet below ground surface level. Methods of blasting and the impacts from blasting are described in detail within Draft EIR Chapter 2, "Project Description," and the Blasting Protocols (see Appendix H-9, "Revised Blasting Protocols"). Additionally, a certified or qualified blasting contractor would be required to deliver the explosives in Department of Transportation certified commercial trucks to the Quarry Site for each blast event, one to two days per week. Any unused explosives would be removed after blasting is complete and prohibited from being stored on-site. Dynamite would not be used for any blasting activities.

Certain types of blasting equipment require a period of "radio silence" prior to detonation due to use of radio signals with the electric charges for the blasting material, but this is not required for every type of blasting event. Pursuant to the Mine Safety and Health Administration (MSHA) and Draft EIR Blasting Protocols, the certified or qualified handler of the blasting equipment would implement best practices to minimize risk and mitigate impacts from the blasting activities. The Blast Impact Analysis and Blasting Protocols can be found in Appendix H-3, "Blast Impact Analysis," and H-9, "Revised Blasting Protocols," respectively. Multiple studies have been completed about the effects of blasting on groundwater, which all concluded that there are no significant long-term chemical or mineralogical changes observed in groundwater that could be attributed to blasting. As discussed in the Draft EIR, blasting agents typically used for mining include both an oxidizer and an accelerant, generally in the form of nitrate-based compounds and flammable liquids. Adherence to the Blasting Protocols, regulations, and Mitigation Measure 4.10-1 would sufficiently reduce the potential risk of substantial groundwater quality degradation due to onsite blasting activities to less than significant levels. See Appendix H-9, "Revised Blasting Protocols," for revisions to the Blasting Protocols.

Comment 240-2

Water seepage from the San Joaquin River is another concern.

Response 240-2

Please see Collective Response #25 pertaining to surface and groundwater interconnection.

Comment 240-3

Now the biggest concern is semi truck traffic.

Vulcan in Sanger sends out up to 1600 trucks daily from a smaller mine. Friant Rd cannot handle that kind of traffic, esp. During rush hour traffic when truck traffic would be the heaviest.

How many trucks would they be able to load daily?

Response 240-3

Please see Collective Response #29 pertaining to project-related traffic impacts and road improvements.

Comment 240-4

Who will maintain Friant Road?

Response 240-4

Please see Collective Response #29 pertaining to project-related traffic impacts and road improvements.

Comment 240-5

With blasting, is there possibly of fracturing the hardpan all the homes in N. Fresno are built on?

Response 240-5

Mitigation Measure 4.10-1 requires the project to implement Blasting Protocols (found in Appendix H-9, "Revised Blasting Protocols"), which include groundborne vibration and air overpressure measurements, monitoring and reporting. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10, "Hydrology and Water Quality," and Section 4.13, "Noise." See also Response 58C-3 and Appendix H-8, "Blasting and Human Response Technical Memorandum," for further discussion and analysis of the Blasting Protocols. The potential for the project to generate substantial groundborne vibration to destabilize the riverbank at the Quarry Site was less than significant. Therefore, blasting impacts potentially fracturing the hardpan of homes in northern Fresno further from the project sites, would be less than significant after mitigation.

Comment 240-6

Why do they need to mine that big of a hole that close to town? When Vulcan ran out of materials they relocated to where the hard rock is very shallow at Hwys 41/145. They are not near any homes or in a fragile river system.

Cemex needs to do the same as Vulcan.

Hwy 41 is much better prepared to handle the heavy truck traffic and we can avoid future water well issues if Cemex is not next to town.

Response 240-6

Under CEQA, the environmental review process evaluates the proposed project against its stated objectives and considers feasible alternatives, as detailed in the Draft EIR. The proposed location meets key objectives, including proximity to existing and ongoing CEMEX operations, efficient use of existing infrastructure, and continued supply of aggregate to regional markets. Mining and processing operations have occurred at the Plant and Quarry sites for over a century, and the environmental baseline reflects this long-standing land use. Relocating operations to another site would require new infrastructure development and could introduce new impacts to other sensitive resources.

The Draft EIR provides an extensive discussion of the feasibility of offsite locations as an alternative to the proposed project and the ability of such locations to achieve project objectives. As discussed in Draft EIR Section 6.4.2.1, "Alternative Site Locations," on pages 6-5 through 6-7, no specific alternative location with the attributes necessary to accomplish the project objectives is known in sufficient detail to be identified as a feasible alternative site, and relocating operations would introduce new impacts to areas with no previous aggregate mining activity. For these and other reasons detailed in the Draft EIR, an alternative location was properly rejected from further evaluation. The comment does not provide evidence of the availability or feasibility of other potential sites or suggest additional feasible alternatives for further consideration.

Draft EIR Chapter 6, "Alternatives," provides a detailed evaluation of a reasonable range of alternatives consistent with CEQA requirements, including consideration of alternatives that would reduce impacts while meeting most project objectives.

In addition, mitigation measures addressing potential impacts to surrounding domestic water wells include Mitigation Measures 4.10-1 4.10-5a and 4.10-5b, and 4.10-10a and 4.10-10b. Implementation of these measures requires groundwater monitoring, including collection of water level data at regular intervals, periodic data review, and preparation of annual reports by a Professional Geologist/Certified Hydrogeologist submitted to Fresno County (see also Draft EIR Appendix G-6, "Addendum to Hydrology and Water Quality Analysis Report"). If monitoring indicates groundwater levels fall below established thresholds attributable to project activities, corrective actions would be implemented in accordance with the adaptive management programs.

Letter #241 March 4, 2025, Ed Dostal

Comment 241-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

1. Impacts on the San Joaquin River Watershed. This will have a devastating effect on our precious river resource.

Response 241-1

Potential effects on the San Joaquin River are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. No specific comments related to the adequacy of the Draft EIR were made. However, the comment is noted for the consideration of the decision-makers.

Comment 241-2

2. Air Quality and Dust Emissions. Air quality in the Central Valley is a vicious problem that will be exacerbated by this project.

Response 241-2

Air quality and dust emissions are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR. See Draft EIR Appendix D-4, "Revised Section 4.3, Air Quality." See also Collective Response #9 regarding the project's potential impact on the existing air quality conditions of the region.

Comment 241-3

3. Biological Resource Impacts. Our fisheries can not withstand the impact of this project.

Response 241-3

Potential project impacts to fisheries are addressed in Section 4.4, "Biological Resources," of the Draft EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. No specific comments related to the adequacy of the Draft EIR were made. The comment is noted for the consideration of the decision-makers.

Comment 241-4

4. Traffic and Noise Concerns. There is already too much congestion in the area. We don't need to make it worse.

Response 241-4

See Collective Response #29 regarding project truck trips and traffic congestion.

Comment 241-5

5. Cumulative Environmental Effects. CEMEX is a Mexican company. Send them back to Mexico to destroy the environment there. We don't want it here in California.

Response 241-5

Draft EIR Chapter 5, "Cumulative Impacts," provides an evaluation of the project's cumulative effects. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 241-6

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 241-6

The proposed project's potential impact on the health of the San Joaquin River is addressed in Draft EIR Section 4.10. See Collective Response #1 regarding additional analysis, enhanced mitigation measures, and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a reasonable range of alternatives to the proposed project. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections and supporting appendices referenced in this response.

Letter #242 March 4, 2025, John Edwards

Comment 242-1

I can't believe that this expansion is being considered.

Deep pit mining and hard rock blasting.

Terrible for the San Joaquin river.

Please don't approve.

Response 242-1

See Collective Response #17 pertaining to river bank stability and the potential for breach and flooding. See also, Draft EIR Section 4.10, "Hydrology and Water Quality," in regard to the proposed project's potential effect on the San Joaquin River. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #243 March 4, 2025, Don R. Falkenberg

Comment 243-1

I am writing to voice my opposition of the above subject project.

The draft EIR does not adequately address the impact of this project because it is impossible for any planner or forecaster to project over that extraordinary long period of time. 100 years! That, in itself, should disqualify any consideration of this proposal.

Response 243-1

See Collective Response #5 regarding the duration of the proposed use permit. Draft EIR Chapter 5, "Cumulative Effects," presents an analysis of the project's potential cumulative effects. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 243-2

Furthermore, blasting a 600 foot deep mining pit within a relatively few feet of the San Joaquin River, where the State of California has created the San Joaquin River Conservancy, is inconsistent with the mission of the Conservancy. The impact of mining vs. blasting is not adequately addressed in the EIR.

Thank you for consideration of my comments, inasmuch as I am concerned about the negative impact of this expansion project, as a resident of the City of Fresno and Fresno County.

Response 243-2

See Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment, and the commenter's opposition to the proposed project, are noted for the consideration of the decision-makers.

Letter #244 March 4, 2025, Janice Ferrell

Comment 244-1

I Am Fresno County Resident, And Read Your Postcard, And Read This Fresno residents must rally against CEMEX blast mining plan | Fresno Bee

Regarding The Mining Extension, Proposed For The San Joaquin River. I Strongly Disagree With Any Mining, Or Digging There, Due To

Fact That Will Weaken, And Make The Ground Unstable, And Because There Is An Earthquake Fault Near There, That Produces 6.3 To 6.7 Magnitude Earthquakes.

Please Reject This Proposed Project, Right Away!!!

Response 244-1

See Collective Response #17 regarding river bank stability. The issue of seismic activity is addressed in Draft EIR Section 4.7, "Geology and Soils." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #245 March 4, 2025, Alberta Ferrer

Comment 245-1

Please do NOT allow hard rock blasting and a crater of 600 feet deep mining pit. Too much noise, dust and destruction of our our San Joaquin river bed. Please DO NOT harm our environment any more than has already been allowed.

Please say NO to this expansion.

Response 245-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The issues of noise and dust are addressed in Draft EIR Section 4.13, "Noise," and Section 4.3, "Air Quality," as they are updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). Potential impacts to the San Joaquin River are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Letter #246 March 4, 2025, Laurell Huber

Comment 246-1

I believe the proposed mining project along the San Joaquin River should definitely not be pursued.

A concerned senior citizen and life-long Fresno resident,

Response 246-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #247 March 4, 2025, Brad and Kristi Hushaw

Comment 247-1

As lifetime Fresno County residents, we were are totally AGAINST the proposed expansion of the CEMEX project currently before the county administration. The expansion flies in the face of Fresno city and county residents' ongoing work to complete the San Joaquin River Parkway,

Response 247-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan.

Comment 247-2

not to mention its effect on water, fish, wild life, roads, and residents living near the business.

Response 247-2

The comment describes a range of potential environmental effects of the project. These issues are addressed primarily in Draft EIR Section 4.10, "Hydrology and Water Quality," Section 4.4, "Biological Resources," and Section 4.17, "Transportation." Potential effects on residents are discussed throughout the EIR including Draft EIR Section 4.13, "Noise," and Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 247-3

The only way to mitigate the effects of blasting near the San Joaquin River would have been to NOT approve it in the first place. Who in Fresno County will hold CEMEX's feet to the fire when the environmental plan is not adhered to and necessary mitigation not followed? The many identified potential issues and problems necessitating mitigation in the plan are so numerous to be almost laughable if violations weren't so potentially disastrous. Is this draft tough enough ??

Response 247-3

The existing approved use permit does not permit blasting. The proposed project, which does propose blasting, has not yet been approved or denied. The proposed project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. Additionally, the cumulative effects of the project are discussed in Draft EIR Chapter 5, "Cumulative Impacts." The operation is currently, and would continue to be, inspected annually by County staff or consultants to determine compliance with applicable regulations, permits, and conditions of approval (including mitigation measures) in accordance with the County's Surface Mining Ordinance as codified in the Fresno County Zoning Ordinance. Violations are managed in accordance with the requirements of this section. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #248 March 4, 2025, Sue Karibian

Comment 248-1

Please save the San Joaquin River from Cemex. Please!!!!!

Response 248-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #249 March 4, 2025, Marianna Kast

Comment 249-1

I am writing to oppose the CEMEX Rockfield Modification Project (EIR 7763), and Conditional Use Permit Application 3666 and 3667.

The California Geological Survey Map Sheet 52 provides information about the availability of and future demand for California's already permitted aggregate reserves. The 2018 update, the most recent available, indicates that the Fresno Production-Consumption Area has already permitted far more aggregate reserves for mining than this area's projected need. Here's the CGS Map Sheet 52 projection for the Fresno area:

CALIFORNIA GEOLOGICAL SURVEY MS 52

Table 1. Comparison of 50-Year Demand to Permitted Aggregate Reserves for Aggregate Study Areas as of January 1, 2017.

AGGREGATE STUDY AREA[1]	50-Year Demand (million tons)	Permitted Aggregate Reserves (million tons)	Permitted Aggregate Reserves Compared to 50-Year Demand (percent)	Projected Years Remaining
Bakersfield P-C Region	338	1,708	505	More than 50
Barstow-Victorville P-C Region	163	117	72	31 to 40
Claremont-Upland P-C Region	202	90	45	21 to 30
El Dorado County	82	15	18	11 to 20
Fresno P-C Region	305	556	182	More than 50
Glenn County	41	22	54	21 to 30
Merced County	154	61	40	21 to 30

Since our area has already permitted aggregate reserves equal to 182% of projected needs through 2066, there is no justification for the continued destruction of the Fresno side of the San Joaquin River from aggregate mining. This mining operation should be be halted immediately, and prohibited from continuing and expanding in the future.

Response 249-1

See Collective Response #3 regarding aggregate demand and the need for the proposed project. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #250 March 4, 2025, Kathryn Kelly

Comment 250-1

Please do not cause new harm to the San Joaquin River with the CEMEX expansion. By rejecting this project, we can keep our wildlife and fish safe by protecting our water quality for generations to come.

Response 250-1

Potential project effects on fish and wildlife species and water quality are addressed in Draft EIR Section 4.4, "Biological Resources," and Section 4.10, "Hydrology and Water Quality," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment, and the commenter's opposition to the proposed project, are noted for the consideration of the decision-makers.

Letter #251 March 4, 2025, June Kezerian

Comment 251-1

Per CEMEX expansion: I am against this expansion as it is a detriment to the surrounding environment

Response 251-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #252 March 4, 2025, Emily Kuizenga

Comment 252-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

1. Impacts on the San Joaquin River Watershed I am very concerned about the idea of blasting rock from the delicate San Joaquin River bottom. This is an incredibly crucial part of our valley's eco-system and introducing heavy machinery and blasting away rock will ruin habitat for native animals, create sound pollution, and interfere with the aesthetics of the area.

Response 252-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Specifically, Draft EIR Section 4.10.1.5, "Erosion and Sedimentation," regarding concerns about erosion of the banks of the San Joaquin River. The issues of sound pollution and aesthetics are addressed in Draft EIR Section 4.13, "Noise," and Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 252-2

2. Air Quality and Dust Emissions The amount of dust that will be created from blasting rock can not be helpful for our community. We have enough difficulties maintaining air quality as it is in the Central Valley and should avoid any additional emissions that can be controlled.

Response 252-2

The issues of air pollution and dust are addressed in Draft EIR Section 4.3, "Air Quality." See Appendix D-4, "Revised Section 4.3, Air Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. Additionally, see Collective Response #9 regarding the project's potential impact on the existing air quality conditions in the region.

Comment 252-3

3. Cumulative Environmental Effects The delicate habitats of owls, native birds, and turtles will be disturbed as will the overall stability of the earth near the site. The impacts of such a major disturbance to the landscape can not be fully known and I am very concerned about the potential for ecological destruction in such a sensitive area.

Response 252-3

The project's potential cumulative impacts related to biological resources are addressed in Draft EIR Section 5.3, "Cumulative Impacts Evaluation," beginning on page 5-11. The issue of ground stability is addressed in Draft EIR Section 4.7, "Geology and Soils." See Impact 4.7-3 regarding potential for landslides and Impacts 4.7-6 and 4.7-7 regarding slope instability. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also, Collective Response #13, regarding the proposed project's operational effects on offsite wildlife.

Comment 252-4

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives.

Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected. Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 252-4

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #1 regarding transparency in the County's processing of the project and the need for additional analysis and enhanced mitigation. Additionally, a reasonable range of alternatives for the proposed project are discussed in Draft EIR Chapter 6, "Alternatives."

Letter #253 March 4, 2025, Kathryn Lemon

Comment 253-1

I am writing to voice my opposition to allowing Cemex to continue mining . The San Joaquin River has become a jewel for the valley. Families from across the valley enjoy the river. Please don't destroy what has taken decades to rebuild.

Response 253-1

See Collective Response #21 regarding public access to the San Joaquin River. See also Collective Response #12 regarding project effects on recent river and salmon restoration efforts. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #254 March 4, 2025, Mary Ann Martinez

Comment 254-1

This is to let you know that I am OPPOSED to the CEMEX expansion. It will allow 100 more years of mining, create a 600 foot deep mining pit which would greatly damage Millerton Lake area, and change the mining type to hard rock blasting.

Please refuse approval of this expansion. It would be an environmental disaster in my opinion.

Response 254-1

No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment, and the commenter's opposition to the proposed project, are noted for the consideration of the decision-makers.

Letter #255 March 4, 2025, Rebecca Mendoza

Comment 255-1

I received a notice that mentioned a project for CEMEX expansion. I am concerned about the impact on the San Joaquin River and the environment as a whole. Can you address the impact hard rock blasting would have on wildlife?

Response 255-1

The project's potential effects on the San Joaquin River are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." Project effects on wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #256 March 4, 2025, Lynn Quinn

Comment 256-1

I am writing to ask you NOT to approve the proposed CEMEX expansion!

I live near by and I am a hiker who utilizes the area near the Cemex Plant. I would like to preserve the San Joaquin River and the surrounding area. After many years of hard work, the river is doing much better. Let us preserve that progress for everyone to enjoy.

Response 256-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #12 regarding the project's potential effects on recent river and salmon restoration projects. See also, Collective Response #21 regarding public access to the San Joaquin River.

Comment 256-2

The proposed expansion with one hundred years of continued mining is a very long time! A deep pit mine utilizing hard rock blasting will have drastic and deleterious effects on the surrounding wild area. Please do not approve this proposal!

Response 256-2

See Collective Response #5 regarding the duration of the proposed use permit. See Collective Response #13 pertaining to the project's operational effects on wildlife surrounding the project sites. Project effects on the areas surrounding the project sites are evaluated throughout the Draft EIR. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #257 March 4, 2025, Molly Schnur-Salimbene

Comment 257-1

Dear David,

The expansion of and changes to mining "along" the San Joaquin River will have devastating results for the river, riparian areas, effects on the groundwater table, and set the precedent for the continued exploitation of Fresno's first and best resource-the river.

There are many times when I find myself speaking with people who don't realize there IS a river here, running through and creating the border between Fresno and Madera. Many people don't realize that without that river, neither city would be here. It is only because of it that the community itself exists.

Response 257-1

Potential effects to the San Joaquin River and groundwater resources are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." Potential effects to riparian areas are evaluated in Draft EIR Section 4.4, "Biological Resources." See Impact 4.4-4 beginning on Draft EIR page 4.4-55. See also Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 257-2

The proposed extension/deepening to the existing mining site off of Friant Road will disturb the water table and natural connectivity to the river,

Response 257-2

Potential effects on the hydrologic conditions of the project area are evaluated in Draft EIR Section 4.10. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft

EIR section. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 257-3

create further obstacles to the public in accessing the river,

Response 257-3

See Collective Response #21 regarding public access to the San Joaquin River.

Comment 257-4

and continue to be a nuisance to those who regularly use Friant Rd (show me a person who uses that stretch of road who HASN'T had a windshield nick or crack from gravel flying off a truck- I've had 3).

Response 257-4

See Collective Response #30 regarding vehicle damage from aggregate haul trucks.

Comment 257-5

More importantly, it is the ultimate act of giving priority to money over the general benefits to the community. It's a case where "who knows?, it could be fine," feels like the first line response from the people who are supposed to be acting on our behalves .

Believe in this instead: this river gave use to the land, created our cities, and has allowed us to stay. Let's repay the respect.

Response 257-5

The cumulative effects of the project are discussed in Draft EIR Chapter 5, "Cumulative Impacts." The potential impact of the proposed project on the San Joaquin River is discussed in Draft EIR Section 4.10. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #258 March 4, 2025, Amanda Schoelen

Comment 258-1

Dear Mr. Randall,

I am writing to express and record my opposition to the proposed 100-year permit for the CEMEX mining operation and challenge the adequacy of the Draft EIR prepared and submitted for this

particular project. As currently drafted, the EIR does not assess the environmental, ecological, and community impacts that this 100-year timeline will have on the San Joaquin River and surrounding areas deeply enough.

As an amateur naturalist, outdoor recreation enthusiast and avid birder, I find that the EIR fails to adequately address my concerns:

- safeguarding our biological resources here in Fresno County. The search area is not adequate to identify species of special status, likely mischaracterizes a habitat that would be subject to the CA Fish and Game Code, and does not have adequate analysis of the potential effect on threatened Swainson's hawk

Response 258-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential impacts to biological resources are addressed in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.4. See also Collective Response #14 regarding the project's potential effects on Swainson's hawk.

Regarding the search area used for the special status species records search and associated analyses. The search records and the search radius provide sufficient information about potential special status species located in the project sites, in accordance with CEQA standards. The mining site is located within a narrow band or corridor of mostly disturbed habitat bordered by the San Joaquin River on its western boundary and North Friant Road on its eastern boundary, effectively isolating this area of previously disturbed habitat from the surrounding areas of open native habitats. (See Section 2.4.2, "Project Sites Land Uses," of the Draft EIR.) In this instance, a 4-quadrangle search is sufficient to provide a comprehensive list of sensitive species in the project area for project analysis. The project sites have been severely impacted by mining operations and agricultural activities and is a biologically isolated area with prior significant loss of native habitats due to mining and agricultural activities. An EIR need not include all information available on a subject. (*Assn. of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383.) It should be noted that the biological consultants working on the EIR reviewed the CNDDB in 2024 and this did not change the list of potentially occurring plant and wildlife sensitive species expected to occur as those listed in the 2019 when consultant initially queried the CNDDB.

Despite this, as part of preparing the Final EIR, the biological consultants conducted a 9-quadrangle CNDDB search over the following quadrants: Little Table Mtn., Millerton Lake West, Millerton Lake East, Lanes Bridge, Friant, Academy, Fresno North, Clovis, and Round Mountain for the purpose of amplifying and clarifying information pertaining to baseline conditions of the project's biological resources. This additional search changed none of the biological impact conclusions in the Draft EIR.

Comment 258-2

- Air Quality and environmental effects on health of human residents and recreationists. Project emissions may exceed acceptable cancer risk thresholds.

Response 258-2

The issue of air quality and related health effects is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to this Draft EIR section. See also, Collective Response #9 regarding the project's potential impact on preexisting air quality conditions, Collective Response #11 regarding the potential population-wide cancer risk of the project, and Collective Response #27 regarding the project's potential operational effects on users of nearby parks and trails.

Comment 258-3

- 100 years is much too long a period to adequately assess future risks in our rapidly changing culture, political system and climate.

Response 258-3

See Collective Response #5 regarding the duration of the proposed use permit. See also, Draft EIR Chapter 5, "Cumulative Effects," regarding the potential cumulative effects of the project over the period of the use permit.

Comment 258-4

A project of this scale and duration requires a far more comprehensive environmental review that includes thorough scientific analysis, long-term cumulative impact assessments, and meaningful mitigation strategies. The EIR, as it stands, does not meet these standards, and I urge Fresno County to require revisions that fully account for the long-term consequences of extending CEMEX's mining operations.

Our responsibility to our community requires us to consider extractive projects with the high potential for harm carefully and

with an eye on all the factors at play, not just the growth of industry.

I request that the Planning Department reconsider this permit in light of the inadequacies of the EIR and demand a more thorough environmental review before any decisions are made. I believe that we can do better.

Response 258-4

See Collective Response #1 regarding additional analysis and enhanced mitigation measures. See also Draft EIR Chapter 5, regarding the potential cumulative effects of the proposed project. Comment 258-4 is noted for the consideration of the decision-makers.

Letter #259 March 4, 2025, Judy Simon

Comment 259-1

CEMEX should NOT be allowed to create new harm by mining in in county!

Response 259-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #260 March 4, 2025, Kelty Spencer

Comment 260-1

I am emailing to strongly oppose the CEMEX expansion. Fresno has so little green space as it is I cannot believe this expansion would be pushed through. 100 more years of mining would impact generations of Fresno's citizens,

Response 260-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #5 regarding the duration of the proposed use permit.

Comment 260-2

and due to the change in mining type it threatens water quality and impacts fish and wildlife. Fresno, and the surrounding communities, do not want this.

Response 260-2

Potential effects on water quality and fish and wildlife species are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality," and Section 4.4, "Biological Resources," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See Collective Response #13 regarding the project's potential operational effect on wildlife. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Letter #261 March 4, 2025, Roger Stewart

Comment 261-1

I oppose the proposed expansion because (a) the support for a current and future need for the gravel is weak; (b) there is adequate current supply, and almost limitless untapped supply, in several local counties; (c) the San Joaquin River is a unique feature of this part of California and would be irreparably damaged if the Cemex expansion is allowed to proceed.

Response 261-1

See Collective Response #3 regarding aggregate demand and the need for the proposed Project. Potential effects of the project on the San Joaquin River are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #262 March 4, 2025, Unnamed Residents

Comment 262-1

I live at Woodward Lakes, and I am against the following CEMEX is proposing:

- 100 more years of mining
- Creating a 600-foot-deep mining pit
- Changing the mining type to hard rock blasting. This will threaten the water quality and impact the fish and wildlife of the San Joaquin River and the surrounding areas of the river bottom.

This is NOT acceptable for our quality of life but also it will impact and harm the San Joaquin River.

There is NO need for CEMEX to expand/change their current operation. I believe they make more than enough profits for their current operation, but as a company they want more profit. This is greed. DO NOT APPROVE!

Response 262-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #5 regarding the duration of the proposed use permit. Project effects on water quality and the San Joaquin River are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." Project effects on fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Letter #263 March 4, 2025, John Zweifler

Comment 263-1

I am writing to express my strong opposition to the proposed creation of a 600 foot mine in the San Joaquin River bottom with excavation rights for the next 100 years! I have two major objections. My first objection is that the proposed site sits next to and separates some of the nicest parkland in Fresno County. There is Woodward Park on one side, and Lost Lake and Millerton Lake on the other, not to mention Ball Ranch. Fresno has precious little natural habitat of any kind, let along natural habitat that is publicly accessible- we should do everything we can to optimize what we have, such as constructing walking and bicycle pathways and trails along this section of the San Joaquin River similar to what has been done in other communities such as Sacramento. This would greatly improve the ambience of Fresno and make it a much more attractive destination for visitors and for those considering relocation, as well as preserve the unique and very limited habitat along this beautiful river. The dollar value and the positive impact on the mental and physical health of our community of creating a vibrant pathway along the San Joaquin River would far outweigh the incremental savings that might be achieved with this mine. Instead of becoming a magnet for visitors and residents, the proposed 600 foot mine would be a construction zone eyesore, reinforcing negative stereotypes regarding short-sighted planning, deference to developers, and lack of consideration for quality of life.

Response 263-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #21 regarding public accessibility of the San Joaquin River. The project proposes dedicating easements for the future construction of trail segments adjacent to the project sites. See Collective Response #22 regarding the proposed easement dedications. The issue of visual impacts is addressed in Draft EIR 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #7 regarding the project's economic effects. Additionally, see Collective Response #27 regarding the project's potential operational effects on park users. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 263-2

My other concern is regarding the long-term consequences of blasting a 600 foot mine by a river. You could argue that water is the most valuable resource we have- or dont have. What would it take to mitigate the damage done by blowing up land 600 feet down- the potential to disrupt water tables, contribute to ground water pollution, and other consequences we can only imagine? What would the cost be to return the earth to its natural state before it was ripped apart by this proposed mine? Can we even calculate what that cost would be?

Lets recognize the value we have right here in Fresno and preserve and honor the San Joaquin River by turning it into a parkway, not a parking lot.

Response 263-2

Draft EIR Section 4.10, "Hydrology and Water," requires implementation of multiple mitigation measures to reduce the project's potential impacts on water resources. See Impacts 4.10-8 through 4.10-11 and 4.10-13 regarding potential impacts to groundwater levels and supplies. See Impacts 4.10-4 through 4.10-7 regarding potential impacts to groundwater quality. Each measure provides details as appropriate on funding and which entity is responsible for implementation. For instance, Mitigation Measures 4.10-5b and 4.10-10b each describe the funding mechanism required to implement related Mitigation Measures 4.10-5a and 4.10-10a. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section and associated mitigation measures. Funding and implementation details will be summarized in the Mitigation Monitoring and Reporting Program (MMRP) that will be prepared for the project, if it is approved. See Collective Response #21 regarding public access to the San Joaquin River.

Letter #264 March 5, 2025, Loren Alving

Comment 264-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, **I have several concerns that I urge you to address** prior to moving forward with approval.

3) Impacts on the San Joaquin River Watershed: It goes without saying that the quality of the SJ River Watershed will be further degraded with this expansion of mining. This watershed is crucial to the health of the local environment and important to the wellbeing of its citizens. One example: Lowering of the water table and the impact on residential owners in the vicinity has not been addressed. These owners should be monetarily shielded from the effects of this project before the project begins.

Response 264-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See Impacts 4.10-1 through 4.10-3 for discussion of potential surface water quality impacts. See Collective Response #23 regarding water quality impacts from project discharges. See also Collective Responses #24 and #25 regarding potential impacts to groundwater levels and nearby wells and proposed monitoring. Additionally, see Collective Response #4b regarding liability and funding to respond to unforeseen damages.

Comment 264-2

4) Air Quality and Dust Emissions: Dust and emissions are already a problem and will be getting worse. Currently, Fresno air quality is the worst or close to the worst in the nation and small particulate matter is extremely hazardous to human health; blasting will contribute significantly to that.

Response 264-2

The issues of air quality and dust emissions are addressed in Draft EIR Section 4.3., "Air Quality," as updated in this Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to this Draft EIR section. See also Collective Response #9 pertaining to the project's potential impact on existing air quality conditions and the evaluation of air emissions from blasting events.

Comment 264-3

5) Biological Resource Impacts: The SJ River Watershed is home to many different species of animals and plants. These communities will undergo huge disruption and suffer severe consequences. The switch to hard rock blasting will threaten water quality and have severe consequences on fish and wildlife.

Response 264-3

The issue of water quality is addressed in Draft EIR Section 4.10. The project's potential impacts on fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #13 pertaining to the project's operational effects on wildlife surrounding the project sites. See also, Collective Response #16 regarding the project's potential operational effects on salmon spawning.

Comment 264-4

6) Traffic and Noise Concerns: There are already too many mining trucks on the road ways, increasing traffic (moving very slowly on the on ramps to the freeway and causing backup and near accidents daily especially when they are allowed to enter 41 during rush hours with meters on the ramps). This will only increase them.

Response 264-4

The issues of traffic congestion and road improvements are addressed in Draft EIR Section 4.17, "Transportation." The issue of Noise is addressed in Draft EIR Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #29 regarding traffic congestion and project truck trips. See also Collective Response #30 regarding traffic safety.

Comment 264-5

Additionally, it does not appear that in their analysis they have evaluated the impacts of blasting to users of the nearby park or the disturbance to nearby residents. Blasting will have major impacts on quality of life for nearby residents and their analysis barely addressed this.

Response 264-5

The project's potential noise and groundborne vibration impacts on nearby residents and other sensitive receptors are addressed in Draft EIR Section 4.13. See Chapter 3, "Draft

EIR Errata," for proposed revisions to this Draft EIR section. See Collective Response #27 pertaining to the project's operational effects on users of nearby parks and trails. Quality of life is not an environmental issue and is not required to be addressed under CEQA.

Comment 264-6

> 7) Cumulative Environmental Effects: this new mining operation will create a massive pit in the SJV River, 600 ft deep and the size of a 43 story skyscraper. And, the most worrisome aspect of all: this project will allow 100 more years of mining. There is no reason to tie our community and our natural environment up for 100 years…

Response 264-6

Draft EIR Chapter 6, "Alternatives," evaluates a reasonable range of mining depths. Alternatives 2 and 5 describe a mining depth of 400 feet while Alternatives 3 and 4 describe a mining depth of 300 feet. Draft EIR Section 6.4.2.3, "Reduced Mining Depth (200 Feet)," discusses why a mining depth of 200 feet was rejected from consideration in the alternatives analysis. See Collective Response #5 regarding the duration of the proposed use permit. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 264-7

> Given these concerns, **I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives.** Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.
>
> I would ask you to not approve this project on the basis of its environmental impact and to make sure that all the environmental concerns are addressed in any updated proposal.
>
> Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 264-7

This comment is a summary of previous comments. See Responses 264-1 through 264-6 for further discussion of specific concerns. See Collective Response #1 regarding additional analysis, enhanced mitigation measures, and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a reasonable range

of alternatives to the proposed project. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #265 March 5, 2025, Penelope Critchlow

Comment 265-1

CEMEX's proposal is an atrocity against Fresno's greatest natural resource, already scarred by a century of gravel mining the company previously agreed to wind down, and should have been rejected point blank. Undeterred, county planners and hired guns spent five years working to sidestep urgent issues and fool the public, urging modifications to the proposal put forward by CEMEX, a wealthy international corporation.

Modification? They want to dynamite hundreds of feet below ground in close proximity to one of the country's most endangered rivers.

Do not allow this unnecessary project to go forward.

Response 265-1

Potential impacts to the San Joaquin River are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #1 regarding the County's planning process, Collective Response #3 regarding the need for the project, and Collective Response #17 regarding river bank stability and potential for breach and flooding. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 265-2

Some of the negative effects of this expansion are: further endangering the Salmon that bravely endure historical injury to the river. Impacts on wildlife habitat, water quality, air pollution, noise pollution, groundwater depletion, and cumulative environmental impacts,

Response 265-2

The project's potential impacts to salmon and wildlife habitat are evaluated in Draft EIR Section 4.4, "Biological Resources." See also Collective Response #12 regarding the project's potential effects on recent salmon restoration efforts and Collective Response #16 regarding the potential effects of project vibrations on salmon spawning. The issues of water quality and groundwater supplies, air pollution, and noise are addressed in Draft EIR Section 4.10, Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, "Noise," as they are updated in the Final EIR. Draft

EIR Chapter 5, "Cumulative Impacts," provides an evaluation of the project's cumulative environmental effects. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 265-3

Fresno County has enough aggregate resources available without letting CEMEX have its way in our precious valley.

Response 265-3

See Collective Response #3 regarding the duration of the proposed use permit.

Letter #266 March 5, 2025, Robert Crooks

Comment 266-1

I object to the proposed Cemex expansion. The River is an unbelievable natural resource that should not be impinged upon any more than it already has. Right now you can kayak or canoe from Friant to Fresno without becoming aware that you are in a near urban corridor. There is no traffic noise and little sign of human development along the way EXCEPT passing the Cemex plant. In that area there is a constant rumbling of industrial activity.

Response 266-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. This comment describes existing conditions along the San Joaquin that are not evaluated as part of the proposed project. Instead, they form the environmental setting or baseline condition of the project sites. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 266-2

I fear that if the expansion is approved and blasting is used to mine the rock there will be even more noise and probable disturbance of wildlife. In particular there are two large heron rookeries, at least one bald eagle nest and a large population of ducks and geese along this stretch or river.

Response 266-2

The issue of noise is addressed in Draft EIR Section 4.13, "Noise." The project's potential to disturb wildlife species is evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See

Collective Response #13 regarding the effects of blasting on wildlife located outside of the project sites. See also Collective Response #15 regarding impacts to non-nesting birds.

Comment 266-3

I don't know about the salmon restoration project but the impact on this multi-million dollar project should be considered as well.

Response 266-3

See Collective Response #12 regarding the project's potential effects on recent salmon restoration projects in the area.

Comment 266-4

Cemex should find somewhere else to establish a mine. Please do not approve this project.

Response 266-4

Draft EIR Section 6.4.2.1, "Alternative Site Locations," discusses potential alternative locations for the proposed project and why an alternative location was not evaluated as a project alternative. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #267 March 5, 2025, Ron Darnell

Comment 267-1

Cemex has deep pockets and MANY rather questionable environmental, MSHA, & OSHA violations, totalling over $53 million in the last 25 years.

Response 267-1

See Collective Response #4a regarding CEMEX's regulatory history.

Comment 267-2

Is the City of Fresno in agreement or denial of a permit?

What organizations are against it?

Response 267-2

The City of Fresno submitted two comment letters on the Draft EIR. See Letter #3 and #12. Comment letters received from organizations are presented as Letters #16 through #68. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 267-3

It's time they let the riverbottom heal from 100 yrs of abuse.

Response 267-3

The comment provides general information regarding existing environmental conditions in the project area. Existing environmental conditions are not evaluated as part of the proposed project. Instead, they form the environmental setting or baseline condition of the project sites. No specific question or issue related to the adequacy of the Draft EIR or the analysis of environmental impacts has been raised. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 267-4

How many acres would a 600' deep pit need?

How would a 600' pic reclamation?

What are their plans to get rid of all water they have to pump from the hole?

There are a lot more questions than answers.

Response 267-4

The commenter asks several questions regarding the proposed project design, plan of operations, and reclamation plan. See Draft EIR Figure 2-8, "Proposed Quarry Site Mining Plan." As shown on this figure, mining would occur over most of the Quarry Site in five phases totaling 281.9 acres. As described on Draft EIR page 4.7-29, post-reclamation "…approximately 108 acres of the 352.4-acre Quarry Site would contain a lake (shown on Figure 2-10, "Quarry Site Final Reclaimed Conditions"), with the hard rock of the quarry slopes above the lake covering an additional approximately 174 acres of the site."

The proposed reclamation plan is provided as Draft EIR Appendix B-1, "Surface Mining and Reclamation Plan," and is summarized in Draft EIR Section 2.5.7.2, "Quarry Site Reclamation Plans."

As described on Draft EIR page 2-30, "When groundwater is reached, dewatering would be implemented. Water pumped from pit areas would be pumped into groundwater recharge trenches that would be developed along the west and south sides of the Plant Site (see Figure 2-7)."

Comment 267-5

Has there been an environmental impact survey done?

If so, by what company?

Response 267-5

The Draft EIR for the proposed project was completed in December 2024 and released for public review between December 21, 2024, and March 10, 2025. See Draft EIR Chapter 8, "List of Preparers," for a list of parties involved in the preparation of the Draft EIR.

Letter #268 March 5, 2025, David DeFrank

Comment 268-1

I live in Friant and take my dog on walks at Lost Lake park multiple times per week. We love the beauty and wildlife present there. Changing the mining type at the CEMEX site to hard rock blasting threatens impacts to fish and wildlife in the area. It's not worth it.

Response 268-1

The project's potential impacts to fish and wildlife species are evaluated in Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #16 regarding effects of blasting on salmon spawning and Collective Response #27 regarding the project's potential operational effects on park users. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 268-2

I am also concerned about the project's effects on the water table and water quality. I have a residential well very close to the site. It provides drinking water for my family, including young children. If this project is approved, CEMEX should be required to undertake substantial mitigation measures to ensure there are zero impacts to the water table, water quality or water quantity.

Response 268-2

The project's potential impacts on groundwater levels, supplies, and quality are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See Mitigation Measure 4.10-5a. This measure requires the Operator to implement an adaptive management program at the Plant Site to ensure water released to recharge ponds for groundwater recharge meets applicable water quality standards. See also Mitigation

Measure 4.10-10a. This measure requires the project to implement an adaptive management program at the Quarry Site to ensure project operations do not significantly reduce groundwater levels at nearby wells. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Letter #269 March 5, 2025, Debra Dooley

Comment 269-1

I am deeply concerned about the proposed CEMEX Rockfield Expansion project. I would appreciate your consideration of the following negative impacts this project would have on our environment and community.

1. The proposed 600 ft hole will create an unacceptable scar to the San Joaquin River bottom, and possibly damage the river itself. This is a risk that cannot be justified.

Response 269-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential impacts to the aesthetics of the project sites are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." The project's potential impacts to the San Joaquin River are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 269-2

2. CEMEX proposes to change from the digging of sand and gravel to blasting hard rock and crushing it into gravel. This change will cause noise pollution and dust emissions. All nearby life (people and animals) will be negatively affected. Would you want to live near all of this noise and dust? I certainly would not.

Response 269-2

The issues of noise pollution and dust emissions are addressed in Draft EIR Section 4.13, "Noise," and Section 4.3, "Air Quality," as they are updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," and Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. As determined in these sections, the project would not result in any significant noise or dust impacts that cannot be mitigated

to a less than significant level. See also Collective Response #9 regarding the evaluation of air emissions from blasting events.

Comment 269-3

3. Granting a 100 year extension is, in my opinion, irresponsible and ill advised.

Thank you for your consideration of my concerns in this matter.

Response 269-3

See Collective Response #5 regarding the duration of the proposed use permit.

Letter #270 March 5, 2025, Magda Gilewicz

Comment 270-1

I'm writing to strongly oppose the extension for another 100 years of Cemex's rights to mine along the San Joaquin River.

With the City of Fresno expanding further north and east swallowing more and more open, green spaces, the presence of the enormous mining pit in one of very few undeveloped areas along the river is very undesirable.

The whole area occupied by Cemex should be available for use by the half million population of the city, not for monetary exploitation by a multinational company.

A hundred years ago that spot was miles away from the city; now we have a huge industrial hole that will be even larger, if allowed, right where thousands of Fresnans could go for recreation. Instead, if the lease is extended, we will suffer from more air and noise pollution, face the danger of having our river contaminated and deal with the huge industrial blight where we could all have access to recreational land.

Allowing another 100-year lease will impact several future generations and deprive us all of access to undeveloped areas along the river. There's no room for that kind of industrial operation in the city any longer. Don't extend the lease!

Response 270-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #21 regarding public access to the river and the suggestion that the project sites be converted to public parkland. See also Collective Response #27 regarding the effects of blasting and other project operations on the users

of nearby parks and trails. The issues of air pollution, noise pollution, and aesthetics are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.13, "Noise," and Section 4.1, "Aesthetics and Visual Resources," as they are updated in this Final EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Letter #271 March 5, 2025, Flannery Good

Comment 271-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval. 1. Impacts on the San Joaquin River Watershed 2. Air Quality and Dust Emissions 3. Biological Resource Impacts 4. Traffic and Noise Concerns 5. Cumulative Environmental Effects

Response 271-1

The comment describes a range of potential environmental effects of the proposed project. The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential impacts to air quality and biological resources are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality") and Section 4.4, "Biological Resources," as they are updated in this Final EIR. The issues of traffic and noise are addressed in Draft EIR Section 4.17, "Transportation," and Section 4.13, "Noise." Draft EIR Chapter 5, "Cumulative Impacts," presents an evaluation of the project potential cumulative impacts. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections and supporting appendices referenced in this response.

Comment 271-2

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected. Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 271-2

See Collective Response #1 regarding transparency in the County's processing of the proposed project and the need for additional analysis and enhanced mitigation measures. Draft EIR Chapter 6, "Alternatives," presents an evaluation of a range of reasonable alternatives to the proposed project.

Letter #272 March 5, 2025, Robert Greteman

Comment 272-1

I am very much opposed to CEMEX expansion. The San Joaquin riverbed and surrounding area should be protected from the pollution, noise and damage to the environment.

Response 272-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The issues of water pollution and noise are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality," and Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 272-2

I am also very tired of the endless trucks barreling down Friant Road constantly.

Response 272-2

This comment describes existing conditions along Friant Road that are not evaluated as part of the proposed project. Instead, they form the environmental setting or baseline condition of the project sites. The issue of traffic is addressed in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See Collective Response #29 regarding traffic congestion.

Letter #273 March 5, 2025, Robert Heisdorf

Comment 273-1

I am writing to object to any planning for expansion by CEMEX in & around the San Joaquin River.

I object for a number of reasons to any expansion by CEMEX to harm our river further.

Please do not approve, or allow this project to go forward any further.

Response 273-1

No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment, and the commenter's opposition to the proposed project, are noted for the consideration of the decision-makers.

Letter #274 March 5, 2025, David Horwitz

Comment 274-1

I am writing as a resident of Fresno, about the Cemex expansion to mine the San Joaquin River for 100 years, going 600 feet deep. This would not be without consequences for the entire region, not to mention the state's riparian corridors enabling the water the river supplies to recharge the local aquifers. While the San Joaquin River doesn't contribute directly to the Fresno Aquifer, indirectly, it acts as a riparian woodland cloud seeder, as the trees release water transpiring from their stomata, conglomerated with beneficial to plant fungal spores, dust, and pollutants, that act as cloud seeders, nucleating water molecules to form together and create rainfall downwind, which since the Sierras are right next to us, also rebuttals that rainfall onto farmers, gardeners, and recharge basins for the aquifers here around Fresno on the Valley floor. Blast mining 600 feet deep, or the equivalent of two football fields, will destroy the groundwater supply for the native riparian woodland trees that indirectly supply our region with water, including our endemic Valley Oaks, which are losing habitat at alarming rates.

Response 274-1

The commenter's opposition is noted for the decision-makers.

Please see Draft EIR Section 4.10, "Hydrology and Water Quality," for discussion of the project's potential impacts to hydrologic resources and groundwater supply. With regards to the project's potential impacts to groundwater dependent vegetation, including valley oaks, please refer to Draft EIR Impact 4.4-4, which concludes that "the potential for project dewatering and reclaimed groundwater elevations at the Plant Site to result in an adverse effect to groundwater dependent ecosystems and river flow dependent ecosystems would be less than significant (see Draft EIR page 4.4-56). The potential for project dewatering at the Quarry Site and the resulting impact upon river flow dependent ecosystems would also be less than significant (see Draft EIR page 4.4-

57). See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced in this response.

Comment 274-2

Add to this the simile for mining building materials, fracking, and earthquakes are not an impossibility, especially given California already has multiple fault zones. All we need is deep perturbations in a sensitive area, and Fresno County could become another earthquake hotspot.

Response 274-2

The geotechnical consultant's 2019 (July 2025) review of California State Oil and Gas data indicates no oil or gas wells in the vicinity of the project sites; therefore, fracking does not need to be analyzed or considered a factor to the proposed project. For reference, the closest fault deemed active per the State of California is the Great Valley fault (Segments 13), approximately 54 miles southwest of the project sites. Earthquakes originating on this fault are not considered of engineering significance to the project.

Comment 274-3

Then, there is agriculture. East side farmers along the San Joaquin River, and more western SJR farmers as well, rely on clean irrigation water, directly pumped from the river by riparian rights, or indirectly from adjacent groundwater, for their crops. This project would be an existential death trap for these farmers, polluting their water supply and decimating their irrigation baseline for their incomes.

Response 274-3

Please see Collective Response #25 pertaining to the proposed project's relationship and potential effects associated with surface water and groundwater interconnectivity. Please see Collective Response #24 pertaining to groundwater monitoring. Please see Collective Response #23 pertaining to groundwater quality. The comment does not provide evidence that the project would adversely affect water rights, the quality of irrigation water, or access to irrigation water.

Comment 274-4

The stated reason for this mining is the region's growth occurring will need infrastructure material for building. Yet Vulcan Mining, a competitor of Cemex, already has provisioned this region with enough mining materials for the next century. Also, Cemex's previous mining on the river has only added to that. More is not even a necessity to begin with.

Response 274-4

Please see Collective Response #3 pertaining to regional aggregate demand and supply.

Comment 274-5

Also, the San Joaquin River is a water supply for human needs like clean water, fishing, and mental uplift from natural ecosystems, termed biophilia in psychology, literally, "love of life". Truly, those of us who love life, all life, both human and non-human, love the San Joaquin River.

Response 274-5

Draft EIR Section 4.10 presents evaluation of potential surface and groundwater impacts of the project including those associated with the San Joaquin River. Draft EIR Section 4.4, "Biological Resources," presents evaluation of potential biological resources impacts of the proposed project. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The comment does not address the adequacy of the Draft EIR or provide evidence of a potentially significant impact not addressed in the Draft EIR. The commenter's opinions regarding the San Joaquin River are noted and will be considered by County decision-makers.

Comment 274-6

While not a certainty, sinkholes have been known to arise in coal and gold mining operations of much less depth of extraction, so they might also arise here. It is known when mining hundreds of feet deep in area, especially watery areas, that sometimes, due to extreme subsidence, sink holes can emerge, and sometimes not even on the site of mining, but in subterranean cavities beneath adjacent urban areas that connect to riparian areas. This would spell disaster for many north Fresno residents should it commence, which 100 years and 600 feet deep; that ensures it is a possibility

Response 274-6

Earth materials within the project area, to the depth of the planned Quarry Site excavation, consist of a relatively shallow cover of gravel-rich alluvial soils over granitic bedrock. Sinkholes form within carbonate rock (e.g., limestone) when acidic groundwater conditions are present. Granitic bedrock is not subject to the formation of sinkholes. Therefore, bedrock sinkholes are not considered a hazard for the proposed project and the surrounding areas. The Draft EIR does not need to analyze impacts which are speculative or unlikely to occur. See Title 14 CCR Section 15064(d)(3) (indirect impacts that are speculative or unlikely to occur are not reasonably foreseeable and need not be considered under CEQA).

Comment 274-7

Lastly, air pollution from the many diesel trucks and machinery handling drilled materials and doing the drilling, day in and day out for 100 years, is going to total the health of the region's residents. We already have some of the worst air pollution in the San Joaquin Valley. This would intensify and enhance that by multitudes. Too many residents suffer from severe air pollution industrial chemical allergies from automobile exhaust, not to mention some chemicals in farms and lawns and homes and gardens.

This would forever damage the quality of life for the region, given the sheer volume of diesel fueled truck traffic transporting materials, and the mining offputs themselves.

Response 274-7

Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR, presents an evaluation of the potential air quality impacts of the proposed project including those associated with air pollutant emissions from onsite mining activities and offsite aggregate transport. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to this Draft EIR section. Please see Collective Response #9 pertaining to the proposed project's potential impact on the region's existing air quality. No specific comments related to the adequacy of the Draft EIR were made, and no further response can be provided. However, the comment is noted for the consideration of the County decision-makers.

Comment 274-8

Simply put, I know this project must be terminated if the Central Valley is to survive economically and environmentally. Agriculture is a huge portion of the economy, and losing ecosystem services like available clean water, and pest predators from riparian native species, would be a loss for the regional farming community.

Environmentally, the very citizens of Fresno County are endangered by the destruction that will ensue. This project must be stopped. The costs, both financial and existential, ultimately will outweigh any short-term benefits Cemex promised.

Response 274-8

The comment does not discuss the adequacy of the Draft EIR or provide evidence of environmental effects. Please see Responses 274-1 through 274-7 above to specific issues raised in the comment letter. The commenter's concerns and opposition to the project are noted and will be considered by County decision-makers.

Letter #275 March 4, 2025, Elaine Johnson

Comment 275-1

It has come to my attention that CEMAX has plans to expand their work in our San Joaquin River bottom.

How in the world can we even think of allowing this dis-spoilage of our precious river practically in the city of Fresno.

Our way of life will not allow this blasting, this ruin right in the back yard of our city. We should be planning of the beautification of our river, not this.

100 years out? No! For money? No!

This is the river for all of us and we should not be selling our beautiful landscape and the peace that comes with it for any amount of money.

Response 275-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential effects on the San Joaquin River are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential effects on the visual landscape are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See also Collective Response #5 regarding the duration of the proposed use permit.

Letter #276 March 5, 2025, Patty Kanemoto

Comment 276-1

I am concerned about the expansion of CEMEX operations as proposed. I reviewed the EIR and ultimately, I am left with a lot of concern in the areas of slope stability, air pollution, blasting, water quality and groundwater supply.

Response 276-1

The issues of slope stability and air pollution are addressed in Section 4.7, "Geology and Soils," and Section 4.3, "Air Quality," of the Draft EIR, as updated in this Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). The potential effects of blasting are addressed in both Draft EIR Section 4.9, "Hazards and Hazardous Materials," and Section 4.13, "Noise." The issues of water quality and groundwater supply are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 276-2

While there are mitigations stated, there is always the risk of an "accident" or it could be that we find a breach a little too late for the damage that might have already occurred . The consequences of material flowing down the river are too great and the consequences to the environment would be too grave.

Response 276-2

See Collective Response #17 regarding the potential for breach of the quarry pit wall and flooding. The comment is noted for the consideration of the decision-makers.

Comment 276-3

Also of great concern, is the depth of mining at 600 feet.

Response 276-3

Draft EIR Chapter 6, "Alternatives," evaluates a reasonable range of mining depths. Alternatives 2 and 5 describe a mining depth of 400 feet while Alternatives 3 and 4 describe a mining depth of 300 feet. Draft EIR Section 6.4.2.3, "Reduced Mining Depth (200 Feet)," discusses why a mining depth of 200 feet was rejected from consideration in the alternatives analysis. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 276-4

We already live in an area with poor air quality. It is time to put the brakes on adding more air pollution in future years.

Response 276-4

See Collective Response #9 regarding the proposed project's potential impact on the existing air quality conditions of the region.

Comment 276-5

To commit to this endeavor for another 100 years is unimaginable. I am opposed to this expansion in totality.

Response 276-5

See Collective Response #5 regarding the duration of the proposed use permit. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #277 March 5, 2025, Marjorie Keir

Comment 277-1

I am writing to you as a concerned citizen, mother, and grandmother. I am asking you not to allow the expansion of CEMEX. We have very few natural waterways in our county. In addition to contributing to poor air quality by dust created

Response 277-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential impacts to the San Joaquin River are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for revisions to this Draft EIR sections. The issue of dust and air quality is addressed in Draft EIR Section 4.3, "Air Quality," as updated in this Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to this Draft EIR section. See also Collective Response #9 regarding the project's potential impact on the region's existing air quality. See also Mitigation Measure 4.3-2b, as revised in Section 4.3.4, "Project Impacts and Mitigation Measures," of Appendix D-4, which addresses mitigating air pollution associated with dust creation from the project to a less than significant impact.

Comment 277-2

and increased traffic along the Friant roadway, this expansion would threaten water quality and impact fish and wildlife.

Response 277-2

See Collective Response #29 regarding traffic congestion and the project's increased truck trips. The issue of water quality is addressed in Draft EIR Section 4.10. The project's potential impacts to fish and wildlife species are addressed in Draft EIR Section 4.4, "Biological Resources."

Comment 277-3

Our San Joaquin River is a wonderful resource that we must protect for future generations. School children from around the county are able to explore nature that they rarely experience. Please do not allow this expansion that would only contribute to the detriment of our environment that many are trying so hard to preserve.

Response 277-3

See Collective Response #21 regarding public access to the San Joaquin River. See also Collective Response #18 regarding the Project's consistency with the San Joaquin River

Parkway Master Plan. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #278 March 5, 2025, Ann Lewis

Comment 278-1

The San Joaquin River is such an overlooked natural resource for the county, city and state!

Please, do not allow this permit to proceed.

Future generations will thank you as they enjoy and celebrate the fauna and flora which will thrive there. The undisturbed, continuous river will attract visitors and new residents and businesses. The town of Friant will also prosper.

Response 278-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #279 March 5, 2025, Dylan Lewis

Comment 279-1

I am writing to express my strong opposition to the CEMEX Rockfield Expansion Project. This area, once home to Native American communities, is a natural gem that should be preserved for public use—not subjected to another century of industrial exploitation.

Response 279-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 279-2

For over 100 years, this land has been used for concrete production, and now CEMEX wants to extend its operations for another century, further degrading the San Joaquin River and surrounding environment. The project's own environmental report acknowledges serious risks, including potential cancer-causing emissions, threats to wildlife, and dangers to water resources. Meanwhile, the public is expected to wait 100 more years before reclaiming any of this land—why should we accept that?

Response 279-2

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for suggested revisions to this Draft EIR section. The issue of cancer-causing emissions is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to this Draft EIR section. See also, Impact 4.3-3 and Table 4.3-25, "Mitigated Project Health Risk Impacts," of Appendix D-4, where the project's potential impact regarding increased cancer risk to sensitive receptors was determined to be less than significant with or without the implementation of Mitigation Measure 4.3-2b.

Additionally, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3) including an updated HRA and a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. See also Collective Response #11 regarding analysis of population-wide cancer burden. The project's potential impacts on wildlife and water resources are addressed in Draft EIR Section 4.4, "Biological Resources," and Section 4.10, "Hydrology and Water Quality," respectively. See Chapter 3, "Draft EIR Errata." See also Collective Response #5 regarding the duration of the proposed use permit.

Comment 279-3

Fresno would benefit far more from accessible riverfront development. Imagine a vibrant riverwalk, similar to those in major cities, with restaurants, shops, and recreation areas—a space for families, businesses, and tourism. Instead, this plan offers us a hazardous mining pit.

Response 279-3

Hazards associated with the proposed quarry pits are addressed in Draft EIR Section 4.7, "Geology and Soils," (slope stability), Section 4.9, "Hazards and Hazardous Materials," (blasting), and Section 4.10, "Hydrology and Water Quality," (water quality). See Collective Response #21 regarding public access to the San Joaquin River and future uses of the existing project sites.

Comment 279-4

I urge you to reject this expansion and prioritize a future that benefits the people of Fresno, not just a concrete company's profits. Let's invest in a vision that enhances our city, not poisons it.

Response 279-4

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #280 March 5, 2025, H Lopez

Comment 280-1

I disapprove of CEMEX expansion and hope you can find a less destructive way to achieve your goals.

Response 280-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #281 March 5, 2025, Douglas Marsh

Comment 281-1

I am gravely concerned of the adverse impact the CEMEX project will have on the San Joaquin River and the surrounding environment. Please don't allow this project to advance.

Response 281-1

The project's potential effects on the San Joaquin River and the environment adjacent to project sites are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality," and Section 4.4, "Biological Resources," respectively. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #282 March 5, 2025, Madison Nield

Comment 282-1

I'm writing today to lodge my protest against the expansion of Cemex mining operations. The proposed activities will negatively impact generations. Our children's ability to enjoy the beautiful nature of what remains of the San Joaquin River area will be destroyed. Trading profit for the destruction of our environment is not a fair trade for any residents. While the Cemex corporation may reap profits, we will suffer. From the environmental destruction to the disruption that will be caused by the blasting, this is not going to benefit any of Fresno's citizens. And I'd hate to think this will be approved because those in power will personally benefit financially while the rest of us suffer. There's too much of that already happening in our country.

Do not allow this plan to go forward!

Response 282-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The potential effects of proposed blasting are addressed in Draft EIR Section 4.13, "Noise," and Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), as updated in this Final EIR. See also Chapter 3, "Draft EIR Errata," for proposed changes to Draft EIR Section 4.10. Additionally, see Collective Response #27 regarding the project's potential operational effects on users of nearby parks and trails. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #283 March 5, 2025, Shauna Perenon

Comment 283-1

Please don't allow the CEMEX project to proceed and ruin the beautiful San Joaquin River . It will ruin much in nature including fish, wildlife and the river we all love and enjoy. There must be another way for this business to find success without destroying what is irreplaceable.

Response 283-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." Potential impacts to fish and wildlife are evaluated in Draft EIR Section 4.4, "Biological Resources." The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #284 March 5, 2025, David Roberts

Comment 284-1

Do not approve a 100 year lease for Cementex . Do not further destroy the jewel of Fresno, the San Joaquin River.

Response 284-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #285 March 5, 2025, George Saul

Comment 285-1

Allowing the expansion of the CEMEX Expansion will be cause long term and irreversible damage to our entire community.

Hard rock blasting and crushing will create horrendous damage with noise and dust to our neighborhood.

Response 285-1

The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, "Noise," as updated in the Final EIR. See also Mitigation Measure 4.3-2b, included in Final EIR Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment," and Mitigation Measure 4.10-1 on Draft EIR page 4.10-92, as revised in this Final EIR). See Chapter 3, "Draft EIR Errata."

Comment 285-2

It will destroy the serenity of the San Joaquin River Trail.

Response 285-2

See Collective Response #27 regarding effects of blasting and other operations on users of nearby parks and trails.

Comment 285-3

That pit will pose a threat to the river and its fish and wildlife.

Response 285-3

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." Potential impacts to fish and wildlife species are addressed in Draft EIR Section 4.4, "Biological Resources." See also Collective Response #17 regarding riverbank stability and the potential for breach and Collective Response #25 regarding reduction of river flows.

Comment 285-4

This is wrong for our community and threatens to destroy the years of work devoted to restoring the parkway in a city with precious little green space.

I urge you to stop this.

Response 285-4

See Collective Response #12 regarding project effects on recent San Joaquin River and salmon restoration efforts. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #286 March 5, 2025, Gary Simmons

Comment 286-1

I am strongly opposed to the proposed CEMEX expansion along Friant Road.

Given our ongoing environmental and water challenges, moving forward with this project seems both unnecessary and detrimental. While I understand the need to responsibly utilize natural resources, this area is no longer a remote wilderness. It is now a thriving and rapidly growing community, home to many families—including mine.

Response 286-1

The issues of water supply and quality is address in Draft EIR Section 4.10, "Hydrology and Water Quality." The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 286-2

Beyond its residential significance, this area stands as one of the most beautiful parts of our city. Expanding industrial operations here would compromise its natural beauty, quality of life, and long-term sustainability.

I urge you to reconsider this proposal in light of these concerns and prioritize the well-being of our community and environment.

Response 286-2

The project's potential impacts to the visual landscape of the area are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #287 March 5, 2025, Terri Soares

Comment 287-1

I am writing to express my strong opposition to the proposed CEMEX Rockfield Expansion Project near the San Joaquin River in Fresno County. This proposal raises significant environmental, recreational, and procedural concerns that I believe warrant serious reconsideration.

Environmental Concerns

The project entails blasting and drilling a 600-foot-deep pit into the river's bedrock, a method unprecedented along the San Joaquin

River. Such extensive mining poses substantial risks to the river's ecosystem, potentially disrupting habitats and affecting water quality. The San Joaquin River has already endured considerable environmental stress due to past developments, and introducing deep-pit mining could exacerbate these issues.

Response 287-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." The issue of water quality and the project's potential effects on the San Joaquin River are addressed in Section 4.10, "Hydrology and Water Quality," of the Draft EIR.

Comment 287-2

Recreational and Community Impact

The San Joaquin River Parkway has been developed to provide recreational opportunities and preserve natural habitats for the community. The proposed expansion by CEMEX conflicts with this vision, as the industrial nature of deep-pit mining is incompatible with recreational activities and wildlife conservation efforts. Approving this project could undermine years of work dedicated to enhancing the river's value as a community asset.

Response 287-2

See Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan.

Comment 287-3

Procedural and Regulatory Issues

It is concerning that the current operations have been allowed to continue under outdated environmental reviews. The lack of a dedicated Environmental Impact Report (EIR) for the existing quarry operations raises questions about the adequacy of oversight and environmental protection. Granting an extension or approval for expansion without a comprehensive, up-to- date EIR contradicts the principles of responsible environmental stewardship and public transparency.

Response 287-3

See Collective Response #2 regarding the operation's previous use permit extensions and CEQA compliance. See also Collective Response #1 regarding the County's processing of the proposed project.

Comment 287-4

Conclusion

Considering these concerns, I urge the Fresno County Department of Public Works and Planning to reject the CEMEX Rockfield Expansion Project. The potential environmental degradation, conflict with community recreational goals, and procedural shortcomings present compelling reasons to halt this proposal. Protecting the integrity of the San Joaquin River and its surrounding environment should be our priority.

Thank you for considering my comments.

Response 287-4

The comment summarizes the comments in this letter (Comments 287-1 through 287-3). See Responses 287-1 through 287-3 for responses to the previous comments. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #288 March 5, 2025, Jennifer Squire

Comment 288-1

I am reaching out to express my grave concern about the proposed CEMEX expansion and the significant threats it poses to our environment and democratic principles.

The Draft Environmental Impact Report clearly outlines devastating consequences if this project moves forward, including 100 additional years of mining, the creation of a 600-foot deep pit, and a shift to hard rock blasting.

These actions jeopardize water quality in the San Joaquin River, endanger fish and wildlife populations, and risk irreparable harm to the ecosystem.

The San Joaquin River is a cornerstone of our community, and its preservation is vital for both the environment and future generations.

Response 288-1

The project's potential impacts to water quality and the San Joaquin River are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential impacts to fish and wildlife populations and the overall ecosystem are evaluated in Draft EIR Section 4.4, "Biological Resources." The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 288-2

Additionally, this review process is one of the last opportunities for public input to be heard and considered. Protecting our democracy means fostering transparent, participatory decision-making, especially when it comes to projects of such magnitude.

We cannot afford to compromise the democratic process, which ensures decisions reflect the community's best interests.

Response 288-2

See Collective Response #1 regarding the County's processing of the proposed project. Additional public comments will be accepted by the County at the public hearing(s) that will be held for the proposed project.

Comment 288-3

I urge you to prioritize the long-term health of our environment and uphold the integrity of the review process by reconsidering this project. Decisions made today will reverberate for generations to come, and we must act as stewards of both our environment and democratic values.

Thank you for your attention to this urgent matter.

Response 288-3

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #289 March 5, 2025, Linda Tiboni

Comment 289-1

I am writing to ask you not to approve the proposed Cemex Expansion on the San Joaquin River. This is counter productive and a threat to the river, its wildlife and plant life that the San Joaquin River Parkway Conservation and Trust is trying to preserve. They are not compatible. The Cemex plant where it currently stands should not have been allowed to continue to operate and the new

expanded version will desecrate the land further for all who want to enjoy it in all it's beauty now and for generations to come.

For the record I am not a member of the trust but I firmly believe all the area along the river needs to be preserved for the future.

Response 289-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." Potential impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." See also Collective Response #12 regarding the project's effects on recent river and salmon restoration projects. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #290 March 5, 2025, Kay Tolladay Pitts

Comment 290-1

I am concerned about Cemex and their attempt to blast a 600 foot pit next to the San Joaquin River for the following reasons:

1. The rock and gravel aren't currently needed. There is plenty but since the sources belong to a different company Cemex would have to purchase materials.

Response 290-1

See Collective Response #3 regarding aggregate demand and the need for the proposed project.

Comment 290-2

2. Cemex has no interest in our river except greed. There is no benefit to to the river or to Fresno. A foreign company wishing to "take the money and run!"

Response 290-2

The comment is noted for the consideration of the decision-makers.

Comment 290-3

3. There are four major issues with their plan: air quality, increased traffic, noise and destruction of the scenery.

4. As an artist I'm particularly concerned about the ruining of the scenic value. Cemex plans to "paint the rocks". Perhaps a mural could be painted of what used to be. Brings to mind

a Joni Mitchell song, "Big Yellow Taxi"…."You don't know what you've got 'til it's gone."

Response 290-3

The issues of air quality and traffic are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.17, "Transportation," as they are updated in the Final EIR. The issues of noise and changes to scenery are addressed in Draft EIR Section 4.13, "Noise," and Section 4.1, "Aesthetics and Visual Resources," respectively. See Chapter 3, "Draft EIR Errata." See also Collective Response #8 regarding proposed visual mitigation. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #291 March 5, 2025, Thao Xiong

Comment 291-1

Dear David Randall,

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the urgent need to address the significant potential environmental and community impacts associated with this project, I have several concerns that you should prioritize and address prior to moving forward with approval.

1. Impacts on the San Joaquin River Watershed

The proposed mining expansion threatens the integrity of the San Joaquin River, which serves as a vital water source for local communities, agriculture, and wildlife. Excavation and dewatering processes may lower groundwater levels, disrupt the natural hydrology, and contribute to sedimentation and pollution. The river supports sensitive riparian ecosystems, including habitats for migratory birds, fish, and other aquatic species. Any disturbances to the water table could exacerbate drought conditions and harm the broader watershed. The DEIR must provide a more thorough analysis of potential long-term impacts on water flow and quality and enhance mitigation measures to prevent irreversible damage.

Response 291-1

Draft EIR Section 4.10, "Hydrology and Water Quality," presents evaluation of potential surface and groundwater impacts of the project including those associated with the San Joaquin River. Draft EIR Section 4.4, "Biological Resources," presents evaluation of potential biological resources impacts of the proposed project. Please also see Collective

Response #13 pertaining to impacts to offsite wildlife, Collective Response #14 pertaining to Swainson's hawk, Collective Response #15 pertaining to non-nesting birds, Collective Response #16 pertaining to Salmon, Collective Response #23 pertaining to groundwater quality, Collective Response #24 pertaining to groundwater monitoring, and Collective Response #25 pertaining to the proposed project's relationship and potential effects associated with surface water and groundwater interconnectivity. The comment does not provide evidence of a deficiency in the EIR's analyses of hydrology and water quality or biological resources. The commenter's concerns regarding the San Joaquin River are noted and will be considered by County decision-makers.

Comment 291-2

2. Air Quality and Dust Emissions

The expansion of mining operations will increase particulate matter (PM10 and PM2.5), which can penetrate deep into the lungs and cause or worsen respiratory diseases such as asthma and chronic bronchitis. This poses serious health risks to nearby residents and workers. The fine dust from quarrying, transportation, and processing activities can exacerbate respiratory illnesses, including asthma and other lung conditions. Given that the San Joaquin Valley already suffers from poor air quality and frequent air pollution advisories, the additional emissions from this project could contribute to non-compliance with state and federal air quality standards. The DEIR must ensure that stringent dust control measures, real-time air monitoring, and mitigation strategies are in place to protect public health.

Response 291-2

Contrary to the assertion in the comment, Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), as updated in the Final EIR, finds that after mitigation, the expansion of mining operations would decrease PM_{10} and $PM_{2.5}$ as compared to the levels in the existing physical setting (Draft EIR Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions"). Adverse health effects relating to PM_{10} and $PM_{2.5}$ pollution would decrease and there are no additional emissions from this project that "could contribute to non-compliance with state and federal air quality standards." See Chapter 3, "Draft EIR Errata." The technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the A*ir Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3) including preparation of a Fugitive Dust Control Plan and a health risk assessment. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the Draft EIR analysis of PM_{10} and $PM_{2.5}$ impacts was sufficient and supports the finding of less than significant impacts. Thus, the

proposed mitigation measures are sufficiently stringent to comply with CEQA. Realtime air monitoring is achieved by visual observation of opacity.

Comment 291-3

3. Biological Resource Impacts

The project site and surrounding areas support diverse wildlife, including special-status species such as the Western pond turtle, Swainson's hawk, and various riparian-dependent species. The planned excavation and land disturbance will fragment habitats, disrupt nesting areas, and eliminate vegetation critical for ecosystem stability. The DEIR must provide a more robust conservation strategy to prevent habitat loss, mitigate species displacement, and ensure compliance with state and federal wildlife protection laws. Additionally, long-term monitoring should be required to assess ecological changes over time.

Response 291-3

The Draft EIR evaluates special-status wildlife in the project vicinity in Section 4.4, "Biological Resources," including species identified by the commenter. Western pond turtle is described on Draft EIR pages 4.4-34 and 4.4-35, and Swainson's hawk is also addressed in Section 4.4. Mitigation Measures 4.4-1c, as revised in the Final EIR, would reduce potential impacts to Swainson's hawk and other special-status species to less than significant levels.

The project sites are already disturbed by decades of ongoing mining operations, and the proposed excavation areas would remain within the boundaries of the existing project sites. As such, the proposed project would not result in the loss or fragmentation of high-quality habitat for riparian-dependent species, western pond turtle, or Swainson's hawk.

Potential impacts to nesting birds are addressed in Draft EIR Impact 4.4-1. Mitigation Measure 4.4-1c requires pre-construction surveys and would reduce potential impacts to nesting birds to less than significant (Draft EIR page 4.4-52).

The Draft EIR also evaluates potential impacts to sensitive habitats, including riparian areas, in Impact 4.4-4 and concludes that impacts would be less than significant with implementation of applicable mitigation measures.

The project would comply with all applicable state and federal regulations pertaining to wildlife protection, as well as CEQA requirements. The commenter suggests implementation of a more robust conservation strategy and long-term monitoring; however, the Draft EIR includes pre-construction surveys, avoidance and minimization

measures, and species-specific mitigation to address potential impacts. The comment does not provide specific, feasible mitigation measures beyond those already identified. CEQA does not require that all possible studies or monitoring programs be conducted for the purpose of analyzing environmental impacts (Title 14 CCR Sections 15151, 15204(a)).

Accordingly, the Draft EIR provides a sufficient analysis of biological resources and identifies appropriate mitigation measures to reduce impacts to less than significant levels.

Comment 291-4

4. Traffic and Noise Concerns

The project's expanded truck operations will increase congestion along Friant Road, raising safety concerns for local commuters, cyclists, and pedestrians.

Response 291-4

Please see Collective Response #29 pertaining to project traffic and Collective Response #30 pertaining to traffic safety and road maintenance.

Comment 291-5

The addition of heavy-duty vehicles will also contribute to noise pollution, particularly during nighttime operations.

Nearby residents will experience increased exposure to engine noise, blasting vibrations, and other disturbances that could degrade their quality of life. The DEIR should analyze alternative transportation routes, implement stricter operational limits, and require noise dampening measures to reduce these adverse effects.

Response 291-5

In addition to the response below, see Response 128-3 for a discussion of the evaluation, impact discussion, and mitigation requirements for project blasting.

A detailed analysis of the project-traffic noise impacts, including increases in ambient noise levels resulting from project heavy truck traffic, is provided in Draft EIR Impact 4.13-1 (Draft EIR, pages 4.13-49 through 4.13-57). This analysis, which included all phases of the project, determined that both absolute traffic noise levels and the noise level increases resulting from project traffic, did not exceed thresholds for a finding of significant noise impacts. Specifically, Draft EIR Impact 4.13-1 provides a detailed evaluation of potential noise impacts related to project heavy truck traffic and concludes

that, although project heavy truck traffic would cause an increase in traffic noise levels along the haul routes utilized by project traffic, the increase in noise levels would be below thresholds for a finding of a substantial noise increase. As a result, impacts related to project heavy truck traffic were determined to be less than significant in the Draft EIR.

Regarding plant noise mitigation requirements, extensive noise mitigation options have been identified in Draft EIR Mitigation Measures 4.13-2 and 4.13-3. Please refer to the Responses 58C-13 and 448-28 for specific examples of noise control measures which would be required of the project.

Comment 291-6

5. Cumulative Environmental Effects

This mining expansion is not occurring in isolation—it will exacerbate the cumulative environmental stressors in the region, including climate change, water scarcity, and habitat degradation. Industrial activities have heavily impacted the San Joaquin River, and further exploitation may push the ecosystem beyond a sustainable threshold. The DEIR must take a broader approach to assessing cumulative impacts, including the potential for groundwater depletion, increased carbon emissions, and long-term landscape alterations. Alternative methods, such as limiting the scale of operations or requiring additional environmental offsets, should be explored.

Response 291-6

Draft EIR Chapter 5, "Cumulative Impacts," provides a detailed evaluation of cumulative impacts of the proposed project that explains the methodology including methods for assessing future cumulative conditions as influenced by specifically identified past, present, and reasonably foreseeable future projects as well as regional growth projections (see "Analysis Method" at Draft EIR pages 5-2 and 5-3, and see Table 5-1, "List of Nearby Projects," on Draft EIR pages 5-4 and 5-5). Draft EIR Chapter 5 then provides a detailed evaluation assessing how each of the project impacts identified in Draft EIR Chapter 4, "Environmental Analysis," would have the potential to result in cumulative impacts in consideration of other specific projects and regional growth. The comment does not explain or provide evidence of a deficiency in the Draft EIR cumulative impact evaluation. Additionally, Draft EIR Chapter 6, "Alternatives," describes a range of project alternatives and compares the associated potential environmental impacts to those of the proposed project. The comment does not address the adequacy of the Draft EIR or provide evidence that additional feasible alternatives are available that would address significant environmental impacts while achieving the basic project objectives.

Comment 291-7

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Upholding public transparency and accountability in this review process is not just important but crucial to protecting the long-term health of the San Joaquin River watershed and surrounding communities.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this critical matter.

Response 291-7

Please see responses above for specific issues raised in the comment letter. The commenter's requests and opinions regarding the project are noted and will be considered by County decision-makers.

Letter #292 March 6, 2025, Marian Battles

Comment 292-1

As a member of the Woodward Lake community for over 34yrs I have enjoyed living in this beautiful area. My family has used the trails and waterways from Woodward park to the dam for biking, hiking, running, canoeing, fishing and exploring. We are happy now to pass these adventures down to our grandchildren. I am greatly disappointed that the county supervisors are considering an extension for drilling in this area. For years I've been concerned of the traffic on Friant. Now with the proposal of double the truck deliveries this traffic will be compounded.

Response 292-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #29 regarding traffic congestion and the project's truck trips.

Comment 292-2

We have grown into a huge residential community. Thirty plus years ago this area may have been appropriate for the mining. Now it is not. What other mining project that uses explosives is in a community of homes, churches, hospitals, parks? None I'm sure.

Response 292-2

The issue of land use consistency is addressed in Draft EIR Section 4.11, "Land Use and Planning." The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, "Noise," as they are updated in this Final EIR. See Chapter 3, "Draft EIR Errata."

Comment 292-3

Also what assurance do we have that the mining at that depth (600ft)won't have toxins? Have they done testing down at that depth? Also what contamination is possible with the ground water in the wells at those homes near Lost Lake?

Response 292-3

The issue of groundwater quality is addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Impacts 4.10-5 and 4.10-7 that evaluate compliance with applicable groundwater quality standards as a result of groundwater ponding in the excavations at the Plant Site and Quarry Site, respectively. See Mitigation Measure 4.10-5a. This measure requires the Operator to implement an adaptive management program at the Plant Site to ensure that pond water meets general water quality parameters to prevent mobilization of naturally occurring iron and manganese that could degrade water quality. Furthermore, Mitigation Measure 4.10-10a requires the Operator to implement an adaptive management program at the Quarry Site to ensure project operations do not significantly reduce groundwater levels at nearby wells. With mitigation, these impacts were determined to be less than significant.

Comment 292-4

Approval for 100yrs is ridiculous. There are too many unknowns.

Response 292-4

See Collective Response #5 regarding the duration of the proposed use permit.

Comment 292-5

This company will have to self report and looking at their track record they seem to have lots of lawsuits paid out over the years.

Response 292-5

See Collective Response #4a regarding CEMEX's regulatory history.

Comment 292-6

I believe in growing the economy of a community as much as the next person. But not with all these risks! This is a gamble I wouldn't take.

Response 292-6

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #293 March 6, 2025, Joanne Bazarian

Comment 293-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report

(DEIR) for the CEMEX Rockfield Expansion Project.

Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

1. Impacts on the San Joaquin River Watershed ~ LEAVE THE RIVER ALONE.

Response 293-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality."

Comment 293-2

2. Air Quality and Dust Emissions ~ Our air quality is horrible and Asthma is at an all time high. Half of the year we are not able to enjoy the outdoors due to high AQI as it is, why make it worse.

Response 293-2

The issues of air quality and dust are addressed in Draft EIR Section 4.3, "Air Quality," as updated in this Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality." See also, Collective Response #9 regarding the project's potential impact on the existing air quality conditions in the region.

Comment 293-3

3. Biological Resource Impacts ~ it will bring so much destruction to such a beautiful place.

Response 293-3

The project's potential impacts to biological resources are evaluated in Draft EIR Section 4.4, "Biological Resources." With mitigation, each of the impacts evaluated in this section were determined to be less than significant. Visual impacts are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources."

Comment 293-4

4. Traffic and Noise Concerns ~ We have too much now, why are we adding more to the congestion we already endure.

Response 293-4

The issues of traffic congestion and noise are addressed in Draft EIR Section 4.17, "Transportation," and Section 4.13, "Noise," respectively.

Comment 293-5

5. Cumulative Environmental ~ this is vital for our future and the lives of our children.

Response 293-5

Draft EIR Chapter 5, "Cumulative Impacts," presents the cumulative impact analysis for the proposed project.

Comment 293-6

The San Joaquin River is one of gems we have here in the valley, it is a special area and the impact of your project would disrupt all that we hold sacred for our environment.

I am a regular at the river, walking and hiking and enjoying the beauty of nature in our urban life. The diversity of wildlife, the beauty of the water and a place that brings joy to so many would be threatened.

Response 293-6

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10. The issue of visual quality is address in Draft EIR Section 4.1. The project's potential impacts to wildlife are evaluated in Draft EIR Section 4.4. See also Collective Response #27 regarding the effects of project operations on park and trails users.

Comment 293-7

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives.

Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 293-7

See Collective Response #1 regarding County processing of the proposed project, public transparency, and need for additional analysis. A range of project alternatives are evaluated in Draft EIR Chapter 6, "Alternatives." The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #294 March 6, 2025, Judith Castro

Comment 294-1

I'm old-85-but so what the area considered for mining NOT be allowed to happen. We've so much safe area for water quality, fish and wild life. Don't want future generations to suffer because of hard rock blasting. I vehemently say "NO"!

Response 294-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential effects on water quality are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The potential impacts to fish and wildlife are evaluated in Draft EIR Section 4.4, "Biological Resources."

Letter #295 March 6, 2025, Mark Fletcher

Comment 295-1

I believe this proposed project presents such significant risks and harms to Fresno County that it should be considered for cancellation. The significant risks and harms are the following:

1) Friant Avenue is a significant bicycle route with established bicycle lanes in each direction. It is one of the few locations close to Fresno and Clovis where bicycles can ride for considerable distance without interruption from traffic lights and stop signs.

I enjoy riding on this road on my bicycle fairly often. The proposed large increase in truck traffic will pose significant danger to the bicyclists because the trucks will have to merge across the bicycle path. Furthermore, the truck traffic will introduce significant amounts of dirt and rocks into the bicycle path which will be a danger to me and other bicyclists. I do not feel this issue is considered sufficiently in the EIR.

Response 295-1

See Collective Response #30 regarding bicycle and pedestrian safety as well as road debris from haul trucks.

Comment 295-2

2). The noise and vibrations from the blasting will significantly affect wildlife and humans in the area. Wildlife will avoid the river plain due to the noise where efforts have been made to allow greater access and protection for wildlife. The proposed EIR does not adequately address this issue.

Response 295-2

The issue of noise effects on humans is addressed in Draft EIR Section 4.13, "Noise." See Impact 4.13-6 beginning on Draft EIR page 4.13-65 for an evaluation of groundborne vibration resulting from proposed blasting. See Collective Response #13 regarding impacts to wildlife from blasting and other project operations.

Comment 295-3

3). The continuous removal of gravel within the river bed causes increased risk of scouring downstream which can affect structures such as bridge abutments. The EIR does not consider the risk to the bridge abutments on Hwy 41 and the frontage road where it crosses the San Joaquin River downstream of the project area.

Response 295-3

Extraction of aggregate would not occur within the San Joaquin River, and thus, the issue of scouring downstream would not be applicable.

Comment 295-4

4). Studies have shown that the local area already has an abundance of gravel sources that exceed the demand. Thus, I question why this project is being considered if there is already sufficiently developed gravel and granite materials. This seems to be a very high risk project with little actual demand.

Response 295-4

See Collective Response #3 regarding aggregate demand and the need for the proposed project.

Comment 295-5

5). The EIR does not adequately consider the issue of pollution that can result from the hard rock mining. Hard rock mining can generate acidic water that could be contaminated with metals if certain conditions are present. The EIR does not address if this is a possibility and if it can happen, what remediation will be done. Should such remediation be needed, it will be very costly and it does not appear that Cemex will be obligated to do such remediation through bonding.

Response 295-5

The issue of contaminated groundwater pooling in the quarry pit is addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Impact 4.10-5 beginning on Draft EIR page 4.10-95 and Impact 4.10-7 beginning on page 4.10-101 for an evaluation of groundwater quality in the excavations at the Plant Site and Quarry Site, respectively. With mitigation, these impacts were determined to be less than significant. See also Collective Response #4b regarding liability and funding of remediation in the event of environmental damage resulting from project implementation.

Letter #296 March 6, 2025, Catherine Folwer

Comment 296-1

I am strongly opposed to granting the Unclassified Conditional Use Permits (C.U.P. Application # 3666 & 3667) sought by Cemex Construction Materials Pacific LLC for the purpose of continuing and expanding aggregate mining, processing, and asphalt production in the floodplain of the San Joaquin River. It is time to honor the original reclamation agreement after years of considerable profit and damage.

Response 296-1

The commenter's opposition to the project is noted and will be considered by County decision-makers. The comment does not address the adequacy of the Draft EIR, and no further response is warranted. Please see responses below to specific comments.

Comment 296-2

This project is not in the best interest of our community. It will cause significant and irreversible damage to the river bottom

lands. It will negatively impact efforts to restore the river and its environs. It will negatively affect the fisheries, and challenge and endanger local wildlife and both local and migratory birds. It is a huge affront and callous dismissal of years of time, effort, and monies dedicated to the San Joaquin River Trust and Conservatorship allied with local, county, and state agencies and all of the good citizens who have been tireless volunteers dedicated to the restoration and rehabilitation of the river and its environs for the purpose of creating an amazing and accessible recreational asset for all to enjoy.

Response 296-2

Draft EIR Section 4.4, "Biological Resources," presents evaluation of potential biological resources impacts of the proposed project. Please also see Collective Response #12 pertaining to San Joaquin River restoration, Collective Response #13 pertaining to impacts to offsite wildlife, and Collective Response #16 pertaining to Salmon. The comment does not address the adequacy of the Draft EIR. The commenter's opinions and concerns are noted and will be considered by County decision-makers.

Comment 296-3

This plant is not needed. Present and future aggregate demand in the Fresno P-C Region can easily be met by the already existing operations: Vulcan Sanger Centerville Project output: 80 mil. /tons/50 yrs. (1.6 mil. tons annually); CMI Kings River Project output: 28 mil. /tons/50 yrs. (1 mil. tons annually); Carmelita Mine output: 50 mil. /tons/50 yrs. (1 mil. tons annually); Coalinga Mine @ Lost Hills output: (tonnage not available); Madera Quarry output: 900,000 tons/yr. (900,000 tons annually); and the Austin Quarry output: 2.5 mil. /tons 100 yrs. (2.5 mil. /tons annually.)

There is also no shortage of asphalt in the Central Valley. More and more pavers are using portable plants located at the worksite for both cost reduction, time-saving, and convenience. And, with the 2022 passage of AB2953 which mandated incorporation of up to 25% of reclaimed asphalt and concrete - a real plus for extending the life of our landfills, temporary portable plants reduce roundtrip truck traffic emissions to stationary plants.

Response 296-3

Please see Collective Response #3 pertaining to regional aggregate demand and supply.

Comment 296-4

Siting a hot mix asphalt (HMA) in a river bottom environment is a recipe for disaster. HMAs have many serious disadvantages

including high energy consumption and high emissions of pollutants. HMA emissions produce large quantities of reactive organic gases (volatile organic compounds), nitrous oxide, carbon monoxide, sulfur dioxide, and PM10 and PM25 particulates. All of these pollutants significantly and adversely contribute to smog formation as they are ozone precursors. HMAs also emit polycyclic aromatic hydrocarbons (PAHs) and fumes from oily bitumen which are proven carcinogens.

Response 296-4

The effects from locating the HMA plant on the project sites including local and regional effects of emissions from the plant are analyzed in the Draft EIR. Specifically, the effect of energy consumption as it relates to greenhouse gas emissions is analyzed in Draft EIR Section 4.8, "Greenhouse Gas Emissions," (see Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions"), and the project's potential impact on air quality is addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), as they are both updated in this Final EIR. Additionally, Mitigation Measure 4.3-4, as updated in this Final EIR, requires blue smoke control systems on the asphalt plant, a control system that would also be required by APCD as Best Available Control Technology (BACT) during stationary source permitting, to decrease emissions. Further, in response to comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3) including preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 296-5

Off-gassing may also present a fire hazard. HMAs stink!

Response 296-5

The comment does not provide evidence of any potential fire risk or hazard associated with asphalt plant operation. Draft EIR Impact 4.3-4 on pages 4.3-65 through 4.3-69 presents the assessment of potential odor impacts of the project including odors associated with asphaltic cement production. See Appendix D-4, "Revised Section 4.3, Air Quality," for updates to this Draft EIR Section. The evaluation based on substantial evidence discussed in the Draft EIR, as updated in this Final EIR, concludes that it is not anticipated that the operation of the asphalt plant on the Quarry Site could generate odors that would adversely affect a substantial number of people but conservatively concludes that the impact is potentially significant based solely on the San Joaquin Valley Air Pollution Control District's (2015) *Guidance for Assessing and Mitigating Air Quality Impacts*

presumption that significant odor impacts could occur at sensitive receptors within 1 mile of such plants. To further reduce any potential odor impacts from the proposed operation of the asphalt plant to a less than significant level. Mitigation Measure 4.3-4 has been updated in Appendix D-4. See Chapter 3, "Draft EIR Errata." The comment does not address the adequacy of the Draft EIR's evaluation of potential odor impacts or the efficacy of the recommended mitigation.

Comment 296-6

Sadly, the Central Valley Air Basin is one of the most polluted in our nation. This plant would significantly and adversely affect our air quality daily. The plant's emissions would contribute to global warming and climate change.

These emissions cause serious and sometimes fatal health affects for those with compromised respiratory and coronary systems. PM10 and PM25 particulates are especially harmful to those suffering from asthma. The San Joaquin Valley has the highest childhood asthma rate in our country with one in six children a victim.

Response 296-6

Appendix D-4, "Revised Section 4.3, Air Quality," presents an evaluation of the potential air quality impacts of the proposed project including those associated with air pollutant emissions from asphalt plant operation. Draft EIR Section 4.8, "Greenhouse Gas Emissions," as updated in the Final EIR (see Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions"), presents an evaluation of the proposed project's potential impact on climate change. Please see Collective Response #9 pertaining to air quality for additional discussion. No specific comments related to the adequacy of the Draft EIR were made, and no further response can be provided. However, the comment is noted for the consideration of the County decision-makers.

Comment 296-7

HMA emissions also effect our regions biota, by increasing sulfuric rain which has caused significant damage resulting in stress and high tree mortalities and it causes production loss in agricultural operations. Woefully, our air quality index (AQI) has been "normalized." Each morning our local TV news stations report air quality which ranges from good-moderate-unhealthy for sensitive groups-unhealthy-very unhealthy and even hazardous. This plant will add to ground level ozone and particulate pollution. And, while Cemex enjoys sizeable profits, our citizenry essentially pays millions for air quality violations when the San Joaquin Valley Air District is fined for exceeding both the Ca. and the National Ambient Air Quality Standards.

Response 296-7

It is unclear to which fines levied against the San Joaquin Valley Air Pollution Control District (SJVAPCD) the commenter is referring. Regarding particulate pollution, a Fugitive Dust Control Plan has been prepared for the proposed project and would be submitted to the SJVAPCD for review and approval prior to project implementation, consistent with Mitigation Measure 4.3-2b (see Appendix D-4, "Revised Section 4.3, Air Quality," Section 4.3.4, "Project Impacts and Mitigation Measures") As part of Mitigation Measure 4.3-2a, off-road engines shall be retrofitted or upgraded to meet the Tier 4 Interim Particulate Emissions standard of 0.008 grams of PM_{10}/horsepower hour. As part of Mitigation Measure 4.3-2b, unpaved roads shall be controlled by chemical or other dust suppression methods; and stockpiles shall be controlled by daily application of water, covering, or by another method approved by the SJVAPCD.

Regarding ozone, the Operator would contribute its fair share toward reducing cumulative ozone impacts by complying with existing in-use and off-road diesel engine regulations (see Appendix D-4, Section 4.3.2, "Regulatory Setting"). Further, maximum project emissions would not occur until many years in the future, after the diesel engine requirements have been fully implemented. These requirements would reduce emissions below the levels estimated in the Air Quality Assessment, which conservatively evaluates the maximum reasonably foreseeable future project condition.

Regarding health risks, the unmitigated and mitigated health risks assessments for the project were reviewed and re-run and are less than the thresholds of significance (see Appendix D-4, Tables 4.3-24, "Unmitigated Project Health Risk Impacts," and Table 4.3-25, "Mitigated Project Health Risk Impacts"). These less than significant results would also apply to the biota and local agriculture.

Comment 296-8

Roundtrip diesel truck emissions will add significant loads of the aforementioned pollutants, while compromising the safety and surface conditions of our roadways.

Response 296-8

Draft EIR Section 4.3 as updated in this Final EIR, presents evaluation of potential air quality impacts of the proposed project including those associated with air pollutant emissions from offsite aggregate transport. See Appendix D-4, "Revised Section 4.3, Air Quality." See also, Collective Response #9 pertaining to the proposed project's potential impact on the region's existing air quality. The issues of traffic and wear on roads are addressed in Draft EIR Section 4.17, "Transportation." Please see Collective Response #29 pertaining to project traffic and Collective Response #30 pertaining to traffic safety and

road maintenance. The comment does not address the adequacy of the Draft EIR regarding these issues, and no further response is required.

Comment 296-9

Both the HMA and the quarry site are extremely ill-sited. Cemex knows this: they are putting profits first. I am absolutely amazed that Cemex is seeking approval to dig and blast a 600 foot deep pit, about 345 acres wide, with extreme 45 degree slopes, approximately 1320 feet from the river. This is extremely ignorant. This pit will fill with stormwater runoff, while continually intercepting groundwater flows through the substrata. The water will be polluted by chemical stabilizers and blasting chemicals requiring storage in ponds exposing wildlife to harmful or fatal consequences. Its depth will create a huge cone of depression disrupting groundwater flows impacting both the river , downstream users, and local wells. A gaping 600 foot deep pit is also highly unstable so close to a river and the underlying aquifer. It could collapse in the event of torrential rains, river flooding, or seismic movement. It could possibly influence or change the course of the river ultimately affecting downstream residents and land owners.

Response 296-9

Draft EIR Section 4.10 provides detailed analyses of potential groundwater and water quality effects of the proposed project. The analyses are based on the Hydrology and Water Quality Analysis Report (Draft EIR Appendix G-5, "Hydrology and Water Quality Analysis Report") which utilizes information from groundwater conditions reports included as Appendix G-3, "Groundwater Conditions at the Plant Site," and Appendix G-4, "Groundwater Conditions at the Quarry Site," of the Draft EIR. Detailed methodology and findings are provided in Appendix G-5. As discussed in Draft EIR Section 4.10, mitigation measures are identified in the Draft EIR that require groundwater quality protection measures and groundwater monitoring and adaptive management (see Mitigation Measure 4.10-1 on Draft EIR page 4.10-92, Mitigation Measures 4.10-5a and 4.10-5b on Draft EIR pages 4.10-96 through 4.10-98, and Mitigation Measures 4.10-10a and 4.10-10b on Draft EIR pages 4.10-108 through 4.10-111). Please also see Collective Response #23 pertaining to groundwater quality, Collective Response #24 pertaining to groundwater monitoring, and Collective Response #25 pertaining to the proposed project's relationship and potential effects associated with surface water and groundwater interconnectivity. Additionally, Draft EIR Section 4.7, "Geology and Soils," discusses geological conditions and slope stability analyses performed for the proposed project (see Draft EIR Impacts 4.7-6 and 4.7-7 pertaining to slope stability and Mitigation Measures 4.7-6 and 4.7-7). The comment does not address the adequacy of the Draft EIR

evaluation of hydrology, water quality, or slope stability and no further response is warranted.

Comment 296-10

For Cemex to suggest this pit could ever be reclaimed for recreational use is pure folly. It will forever be an enormous gaping hole, perhaps even a death trap for humans and wildlife, filled with water at its bottom where lack of aeration will undoubtedly cause emissions of smelly noxious gases where only mosquitoes and lethal algae prosper. Cemex knows this.

Response 296-10

Draft EIR Impact 4.3-4 on pages 4.3-65 through 4.3-69 presents the assessment of potential odor impacts of the project including potential stagnation and odors under reclamation conditions. The evaluation based on substantial evidence discussed in the Draft EIR concludes that due to groundwater flow through the reclaimed pond on the Plant Site the potential for odors due to stagnation would be minimized. As also discussed, the *Quarry Site Groundwater Conditions Report* (Draft EIR Appendix G-4, "Groundwater Conditions at the Quarry Site") indicates that groundwater would flow through the reclaimed lake from the northeast to the southwest and seasonal vertical movement of water due to temperature differences would preclude stagnation and, therefore, odors due to stagnation would not occur. The comment does not address the adequacy of these Draft EIR impact evaluations.

Moreover, the proposed end uses for the project sites are open space and riparian and open water habitat (see Draft EIR Table 2-1, "Rockfield Modification Project Characteristics," on page 2-5) and do not include recreational uses. All safety requirements are addressed through reclamation, and the project fully complies with SMARA statutes and regulations as discussed in the Draft EIR, including slope stability and safety requirements that minimize hazards to humans lawfully present on the site as well as any trespassers. Wildlife habitat protections are fully analyzed in the Draft EIR. Section 4.4, "Biological Resources," provides evaluation of potential impacts to fisheries, wildlife, and birds. In addition, please see Collective Response #13 pertaining to impacts to offsite wildlife

Comment 296-11

This project will produce both light and noise pollution affecting humans, fisheries, wildlife, and birds. It will either destroy or compromise the quality of recreation along the river and its adjacent lands. Imagine taking your family to Lost Lake Park for a quality nature experience only to have your day negatively

impacted by truck traffic, loud noise, dust, and the prevailing stench of hydrocarbon emissions. Noise reverberates in this canyon.

Response 296-11

Draft EIR Section 4.4 provides evaluation of potential impacts to fisheries, wildlife, and birds. In addition, please see Collective Response #13 pertaining to impacts to offsite wildlife, Collective Response #14 pertaining to Swainson's hawk, Collective Response #15 pertaining to non-nesting birds, and Collective Response #16 pertaining to Salmon. Draft EIR Section 4.13, "Noise," provides evaluation of potential noise impacts of the proposed project including noise generated from onsite project activities and offsite haul trucks. The comment does not address the adequacy of these evaluations in the Draft EIR. Please see Collective Response #6 pertaining to potential nuisance associated with project operations. The commenter's concerns regarding potential nuisance issues are noted and will be considered by County decision-makers.

Comment 296-12

Reclamation takes many years to rehabilitate such immensely damaged lands. Anyone driving Friant Road is acutely aware of the detrimental impacts mining in this river bottom caused. These lands will never return to their former beauty and purpose on God's earth. Perhaps had our leaders one hundred years ago foresaw the future environmental degradation their original approval wrought, they may have instead encouraged rock plant development at a more environmentally sound site. Now we know.

Its high time Cemex concentrated on fulfilling the original agreement to reclaim these lands rather than seeking to further aggravate the existing damages, and delaying reclamation for another one hundred years. Cemex could then donate these reclaimed lands to the San Joaquin River Parkway Trust and Conservatorship and its allies for the benefit of our communities, our tourism industry, and the river and its wild denizens. Just imagine the huge tax write-off and positive public relations such a bold and gallant move this would engender!

Again, please deny the Cemex application for C.U.P. # 3666 & 3667. NO on this proposal!!!

Response 296-12

The commenter's observations, preferences, and request for denial of the proposed project are noted and will be considered by County decision-makers.

Letter #297 March 6, 2025, Steve Fretz

Comment 297-1

I am writing to again oppose the CEMEX application to extend their lease for the next 100 years. I can't believe their audacity! Within the next 50 years the City of Fresno will be built around their current plant. Their constant blasting of the rock bed will be more noise pollution in an urban area and that alone should be enough to disqualify this project, not to mention the noise pollution from their cement and gravel trucks on Friant Road within the City of Fresno.

Response 297-1

The issues of blasting and traffic noise are addressed in Section 4.13, "Noise," of the Draft EIR. See Impact 4.13-1 beginning on Draft EIR page 4.13-49 for an evaluation of traffic noise and Impact 4.13-6 beginning on page 6.13-65 for an evaluation of groundborne vibration resulting from blasting. With mitigation, these impacts were determined to be less than significant. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 297-2

The congestion and the constant drone of trucks is already too much and driving behind these trucks often leaves windshields pitted or worse, cracked!

Response 297-2

See Collective Response #29 regarding traffic congestion and the project's truck trips. See also Collective Response #30 regarding vehicle damage from haul trucks.

Comment 297-3

And the pollution from their diesel exhausts is already polluting enough now.

Response 297-3

The issue of air pollution is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality." This comment describes existing conditions that are not evaluated as part of the proposed project. Instead, they form the environmental setting or baseline condition of the project sites. See also Collective Response #9 regarding the proposed project's potential effect on the region's existing air quality.

Comment 297-4

I'm sure there are other sites in the rural parts of Fresno County that can be mined that would be much more appropriate for this type of business.

Response 297-4

See Draft EIR Section 6.4.2.1, "Alternative Site Locations," for a discussion of alternative locations for the proposed project.

Comment 297-5

For all these reasons I remain firmly opposed to CEMEX's application for any extension! It should be denied.

I attended the BOS open meeting when this was requested several years ago and my former Supervisor voted for a 3 year extension even though CEMEX had not updated their EIR for 20 years. As a result, I didn't vote for him in this past election, FYI!

Response 297-5

See Collective Response #2 regarding the extension of the existing use permit and CEQA review. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #298 March 6, 2025, Daniel Griffith

Comment 298-1

My name is Daniel Griffith, I am a District 5 resident living in Clovis at 1930 N. Dartmouth Ave Clovis CA 93619. I can be reached by phone at 559-307-6644.

I am writing this letter to express my opposition to the expansion of the CEMEX contract on Friant Road. The San Joaquin River is arguably the most important natural resource in Fresno County, and allowing a foreign company like CEMEX to dig deep into the riverbed will ruin the landscape of the river forever.

Response 298-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality."

Comment 298-2

That area of the San Joaquin River is directly adjacent to the largest metro area in Fresno County, and has immense potential for conservation and recreation for Fresno County residents. Allowing CEMEX to move forward with their plan will forever rob citizens of Fresno county of that potential, and leave a permanent stain on the record of those who allowed it to happen.

There are plenty of areas that are rich with natural resources that are not directly adjacent to a major metropolitan area where mining can occur. This project should not occur on the San Joaquin as planned.

Response 298-2

The San Joaquin River Parkway is managed in accordance with the Parkway Master Plan. See Collective Response #18 regarding the project's consistency with the Parkway Master Plan. See also Collective Response #22 regarding the proposed easement dedication for future development of recreational trail segments at the project sites. See also Draft EIR Section 6.4.2.1, "Alternative Site Locations," for a discussion of alternative locations for the proposed Project. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #299 March 6, 2025, John Hendon

Comment 299-1

NO! The CEMEX operation has existed beyond the time where it is now in the way of population expansion. Friant Road is becoming outdated and will require widening, again, within a few years.

Response 299-1

The issue of increased traffic and needed roadway improvements is addressed in Draft EIR Section 4.17, "Transportation." See also Collective Response #29 regarding traffic congestion and the project's increased truck trips. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 299-2

The San Joaquin River has become a recreational area from the dam all the way to the 41 highway.

Response 299-2

See Collective Response #18 regarding project consistency with the San Joaquin River Parkway Master Plan. See also Collective Response #21 regarding public access to the San Joaquin River and recreational sites.

Comment 299-3

Trucks from CEMEX operations can be hazards.

Response 299-3

See Collective Response #30 regarding traffic safety.

Comment 299-4

NO! It is time for CEMEX to close operations and move elsewhere. To even consider allowing CEMEX to change their mining type to hard rock blasting, allowing the creation of deep pits (up to 600 feet deep), is mind boggling! Then to add another 100 years of mining along /friant road is INSANE! NO!!

Please do not allow the renewal, extension or modification of the CEMEX contract

Response 299-4

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #5 regarding the duration of the proposed use permit.

Letter #300 March 6, 2025, Cordell Jeff

Comment 300-1

I was almost 4 years old in 1955 when my stepfather took me to Lost Lake, a work in progress then. When he showed me the salmon run, there were so many salmon shore to shore, I started to walk on them, aiming to cross the not-so-wide river. He picked me up out of the water. That was the last big salmon run, with much smaller ones for a couple of years, and then none.

Response 300-1

The commenter's recollections are noted. Please see Collective Response #12 pertaining to San Joaquin River restoration.

Comment 300-2

1. Digging for gravel in the San Joaquin River, whose waters are already mostly diverted to Kern County or the westside of Fresno County, has continuously damaged the river bed, sides, water, plant growth, and marine life for twice my entire lifetime. Business for profit has proceeded as "private profit from public property." Taxpayers cover the additional costs to roads, fire and paramedics, police services including traffic accidents (to increase with increased heavy trucks), and various inspections and lawsuits. It is long past time to stop all work by CEMEX and all other aggregate businesses in any place on the river.

2. When these companies say they will pay to repair the damages and restore the river, it's not a credible offer because the costs will be greater than the profits. After more than 100 years already of "gravel mining," the San Joaquin River needs restoration of land, wildlife, and all plant life, and recharging the natural water flow on and below ground level.

Response 300-2

The commenter's observations and opinions are noted and will be considered by County decision-makers. The project's potential impacts to plant growth and marine life, and water quality are evaluated in Draft EIR Section 4.4, "Biological Resources," and Section 4.10, "Hydrology and Water Quality," respectively. The project's potential impacts related to traffic and transportation safety are evaluated in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also, Collective Response #29, regarding traffic congestion and funding for road maintenance, and Collective Response #30, regarding transportation safety. The comments do not address the adequacy of the Draft EIR, and no further response is warranted.

Comment 300-3

3. A 600 foot deep mining pit is not compatible with the life of the river or the urban life now built along much of Friant Road and long time neighboring rural buildings along both sides of the river, with active farming, herding, and fishing. Rock blasting is utterly incompatible with any zoning, especially because sound carries long distances by air and ground.

Response 300-3

Draft EIR Section 4.11, "Land Use and Planning," presents evaluation of the project's potential to conflict with adjacent land use and the project's consistency with applicable land use plans. Draft EIR Section 4.13, "Noise," presents evaluation of the project's potential noise impacts, including consideration of blasting. The commenter's opinions are noted. The comment does not address the adequacy of these Draft EIR analyses, and no further response is warranted.

Comment 300-4

> Professors and geologists studying the San Joaquin River say the fault lines under and around Friant Dam present only a low likelihood of danger. Allowing blasting to the area reduces my trust in their assessments.

Response 300-4

See Response 210-8.

Comment 300-5

> 4. For any long term lease, a period of 100 years is absurd. For any lease, 10 years is a long time, maybe negotiable, but not in this case. There are hundreds of other sources of these materials in California. Any further need for the aggregate resources that may be in the San Joaquin River cannot outweigh the public need to return the river to a more natural state, suitable for public recreation, and become a naturally healthy river.

Response 300-5

See Collective Response #5 pertaining to the requested use permit duration. Please see Collective Response #3 pertaining to regional aggregate demand and supply. The commenter's preferences and input are noted and will be considered by County decision-makers.

Letter #301 March 6, 2025, Steven Martinez

Comment 301-1

I absolutely disagree with this proposal to allow CEMEX to destroy our local wildlife, ecosystem, and environment by allowing them to drill 600 ft down into the San Joaquin River. They were not allowed to perform a similar project in Mexico, thence, why would we allow them to do this project reject by the Mexican government here!

It makes no sense and is not in our best interest for our community in the long run. I've already sent a message to my BOS board member. Now Mr. Bredefeld is the Supervisor of our district.

Response 301-1

The proposed project would comply with California state law including the California Surface Mining and Reclamation Act (SMARA) and CEQA. Mexico's mining laws are not relevant and have no jurisdiction over the proposed project. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 301-2

There are alternatives to this project.

They could go somewhere else to drill

and

Response 301-2

Draft EIR Chapter 6, "Alternatives," describes and evaluates a reasonable range of alternatives to the proposed project. Alternative project locations are discussed in Draft EIR Section 6.4.2.1, "Alternative Site Locations." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Chapter 6.

Comment 301-3

Give the land to the San Joaquin River Park Way conservatory.

Response 301-3

See Collective Response #18 regarding the project's consistency with the San Joquin River Conservancy's San Joaquin River Parkway Master Plan. See also, Collective Response #21 regarding the suggestion that the project sites should be converted to public parkland.

Comment 301-4

My feelings are the same as in this Fresno Bee Opinion given on 2/15/2025. Here is the link to the article below.

https://urldefense.com/v3/ https://www.fresnobee.com/opinion/opn-columns-blogs/marek-warszawski/article298349908.html ;!!HRg2s0N7wg4sn4Q!sikXhoOkdtzE1iWnxBOc gv2hs1lJENwU-ljR1uyUmtc8SmvuRJFOCbybaMU6sMpaA1aV4AyJV9gMGt51LcFRXAcDgaj9nZ09$

My wife, Cynthia Martinez feels the same as I do regarding this issue.

Please confirm that you have received this message.

Response 301-4

The comment is noted for the consideration of County decision-makers.

Letter #302 March 6, 2025, Sharon Matson

Comment 302-1

I am against the CEMEX request for an extension on their projects along the San Joaquin River.

I believe the environmental impact is too significant to go forward with this project.

Please reject this project for the sake of our land and river.

Response 302-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #303 March 6, 2025, Cheri Matthews

Comment 303-1

I am writing to let you know I oppose the CEMEX expansion project.

I feel it is detrimental to the residents of Fresno County.

It will increase traffic, add wear and tear to the roads, impact recreational areas nearby, impact fish and wildlife, add pollution, while adding no benefit to the tax paying residents of Fresno County.

Please take my opinion into consideration.

Response 303-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The issues of traffic and wear on roads are addressed in Draft EIR Section 4.17, "Transportation." See also Collective Response #29 regarding traffic and funding for road maintenance. The project's potential impacts to recreational facilities and fish and wildlife are addressed in Draft EIR Section 4.16, "Recreation," and Section 4.4, "Biological Resources," respectively. Pollution is a broad topic that is addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.8, "Greenhouse Gas Emissions," (see Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions"), Section 4.9, "Hazards and Hazardous

Materials," Section 4.10, "Hydrology and Water Quality," Section 4.13, "Noise," and Section 4.20, "Wildfire," as they are updated in this Final EIR. See Chapter 3, "Draft EIR Errata." No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Letter #304 March 6, 2025, Jenae McCarthy

Comment 304-1

Dear Fresno County Staff and Decision Makers,

I am writing to *once again strongly oppose* the Rockfield Modification Project as outlined in the Draft Environmental Impact Report (DEIR), particularly regarding Impact 4.18-1, which raises serious concerns about the potential for substantial adverse changes to tribal cultural resources. Assessment and cultural resource searches (sections 4.5.1.3 and 4.5.1.4) reveal critical gaps in the protection of potential burial sites and culturally significant areas.

According to the Burial Site Sensitivity Assessment conducted by Applied EarthWorks, the project sites are situated in areas with high to very high potential for containing *intact anthropogenic paleosols*.

I'd first like to say this section of the DEIR is intentionally vague and confusing. I understand the purpose of an impact statement and the importance of language choices used. That being said, it is unrealistic to expect even an educated, informed member of the public to review this 3,000 plus page document, let alone look into who and what anthropomorphic paleosols are. *So, let me spell it out here:* anthropomorphic paleosols are ancient soils that may (in this case they do) show evidence of human activity. Paleosols are ancient soils that have been preserved in the geologic record. They can be used to reconstruct past climates and environments.

The soils on the project sites have a documented history of containing buried cultural materials. ***The DEIR fails to recognize the risk of encountering buried cultural resources during excavation and construction activities in these high-potential areas.*** When I review the current and mitigation measures, the interpretation relies heavy on the following: 1) Cemex will accurately and diligently conform to the protection measures identified 2) Cemex has already mined extensively and therefore

finding cultural resources is not a significant concern. I feel these statements directly contradict each other.

While River wash soils have a lower likelihood for harboring intact prehistoric material, the proximity of the project sites to these areas, along with the surrounding geological and hydrologic forces, increases the likelihood of disturbance to cultural deposits through construction activities. *Despite these findings, the DEIR's mitigation measures are not enforceable or proactive to protect these resources, particularly in areas where the potential for buried cultural deposits is high. Additionally, when using explosives to create a 600ft pit, how are these mitigation measures relevant?*

Response 304-1

The commenter's opposition to the project is noted. The Draft EIR recognizes the project's ground disturbance activities create the potential to adversely affect Tribal Cultural Resources in its discussion of Impact 4.18-1. The Draft EIR concludes that impacts to TCRs would be less than significant with the implementation of Mitigation Measures 4.5-2 and 4.5-3.

Draft EIR Impact 4.5-3 provides the following:

> As described in Section 4.5.1.3, above, except for Riverwash, all soils at the project sites have been documented elsewhere in the San Joaquin Valley to have high to very high potential at depths up to 30 feet bgs for containing intact anthropogenic paleosols (Asselin et al. 2006; Meyer et al. 2010; Onken 2020). Intact, well-preserved, and deeply buried paleosols have the potential for harboring significant historical resources, including human remains. However, the entire Plant Site and 91.2% of the Quarry Site have been subject to continuous deep mining activity exceeding 30 feet bgs for over 100 years resulting in the removal of these paleosols (see Figure 4.5-5, "Area of Quarry Site Remaining to Be Mined and Relevant Soil Classifications"). Therefore, the potential for inadvertent discovery of human remains within these portions of the project sites would be very low.

To address the 31 acres that have not been mined at great depth at the Quarry Site, Mitigation 4.5-3, "Inadvertent Discovery of Unmarked Burials," would require the project operator to take certain actions if human remains are uncovered during project activities, including halting work within 50 feet of the discovered remains and follow the procedures set forth in CEQA Guidelines Section 15064.5(e)(1) (see Draft EIR page 4.5-32). The usage of blasting would not inhibit the efficacy of Mitigation Measure 4.5-3,

which outlines the procedure the operator must follow in the unlikely scenario that human remains are uncovered during excavation.

Comment 304-2

Questions: Mitigation Measure 4.5-:2

1. "If prehistoric or historic-era cultural resources are encountered during project activities, all ground disturbing activities within 50 feet of the find shall cease." Does fifty (50) feet seem like an adequate buffered to protect cultural resources?

2. Can you site the research that supports a 50ft buffer for mining and major ground disturbance operations? Is it clearly laid out in CEQA Guidelines Section 15126.4(b)(3)(C)?

Response 304-2

Mitigation Measure 4.5-2 requires a fifty (50) foot buffer if any prehistoric or historic-era cultural resources are discovered during excavation or any project-related operational activities on-site (Draft EIR page 4.5-31). The 50-foot buffer is sufficient to protect cultural resources during ground-disturbing activities because the project sites have been in operation with heavy disturbance for over a century and the lead agency has not determined the sites are historic resources. This buffer is a minimum distance around the ground-disturbing activity, ensuring that any disturbance does not impact the cultural resources within the area. If an inadvertent discovery is made and a buffer is required, a qualified archaeologist would evaluate the significance of the resource and recommend appropriate additional mitigation measures (Draft EIR page 4.5-31). For these reasons, Mitigation Measure 4.5-2 is sufficient to reduce potential impacts to cultural resources to less than significant.

Comment 304-3

"Mitigation shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature."

3. How many reports written by an archeologist were submitted to Fresno County and the Southern San Joaquin Valley Information Center in the past 100 years?

4. What is the Corporation's history with consulting or working with Native representatives?

5. Which "accredited curational facility" have previous artifacts been investigated at?

6. Who is responsible for hiring the archeologist if a situation would arise?

7. How is this process enforced? How will other significant/ potentially significant impacts be enforced?

8. Does the County of Fresno have the capacity to ensure Cemex's commitment to mitigation measures? Do our local tribal communities have the capacity to ensure there is no loss of cultural resources?

Response 304-3

Inquiry number 3 is not relevant to the subject project. Southern San Joaquin Valley Information Center (SSJVIC) records were searched, and no previously recorded archaeological resource was at the Plant Site, and there was one previously recorded archaeological resource near the Quarry Site but outside the actual boundaries of the Quarry Site (Draft EIR page 4.5-30).

Per inquiry number 4, if a historical, archaeological, cultural, paleontological, or tribal cultural resource is discovered during project ground disturbing activities, the appropriate agency or tribe would be contacted to avoid and minimize impacts to significant resources discovered. If a significant tribal cultural resource is uncovered, Mitigation Measure 4.5-2 would require the operator must work with the tribes to minimize the impacts to that resource. See Response 304-2 above.

Per inquiry number 5, an accredited curational facility refers to a repository that meets specific standards for the care and management of collections. The California State Archaeological Collections Research Facility is one of these facilities.

Per inquiry number 6, the Operator is responsible for reporting historic and cultural resources discovered during implementation of project activities to the appropriate professionals to minimize impacts to the resources discovered. See Response 304-2 above.

Per inquiry numbers 7 and 8, mitigation measures are fully enforceable through permit conditions, agreements, or other legally binding instruments pursuant to CEQA. If a potentially significant cultural resource is discovered during project implementation, the resource must be reported, and an archaeologist and/or Native tribe must be consulted. All tribes are consulted during the CEQA process for projects to protect their cultural heritage in accordance with CA Assembly Bill 52.

Comment 304-4

Records Searches and Cultural Resources Identification

The Plant Site records search revealed one historic-period building and a series of previous pedestrian surveys, noting 12 cultural resources and 11 studies within a half-mile of the site. Similarly, the Quarry Site search identified one cultural resource and **referenced two studies conducted more than 15 years ago.**

Personal Testimony

There are several sets of grinding stones along the San Joaquin River Parkway. GPS: 36.943340, -119.743130 in between the quarry and plant sites at the bottom of the Tesoro Viejo trail. The San Joaquin River was and is the most valuable cultural resource in the area.

Response 304-4

The commenter's personal testimony of grinding stones along the San Joaquin River Parkway is noted. Applied EarthWorks conducted a cultural resource inventory of the project site, as is common practice for CEQA compliance (Draft EIR page 4.5-27). The inventory included a records search at the San Joaquin Valley Information Center of the California Historical Resources Information System, archival research with the Fresno County Historical Society, a search of the Native American Heritage Commission's Sacred Lands File, a desktop buried site sensitivity assessment, and an archaeological pedestrian survey of the project sites. Applied EarthWorks conducted the pedestrian surveys of the Plant Site in 2019 and the Quarry Site in 2017 and 2019. The cultural resources identified are described in Table 4.5-1, "Cultural Resources Within the Project Sites," on page 4.5-19 of the Draft EIR. The commenter's personal testimony does not negate the findings of the pedestrian surveys conducted on the project sites.

Comment 304-5

I watched the San Joaquin River Conservancy Board meeting where a councilmember dismissed and disrespected Native American leaders while they advocated project completion and land stewardship. It was disgraceful. I understand that when this project moves forward it will be passed to the Fresno County Board of Supervisors. A member of both boards will be voting on this matter. *I urge the Supervisors to think about previous choices – and really listen to the public on this matter. When every resident of Fresno and Madera is dead, if this project passes, mining will continue long after we are gone. I urge the officials to examine the legacy they intend to leave behind for their community and loved ones.*

Response 304-5

The commenter's observations regarding a San Joaquin River Conservancy Board meeting do not address the adequacy of the Draft EIR. Please note that as discussed in Draft EIR Section 1.4, "Discretionary Actions," on page 1-11, the Fresno County Planning Commission is the approval authority for the requested land use permits and reclamation plan and the Planning Commission's actions are appealable to the Board of Supervisors. The commenter's input is noted and will be considered by County decision-makers.

Letter #305 March 6, 2025, Brian McNally

Comment 305-1

I am writing to formally express my opposition to the proposed 100-year permit for the CEMEX mining operation and to challenge the adequacy of the Draft Environmental Impact Report (EIR) prepared for this project. The EIR, as currently drafted, does not sufficiently or accurately assess the environmental, ecological, and community impacts that this long-term operation will have on the San Joaquin River and surrounding areas. Most of the mitigation solutions in the draft EIR amount to crossing our fingers that there won't be substantial impacts to the environment and/or a naive hope that Cemex will comply with the suggested mitigations.

As someone who lives in an adjacent community in Fresno County to the quarry site, and is thus very familiar with the environment in the area, I find that the draft EIR fails to adequately address the following concerns, mostly directed to proposed changes to the quarry site:

Response 305-1

The commenter's opposition to the project is noted and will be considered by County decision-makers. The comment is introductory and provides general assertions regarding the sufficiency of the Draft EIR assessment and mitigation. Please see below for responses to specific issues raised in the comment letter.

Comment 305-2

1. Aesthetics and Visual Resources

   a. The analysis prepared by Sespe Consulting is deeply flawed when it comes to photo site selection, photoshopping of potential impacts and rating of visual impacts, so much so that the integrity and credibility of Sespe's lead on this section of the DEIR should be called into question and a new analysis of the visual impact should be conducted by the County. In particular, when you look at the photoshopping of

their original photos intended to show how the project will look in future phases, it's hard to imagine that Cemex could have created more optimistic forecasting of what the project would look like if they had been able to put their own in-house graphic designers on it.

Response 305-2

The Visual Impact Analysis (VIA) was prepared using the Bureau of Land Management's (BLM) Visual Resource Management System, a widely accepted methodology for evaluating scenic quality and visual impacts due to projects. Each viewpoint was assessed using this methodology, which allows for a quantifiable and consistent evaluation of visual impacts (see Draft EIR Section 4.1.3.2 "Analysis Methodology"). Furthermore, the analysis was conducted by qualified professionals and was subject to internal review to ensure accuracy and impartiality.

The selection of viewpoints included both public and private vantage points, exceeding the CEQA requirements that focus on public views only, defined as those views "that are experienced from [a] publicly accessible vantage point." The analysis also selected viewpoints along the proposed future parkway trail easements to account for the future development of recreational areas within the project vicinity (see pages 4.1-15 through 4.1-54 of the Draft EIR for discussion of the selected viewpoints for the VIA).

For these reasons, the County finds the VIA to be objective, defensible, and consistent with the requirements of CEQA.

Comment 305-3

i. A look at the selected photo sites alone on pages 189 through 217 of the Draft EIR PDF makes it clear that the analysis is suspect. They provide before photos from carefully selected sites that minimize what the visual impact of the planned project would be. Most of the photos show flat land that could not capture the planned deep hole Cemex wants to dig, nor the very high and ugly berms Cemex would have to build to hide said hole. The before photos do not manage to show the aesthetic beauty of the area, either from the Friant Road level that would include stunning views of Little Table Mountain, located on the Madera County side of the river, or looking down from the bluffs on both sides of the river. The view of Little Table Mountain from Friant Road, without berms to hide it, is so beautiful that it should put Friant Road in contention as a scenic byway. But there's little chance of that if this project is approved.

1. Remedy: Hire a new consulting company to select new photo sites that would capture the actual impact that would be caused by the Cemex plan to dig a 600-foot hole in the ground (and the required berms or screening that would be necessary to hide the aesthetic impact of that hole) and do not hide the natural beauty that exists in the area. The County should select the new consulting company, with input from the public.

Response 305-3

As discussed in Response 305-2, the VIA was prepared using the BLM's Visual Resource Management System, a widely accepted methodology for evaluating scenic quality and visual impacts due to projects. Each viewpoint was assessed using this methodology, which allows for a quantifiable and consistent evaluation of visual impacts. The selection of viewpoints included both public and private vantage points, exceeding the CEQA requirements that focus on public views only. Furthermore, the viewpoints were selected because they represent areas considered to have potentially high visual sensitivity both surrounding the project sites and along nearby routes of travel. The analysis also evaluated viewpoints located in the future recreational areas of the San Joaquin River Parkway Master Plan, although not currently accessible by the public.

As was documented in the VIA, mining and processing operations have been occurring on the Plant Site since 1924 and mining at the Quarry Site has been permitted since 1960, with active operations continuing since the 1980s. As such the existing environmental baseline under CEQA reflects a landscape that has been shaped over a century of continuous mining and processing activities. The project would be a continuation of this existing use and would be consistent with the operational characteristics of the area, which is already part of the visual context of the area.

As discussed above, the VIA conducted for the Draft EIR is sufficient to estimate the potential impacts of the proposed project upon visual resources. The County does not need to hire an additional consulting company with input from the public.

Comment 305-4

ii. The photoshopping of the before photos to show the visual impact of the first two phases of the 100-year Cemex plan and the reclamation stage is laughable. Where do we see in any of these doctored photos the impact of a 600-foot hole? Where do we see the giant dirt berms required to hide this hole that would block views of Little Table Mountain from Friant Road? Where do we see the enormous,

stadium lighted plant equipment Cemex wants to move to the quarry site? Where do we see the giant plot of dirt surrounding the hole where all natural grasses in trees have been removed, causing a jarring and unnatural contrast with the surrounding area?

1. Remedy: Hire a new consulting company to take new photos from new photo sites and create accurate photoshopping of the undeniable visual impacts that would be caused by the Cemex plan to dig a 600-foot hole in the ground and the required berms or screening that would be necessary to hide the aesthetic impact of that hole. This should include photoshopped views from the bluffs on both sides of the river and from Friant Road, which is used by bicyclists and vehicle traffic. The County should select the new consulting company, with input from the public.

Response 305-4

The VIA was prepared using the BLMs Visual Resource Management System, a widely accepted methodology for evaluating scenic quality and visual impacts due to projects. Each viewpoint was assessed using this methodology, which allows for a quantifiable and consistent evaluation of visual impacts. Furthermore, the analysis was conducted by qualified professionals and was subject to peer review to ensure accuracy and impartiality.

Regarding the concerned visibility of the berm, as depicted on the site plans, the Quarry Site is bordered by an existing landscaped berm along North Friant Road, and the Plant Site is screened by an existing landscape buffer. The proposed berm along the Plant Site would be located behind this existing screen and therefore would not be prominently visible or attract attention of the casual observer. The simulations reflect this existing condition and the anticipated visibility of new features based on topography and screening. The concern regarding the visibility of the excavation pit has also been acknowledged; however, the pit itself would be located below grade and therefore largely screened by intervening topography and vegetation located between the pit and public viewpoints.

Comment 305-5

b. The visual project impact ratings in Table 4.1-3 on pages 221 and 222 need to be conducted by a new third party consultant. The new ratings should include different viewing sites and not ignore the stunning views of Little Table Mountain that will be obstructed by the berms this project

would create. An honest analysis of the visual impact of this project could not possibly conclude there would be more beneficial impacts on the visual aesthetics than there are significant impacts. No one could say that with a straight face and it should not be included in any EIR, draft or final.

i. Remedy: Conduct a new visual project impact analysis with fresh ratings by a new third party consultant selected by the County, with input from the public.

Response 305-5

See Responses 305-2 through 305-4 above. A new visual impact analysis for the project is not warranted. The comment is noted for the consideration of County decision-makers.

Comment 305-6

c. The harmful impact of the proposed 600-foot hole (or even a 300-foot hole should the real intent be to compromise down the road in this process) on the aesthetics of the area cannot be denied. Views from the bluffs on both sides of the river would be irreparably harmed. And it is not only from private lands. There are publicly available trails on the Madera County side of the river that would look straight into this giant hole in the earth. These trails are used by residents from many counties, not just Madera County. Even the very suspect ratings in Table 4.1-3 recognize there will be a potentially significant impact. You can't create a hole that big without ruining the visual aesthetics.

i. Remedy: The only mitigation I can think of if Cemex wants to dig any deeper in the current quarry, for visual aesthetic impacts, is for it to do so by creating a small tunnel entrance into underground tunnels that could be used for mining. There cannot be an open hole at the quarry that goes beyond its current depth, and certainly not to 600-feet deep, without causing significant impacts. A tunnel system would hide this much better {though it would probably not address other concerns caused by the proposed project to things like noise pollution caused by blasting and potential destruction of nearby aquifers used as sources of water by nearby homeowners). The potential of this mitigation should be explored in the final EIR.

Response 305-6

Consistent with the observation in the comment, Draft EIR Section 4.1, "Aesthetics and Visual Resources," concludes that the project would result in a significant and unavoidable impact associated with effects on scenic vistas and degradation of the existing visual character and quality of public views (see Draft EIR Impact 4.1-1 on pages 4.1-51 through 4.1-61 and Impact 4.1-3 on pages 4.1-61 through 4.1-62). Please see Collective Response #8 pertaining to visual impact mitigation. As discussed in the Draft EIR and Collective Response #8, even with all feasible mitigation, the project's visual impacts are found to be significant and unavoidable.

The suggestion in the comment that mitigation for visual impacts should involve mining through a tunnel system instead of an open hole is noted. Underground mining to extract hard rock aggregate would be economically infeasible and not supported by the existing topography at the Quary Site. For these reasons, mitigation or a project alternative requiring underground mining are rejected as infeasible and not meeting the project objectives.

Comment 305-7

d. Moving plant equipment to the quarry site at any stage of the project would cause enormous negative visual impact to the quarry site area. I did not see this seriously considered in the photoshopped images or in the visual impact ratings. This would harm visual aesthetics from both the higher bluff views and from the street view of the quarry site, especially when one considers the proposed nighttime lighting of this equipment.

   i. Remedy: Conduct a new visual analysis, including new photoshopped images of what adding plant equipment to the quarry site would look like and create new visual impact ratings. The analysis should be completed by a new third-party consulting firm selected by the County, with input from the public.

Response 305-7

The relocation of plant equipment was considered in the VIA, and the simulations reflect the anticipated changes based on site topography, and existing and proposed screening (i.e., landscape screening and the perimeter berm). These features would continue to provide visual screening of equipment and operations.

As discussed in the VIA, for areas where nighttime lighting would be required, the lighting would be high-pressure sodium and/or cut-off fixtures, or equivalent

International Dark-Sky Association (IDA) approved fixtures designed to confine lighting illumination to the site and avoid light trespassing into light-sensitive areas. Additionally, the project is designed with features (i.e., existing perimeter screening, landscaped berm, and the below-grade siting of equipment) which reduce the potential for offsite glare or visual intrusion and would comply with Section 858 of the Fresno County Zoning Ordinance (see Draft EIR Impact 4.1-4).

Based on these features, the VIA concluded the project would result in less than significant impacts associated with nighttime lighting and glare and the VIA adequately addresses the visual impacts associated with the relocation of equipment and no new analysis is required (Draft EIR pages 4.1-62 through 4.1-64).

Comment 305-8

ii. Remedy: Adding plant equipment to the quarry site cannot realistically be done without greatly damaging the visual aesthetics of the area. Much of this equipment is very tall, is supposed to be lit at night, and will be extremely displeasing to the eye, both from the road, from publicly accessible trails and from nearby homes. The current analysis states that it will be out of view, but that is not how light works. Picture the lighting in high school football stadiums - you can't see inside the stadiums from the outside, but you see the lighting that comes out at the top. And the homes that look down toward the quarry would definitely see over any berms and into the intense lights. Lighting plant equipment at night would ruin the enjoyment of properties for nearby homeowners and it should not be allowed at all. It is dishonest to say that lighting plant equipment won't cause significant visual impacts in the area and that conclusion needs to be stripped from the draft EIR and changed to a significant impact. There is no mitigation for having lighted plant equipment at the quarry site and the only answer is to prevent moving plant equipment to the quarry site. The plant equipment should not be allowed to exist near the river parkway or near homes in the area. Cemex should find alternative sites for the plant equipment not close to the quarry site, and not within sight of the San Joaquin River.

    1. In the alternative, nighttime lighting other than flashlights and vehicle headlamps should be prohibited at the quarry site. Cemex operations should not be allowed at hours where daylight is not sufficient, without lighting, to do the work safely.

Response 305-8

As discussed in Response 305-7, above, the VIA was prepared by a qualified consulting firm and underwent internal review and peer review to ensure accuracy and impartiality. The relocation of plant equipment and associated nighttime lighting was evaluated and addressed in the analysis (see Draft EIR Impact 4.1-1 on page 4.1-55). While nighttime lighting is essential for safety during operations, the project has been designed with features to ensure nighttime lighting would not impact the surrounding areas. Specifically, lighting would be shielded/confined using IDA-approved lighting fixtures, and the equipment would be located below grade within the Quarry Site, with surrounding pit walls helping to contain light and reduce visibility.

The commenter suggests locating the plant equipment off-site, but does not specify an alternate, feasible location that would not result in additional environmental impacts as to those analyzed in this Draft EIR. The commenter also suggests that flashlights and vehicle headlamps be used as the sole source of nighttime lighting at the Quarry Site. This would be infeasible due to safety concerns.

The hours of operations of the proposed asphalt and ready-mixed concrete plant, once relocated to the Quarry Site, would be 4 a.m.to 6 p.m., Monday through Friday, from May to October and 5:30 a.m. to 6 p.m., Monday through Friday from November to April. The asphalt and ready-mixed concrete plant would also operate on Saturdays from 6 a.m. to 2 p.m. (see Table 2-5, "Proposed Typical Hours and Days of Operation," on page 2-43 of the Draft EIR). As such, most of the proposed hours of operations would occur during daylight hours.

Comment 305-9

2. Air Quality

   a. The Draft EIR states that the level of air quality impact before mitigation is potentially significant. This includes VOC, SVOC, and/or SO2 emissions. It concludes that impacts would be less than significant with various mitigations, such as requiring less harmful types of asphaltic cement to be created on premises and periodic equipment checks and maintenance, outlined on pages 321 and 322 of the PDF. How will the County ensure that these mitigation requirements are followed?

      i. Remedy: Enforcement is key. For all air quality mitigation suggested in the EIR, require a trust or other financial mechanism be funded by Cemex in advance of full project approval, to cover all 100 years, indexed to CPI,

to fund full-time County employees tasked with oversight of required mitigation. Also, require that Cemex pay full legal costs of Fresno County for any legal disputes with Cemex if Cemex does not observe any required mitigation practices and has its operations suspended or terminated by the County for failure to follow all air quality mitigation requirements.

Response 305-9

Pursuant to CEQA Guidelines Section 15041, Fresno County has the authority to require feasible changes in any or all activities involved in the proposed project in order to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements. The County may also work with the responsible agency, the San Joaquin Valley Air Pollution Control District, to ensure the mitigation measures are being implemented as required.

Ultimately, CEQA requires that mitigation measures be identified and implemented to reduce potentially significant impacts to less than significant levels. As such, the Draft EIR includes mitigation measures to minimize impacts to air quality, and these would be incorporated into the Mitigation Monitoring and Reporting Program (MMRP) as part of project approval. The MMRP ensures that all required mitigation is implemented and monitored for compliance. See Section 3.3, "Mitigation Measures," on page 3-4 of the Draft EIR for discussion of the MMRP.

The commenter's suggestion to establish a financial trust indexed to CPI and cover legal costs is outside of the scope of CEQA and the EIR process. Enforcement of mitigation measures is addressed through permit conditions and compliance monitoring by the County, consistent with CEQA requirements. The County retains full authority to enforce compliance with mitigation measures, including the ability to suspend or revoke permits if the project proponent fails to implement required mitigation. These mechanisms provide accountability and ensure that mitigation measures are implemented.

Comment 305-10

b. Dust control needs to have requirements enforced by the County. We're talking about Cemex, a company that never covers the dirt and debris it hauls in trucks from the quarry site, even though retractable dust covers are often present on their trucks. I'll say it again - they never cover their trucks. So why should we trust Cemex to do all the dust mitigation they claim they'll do?

i. Remedy: Enforcement is key. For all dust mitigation suggested in the EIR, require a trust or other financial mechanism be funded by Cemex in advance of full project approval, to cover all 100 years, indexed to CPI, to fund full-time County employees tasked with oversight of required mitigation. Also, require that Cemex pay full legal costs of Fresno County for any legal disputes with Cemex if Cemex does not observe any required mitigation practices and has its operations suspended or terminated by the County for failure to follow all dust mitigation requirements.

c. Require new study of what the impact of dust and pollutants from the project would be on the homes on the east side of the quarry and create additional screening to prevent dust and airborne pollutants from impacting these properties.

i. Remedy: A combination of walls, trees and any other screening determined to be helpful by consultants to minimize impact on the homes located across Friant Road from the quarry.

d. Dirt berms at the sites need to be replaced with a combination of internal walls with a facade of full-grown, healthy trees. These dirt berms add to the dust pollution problem. They are also eyesores.

Response 305-10

Mitigation measures would be enforced as authorized under CEQA through implementation of the MMRP. The commenter's suggested "remedies" will be considered by the County in its deliberations. The existing project sites operate in compliance with the codes, goals and policies of the Fresno County Zoning Ordinance and Fresno County General Plan. No additional site landscaping is being proposed with the proposed project, nor are they warranted or effective as additional mitigation for air pollutants or to minimize the impacts that were already determined to be less than significant. Further, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, (see Appendix D-3) including preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 305-11

3. Biological Resources

a. The blasting, project lighting and creation of a 600-foot hole in the ground will clearly impact nearby wildlife and could even destroy the ecology of the San Joaquin River area. All of the wildlife is interdependent and the loss of one type of animal will lead to losses among others. This deserves close attention and further study.

i. Just from my own observations in the area, I've seen a mountain lion, bald eagles nesting very close to the river, roadrunners, and many of the unthreatened animals and birds that are part of the ecology in this area. What happens to this wildlife when Cemex starts blasting?

Response 305-11

The comment is noted as pertaining to local wildlife. Other species and their use of habitats in the project vicinity are discussed in Draft EIR Section 4.4, "Biological Resources." Please see Draft EIR Impact 4.4-2 for discussion of the impacts of blasting on wildlife. Impact 4.4-2 also addresses potential lighting impacts to wildlife. For additional information pertaining to the project's lighting impacts, see Impact 4.1-4 on page 4.1-62 of the Draft EIR.

For further discussion, see collective responses addressing the potential impacts of blasting to wildlife, specifically Collective Responses #12 (river and salmon restoration), #13 (blasting effects on nesting birds and other wildlife), #15 (non-nesting birds and birds outside of nesting season), and #16 (salmon spawning).

Given that the project sites are already disturbed by decades of ongoing mining activities, no significant impacts to wildlife, including mountain lions, bald eagles, roadrunners, and other species, are anticipated.

Comment 305-12

ii. The draft EIR recognizes the presence of many cherished and some threatened animal species, but states that because the current sites maintained by Cemex are essentially wastelands, there shouldn't be any impact. This ignores the impact of blasting on the wildlife that currently lives in the surrounding area. Further study is needed on the impact of blasting on the wildlife in

the river habitat. It is also ridiculous to reward Cemex for the damage they have done to the land to date by saying they can't make it worse for wildlife in the future.

Response 305-12

The Draft EIR does not characterize the project sites as "wastelands," as stated by the commenter. Existing conditions at the Plant and Quarry sites reflect decades of disturbance from ongoing mining operations.

For further discussion of blasting impacts to wildlife and the areas adjacent to the project sites, please see Responses 58-37, 58-38, 58-40, 58-41, and 58-42, which address those issues, as well as Response 305-11, which addresses potential impacts to wildlife resulting from blasting and other quarry activities.

Given that the majority of both project sites are already disturbed by ongoing mining operations, and that blasting events are brief in nature, with each blast lasting approximately one to two seconds, the project's potential impacts to wildlife would be less than significant.

Comment 305-13

iii. The draft EIR states there are potentially significant impacts to certain wildlife but then states mitigation efforts can change the impact to less than significant. Again, enforcement is key. For all wildlife impact mitigation suggested in the EIR, require a trust or other financial mechanism to be funded by Cemex in advance of full project approval, to cover all 100 years, indexed to CPI, to fund full-time County employees tasked with oversight of required mitigation. Also, require that Cemex pay full legal costs of Fresno County for any legal disputes with Cemex if Cemex does not observe any required mitigation practices and has its operations suspended or terminated by the County for failure to follow all wildlife mitigation requirements.

Response 305-13

CEQA requires that mitigation measures be identified and implemented to reduce potentially significant impacts to less than significant levels. As such, the Draft EIR includes mitigation measures to minimize impacts to biological resources, and these would be incorporated into the MMRP as part of project approval. The MMRP ensures that all required mitigation is implemented and monitored for compliance.

The commenter's suggestion to establish a financial trust indexed to CPI and cover legal costs is outside of the scope of CEQA and the EIR process. Enforcement of mitigation measures is addressed through permit conditions and compliance monitoring by the County, consistent with CEQA requirements. The County retains full authority to enforce compliance with mitigation measures, including the ability to suspend or revoke permits if the project proponent fails to implement required mitigation. These mechanisms provide accountability and ensure that mitigation measures are implemented.

Comment 305-14

iv. On page 382, regarding the impacts of blasting, the draft EIR states that an annual blasting plan is to be created by Cemex and provided to the County for review.

1. Remedy: Rather than allowing Cemex to create an annual blasting plan, the County needs to spell out in advance of project approval whether blasting should be allowed at all and, if so, how often, at what time of day, how low the sound and vibration must be, etc. Do not allow them to make an annual plan. The County needs to set limits at the beginning and Cemex must provide funding in advance, for the full 100 years, for the County employees who will enforce these limits.

Response 305-14

Mitigation Measure 4.10-1 on page 4.10-92 incorporates by reference blasting protocols included in Appendix H-9, "Revised Blasting Protocols," which establish monitoring, control, and reporting requirements for ground vibrations and air overpressures associated with blasting at the project sites. As revised in Chapter 3, "Draft EIR Errata," the Blasting Protocols have been clarified and strengthened to further define monitoring, verification, and reporting requirements to ensure blasting remains within established thresholds.

The Annual Blasting Plan would identify the areas proposed for blasting each subsequent year and would include charge weight/delay limits supported by calculations that maintain blast-induced vibrations below specified maximum values. Additionally, the Blasting Protocols require that if blasting becomes necessary outside of the areas indicated in the Annual Blasting Plan, a revised plan would be submitted to the County.

The County anticipates that the Annual Blasting Plan would be prepared in conjunction with the mine operator's annual or ongoing mine planning activities, and it is appropriate and necessary for the operator to prepare the Annual Blasting Plan. As specified, the

County would review the Annual Blasting Plan as part of mitigation monitoring and enforcement to ensure the plan complies with the Blasting Protocols, as updated in the Final EIR.

See Response 305-13 for discussion of funding for County monitoring and enforcement.

Comment 305-15

4. Geology and Soils

   a. Homeowners in the area should know that the County has conducted studies ensuring that the blasting will not cause damage to the walls, foundations or land on which their homes are built.

      i. Remedy: If soil and geological studies have not been conducted for each home located within one mile of the quarry site, that needs to occur and be included in the final EIR to ensure that blasting at the quarry will not cause damage to structures, foundations and land that structures are built on. Homes on the bluffs on each side of the river are built on unique geological foundations and each home should be looked at individually.

      ii. Remedy: Cemex should be required to place funds in a trust or other financial instrument in advance of the project expansion with enough resources to make homeowners whole if any damage to their homes or properties is caused by blasting at the Cemex facility. Cemex should also be required to pay the attorney fees of any homeowners that take legal action against Cemex for damage caused to their homes or properties.

Response 305-15

Section 4.13, "Noise," of the Draft EIR, provides a comprehensive analysis of potential noise impacts from the proposed Project. With implementation of Mitigation Measure 4.13-2, 4.13-3, and 4.10-1, potential noise- and vibration-related impacts at the site boundaries and nearby receptors would be reduced to less-than-significant levels. With implementation of Mitigation Measures 4.9-1 and 4.10-1, including the Flyrock Mitigation Plan established by the Blasting Protocols, potential impacts associated with the release of hazardous materials or flyrock from blasting activities at the Quarry Site would be reduced to less-than-significant levels. Public safety was assessed in Draft EIR Section 4.9, "Hazards and Hazardous Materials," with all potential impacts found to be less than significant with mitigation measures following lead agency guidance.

The mitigation measures would be incorporated into the MMRP as part of project approval. The MMRP ensures that all required mitigation is implemented and monitored for compliance. The commenter's suggestion to establish a financial trust is outside of the scope of CEQA and the EIR process. Enforcement of mitigation measures is addressed through permit conditions and compliance monitoring by the County, consistent with CEQA requirements. The County retains full authority to enforce compliance with mitigation measures, including the ability to suspend or revoke permits if the project proponent fails to implement required mitigation. These mechanisms provide accountability and ensure that mitigation measures are implemented.

Comment 305-16

b. To my knowledge, there is no aggregate or mineral mining project in the country so close to a major river where a government entity has approved anything close to a 600-foot hole. Because of this, neutral third-party research into the geology between the river and the proposed quarry project must be completed and included in the final EIR. We cannot rely on Cemex commissioned studies, as this draft EIR does.

Response 305-16

The comment does not identify a deficiency in any of the studies or technical evaluations prepared by experts and included as appendices or incorporated by reference to the Draft EIR. Please note that a *Blast-Induced Vibration Impact Peer Review of the Quarry Site,* was prepared by Golder/WSP USA Inc. under contract to Benchmark Resources, the consulting firm that assisted the County, under contract to the County, with preparation of the Draft EIR. The December 11, 2024, peer review document is included as Appendix H-7, "Blast Impact Analysis Peer Review," of the Draft EIR.

Comment 305-17

5. Hydrology and Water Quality

a. As seen in Figure 4.10-9 in the draft EIR, the county wells servicing homes immediately east of the quarry site go to depths of 210 and 350 feet. These wells are community wells run by Fresno County and are labeled CSA 44c. They currently collect water at 105 feet bgs. There are other wells that would be impacted, but I'll focus on these wells since they are located immediately across Friant Road from the quarry site. These wells are clearly in danger of being impacted by the quarry site plan to blast and drill down to 600 feet bgs. Blasting and drilling is a threat to the sole water supply of the community across the street from the quarry site.

Response 305-17

Please see Collective Response #23 pertaining to groundwater quality, Collective Response #24 pertaining to groundwater monitoring, and Collective Response #25 pertaining to the proposed project's relationship and potential effects associated with surface water and groundwater interconnectivity. The comment does not provide evidence of potential impacts beyond those evaluated and discussed in the Draft EIR and the referenced collective responses. As such, the collective responses referenced herein are sufficient to address the commenter's stated concerns.

Comment 305-18

i. In addition to concerns about blasting and other operations causing damage to the quantity of the water supply for surrounding wells, the draft EIR itself lists the potential impacts to water quality on page 651 of the Executive Summary: "Potential effects to surface water quality within both the Plant Site and Quarry Site could occur under the proposed project. Impacts could occur due to erosion and sedimentation caused by land disturbances; the release of uncontained materials associated with processing and production facilities and equipment storage areas; improper handling of hazardous materials, including diesel, gasoline, and asphaltic oil that would be stored on-site; improper handling and detonation of blasting agents that would be brought to the site by a qualified blasting contractor for each blasting event; improper discharge of wash water generated by washing/processing of sand and gravel; and leaking oils and grease from heavy equipment. Similar leaking of oils and grease effects could occur during site reclamation, which would involve land disturbance and the use of heavy equipment as part of reconstruction and revegetation of slopes and during the demolition and removal of structures on the sites, including the removal of processing and production facilities and septic systems, and the abandonment of monitoring and groundwater supply wells." Unfortunately, the conclusion is that Cemex will follow mitigation guidance and change the impacts from potentially significant to less than significant. Reading the risks cited above from the draft EIR and knowing Cemex's record on compliance should not give any of us confidence.

Response 305-18

The comment does not provide evidence of a deficiency in the Draft EIR's evaluation of water quality or conclusions regarding the efficacy of mitigation measures. Please see Collective Response #4a pertaining to CEMEX's regulatory compliance history.

Comment 305-19

ii. Remedy: More studies need to be conducted by neutral third parties, not commissioned by Cemex, to ensure that blasting and drilling activities Cemex proposes to use to create the 600-foot-deep mine will not jeopardize the water supply of CSA 44c or any other wells in the area, by collapsing or damaging any underground water aquifers or underground water sources.

iii. Remedy: More studies need to be conducted by neutral third parties, not commissioned by Cemex, to ensure that chemicals Cemex plans to use in blasting and drilling and any other chemicals involved in their operations under the proposed plan will not impact water quality to the wells in the surrounding area. One focus should be on recommending an enforcement plan for the County to adopt and how much funding it would require for proper oversight.

iv. Remedy: More studies need to be conducted by neutral third parties, not commissioned by Cemex, looking into how the 600-foot hole Cemex wants to create will potentially cut off water seepage from the San Joaquin river to the groundwater supply used by wells in the surrounding area.

Response 305-19

The comment does not identify a deficiency in any of the studies or technical evaluations prepared by experts and included as appendices or incorporated by reference to the Draft EIR, nor does the comment provide evidence that more studies are needed. Draft EIR Section 4.10, "Hydrology and Water Quality," provides detailed analyses of potential groundwater and water quality effects of the proposed project. The analyses are based on the *Hydrology and Water Quality Analysis Report* (Draft EIR Appendix G-5) which utilizes information from groundwater conditions reports included as Appendix G-3, "Groundwater Conditions at the Plant Site," and Appendix G-4, "Groundwater Conditions at the Quarry Site," of the Draft EIR and groundwater and surface water monitoring and sampling data collected for the project sites to draw conclusions on the existing groundwater hydrology conditions on the project sites and to evaluate the

potential impacts to groundwater hydrology under the proposed project. Detailed methodology and findings are provided in Appendix G-5, "Hydrology and Water Quality Analysis Report." As discussed and presented in Draft EIR Section 4.10, mitigation measures are identified in the Draft EIR that require groundwater quality protection measures and groundwater monitoring and adaptive management (see Mitigation Measure 4.10-1 on Draft EIR page 4.10-92, Mitigation Measures 4.10-5a and 4.10-5b on Draft EIR pages 4.10-96 through 4.10-98, and Mitigation Measures 4.10-10 and 4.10-10b on Draft EIR pages 4.10-108 through 4.10-111). The comment does not address the adequacy of the Draft EIR analysis or the efficacy of these mitigation measures, nor does the comment provide evidence additional expert analyses are required.

Comment 305-20

b. Maps on pages 431, 432, 435, 438 and 444 under file label "Draft EIR Volume 2 Appendices A-K File 2" on the County's Cemex Rockfield Expansion webpage show red arrows that indicate "Direction of Groundwater Flow" going from the areas that would contain wells for homeowners in the area, including County wells for CSA 44c, toward the current depression where the quarry is located. This is evidence that a depression in the earth made for a quarry will impact groundwater levels that will likely impact nearby wells. If the depression in the earth for the quarry is vastly deeper, logic dictates that there will be a greater impact on the "Direction of Groundwater Flow" and that this would likely impact groundwater levels for neighboring wells.

   i. Remedy: More studies need to be conducted by neutral third parties, not commissioned by Cemex, looking into how the 600-foot hole Cemex wants to create will potentially cause groundwater flow into the quarry site to escalate and impact the groundwater supply used by wells in the surrounding area.

Response 305-20

Please see responses above pertaining to the adequacy of the Draft EIR's analysis and expert technical studies. The studies prepared for the Draft EIR consider the direction of groundwater flow as indicated on the figures referenced by the commenter, and these studies sufficiently address the concerns as raised as required in accordance with CEQA.

Comment 305-21

c. Mitigation Measure 4.10-6 starting on page 660 of the Executive Summary calls for Cemex to hire its own experts to monitor water quality at the quarry site in order to prevent

potentially significant impacts to water quality for water used by nearby wells and relies on Cemex to honestly report its findings in a timely manner. This cannot be allowed. The County must have its own staff, funded in advance by Cemex by a trust or similar financial instrument, for the entire 100-year period, who can monitor water quality. Water quality should be measured on a weekly basis and reported on the County website, with immediate written notification to homeowners if water quality has been compromised, to prevent serious health conditions among neighboring homeowners.

d. Remedy: If there is any damage or disruption to water supply for homeowners in the surrounding area, Cemex must immediately supply water and water storage units sufficient to provide the same water quantity supplied to homeowners prior to project approval.

    i. Remedy: Because water supply storage is unsightly and undesirable for homeowners to have on their properties and will lower home values, Cemex must agree to purchase properties of any homeowners choosing that option if water supply is damaged or disrupted by their operations. Value of properties shall be determined by independent appraisers prior to any approval of Cemex project extension and indexed to average percentage increases in home values of the 93720 and 93730 zip codes over time.

e. Remedy: For all water supply protections or mitigation suggested in the EIR, require a trust or other financial mechanism be funded by Cemex in advance of full project approval, to cover all 100 years, indexed to CPI, to fund full-time County employees tasked with oversight of required mitigation. Also, require that Cemex pay full legal costs of Fresno County or nearby homeowners for any legal disputes with Cemex if Cemex causes damage or disruption to the water supply of nearby homeowners.

Response 305-21

Please see responses above regarding the adequacy of the Draft EIR, supporting technical studies, and mitigation measures pertaining to groundwater monitoring, water quality, and water supply. Mitigation measures adopted for the project would be incorporated into a MMRP that would provide for County oversight to ensure implementation of adopted mitigation measures. Additionally, the operator is responsible for reclamation of the project sites in accordance with the approved reclamation plan. Both Fresno

County and the state Surface Mining and Reclamation Act (SMARA) require that surface mining operators maintain a financial assurance mechanism payable to the SMARA lead agency (here, Fresno County) and to the State of California sufficient to accomplish reclamation as prescribed by the surface mining operation's approved reclamation plan, including conditions of approval and mitigation measures associated with reclamation. The operator is required to annually prepare and submit for County review and approval a financial assurance cost estimate and evidence of a financial assurance mechanism in an amount at least equal to the cost estimate to ensure reclamation in accordance with the approved reclamation plan would be available in the event of the operator's failure to reclaim the site in accordance with the approved reclamation plan.

Comment 305-22

6. Land Use and Planning

   a. Opportunity costs are important to consider here. If this project is approved, there is no going back and using the land for anything else, ever again. It will always be an unsafe area for recreation, housing or anything else if this project is approved. A better use of the plant and quarry sites will be to eventually include it in an overall plan for recreation and protected land and wildlife.

Response 305-22

Please see Collective Response #21 pertaining to public access to the San Joaquin River. Please also note that in describing the proposed project based on the entitlements requested by the Applicant, the Draft EIR properly characterizes and evaluates the project's environmental effects over the proposed 100-year life of the project in compliance with CEQA. Alternative site uses would not meet the Operator's project objectives and, thus, need not be evaluated in the Draft EIR as alternatives to the proposed project. The commenter's preference pertaining to alternative uses of the project sites are noted and will be considered by County decision-makers.

Comment 305-23

7. Noise

   a. When aggregate or rock is dumped into trucks at the quarry site, the decibel levels exceed acceptable levels under County policy. Increasing the amount of truck hauling will therefore cause a significant impact to the neighborhood immediately east of the quarry site.

i. Remedy: Test noise caused by dumping of aggregate and rock into trucks and do not allow increased truck hauling from current levels at any stage of the project.

ii. Remedy: Limit hours of truck hauling to 8:00 am to 5:00 pm to avoid loud noises in the morning and times people often return home from work. Also, no truck hauling should occur on weekends when families are most likely to be home trying to enjoy their properties.

Response 305-23

The Draft EIR discusses the potential noise impacts of the proposed project in Section 4.13. The proposed project would be required to comply with Fresno County General Plan noise thresholds. Implementation of Mitigation Measure 4.13-2, 4.13, and 4.10-1, would reduce potential noise impacts to a less than significant level.

With Regards to commenter's proposal to limit hours of truck hauling to 8:00 a.m. to 5:00 p.m., this action would not be required to reduce the potential noise impacts to less than significant. The proposed hours of operation are specified in Table 2-5 on page 2-43 of the Draft EIR. Typical loading, unloading and aggregate trucking hours would occur from 4:00 a.m. to 9:00 p.m. Monday through Friday. However, these hours may be extended if major public road projects are required to be completed during night hours or on weekends to avoid traffic conflicts.

Comment 305-24

b. Noise from blasting will cause noise pollution and anxiety among people who live in the area, especially those with PTSD from past events in their lives such as my spouse.

i. Remedy: If blasting is allowed at all, limit it to once per day within a one-hour window of

ii. time so that it does not take people off guard. Also, it should not occur earlier than 10:00 am or after 4:00 pm and never on weekends.

Response 305-24

The project operations would require drilling and blasting activities for mining the hard aggregates. The proposed blasting activities would occur once or twice per week, on weekdays between the hours of 10:00 a.m. and 2:00 p.m. (Draft EIR page 2-43). This schedule poses a more restrictive limit on blasting activities than the commenter recommends. Further, compliance with Fresno County General Plan noise thresholds and Mitigation Measures 4.10-1 would reduce potential noise impacts to a less than significant

level. As described in Chapter 3, "Draft EIR Errata," the Blasting Protocols have been clarified and strengthened to include additional monitoring, verification, and reporting requirements, which further ensure that blasting-related noise impacts would remain less than significant.

Comment 305-25

8. Population and Housing

   a. See comments made in other sections of this letter concerning the impact this will have on people living in the area, especially those on both sides of the bluffs overlooking the quarry.

   b. This project expansion would have a devastating effect on home values in the area and land that could eventually be used for responsible development of housing. This will have an adverse effect on current and future property tax collection for the County.

Response 305-25

Please see responses above pertaining to comments above. Please see Collective Response #7 pertaining to economic effects, including property values.

Comment 305-26

9. Recreation

   a. Potentially the greatest cost to Fresno County if this project is approved would be the loss of recreational opportunities to its residents if the Cemex project prevents the vision for a fully realized river parkway with hiking and biking trails and picnic grounds for all its residents to enjoy.

Response 305-26

Please see Collective Response #18 pertaining to consistency with the San Joaquin River Parkway Master Plan, Collective Response #19 pertaining to park accessibility, and Collective Response #21 pertaining to public access to the San Joaquin River. The commenter's concerns regarding the relationship of the project and the San Joaquin River and its recreational opportunities are noted and will be considered by County decision-makers.

Comment 305-27

b. Another impact to recreation will come from increased truck traffic, dust and air pollution along Friant Road, which is a highly popular road for cyclists to use.

    i. Remedy: Increased trucking traffic from the expanded quarry would be a danger to cyclists. One mitigation would be to require Cemex to construct a two-lane, bicycle and pedestrian only road adjacent to Friant Road from Copper Avenue in Fresno to Northfork Road (Road 206) in Friant.

Response 305-27

Please see Collective Response #30 pertaining to traffic and roadway safety, including bicyclist and pedestrian safety.

Comment 305-28

10. Transportation

a. The Cemex expansion plans include increased vehicle traffic from their trucks, including increasing traffic with large trucks on the already congested and dangerous section of Friant Avenue in Fresno, CA, particularly between Fort Washington and Freeway 41.

b. Remedy: The stretch of Friant Avenue between Fort Washington and Freeway 41, much of it adjacent to Woodward Park, needs decreased traffic rather than the dangerous increase that this project promises. One potential mitigation would be for Cemex to pay for two additional lanes to be constructed on the northbound and southbound sides of the road on this stretch of Friant Avenue. Since this is already a bottleneck with little available land for expansion, Cemex would have to pay for properties in the path of road expansion.

    i. There is no good solution to any project that would increase traffic on this already overburdened and dangerous stretch of road. A better idea is for Cemex to find a new property in another part of the County if it wants to expand production and the amount of truck hauling it does.

Response 305-28

Please see Collective Response #29 pertaining to project traffic impacts and road improvements.

Comment 305-29

A project of this scale and duration requires a far more comprehensive environmental review that includes thorough scientific analysis, long-term cumulative impact assessments, and meaningful mitigation strategies. It should also include independent, third-party study and suggested mitigation that isn't commissioned by Cemex. The EIR, as it stands, does not meet these standards, and I urge Fresno County to require revisions that fully account for the long- term consequences of extending CEMEX's mining operations.

I request that the Planning Department reconsider this permit considering the inadequacies of the EIR and demand a more thorough environmental review before any decisions are made.

And finally, please use common sense and treat this proposed project how it deserves to be treated. This is a monumental overreach by Cemex. The time for mining, especially deep pit blasting and drilling, along the San Joaquin River has long since passed. It is time for Fresno County to embrace the river for its recreational, wildlife and land preservation opportunities.

Thank you for your time and consideration.

Response 305-29

The commenter's concerns and recommendations are noted and will be considered by County decision-makers.

Letter #306 March 6, 2025, Ryan Mitchum

Comment 306-1

To Whom It May Concern:

I am writing to formally protest the proposed adoption of the Draft Environmental Impact Report (EIR) and the issuance of Conditional Use Permits Nos. 3666 and 3667 for the Rockfield Modification Project. After reviewing EIR's executive summary and numerous appendices, I have significant concerns regarding the adequacy of the proposed mitigation measures in three critical areas: the long-term impacts of the 600-foot deep quarry pit, traffic, noise and vibration, and the potential degradation of water quality and availability in the San Joaquin River and regional groundwater.

Response 306-1

The commenter's opposition to the project is noted and will be considered by County decision-makers. The commenter's concerns regarding mitigation are also noted. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures and no further response is warranted. Please see responses below to specific comments.

Comment 306-2

1. Risks Associated with the 600-Foot Quarry Pit

The EIR indicates that the Quarry Site will be excavated to a depth of approximately 600 feet below ground surface. Although the document presents slope stability analyses and mitigation measures, including periodic inspections by qualified engineers, the potential for slope instability remains a serious concern that may not be adequately addressed by the proposed mitigation measures. The mitigation measures rely heavily on reactive monitoring and periodic reporting. However, given the uncertainties inherent in weathered and fractured bedrock conditions, unforeseen geological variations may lead to rapid onset of instability that these measures cannot adequately address. This raises questions about the long-term safety and environmental impacts of leaving such a deep pit after mining operations conclude.

The near-vertical slopes of the pit will severely limit the development of gradual littoral zones. Shallow areas are critical for spawning, the growth of aquatic vegetation, and for supporting a diverse range of wildlife. Without these transitional areas, the pond may be unlikely to sustain a robust ecosystem. The steep, sheer walls of the pit not only compromise habitat potential but also elevate safety risks. Such slopes can be prone to erosion or even catastrophic failure, especially during heavy rains or seismic events, which would further jeopardize both the environment and public safety. The presence of the pit also conflicts with Fresno County General Plan Policies OS-H.10. Considering the Project's proximity to the San Joaquin River, the final 600' deep pit would create a significant public safety hazard to future users of the San Joaquin River Parkway and individuals recreating on the banks of the San Joaquin and Lost Lake County Park. Additionally, the absence of detailed plans addressing long-term water circulation, sedimentation, and ecological restoration in the final design suggests that the pit may simply become a static, inhospitable reservoir rather than a vibrant ecological asset. The proposed mitigation measures should be further

evaluated by the County, as it may still represent a significant impact even after mitigation measures have been implemented.

Response 306-2

The project's Blasting Protocols are presented in Appendix H-9, "Blasting Protocols," updated April 29, 2026. The Blasting Protocols summarizes the monitoring, control and reporting requirements for ground vibrations and air overpressures emitted from blasting at the project sites. See Impact 4.9-4 on Draft EIR pages 4.9-19 through 4.9-21 and Impact 4.10-1 on Draft EIR pages 4.10-88 through 4.10-92. Mitigation Measure 4.10-1 requires implementation of the Blasting Protocols and their incorporation into the Mitigation Monitoring and Reporting Program (MMRP) and conditions of project approval. The Blasting Protocols are both *proactive* in requiring blasting procedures, monitoring, and other measures for blasting and also *reactive* in requiring that additional measures be implemented as necessary based on the required monitoring. Oversight of the Blasting Protocols and implementation of measures to comply would be overseen by the County through mitigation and conditions of approval compliance monitoring and enforcement.

The Draft EIR addresses slope stability in Section 4.7, "Geology and Soils." See discussion of Impacts 4.7-6 and 4.7-7 regarding the project's potential impacts related to slope stability at the Plant Site and Quarry Site (Draft EIR pages 4.7-30 through 4.7-37). With the implementation of Mitigation Measure 4.7-6, 4.7-7a, 4.7-7b, and 4.7-7c, potential impacts related to slope stability would be reduced to less than significant. The conclusions in the Draft EIR are supported by geotechnical reports presented collectively as Appendix F, "Geology and Soils Reports," to the Draft EIR.

The commenter does not provide information as to how the project would conflict with Fresno County General Plan Policy OS-H.10. The proposed Reclamation Plan, presented as Draft EIR Appendix B-1, "Surface Mining and Reclamation Plan," discusses the protection of public health and safety and the protection and enhancement of wildlife habitat (see Draft EIR Appendix B-1 page 59-60). The project would comply with the safety standards set forth in SMARA and in the Fresno County Zoning Ordinance.

Comment 306-3

2.Traffic, Noise and Vibration

The Draft EIR acknowledges that blasting at the Quarry Site poses a risk of generating ground borne vibrations that could exceed the critical threshold necessary to potentially destabilize the San Joaquin River embankment. Although the proposed blasting protocols require monitoring and adjustments in blasting design, these

protocols appear reactive rather than preventative and require little to no oversight from regulators. The reliance on post-blast monitoring, rather than more stringent pre-blast controls, may not fully safeguard sensitive receptors or ensure that vibration and/or levels remain within safe limits during all blasting events. This gap in precautionary measures could result in unforeseen damage to the embankment and nearby structures. Additionally, noise impacts to potential receptors from blasting activities were assessed using modeling and the mitigation measures rely on the operator self-regulating when choosing blasting designs. Both approaches introduce uncertainty and indicate that the potential impacts from noise and vibration may not be mitigated to a less than significant impact.

The EIR concludes that Impact 4.17-1 is significant and unavoidable. The EIR found that the addition of project-related trips to existing conditions, 5-year cumulative conditions, 15-year, and cumulative (year 2040) conditions would contribute to substantial decreases in level of service and substantial increase in queuing at several intersections. Mitigation of these effects relies on the County providing funding for road/signaling improvements. This is an unacceptable mitigation approach that would be avoidable if the projects proponent provided adequate funding for the necessary road improvements. I agree with the EIR's findings that this is a significant impact and implore the County to consider this impact when making a decision regarding whether or not to approve the Conditional Use Permits.

Response 306-3

See Response 306-2 above regarding the comment that blasting protocols are reactive rather than proactive and with little or no oversight by regulators. See also Collective Response #29 pertaining to project-related trips and road improvements.

Comment 306-4

3. Potential Impacts on Water Quality

The EIR's hydrology and water quality sections contend that dewatering, pit pond formation, and potential contaminant discharges will have "less than significant" impacts on groundwater and surface water quality. However, the projected operation involves complex interactions between dewatering processes, blast-induced disturbances and effect groundwater within the fractured bedrock. The assumption that dewatering will not adversely affect the ability of nearby production wells and County Service Area 44C wells to supply adequate water to the service area, and that the

existing recharge areas will remain unaffected, may be overly optimistic. The County Service Area 44C wells tap groundwater from the alluvial deposits, weathered zone and hard rock. Water levels in these wells are similar to those of wells at the Quary Site, suggesting that the two are hydraulically connected. According to the EIR, groundwater levels in the CSA 44C wells average approximately 45 ft below ground surface (bgs). The groundwater level in the CSA 44C well area at the time of maximum dewatering is estimated to be approximately 75 ft bgs if recharge occurs in the northeast area of the Quarry Site or approximately 105 ft bgs if recharge does not occur. Thus, the estimated decrease in the static water level at the CSA 44C wells due to the project would range from 30 feet to 60 feet depending on groundwater recharge. Significant decreases in water levels in these wells have occurred due to pumping, and there may be a significant level of uncertainty regarding the ability of these wells to produce under sustained pumping while the mine is undergoing substantial dewatering. Without clearly defined action thresholds and detailed contingency plans, there is a risk of groundwater quality/availability problems emerging, especially in a setting complicated by the deep pit and aggressive dewatering. Groundwater impacts might not be managed swiftly or effectively enough with the proposed mitigation measures to prevent broader impacts on regional groundwater or adjacent surface waters. This may result in a significant unmitigated impact that should be further evaluated.

I appreciate your attention to these critical issues and look forward to seeing your response.

Response 306-4

As discussed in the Draft EIR, the use of the recharge trenches would limit the drawdown of the water table in the unconfined alluvial. The recharge operations would result in drawdown levels that would be approximately one-half of those which would occur without any recharge operations (Draft EIR Appendix G, KDSA, 2021). The Draft EIR acknowledges reductions in the available groundwater column would occur in the Fresno County CSA 44C wells (Draft EIR page 4.10-107). The estimated decrease in the static water column would range from 30 to 60 feet depending on the recharge operations. If water production volumes from the CSA 44C wells decline to the point where current water demand cannot be met, this would result in a potentially significant impact. Accordingly, Mitigation Measure 4.10-10a is provided as an Adaptive Management Program for Quarry Site Groundwater. As part of the Adaptive Management Program, potential effects on the CSA 44C wells would be assessed through the monitoring of nested wells between the Northeast Pond and the CSA 44C wells, and the CSA 44C wells themselves. Mitigation monitoring reports would be submitted to Fresno County

annually. If monitoring data indicate groundwater levels in any of the monitored wells drop such that the available water column decreases by more than 15 percent, corrective measures would be implemented to mitigate potential impacts to less than significant (Draft EIR pages 4.10-108 through 4.10-111).

Mitigation measure 4.10-1 is in place to provide measures to minimize the potential water quality impacts associated with blasting, including the risk of release of contaminants to groundwater and surface water. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. Please see Response 65-28 for further discussion of groundwater quality at the Quarry Site.

Letter #307 March 6, 2025, Jose Palacios

Comment 307-1

Regarding the CEMEX Rockfield expansion project, me and my family as a resident of area, think that the project must stop.

Many reasons came to our mind to oppose to the new project, but I will share just 2.

1. CEMEX Rockfield has been working the area many years, when they started in the Friant road, the area were just fields, but now with new house developments, the mine is in front of our eyes, the traffic of heavy trucks its added to our already crowd regular traffic.

Response 307-1

The commenter describes existing conditions, which are described but not evaluated in the Draft EIR. The project's potential visual impacts are addressed in Draft EIR Section 4.1, "Aesthetics and Visual Resources," while transportation-related impacts are addressed in Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 307-2

2. The environmental impact that the new project will have in the river will be devastated.

We think that new project expansion needs to be cancelled.

We hope this email from me and my family can help to consider not to the expansion of the project.

If you need have any comments or concerns, please contact me through this email.

Response 307-2

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #308 March 6, 2025, Jody Palmer

Comment 308-1

I strongly OPPOSE this expansion project because of its environmental impact.

Please record my opposition.

Response 308-1

The effects of the proposed project on the physical environment are disclosed and evaluated throughout the EIR. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #309 March 6, 2025, Maria Pantoja

Comment 309-1

I am writing to express my strong opposition to the proposed Rockfield Quarry modification project, particularly the 100-year mining expansion. This project raises serious concerns about its long-term environmental, community, and regulatory impacts, and I urge decision-makers to reconsider approving such an extensive timeline.

My key concerns:

- 100-Year Timeline is Unmanageable
- No industry or infrastructure project should be approved for an entire century without periodic re-evaluation and accountability.
- Future environmental laws, climate conditions, and community needs are impossible to predict over 100 years.

Response 309-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #5 regarding the duration of the proposed use permit.

Comment 309-2

- Environmental Impact on the San Joaquin River Corridor

Response 309-2

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10.

Comment 309-3

- Expanding mining operations 600 feet below ground risks groundwater contamination, habitat destruction, and soil instability.

Response 309-3

The issues of groundwater contamination, habitat destruction, and soil instability are addressed in Draft EIR Section 4.10, Section 4.4, "Biological Resources," and Section 4.7, "Geology and Soils." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 309-4

- The dust, air pollution, and water consumption required for hard rock mining will have lasting ecological consequences.

Response 309-4

The issues of dust, air pollution, and water consumption are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.19, "Utilities and Service Systems," as they are updated in the Final EIR. See Chapter 3, "Draft EIR Errata." See also cumulative impacts addressed in, Draft EIR Section 5.3.10, "Hydrology and Water Quality," regarding the proposed project's potential cumulative effects on water consumption. No specific comments related to the adequacy of the Draft EIR were made, and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 309-5

- Community Disruptions & Land Use Conflicts

Response 309-5

The issues of community disruption and land use conflicts are broad topics discussed across multiple sections of the Draft EIR. The reader is referred to Draft EIR Section 4.1, "Aesthetics and Visual Resources," for discussion of impacts to local views and light pollution; Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), for discussion of air emissions and public health; Section 4.9, "Hazards and Hazardous Materials," for discussion of public safety; Section 4.11, "Land Use and Planning," for discussion of local land use regulations; Section 4.13, "Noise," for discussion of the project's noise emissions; Section 4.16, "Recreation," for discussion of the project's effect on local recreation; and Section 4.17, "Transportation," for discussion of the project's effect on the local transportation system, including pedestrian and cyclist safety. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of County decision-makers.

Comment 309-6

- Increased blasting, noise, and traffic congestion along North Friant Road will negatively impact residents and recreation areas.

Response 309-6

The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3 (see Appendix D-4, "Revised Section 4.3, Air Quality") and Section 4.13, as they are updated in the Final EIR. See Chapter 3, "Draft EIR Errata." The project's potential operational noise impacts are evaluated in Draft EIR Section 4.13. The issue of traffic congestion is addressed in Draft EIR Section 4.17. The proposed project's potential impacts on recreation are discussed in Draft EIR Section 4.16. See also, Collective Response #27 regarding the project's potential operational effects on users of nearby parks and trails.

Comment 309-7

- The relocation of the asphalt and concrete plants to the Quarry Site raises air quality concerns.

Response 309-7

The project's potential air quality impacts are addressed in Draft EIR Section 4.3, as updated in this Final EIR. The air quality assessment incorporates location changes for project features, such as roads, stockpiles, vehicles, and manufacturing plants, by including these elements as sources in the dispersion modeling. Modeled concentrations for National Ambient Air Quality Standards (NAAQS), used to evaluate health risks, are dependent on the spatial relationship of activities and equipment to surrounding receptors, both laterally and in elevation. As such, the Draft EIR appropriately accounts for relocation of facilities, including asphalt and concrete plants, in the air quality analysis.

In addition, emissions from the asphalt plant that operated at the site until 2009 were conservatively omitted from the baseline emissions inventory. This approach is conservative because it results in a lower baseline condition against which project emissions are compared.

Please also see Draft EIR Section 4.8, "Greenhouse Gas Emissions," as updated in this Final EIR, regarding the potential greenhouse gas effects of each source, including the proposed asphalt plant. Because greenhouse gas emissions are global in nature, changes in the location of emission sources within the project area would not affect the determination of significance.

See Appendix D-4, "Revised Section 4.3, Air Quality," and Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions," for proposed updates to Draft EIR Sections 4.3 and 4.8. Accordingly, the Draft EIR appropriately and conservatively evaluates the project's air quality and greenhouse gas impacts.

Comment 309-8

- The project could interfere with the San Joaquin River Parkway's conservation and recreational goals which I love so much.

Response 309-8

See Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan.

Comment 309-9

Call to Action:

I urge the County and regulatory agencies to:

1. Reject the 100-year mining approval and implement a shorter, more reasonable review period (e.g., 20-25 years).

Response 309-9

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. Draft EIR Chapter 6, "Alternatives," describes and evaluates a reasonable range of alternatives to the proposed project. Alternatives 2 through 5 each propose an alternative project with a shorter duration compared to the proposed project. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Chapter 6. See also, Collective Response #5 regarding the duration of the proposed use permit. The comment is noted for the consideration of County decision-makers.

Comment 309-10

2. Mandate stronger environmental protections for water, air, and wildlife.

3. Take care of the people of Fresno and beautify those places instead with nature Stop mining, research for better resources, I appreciate the opportunity to provide public input.

Response 309-10

The issues of water, air, and wildlife are addressed in Draft EIR Section 4.10, Section 4.3 (see Appendix D-4, "Revised Section 4.3, Air Quality,"), and Section 4.4, as they are updated in this Final EIR. See Chapter 3, "Draft EIR Errata." Where necessary, mitigation measures are identified in these sections to address the project's potentially significant impacts. The commenter fails to provide evidence or reasoning to support the assertion that stronger mitigation is needed. The commenter's opposition to the proposed project is noted for the consideration of the County decision-makers.

Letter #310 March 6, 2025, David Roberts

Comment 310-1

I am writing to oppose the approval of CEMEX 100 year lease. The DEIR is inadequate.

Response 310-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The commenter fails to provide evidence or reasoning to support the assertion that the Draft EIR is inadequate. See Responses 310-2 through 310-5 for further discussion of specific concerns.

Comment 310-2

1. Toxic chemicals will leach into the San Joaquin River and affect wildlife and human health. The dig pit is too close to the river

Response 310-2

The project's potential effects on surface water quality are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Impacts 4.10-1 through 4.10-3 for discussion of the project's potential effect on surface water quality. Mitigation Measure 4.10-1 requires implementation of the Blasting Protocols, which are provided as Draft EIR Appendix H-9, "Revised Blasting Protocols," and specify practices to prevent the contamination of groundwater and surface water. See Draft EIR Section 4.4, "Biological Resources," and Section 4.9 "Hazards and Hazardous Materials," regarding the project's potential effects on wildlife and hazardous materials to human health, respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections as well as the Blasting Protocols.

Comment 310-3

2. Explosions will be heard by cyclists, hikers, boaters, and all other visitors to the San Joaquin River. This will make for quite an unpleasant experience for those hoping to enjoy the river and its wildlife.

Response 310-3

The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality") and Section 4.13, "Noise," as they are updated in the Final EIR. See Chapter 3, "Draft EIR Errata." See also Collective Response #27 regarding the project's potential operational effects on users of nearby parks and trails. As described in Draft EIR Chapter 2, "Project Description," on page 2-42, blasts would be limited to "one to two times per week on weekdays between the hours of 10 a.m. and 2 p.m."

Comment 310-4

3. A 600 ft deep pit will not a pleasant site. I do not want to look over the San Joaquin River and see such destruction. The San Joaquin River is the jewel of Fresno. Don't destroy it!!!

Response 310-4

The project's potential visual impacts are addressed in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Draft EIR Section 4.10 regarding the project's potential effects on the San Joaquin River. See also, Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The comment is noted for the consideration of County decision-makers.

Comment 310-5

4. The amount of jobs created by this mine is nothing compared to the amount of money brought by visitors to the region who recreate along the San Joaquin River.

Response 310-5

See Collective Response #7 regarding the project's potential economic impacts. The comment is noted for the consideration of the decision-makers.

Letter #311 March 6, 2025, Sasha Roeske

Comment 311-1

Disappointing. Why would Fresno want to nearly demolish one of the only natural waterways we have? I can't imagine the actual cost outweighs the environmental damage. Please reconsider this plan. My children love this river and enjoy it every summer, my children aside how much damage will you cause to the natural animal habitats?

Response 311-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential effects on wildlife habitats and the San Joaquin River are evaluated in Draft EIR Section 4.4, "Biological Resources," and Section 4.10 "Hydrology and Water Quality," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Letter #312 March 6, 2025, Lesa Schwartz

Comment 312-1

It is hard to believe that the Cemex project that so dangerously impacts our environment would be considered - especially for 100 years and 600 feet of drilling.

We are faced with the existential threat of global warming that is now wreaking havoc on our world and do not need to add further destruction. With the amount of trucks that Cemex will be using to continually transport the material and the amount of pollution that will occur from this over so many years is totally unacceptable.

Nowhere is the DEIR is there enough evidence that they will be able to mitigate this situation.

Response 312-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential effects on the issue of global climate change is addressed in Draft EIR Section 4.8, "Greenhouse Gas Emissions," (see Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions"). The project's proposed truck traffic is evaluated in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The commenter does not provide evidence to support the assertion that the project's impacts cannot be mitigated. The comment is noted for the consideration of the decision-makers.

Comment 312-2

Additionally, blasting hard rock and crushing it into gravel going down 600 feet endangers our river and it's wildlife. Again, I see no way or no provision that would be acceptable to prevent this. We must protect this natural treasure.

Response 312-2

The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality") and Section 4.13, "Noise," as they are updated in the Final EIR. See Chapter 3, "Draft EIR Errata." The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." The commenter does not provide evidence to support the assertion that the project's

impacts cannot be mitigated. The comment is noted for the consideration of the decision-makers.

Comment 312-3

I hope that the agency will require Cemex to provide further analysis and effective mitigations for these issues. We must protect the San Joaquin River watershed, surrounding areas and our environment.

Thank you for your consideration and I look forward to hearing from you and trust you will do your best to protect us.

Response 312-3

See Collective Response #1 regarding the need for additional analysis in the CEQA process. The commenter does not provide evidence of a deficiency in the Draft EIR's analysis or a significant impact that warrants imposition of additional mitigation. The comment is noted for the consideration of County decision-makers.

Letter #313 March 6, 2025, Unnamed Resident

Comment 313-1

PLEASE REJECT THE ENVIRONMENTAL NONSENSE AND LET CEMEX SERVE THE PUBLIC WITH MATERIALS DERIVED FROM THEIR OWN PROPERT. THANKS

Response 313-1

The commenter's support for the proposed project is noted for the consideration of the decision-makers.

Letter #314 March 7, 2025, Kirk Anderson

Comment 314-1

This project is offensive! The permits for this company should have been canceled years ago.

People in this area are already drilling new wells due to new construction. This project will take the water table right down to bedrock, there will be no water even for the deepest wells. There is nothing included in the proposal to help those who loose their water because of this project.

Response 314-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential effects on groundwater supplies are addressed

in Draft EIR Section 4.10, "Hydrology and Water Quality," while the provision of water supplies to the project is addressed in Section 4.19, "Utilities and Service Systems." See Impacts 4.10-8 through 4.10-12 for discussion of the project's potential effects on groundwater levels. Mitigation Measure 4.10-10a requires the Applicant to implement an adaptive management program involving continuous monitoring and periodic reporting of groundwater levels and implementation of corrective measures if a significant impact occurs and is attributable to the project. Implementation of this measure and Mitigation Measure 4.10-10b, which provides a funding mechanism for the adaptive management program, would reduce the project's potential impacts to groundwater levels at the Quarry Site to a less than significant level. Therefore, no impacts to nearby residential wells are anticipated to occur. See also Impact 4.19-2 for evaluation of the adequacy of available water supplies to serve the project. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 314-2

The traffic on Friant is already ridiculous. Many more huge gravel trucks weaving in and out of traffic, as they do, will make Friant Rd. Even more dangerous and congested.

Just tell CEMEX NO, we don't want you.

Response 314-2

The project's potential impacts related to traffic and transportation safety are evaluated in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17. See also, Collective Response #29 regarding traffic congestion and Collective Response #30 regarding transportation safety.

Letter #315 March 7, 2025, Sandra Aune

Comment 315-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

My husband and I have spent many hours cycling in the early mornings on Old Friant Road and Friant Road. We enjoy the quiet serenity of this special area of Fresno.

While dodging gravel trucks is a scary and jarring part of our trip, we have not yet let it stop us from enjoying this pastoral setting.

Response 315-1

The issue of cyclist safety is addressed in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17. See also, Collective Response #30 regarding transportation safety. The comment is noted for the consideration of the decision-makers.

Comment 315-2

I would like to address the language in the *DEIR* regarding **Noise and Traffic** in this beautiful pastoral part of Fresno. The River Park way and Eaton Trail are sanctuaries in our town for serenity and contemplation.

The absence of a noise ordinance with specific measures to enforce a noise abatement plan for the mining project would result in reliance on CeMex, which may not provide adequate protection for our community.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 315-2

As described on Draft EIR page 4.13-29, the County's Noise Ordinance is provided at Chapter 8.40, "Noise Control," of the Fresno County Ordinance Code. The Noise Ordinance "defines excessive noise levels, establishes acceptable noise level standards for various land uses and noise sources, and provides for enforcement actions in the event that the standards are violated." The project's potential effects on Noise and Traffic are addressed in Draft EIR Sections 4.13, "Noise," and 4.17, respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The comment is noted for the consideration of County decision-makers.

Letter #316 March 7, 2025, Erin Barca

Comment 316-1

There is no need to allow a multinational company to profit off of further environmental harm to the land and watershed of our own home. With 556 million tons of permitted aggregate reserves in the Fresno region, well beyond projected demand, there is no good reason.

Response 316-1

The commenter's opinions are noted and will be considered by County decision-makers. Please see Collective Response #3 pertaining to regional aggregate supply and demand.

Comment 316-2

It deeply troubles me that these open pit blights were blasted into land that was intact enough to eventually be protected as nature reserves. How I wish the San Joaquin river was respected. Bring back the salmon, restore wetlands, help California heal. It would be a joy to have healthier, longer stretches of intact native plant communities/habitat closer to home. We've found happier places below Pine Flat along the Kings. Just yesterday, we observed an immature bald eagle attempting to pilfer a fish from an osprey, whilst a mature bald eagle quietly brooded her eggs or young in a western sycamore on the other bank. Magic. But it is a much farther drive and we are now poor.

Please do not allow CEMEX to further threaten the river, ecosystem, and vulnerable wildlife (Buteo swainsoni, Ambystoma californiense, Agelaius tricolor, Elanus leucurus, Haliaeetus leucocephalus, Athene cunicularia, Actinemys marmorata, etc.). The explosions alone from the constant dynamiting of a pit near twice as deep as Millerton Lake (!) will cause distress to many species. Will we have to listen to that on our hikes? I don't have the heart for that. Responses to noise disturbance might have energetic impacts on wildlife. Habitat loss is another potential impact of noise disturbance, and one must consider all of the species in a trophic cascade. E.g. If individuals of one species habituate and better tolerate the disturbance, but the species they depend on for sustenance, in turn, do not. Problem. Some species may be more sensitive to this disturbance during nesting and cease attempts to raise young in the surrounding habitat. There is a lot of harm to consider, yet no need to allow the expansion.

Ever known a dog that could not adapt to fireworks? A domesticated animal, among the most habituated to people and our loudness, often can't cope. If not confined they would flee and be lost. Imagine the impact on sensitive wildlife.

Response 316-2

The commenter's opposition is noted for the decision-makers. The project's potential impacts to biological resources, including the wildlife species noted by the commenter, are identified and analyzed in Draft EIR Section 4.4, "Biological Resources." Please refer to the Draft EIR's discussion of Impact 4.4-4, which concludes that the project would not

have a substantial adverse effect on any riparian habitat or other sensitive natural community with the implementation of Mitigation Measures 4.10-1, 4.3-2a, and 4.3-2b (Draft EIR pages 4.4-55 through 4.4-58). See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. It should be noted that blasting would occur up to two times per week, and the actual blasting event would be brief in nature, lasting approximately one to two seconds. Given that the project sites are disturbed by decades of previous mining operations and given that blasting events are brief in nature, the proposed project would not result in substantial adverse impacts to wildlife.

See select collective responses addressing the potential impacts of blasting and other quarry activities to wildlife; specifically, Collective Responses #12, #13, #14, #15, and #16. See also Responses 58-37, 58-38, 58-40, 58-41, and 58-42 for further discussion of blasting impacts upon wildlife.

Comment 316-3

What about the human communities nearby? The stress of noise pollution is evidenced to cause disease in humans and take years off of our lifespans. Is CEMEX going to pay for our medical bills?

Response 316-3

Draft EIR Section 4.13, "Noise," presents evaluation of potential noise impacts associated with the project. Impacts 4.13-1 through 4.13-4 on Draft EIR pages 4.13-49 through 4.13-69 assess potential noise impacts associated with onsite activities and offsite project-related vehicle trips in consideration of surrounding communities including consideration of 5 representative sensitive receptor locations in association with the Plant Site (see Draft EIR Figure 4.13-1, "Nearest Sensitive Receptors to Plant Site,") and 15 representative sensitive receptor locations in association with the Quarry Site (see Draft EIR Figure 4.13-2, "Nearest Sensitive Receptors to Quarry Site"). The Draft EIR identifies that potentially significant noise impacts associated with operations at the Plant Site would be reduced to less than significant with implementation of Mitigation Measure 4.13-2 presented on Draft EIR page 4.13-58 and 4.13-59 and the Draft EIR identifies that potentially significant noise impacts associated with operations at the Quarry Site would be reduced to less than significant with implementation of Mitigation Measure 4.13-3 presented on Draft EIR page 4.13-61 and 4.13-62. The comment does not provide evidence of a deficiency in the Draft EIR's analysis or a significant impact that warrants imposition of additional mitigation.

Comment 316-4

What of the risks from more traffic? Is CEMEX going to pay for the extra wear and tear on our vehicle from damaged roads? Of course not. My family cannot afford anything extra.

Response 316-4

Please see Collective Response #30 pertaining to traffic safety and road maintenance.

Comment 316-5

CEMEX does not legitimately care about our native wildlife, only insofar as preventing profit. They have already been fined at least more than $43 million for 81 separate environmental violations since 2000. Go away already. They are not welcome by me and mine.

I don't trust this company to prevent the worst impacts from occurring and massively polluting the river. We shouldn't have to worry. There is no need to allow them to further degrade nature and even the built environment (400,000 trucks on Friant Rd. annually! Please, no. My veteran husband recently became disabled with compounded PTSD due to a road-rager's attack, and dangerous driver's behavior in traffic is a key trigger). It is sheer corporate greed. We need the riparian ecosystem and watershed intact, unpoisoned. We do not need more aggregate. There is painfully obviously zero need. Let's celebrate our home by protecting it, restoring it, and only taking what we need when necessary, in the most respectful way possible. This, for the continuing benefit of future generations of all species. We are in the midst of the kind of accelerating biodiversity loss that amounts to a mass extinction event (the sixth). This is the first time it's being primarily driven by a single species (Homo sapiens). It is the collective behavior such as this disregard for other life we share this world with, that contributes to these declines. It's big and overwhelming, but a key is to do right in our own backyards. Please start by rejecting the CEMEX Rockfield Expansion.

Thank you for considering my words.

Response 316-5

See Collective Response #4a pertaining to CEMEX's regulatory history. The comment does not provide evidence of a deficiency in the Draft EIR. The commenter's concerns are noted and will be considered by County decision-makers.

Letter #317 March 7, 2025, Eric Battles

Comment 317-1

I am against the CEMEX expansion project due to the negative impact on the San Joaquin river area, especially the negative impact to recreation activity, wildlife, and increased water needs.

Response 317-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential impacts to recreation, wildlife, and water demands are evaluated in Draft EIR Section 4.16, "Recreation," Section 4.4, "Biological Resources," and Section 4.19, "Utilities and Service Systems." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 317-2

Additionally, the increase of truck traffic from tis project on this portion of Friant Road would negatively impact other motorists (such as potholes and loose rock/gravel) and cause additional wear on the road.

Response 317-2

The project's potential transportation-related impacts are addressed in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17. See also, Collective Response #29 regarding wear on public roadways and funding of road maintenance as well as Collective Response #30 regarding potential vehicle damage from aggregate trucks.

Comment 317-3

My family and I regularly visit this and surrounding areas and this expansion would directly and negatively impact our experience in these sensitive natural areas. Many Fresno and Madera County residents visit this area to get away from the noise and pollution of the more urban areas of Fresno but this expansion, if allowed to move forward, would disrupt this precious, public sanctuary.

Please consider these impacts and do not allow this project to move forward as presented.

Response 317-3

See Draft EIR Section 4.16 regarding the project's potential impacts on recreation and Draft EIR Section 4.13, "Noise," regarding the project's potential impacts on noise. Pollution is a broad topic that is addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.8, "Greenhouse Gas Emissions," (see Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions"), Section 4.9, "Hazards and Hazardous Materials," Section 4.10 and Section 4.20, "Wildfire," as they are updated in this Final EIR. See Chapter 3, "Draft EIR Errata." See also Collective Response #27 regarding the project's potential operational effects on users of nearby parks and trails. The comment is noted for the consideration of County decision-makers.

Letter #318 March 7, 2025, Diane Bauman

Comment 318-1

Adamantly "AGAINST* This! Just Now Saw this at Online News! Never on any Local News Channel.

Take This Project Further Away Excessive Noise & Pollution & Disrupts the San Joaquin Parkway Plans

Response 318-1

The project's potential noise impacts are discussed in Draft EIR Section 4.13, "Noise." Pollution is a broad topic that is addressed in Draft EIR Section 4.3, "Air Quality, (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.8, "Greenhouse Gas Emissions," (see Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions"), Section 4.9, "Hazards and Hazardous Materials," Section 4.10, "Hydrology and Water Quality," and Section 4.20, "Wildfire," as updated in this Final EIR. See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections. See also Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Letter #319 March 7, 2025, Sara Belezzuoli

Comment 319-1

I am writing to express my strong opposition to the proposed expansion of the CEMEX gravel mine on the San Joaquin River. This project poses significant environmental, ecological, and community concerns that outweigh potential benefits.

Response 319-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 319-2 to 319-6 below that address specific issues raised in this comment letter.

Comment 319-2

The San Joaquin River is a vital natural resource, not only for wildlife, but also for recreation for our community. Expanding mining operations in this sensitive area threatens water quality, disrupts fragile ecosystems, and increases the risk of long-term environmental degradation.

Response 319-2

The project's potential effects on the San Joaquin River and water quality are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential effects on wildlife and recreation are evaluated in Draft EIR Section 4.4, "Biological Resources," and Section 4.16, "Recreation." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 319-3

I think expanding mining for the next 100 years is poor policy planning for future generations and according to recent research is unwarranted.

Response 319-3

See Collective Response #5 regarding the duration of the proposed use permit. See also, Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 319-4

My home sits along Friant, I enjoy daily walks on the trail and take great pride in my neighborhood. With the expansion there is an expected increase in truck traffic, this is already an issue for our household and I fear we would want to move if the early morning truck traffic increases. Not only does it disrupt homeowners along Friant, the increase in trucks will also result in significant wear and tear on Friant. One truck creates the equivalent of 5,000 cars. To burden local taxpayers with this cost is outrageous.

Response 319-4

The issues of increased traffic and potential impacts to the transportation system are addressed in Draft EIR Section 4.17, "Transportation." The issue of traffic noise is addressed in Section 4.13, "Noise." See Impact 4.13-1 beginning on Draft EIR page 4.13-49. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See Collective Response #29 regarding the project's truck trips and funding for roadway maintenance. The comment is noted for the consideration of the decision-makers.

Comment 319-5

Finally the change in technique from digging to the use of blasting hard rock will further impact residents and I fear lower property value, which will have a lasting ripple effect in our community, including local education funding.

Response 319-5

The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality") and Section 4.13 as updated in the Final EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See Collective Response #7 regarding evaluation of the project's economic effects.

Comment 319-6

I urge the County Planning Department to prioritize sustainable land use and environmental stewardship by rejecting the expansion. Our community deserves responsible development that protects our natural resources rather than exploits them for short term gain.

Response 319-6

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #320 March 7, 2025, Ronald Bohigian

Comment 320-1

I wish to express my strong opposition to the proposed CEMEX mining proposal that would allow hard rock blasting in the San Joaquin River bottom.

My objection to this proposal is as follows:

Response 320-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 320-2 and 320-3 below that address specific issues raised in this comment letter. The commenter's opposition to the proposed project is noted for the consideration of County decision-makers.

Comment 320-2

The project would be situated in the heart of the developing San Joaquin River Parkway. Every time I visit, bike and walk on Woodward Park, the Jensen Ranch, the Eaton Trail and other riverside properties I am impressed at the popularity of these lands. Without fail I see people of all ages and all ethnicities enjoying these public properties. It is no stretch to imagine that the Parkway's expansion upriver over the next many years will be highly popular with the public.

The idea that Fresno County would allow one hundred years of blasting and all that goes with such an activity is grossly anathema to the concept of a parkway which serves the public.

Response 320-2

See Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan and Collective Response #27 regarding the project's operational effects on users of nearby parks and trails. The project's potential impacts to recreation are evaluated in Draft EIR Section 4.16, "Recreation." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.16. See also Collective Response #5 regarding the duration of the proposed use permit.

Comment 320-3

Most important, I spoke with a geologist to confirm what I suspected: **the entire east side of the San Joaquin Valley, up against the Sierra foothills is underlaid by granite. CEMEX should be looking elsewhere for its granite.** Without doubt, **there are thousands of acres of private rangeland in the eastern part of the valley that could be accessed for the acquisition of hard rock material.**

[SIC – part of text is not legible] the environmental impacts would be far less than in the riparian San Joaquin River bottom.

Response 320-3

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project. See also Draft EIR Section 6.4.2.1, "Alternative Site Locations," for a discussion of alternative sites for the project. The comment is noted for the consideration of County decision-makers.

Letter #321 March 7, 2025, Sheila and Sheryl Lund Cary

Comment 321-1

THIS SHOULD NEVER HAPPEN!!

We are once again amazed, shocked and angered by the potential devastation that will be caused by this proposed expansion. How did it even get this far?

What the hell are you thinking?!

100 MORE years of mining

600 foot DEEP mining pit

Changing approach to hard rock BLASTING

All in the beautiful San Joaquin River.

So -- here we are sending our stunned opposition to the Senior Planner, Daid Randall, Fresno County Public Works & Planning Dept., Development Services & Capital Projects Division.

My guess is that it took me more time to write this than it took Daniel and crew to consider the "plan."

There is nothing about this project that could be considered an improvement or positive from an environmental standpoint -- for fish, fowl, wildlife or people. This site is in the middle of a residential area.

Money should not be the consideration.

The answer is NO!!

Response 321-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential impacts

to fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also, Collective Response #5 regarding duration of the proposed use permit.

Letter #322 March 7, 2025, Martin Cawthorne

Comment 322-1

Dear planning staff, I would like to voice opposition to the proposed CEMEX conditional use permit for hard rock mining at their owned properties "Quarry & Plant sites" along the San Joaquin river basin south of Lost Lake plant.

Response 322-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 322-2 to 322-12 below that address specific issues raised in this comment letter. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 322-2

I would also like the questions below answered.

I moved to Clovis in 1988 and have seen no end of urban growth and development in that time, North East South and West of the City of Fresno.

With the population growth of this urban area residents need areas to recreate. The San Joaquin River basin allows a perfect place for this all year round especially during the hot summers with access to the cooling waters of the San Joaquin River.

Response 322-2

The project's potential impacts to recreational uses and facilities are evaluated in Draft EIR Section 4.16, "Recreation." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.16. See also, Collective Response #27 regarding the project's potential effects on users of nearby parks and trails. The comment is noted for the consideration of County decision-makers.

Comment 322-3

Through the efforts of the San Joaquin River Parkway Trust, individual volunteers, and the various City, County, State partners that have all worked hard and long to make this a more environmentally ecological multi use area for our residents. We should strive to make the vision of the SJRP a reality, and work

carefully to preserve and restore this great treasure along the Fresno Madera County lines to the north of the City - therefore;

Response 322-3

See Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan.

Comment 322-4

I oppose the conditional use plan to allow CEMEX to operate hard rock mining at either of the current properties for the following reasons;

- Noise during blasting rock crushing
- Dust during rock crushing

Response 322-4

The issue of noise and vibration during project operations is addressed in Draft EIR Section 4.13, "Noise," and the issue of dust is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment," which appendix includes a Fugitive Dust Control Plan. See also Collective Response #27 regarding the project's potential operational effects on users of nearby parks and trails.

Comment 322-5

- Increase in transportation of product to/from quarry site

Response 322-5

The project's potential impacts related to traffic and transportation are addressed in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17. See also Collective Response #29 regarding the project's truck trips.

Comment 322-6

- Disturbance of resident nesting and migratory avian visitors
- Disturbance of wildlife along the river corridor

Response 322-6

The project's potential impacts to resident nesting and migratory avian species and other wildlife are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.4. See also Collective Response #13, Collective Response #14, and Collective Response #15 regarding the project's potential impacts to bird species.

Comment 322-7

- Visual impact of quarried site

Response 322-7

The project's potential visual impacts are addressed in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.1. See also, Collective Response #8 regarding the proposed visual mitigation provided in the Draft EIR.

Comment 322-8

- Any potential water impacts to the current and historical flows of the San Joaquin river.

Response 322-8

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10. See also, Collective Response #25 regarding the potential for seepage from the river into the quarry pit and associated affects to surface and groundwater conditions.

Comment 322-9

Questions;

1. Does CEMEX current operations have an Environmental Impact Report on file ?

Response 322-9

The existing operations at both the Plant Site and Quarry Site were originally evaluated under CEQA in an EIR that was certified by Fresno County on July 28, 1987. See also, Collective Response #2 regarding CEQA review and previous extensions of the operation's use permits.

Comment 322-10

2. What arrangements have been made to find CEMEX alternative property where they could operate such a facility within Fresno/Madera counties?

Response 322-10

Evaluation of alternative project locations is discussed in Draft EIR Section 6.4.2.1, "Alternative Site Locations." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 6.4.2.1.

Comment 322-11

3. What requirements have been made of CEMEX to restore their said properties back to their natural state after their gravel/rock extraction ?

Response 322-11

The existing operation is subject to the current, approved reclamation plan and, should the proposed project not be approved, the project sites would ultimately be reclaimed in accordance with this plan as open space uses including lakes and grazing land. See Draft EIR Section 6.5.2, "Alternative 1: No Project," for an evaluation of the No Project Alternative, which describes and evaluates the environmental impacts of such a scenario. See Draft EIR Section 2.5.7, "Reclamation," regarding the proposed reclamation plan.

Comment 322-12

4. What monitoring of noise, dust, water and transportation would be in place for the proposed extension?

Please consider and answer these concerns before making decisions to further any quarry operations along said San Joaquin River bottom.

Response 322-12

The issues of noise, dust, water, and transportation are addressed in Draft EIR Section 4.13, "Noise," Section 4.3 (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.10, and Section 4.17, as they are updated in the Final EIR. Where significant impacts are identified in these sections, feasible mitigation measures are required to reduce their significance. Monitoring is required as part of mitigation where appropriate to address the associated impact. For instance, Mitigation Measures 4.13-2 and 4.13-3 require noise monitoring to confirm the effectiveness of noise control measures implemented at the Plant Site and Quarry Site, respectively. Mitigation Measure 4.10-5a requires a water quality monitoring and adaptive management program at the Plant Site while Mitigation

Measure 4.10-10a outlines a groundwater monitoring and adaptive management program for the Quarry Site. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Letter #323 March 7, 2025, Wei-Lung Chang

Comment 323-1

I am sending this e-mail to express my opinion of opposing the mining project to the San Joaquin River. This river is such a pretty river around this beautiful city and providing the city with a wonderful environmental contribution for the people of Fresno county. This mining project will be totally destroy this river and surrounding area which will be causing huge negative environmental impact to this whole San Joaquin valley.

Response 323-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential impacts to the visual landscape are discussed in Draft EIR Section 4.1, "Aesthetics and Visual Resources." The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Letter #324 March 7, 2025, Aurora Clark

Comment 324-1

Just wanted to add our thoughts to the possible expansion of CEMEX. We live in the vicinity of CEMEX. We are absolutely opposed to the expansion due to noise, pollution, and overall damage to the environment.

The San Joaquin River in this area is where we grew up fishing, camping, and enjoying what the City of Fresno offers us as far as nature. It would be a shame to continue to destroy this beautiful area for future generations.

It is our hope and desire that the City of Fresno hears our voices.

Response 324-1

No specific comments related to the adequacy of the Draft EIR were made. The project's potential noise impacts are addressed in Draft EIR Section 4.13, "Noise." Pollution is a broad topic that is addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-

4, "Revised Section 4.3, Air Quality"), Section 4.8, "Greenhouse Gas Emissions," (see Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions"), Section 4.9, "Hazards and Hazardous Materials," Section 4.10, "Hydrology and Water Quality," Section 4.13, and Section 4.20, "Wildfire." The project's potential effects on the visual landscape are addressed in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Letter #325 March 7, 2025, Asher Cupp

Comment 325-1

I am writing to oppose approval of CEMEX one hundred year lease. I am concerned of the explosions of chemicals that will go directly into the San Joaquin river. Farms in the Central Valley pull water directly from this river.

Response 325-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The presence of hazardous substances on the project sites and other potential hazards associated with the project are discussed in Draft EIR Section 4.9, "Hazards and Hazardous Materials." The project's potential to degrade surface water quality is evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Impacts 4.10-1 through 4.10-3 beginning on Draft EIR page 4.10-88. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Letter #326 March 7, 2025, Matt Davis

Comment 326-1

I would like to know what specific damages to fish and other wildlife are estimated, and if CEMEX plans to replace the fish they kill with equally or better suited fish and wildlife for the area and pay for any further research it takes to find out how to do that…? If they kill any birds with their dust, are they going to replace those with equally or better suited ones for the local environment and pay for any research it takes to find out how to do that? The only kind of birds I approve CEMEX to kill are pigeons. Serious question: Can they guarantee to kill ONLY pigeons?

If any dust is found to cause diseases in the neighboring communities—including but not limited to lung problems, does CEMEX promise to pay for all necessary tests and treatments for any such diseases as determined by doctors?

If CEMEX cause any pollution in the water supply from the San Joaquin River, will they guarantee payment to the affected water

facilities to test all affected water restore its purity to what it was before or better?

If any death of a human being occurs and it is determined by local authorities to be an accidental death that would not have happened if the quarry never existed, will CEMEX agree to compensate each affected immediate family member with one quarter of 1 Bitcoin (BTC) for each year of the life of the victim that was lost, up to 80 years?

I'm going to assume CEMEX will answer "no" to all of these questions, since they have already failed to do compensatory things similar to these in areas where they have mined.

Response 326-1

The project's potential impacts to fish and wildlife species, air quality, and water quality are evaluated in Draft EIR Section 4.4, "Biological Resources," Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.10, "Hydrology and Water Quality," as they are updated in the Final EIR. See Chapter 3, "Draft EIR Errata." See also Collective Response #4b regarding liability and funding for unforeseen environmental damage caused by the project. The comment is noted for the consideration of the County decision-makers.

Comment 326-2

And apparently there is already an ample supply aggregate material mind in the Fresno and Madera areas.

Response 326-2

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 326-3

Though I don't generally oppose free enterprise or market competition to lower prices, I oppose this plan of CEMEX. We have a great need for clean water and air, and we don't need more aggregate materials or another big hole in the ground any more than I need a hole in my head.

I oppose the approval of new or additional mining projects affecting the Madera, CA area.

Response 326-3

The project's potential effects on water and air quality are addressed in Draft EIR Section 4.10 and Section 4.3 (see Appendix D-4, "Revised Section 4.3, Air Quality"), as they are addressed in the Final EIR. See Chapter 3, "Draft EIR Errata." See also, Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project. The commenter's opposition to the proposed project is noted for the consideration of County decision-makers.

Letter #327 March 7, 2025, Julie Evans

Comment 327-1

Please accept this as our formal public comment regarding the proposed CEMEX expansion. We believe this project requires further environmental review, as it poses a potential threat to fish and wildlife populations in the area. The long-term consequences of this expansion could be detrimental, potentially impacting future generations and jeopardizing the water quality of the river.

Thank you for the opportunity to express our concerns.

Response 327-1

The project's potential impacts to fish and wildlife populations in the area are addressed in Draft EIR Section 4.4, "Biological Resources." The project's potential to degrade water quality is addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Letter #328 March 7, 2025, Kathleen Fauver

Comment 328-1

I'm a resident and of Friant CA.

My name is Kathleen Fauver I live at 21267 Ruscello Lane Friant CA.

I am writing to express my opposition to the Cemex expansion. I feel that it will cause harm to our area. We are blessed with a beautiful natural resource with our San Juaquin River. The mining change will impact our area for generations to come. Blasting creating a huge mining pit will impact the surrounding environment and the wildlife. I think approval of this would be a huge mistake. The money the county would get just isn't worth the harm to the

surrounding area. It will impact the water quality the fish and wildlife.

I strongly oppose the approval of the Cemex expansion.

Response 328-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential impacts to the visual landscape are addressed in Draft EIR Section 4.1, "Aesthetics and Visual Resources." The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, "Noise," as they are updated in the Final EIR. Potential impacts to wildlife and water quality are discussed in Draft EIR Section 4.4, "Biological Resources," and Section 4.10, "Hydrology and Water Quality," respectively. See Chapter 3, "Draft EIR Errata."

Letter #329 March 7, 2025, Tiffany Garcia

Comment 329-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 329-1

The commenter's concern regarding the Draft EIR is noted. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures. The Draft EIR analyzes the project's potential impacts related to water quality, air quality, recreation, wildlife, and hazards and safety in Draft EIR Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.16, "Recreation," Section 4.4, "Biological Resources," and Section 4.9, "Hazards and Hazardous Materials," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Responses 329-2 through 329-11, which address the commenter's specific concerns.

Comment 329-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The

DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 329-2

Please see Draft EIR Section 4.10, "Hydrology and Water Quality," for further discussion of the project's potential impacts to hydrologic resources. With respect to water quality, please see the discussion of Impact 4.10-1 regarding the project's potential impacts upon surface water quality standards during mining and reclamation (Draft EIR 4.10-88 through 4.10-92). See also discussion of Impacts 4.10-2 and 4.10-3 regarding surface water quality at the Plant and Quarry sites after the completion of mining and reclamation (Draft EIR page 4.10-93).

For further discussion of the project's potential impacts to the San Joaquin River flows, please see Impact 4.10-12 on page 4.10-113. With the implementation of Mitigation Measures 4.10-10a and 4.10-10b, potential impacts would be reduced to less than significant (Draft EIR page 4.10-114). As the excavation at the Quarry Site is expanded as part of the project, the thin alluvium and weathered rock layers would no longer exist. Groundwater would still be present, however, in the buffer area between the Quarry Site and the San Joaquin River due to the recharge trenches, and in the alluvium and weathered rock near the Northeast Pond. The currently approved dewatering of the existing Quarry affects most of the alluvium on and adjacent to the Quarry Site. As such, further mining into the weathered rock and hard rock as proposed by the project would not result in any significant additional dewatering or drawdown in the alluvium adjacent to the Quarry Site from the San Joaquin River (Draft EIR page 4.10-114). Further, as discussed in the Draft EIR, dewatering of the deeper geologic units would not affect the quantity of water in the river. The groundwater contours, isotope data, aquifer pumping test measurements, and water quality data provided in the groundwater conditions report for the project demonstrate that the San Joaquin River is not in direct hydraulic communication with the weathered rock and hard rock.

As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the project area. Collective Response #25 further demonstrates that Department of Water Resources criteria for interconnected surface water are not met at the project site.

The water pumped from the excavation area would be primarily pumped to groundwater recharge trenches and ponds along the perimeter of the project sites that face the San Joaquin River (Draft EIR at page 4.10-102). The use of recharge trenches would limit the amount of drawdown of the water table to a less than significant level (Draft EIR at page 4.10-102).

Further, the ponds and water conveyance channels are artificial wetlands constructed and maintained for active surface mining and dewatering of the deeper geologic units and would not affect the water levels in the river. Due to the very low permeabilities of the weathered rock and hard rock at the Quarry Site, the volume and rate of groundwater flow is very low compared to the volume and rate of flows in the river. Implementation of several Draft EIR Mitigation Measures, such as Mitigation Measure 4.10-5a, 4.10-1, and 4.10-10a would reduce impacts on the quantity of water in the river, and no further analysis is required. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Regarding the potential capture of the river during flood events, the 100-year HEC-RAS analysis demonstrates that the San Joaquin River floodplain does not enter into the Quarry Site (see Draft EIR page 4.10-117; see also Draft EIR Appendix G-1, "Hydraulic Analysis," regarding the hydraulic analysis). In addition, Chang Consultants conducted hydraulic analyses evaluating the 200-year flood event, which demonstrate that the 200-year flood would neither enter the Quarry Site nor the Plant Site (see Appendix G-7, "200-Year Flood Hazard Analysis—Quarry Site," and Appendix G-8, "200-Year Flood Hazard Analysis—Plant Site"). The existing topography and berms along the north edge of the Plant Site prevent flooding from Little Dry Creek from entering the Plant Site. All onsite stormwater runoff would be retained within the reclaimed pits. As such, the potential impact associated with capture of the San Joaquin River during flood events is less than significant (see Draft EIR pages 4.10-117 through 4.10-119). Please also see Collective Response #17 for a discussion of the 200-year hydraulic analysis conducted for the project.

Comment 329-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 329-3

Regarding the commenter's first question, the berm separating the San Joaquin River from the Quarry Site is higher than the 100-year water surface (see Draft EIR, Appendix

G-1). The San Joaquin River 100-year floodplain does not encroach onto the Quarry Site. As such, it is unlikely that flood waters would enter the quarry pit (see Draft EIR page 4.10-16). See Draft EIR Appendix G-1. The Draft EIR explains that there are no signs of significant bank erosion, and during the historic January 1997 flood event of approximately 60,300 cubic feet per second, the easterly bank along the Quarry Site did not experience significant erosion, and the bank has never breached into the Quarry Site (Draft EIR, page 4.10-7).

The Draft EIR analyzes the potential for the proposed project to release pollutants in flood hazard, tsunami, or seiche zones due to project inundation in Impact 4.10-17. Given that the 100-year floodplain does not encroach onto the Quarry Site, the Draft EIR concludes the following:

> "…, the resulting inundation due to the unforeseen events would occur far outside the actual flood hazard zones, and thus would not be covered by this impact. In addition, the unforeseen event of the release of water from the Friant Dam or Millerton Lake Reservoir is not required to be addressed under CEQA since the releases are not "reasonably foreseeable." (Draft EIR page 4.10-119.)

The Draft EIR concludes that the potential releases of pollutants due to the inundation of the project sites due to a rapid release of water from Friant Dam would be less than significant due to the enlarged excavation pit's ability to capture water and reduce downstream flooding. Further, the project is required to adhere to the requirements of the SPCC Plan and Industrial General Permit SWPP (see Draft EIR page 4.10-119). The stormwater would be managed in accordance with all applicable requirements of the NPDES program, including site-specific SPPPs prepared in accordance with Industrial General Permit Requirements and updated Waste Discharge Requirements (see Draft EIR, page 4.7-29). Thus, as provided in Appendix G-1 to the Draft EIR, the risk of erosion of the riverbank causing a breach of the easterly bank of the Quarry Site, and the risk of the release of pollutants due to project inundation at the Quarry Site or the Plant Site are less than significant (see Draft EIR, Appendix G-1, page 7).

In response to comments, Chang Consultants conducted additional hydraulic analyses evaluating the San Joaquin River 200-year flood, a more rare and severe flood scenario, and concluded that the 200-year flood would neither enter the Quarry Site nor the Plant Site (Chang 2026a and 2026b, Appendix G-7, "200-year Flood Hazard Analysis – Quarry Site," and Appendix G-8, "200-year Flood Hazard Analysis – Plant Site"). See also Collective Response #17 and Response 65-28, which further address flood concerns.

Comment 329-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 329-4

See Collective Response #25 regarding groundwater/surface water interaction, and Collective Response #26 regarding the baseline conditions for analyzing the project's potential groundwater impacts.

As described in Collective Response #26, the data used in the Draft EIR was collected over a period that included both low and high flows. Groundwater level data have been collected continually since 2017 at the Plant Site and since 2018 at the Quarry Site (except for Well MW-7D, where monitoring began in 2020, immediately after that well was installed), as presented in Appendix G-6, "Addendum to Hydrology and Water Quality Analysis Report," of the Draft EIR. Figure 5 of Appendix G-6 demonstrates that the period over which groundwater level data have been collected covers both wet and dry years. In addition, Figure 4.10-10, "Comparison of San Joaquin River Stage and Daily Rainfall," of the Draft EIR shows that groundwater level monitoring has occurred during periods of both low flow (referred to as base flow) and periods of elevated river releases, with flows at times exceeding planned restoration flows to occur as part of the San Joaquin River Restoration Project (see Responses 6-12 and 6-14). See also Response 59-5.

As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the project area. Collective Response #25 further demonstrates that Department of Water Resources criteria for interconnected surface water are not met at the project site.

Comment 329-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.

- The DEIR should describe how the proposed trailsmeet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access

- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 329-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 329-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 329-6

Regarding the commenter's concerns regarding outdated information for identifying recreational sites in proximity to the project sites, please see Collective Response #19 and Chapter 3, "Draft EIR Errata."

Portions of the Beck Ranch and Ledger Island properties are located near the northern and southern boundaries of the Quarry Site. It is recognized that there are numerous public and non-profit owned properties along the San Joaquin River, including the properties mentioned in this comment. While these properties were not individually analyzed in the project Draft EIR, residential properties with similar proximity to the Plant and Quarry sites were extensively analyzed. For example, Residential Receptor Q-6 is located less than 400 feet from Beck Ranch, and Receptor Q-14 is located on the opposite bank of the San Joaquin River, approximately 200 feet from Ledger Island. (See Draft EIR Appendix H-1, "Environmental Noise and Vibration Assessment," Figure 4.13-1, "Nearest Sensitive Receptors to Plant Site," of the Draft EIR, and Table 4.13-3, "Existing Ambient Noise Environment at Nearest Receptors to Plant Site," and Table 4.13-4, "Existing Ambient Noise Environment at Nearest Receptors to Quarry Site"). These locations would have similar project noise exposure. With that said, the Fresno County Land-Use Compatibility matrix for community noise exposure (Draft EIR Table 4.13-6, "Land Use Compatibility for Community Noise Exposure"), identifies 70 dBA Ldn as being a normally acceptable noise environment for parks, and 75 dBA Ldn as being

normally acceptable for water recreation areas and riding stables (Draft EIR, Table 4.13-6, pages 4.13-28 through 4.13-29). By contrast, the County identifies 60 dBA Ldn as being normally acceptable for residential land uses (Draft EIR, Table 4.13-6, page 4.13-28). As such, the SJRC and SJR Parkway and Conservation Trust's parcels, although not insensitive to noise, are considered by the County to be 10-15 dBA less sensitive to noise than the nearby residential properties which were extensively analyzed in the Draft EIR.

Furthermore, the properties identified in this comment would be shielded from view of excavation activities by perimeter topography and berms, and noise mitigation required for potentially impacted nearby residences would similarly benefit the Conservancy parcels (see Draft EIR Noise Mitigation Measure 4.13-3). While noise generated by mining and processing activities at the Quarry and Plant sites may be audible at portions of the SJRC and SJRPCT parcels, audibility is not the test of significance under CEQA, and overall noise levels are expected to be satisfactory relative to Fresno County criteria. As a result, no adverse noise impacts are identified for the SJRC and SJRPCT parcels located in the vicinity of either the Plant or Quarry sites.

Please also see Collective Response #27 pertaining to potential noise effects on adjacent parks.

Comment 329-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 329-7

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation.

Comment 329-8

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and

safety hazards? The lack of detail on *how* mitigation takes place is just one example of the inadequacy of the DEIR.

Response 329-8

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to traffic safety and road maintenance.

Comment 329-9

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 329-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 329-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 329-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures

are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (Draft EIR, pages 4.4-49 through 4.4-50). The Western red bat was not observed on site during the habitat assessment, and only moderate potential exists for suitable foraging and roosting habitat (Draft EIR, page 4.4-27). In any event, blasting events would be brief, lasting approximately 1 to 2 seconds, and are not expected to result in sustained or long-term impacts. The project sites are already severely disturbed by decades of ongoing mining activities and would not have a significant increase in activity. The Draft EIR therefore fully and adequately evaluated the impact on each of these species.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16.

Comment 329-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 329-11

With the implementation of mitigation measures, the project would not result in significant impacts to the San Joaquin River, wildlife, public safety, or air quality. Please see Responses 329-1 through 329-10 above for further discussion of the specific issues raised in the comment letter. The Draft EIR sufficiently analyzes the potential environmental impacts of the proposed project and provides mitigation measures where necessary to reduce the severity of potentially significant impacts, in accordance with CEQA. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required. The commenter's concerns are noted and will be considered by County decision-makers.

Letter #330 March 7, 2025, Michael Goldring

Comment 330-1

I am writing to present my comments on the Draft Environmental Impact Report (EIR) for the CEMEX Reclamation Management Plan (RMP). Given the potential environmental impacts, I propose key mitigation measures to section 4.16 of the DEIR, focusing on the Recreational Element and improving access to the San Joaquin River for Fresno and Madera County residents.

I have concerns regarding other DEIR elements; however, I am certain they are being addressed by others.

As proposed, the project will create a century-long gap in the dream of creating an uninterrupted trail from the Friant Dam to Highway 99 as identified in the San Joaquin River Parkway Master Plan. This creates an untenable delay and essentially destroys the goal of the visioning concept proposed by the Parkway that will benefit every citizen in both Fresno and Madera counties.

Response 330-1

Draft EIR Section 2.5.8, "Trail Easements," describes the proposal to provide trail easements at the Plant Site and Quarry Site to facilitate development of trails consistent with both the *San Joaquin River Parkway Master Plan* and the *Fresno County Regional Bicycle & Recreational Trails Master Plan*. The project's potential impacts to recreational uses and facilities are evaluated in Draft EIR Section 4.16, "Recreation." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also, Collective Response #22 regarding funding and construction of the proposed trail easements and Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan.

Comment 330-2

First, I strongly advocate for the extension of the [Eaton] Trail from Lost Lake to Peck Ranch (Proposed Recreation Mitigation Element No. 1) extending from the high-water mark of the San Joaquin River to the width necessary to permit it to be of similar size and scope as the existing [Eaton] Trail. This extension would offer substantial benefits, including enhanced recreational opportunities for the public, improved access to natural areas, and the promotion of outdoor activities. By connecting more members of our community to these scenic areas, we can foster a greater appreciation for our environment and encourage responsible stewardship.

Second, to ensure the long-term viability and sustainability of the extended trail, it is imperative to establish an operations and maintenance fund (Proposed Recreation Mitigation Element No. 2). This dedicated fund would cover the costs associated with regular maintenance, repairs, and enhancements, ensuring that the trail remains safe and enjoyable for all users. A well-maintained trail not only serves the community but also helps protect the surrounding natural resources by preventing erosion and other environmental damage.

Third, providing access to Ledger Island (opposite the project) via the proposed [Eaton] Trail extension via a new bridge or by repairing the existing bridge (Proposed Recreation Mitigation Element No. 3). Ledger Island is a valuable natural asset that should be accessible to the public for recreation and education. Ensuring access to this area would facilitate greater appreciation and understanding of our local ecology while providing additional recreational opportunities. Repairing the bridge is essential and would also enhance safety and connectivity, thereby making it easier for visitors to explore and enjoy the river's natural beauty. Incidentally, Ledger Island contains a stand (*quercetum*) of Valley Live Oak trees, which may arguably be the most magnificent examples of the same in the Valley.

Response 330-2

As determined in Draft EIR Section 4.16 the project would not result in any significant impacts to recreation and no mitigation is required. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.16. See also, Collective Response #22 regarding funding and construction of the proposed trail easements. The comment is noted for the consideration of the decision-makers.

Comment 330-3

In light of these concerns, I urge the agency to mandate that CEMEX provide additional analysis, enhance, and craft mitigation measures to the Recreational Element where none currently exist.

Public transparency and accountability in this review process are crucial to ensuring the long-term health of the San Joaquin River watershed and public benefit.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 330-3

See Collective Response #1 regarding the need for additional analysis and transparency in the planning process. The comment is noted for the consideration of the decision-makers.

Letter #331 March 7, 2025, Erilyn Grey

Comment 331-1

I am writing to oppose the approval of CEMEX one hundred year lease. I am concerned of the explosions, the chemicals involved that would pollute the river, and finally how awful it would look.

Response 331-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, "Noise," as they are updated in the Final EIR. The project's potential to degrade surface water quality is addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Impacts 4.10-1 through 4.10-3. The project's potential impacts to the visual landscape are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata." See also, Collective Response #8 regarding the proposed visual mitigation provided in the Draft EIR.

Letter #332 March 7, 2025, Joseph Haydock

Comment 332-1

I am writing to oppose to the CEMEX expansion, which will cause terrible damage to the San Joaquin River.

I cannot imagine how the County of Fresno could possibly approve this expansion, which offers so much long-lasting damage without any significant benefit to the community.

Response 332-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10.

Letter #333 March 7, 2025, David Horwitz

Comment 333-1

I am writing to express deep concerns over the Draft Environmental Impact Report No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project is an existential crisis for the continued life-giving properties, both to all people in the region and state, and all the local river dependent wildlife. For instance, the pollutants released in the water would not only kill fish, but they also are known to be carcinogenic for swimmers and boating residents. The air quality would be deeply compromised, both by the mining, and the legions of diesel fueled mega trucks trucking materials every day for the next 100 years. Public safety would also be at risk, as people could not only get sick from the polluted water, they could accidentally fall into the pits inside the river, and drown to death.

Response 333-1

The commenter's concerns regarding the Draft EIR and project are noted and will be considered by County decision-makers. The comment is introductory. The Draft EIR analyzes the project's potential impacts to water quality, air quality, recreation, wildlife, and hazards and safety in Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.16, "Recreation," Section 4.4, "Biological Resources," and Section 4.9, Hazards and Hazardous Materials," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. Please see Responses 333-2 through 333-17 below for further discussion of the specific issues raised in the comment letter.

Comment 333-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet pails to provide clear solutions. Also, the fact that it is acknowledged that river flows are reduced, means that both groundwater adjacent to the river for farmers and homeowners may be decimated, completely being lost at some point in the 100- year trajectory, endangering food sources, and habitability for residents.

Add to this is the enigma of downstream farmers and residents, and downstream wildlife habitat. They will be inevitably harmed by diversions. Yet the DEIR doesn't identify these impacts to

downstream water users from the dewatering of the pits. Also, they don't identify potential capture of the river during flood events.

Response 333-2

See Collective Response #25, regarding the interconnection of surface and groundwater flows. The water pumped from the excavation area would be primarily pumped to groundwater recharge trenches and ponds along the perimeter of the project sites that faces the San Joaquin River (Draft EIR at page 4.10-102). The use of recharge trenches would limit the amount of drawdown of the water table to a less than significant level (Draft EIR at page 4.10-102).

Further, the ponds and water conveyance channels are artificial wetlands constructed and maintained for active surface mining and dewatering of the deeper geologic units and would not affect the water levels in the river. Due to the very low permeabilities of the weathered rock and hard rock at the Quarry Site, the volume and rate of groundwater flow is very low compared to the volume and rate of flows in the river. Implementation of several Draft EIR Mitigation Measures (such as Mitigation Measures 4.10-5a, 4.10-1:, and 4.10-10a) would reduce impacts on the quantity of water in the river, and no further analysis is required.

Comment 333-3

- What is CEMEX's plan, in the event of major flooding, like the 1997 flood, when water breaches the levee and captures the quarry pit?

- Who will be responsible for cleanup and longterm damage if the pit becomes part of the river system?

Response 333-3

See Response 329-3, which fully addresses this comment. Please also see Collective Response #17 for further discussion of 200-year flood impacts at the Quarry Site.

Comment 333-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 333-4

See Collective Response #25 regarding groundwater/surface water interaction, and Collective Response #26 regarding the baseline conditions for analyzing the project's potential groundwater impacts. See also Response 329-4, which fully addresses this comment.

Comment 333-5

What is more, no geological surveys have been conducted at 600 feet depth; there is a steep potential for **toxic element exposure.** Water quality concerns include:

- Impacts on aquifers and river water.
- Blasting vibrations may affect the **water column and salmon population.**
- Quarry expansion could introduce contaminants into groundwater.
- Use of less toxic chemicals only **"when feasible",** lacking enforceable measures.

Response 333-5

Effects to waters are described in Section 4.10 of the Draft EIR, "Hydrology and Water Quality." See Impacts 4.10-4 through 4.10-7 for discussions of the project's potential to degrade groundwater quality. Draft EIR Appendix E, "Biological Resources," details the potential impacts to biological resources, including salmon. Appendix F, "Geology and Soils," includes a host of geologic, and soil reports specific to the project sites. Appendix G describes site-specific hydrologic analysis. See Chapter 3, "Draft EIR Errata," for proposed revisions to the referenced Draft EIR section and appendices. The above-described appendices address the concerns expressed in this comment. Further, Collective Responses #12 (river and salmon restoration efforts) and Collective Response #16 (effects of vibration on salmon spawning) address these concerns regarding potential impacts to salmon in more detail.

Comment 333-6

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.

- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access

- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 333-6

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 333-7

Not only are all these concerns for recreation, but the noise and blasting impacts jeopardize recreation and blasting both, particularly for surrounding parks like Lost Lake. This is because blasting noise carries **over a mile away.** Blasting sends **rocks flying up to 100 yards.** The **explosives to be used are unknown yet.** Thus, there may be a potential for strong seismic impact. **Wells of nearby residents could be affected** by vibrations.

Response 333-7

Please see Collective Response #27 pertaining to potential effects on adjacent parks.

The Draft EIR analyzes blasting impacts and the resulting vibration on structures, and concludes that this impact would be less than significant. See discussion of Impact 4.13-6 on page 4.13-65 of the Draft EIR. See also Impact 4.9-4 on Draft EIR pages 4.9-19 through 4.9-21; and Impact 4.10-1 on Draft EIR pages 4.10-88 through 4.10-92.

Mitigation Measure 4.10-1 would require implementation of the Blasting Protocols, as revised in Final EIR Appendix H-9, "Revised Blasting Protocols," updated April 29, 2026. The Blasting Protocols would be appended to the Mitigation Monitoring and Reporting Program (MMRP) and conditions of project approval. The Blasting Protocols summarize the monitoring, control, and reporting requirements for ground vibrations and air overpressures emitted from blasting at the project sites. In addition, the Blasting Protocols provide "Best Practices" for the control and mitigation of flyrock from rock blasting.

Comment 333-8

On this topic, the DEIR uses out of date information when identifying recreational sites near the quarry. The noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully

analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 333-8

Please see Collective Response #27 pertaining to potential effects on adjacent parks, and please see Collective Response #19 pertaining to public accessibility to parks.

Comment 333-9

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after the mining phases). This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA. An upheaval of dust and rocky detritus and heavy-duty equipment being hauled around is not an aesthetically pleasing viewing, nor is denuded top soil with its exposed rock substrate.

Response 333-9

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation.

Comment 333-10

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards such as toxic mining dust and particulate matter being spurned into the air by corporate owned trucks. Also, there will be significant traffic impact at key intersections, **Friant & Willow, Willow & Copper**. These are vital thorough fares for north Fresno residents, and for all Fresno and Clovis residents seeking to access the river, Woodward Park, and Millerton Lake. Therefore, the unavoidable traffic congestion creates a barrier to health and to community mobility. At the very least, CMEX should fund necessary infrastructure improvements to mitigate traffic issues.

Response 333-10

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to traffic safety and road maintenance.

Comment 333-11

Air Quality: The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

- There will be fugitive dust which poses **health risks to nearby communities.**
- The dust may contain toxic and cancer-causing elements.
- The Air Pollution Control District **monitors equipment emissions,** but **not direct air quality impact on residents.**

Response 333-11

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project. Draft EIR Section 4.3, "Air Quality," as updated in this Final EIR, provides evaluation of potential air quality impacts of the project, including consideration of potential effects associated with fugitive dust and toxic air contaminants and health risk. See Appendix D-4, "Revised Section 4.3, Air Quality." In response to comments regarding air quality, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Revised Air Quality, Health Risk and Climate Change Impact Assessment*, (see Appendix D-3) including preparation of a Fugitive Dust Control Plan and inclusion of a health risk assessment for the proposed project. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. See also, Collective Response #9 regarding the project's potential effects on the region's existing air quality.

Comment 333-12

Threats to Wildlife

- The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated.

Response 333-12

Effects to the aforementioned species are found in Draft EIR Section 4.4.1.8, "Special Status Biological Resources." Mitigation measures are required for burrowing owl and nesting birds. See Mitigation Measure 4.4-1a (Burrowing Owl) and Mitigation Measure 4.4-1c (Nesting Birds) to ensure effects to such species are reduced to less than significant levels. Based on comments received on the Draft EIR, a new mitigation measure has been added to the EIR. Mitigation Measure 4.4-1d includes additional information and protection measures pertaining to bats. See Chapter 3, "Draft EIR Errata," of this Final EIR, to view revisions to Draft EIR Section 4.4, "Biological Resources," and the mitigation measures referenced in this response.

For additional discussion, see select collective responses addressing the potential impacts of the proposed project to wildlife, specifically Collective Response #13 (nesting birds), Collective Response #14 (Swainson's hawk), and Collective Response #15 (non-nesting birds and birds outside of nesting season). See also, Responses 65-15, 58-37, and 58-38 regarding the Draft EIR's analysis of Swainson's hawk. See Response 65-16 regarding the Draft EIR's analysis of the proposed project's impacts to nesting and migratory birds as well as discussion of mitigation measures. See Response 58-37 and 58-38 regarding the Draft EIR's analysis of the proposed project's impacts to the tricolored blackbird. Please see Responses 65-6, 65-7, 65-10, 65-11, and 58-51 regarding the Draft EIR's analysis of impacts and proposed mitigation measures for the burrowing owl. Please see Response 58-37 and 58-38 regarding the Draft EIR's discussion of Western red bat. See also Response 58-40 for further discussion of the proposed Project's analysis blasting impacts upon species (including those listed in Comment 329-10) and proposed mitigation measures for nesting birds.

The project sites are already disturbed by decades of ongoing mining operations, and would not have a significant impact upon wildlife species. (Draft EIR Impact 4.4-6)

The commenter has not provided any additional information to support the assertion that the Draft EIR (including revisions to some measures) is inadequate at reducing potential impacts to a less than significant level.

Comment 333-13

- The proposed mitigation measures do not comply with existing regulations for protection. Additionally, the study focuses only on species within the site, not those on adjacent lands.

Response 333-13

The commenter does not name specific regulations for protection to support a claim of non-compliance with regulations, nor does the commenter provide specific examples to illustrate this claim. The analysis and conclusions of the Draft EIR (including revisions to some mitigation measures) are in line with CEQA requirements and adequately reduce potential impacts to a less than significant level.

The mitigation measures contained in the biological resources section of the Draft EIR are adequate to reduce potentially significant impacts to less than significant. The comment does not specify which mitigation measures allegedly do not comply with existing regulations, and thus cannot be responded to with specificity. It should be noted that the Plant Site and Quarry Site are both already disturbed by decades of ongoing mining operations, and would not have a significant impact upon wildlife species (Draft EIR Impact 4.4-6).

To establish baseline conditions of biological resources adjacent to the project sites, the biologists conducted a field survey in 2021. This survey is discussed further in Appendix E-1, "Plant Site Habitat Assessment," and Appendix E-2, "Quarry Site Habitat Assessment," of the Draft EIR. Please see Response 65-5 for further discussion of the 2021 field survey of land adjacent to the project sites.

See select collective responses addressing the potential impacts of project activities to wildlife, including those located off-site: Collective Response #12 (river and salmon restoration efforts), Collective Response #13 (nesting birds and other wildlife), Collective Response #15 (non-nesting birds and birds outside of nesting season), and Collective Response #16 (salmon spawning).

Comment 333-14

- **The buffer zones for protected bird species are inadequate:**
  - Eagles: 500 feet proposed, **should be 660 feet.**
  - Hawks: 500 feet proposed, **should be at least 1/2 mile.**

Response 333-14

See Collective Response #13 addressing potential impacts to nesting birds and Collective Response #14 for a discussion pertaining to Swainson's hawk. The buffer zones selected for nesting birds and raptors, including eagles and hawks, fully comply with the Fresno County General Plan, Policy OS-E.2 and standards set by the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (Draft EIR at page 4.4-43).

Moreover, the project sites have already been disturbed by ongoing mining activities and would not have a significant increase in activity.

Comment 333-15

Also, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River? Given the radically different climate and topography of this portion of California's San Joaquin River, I venture it safe to suggest they aren't.

Response 333-15

See Collective Response #16 addressing the standards used in assessing potential impacts to Chinook salmon. The Alaskan Blasting Standards were used in the Draft EIR's evaluation of blasting impacts to salmon because they provide concrete numeric thresholds (psi and in/s) and monitoring/permit expectations. An evaluation of the proposed project's blasting thresholds against the Alaska Dept. of Fish & Game Blasting Standard for the Proper Protection of Fish was prepared by Vibra-Tech in 2021 (see Draft EIR Appendix E-4, "Effects of Blasting on Fish"). This study concluded that the ground vibrations from the project's proposed blasting limits would be well below the limit for the protection of embryos in spawning gravels and the level of overpressure would be significantly below the limit established for the safety of salmon. See Response 65-13 for further discussion of the efficacy of Alaskan blasting standards for evaluating potential impacts to salmon.

Comment 333-16

The biology section of the DEIR leaves more questions than it answers and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Project Overview:

- The CMEX [sic] quarry expansion proposes increasing mining operations, including a shift from mechanical surface removal to drilling and blasting.
- Expansion permit seeks a **100-year approval**, whereas gravel companies typically receive **30-year permits.**
- Plans to **dig up to 600 feet deep**, with a minimal buffer between the San Joaquin River and the quarry.

- **Allowed truck loads:** 225 per day.
- Expected **3 million tons of aggregate production per year.**
- The project will generate approximately **800 vehicle trips per day,** yet **no traffic or bicycle safety analysis has been conducted.**

Response 333-16

Please see responses above pertaining to specific comments regarding the Draft EIR biological resources evaluation. The comment providing a project overview is noted but does not comment on the adequacy of the Draft EIR. Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to traffic safety and bicycle and pedestrian safety.

Comment 333-17

Conclusion

Given the powerful destructive nature of this operation unto the river, the wildlife it supports, human welfare, air quality, and potential flooding and seismic activity initiation, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing of the environmental impact report for the project. If not, there will be powerful grassroots backlash from multiple organizations committed to life in the Valley. Water is life, and the San Joaquin River provides life to farmers, residents, and wildlife. Destroying it seems inevitable given the potent evidence in testimony against the CEMEX operation. Money talks, but the irrevocable death of a civilization based on water, in the heartland of California, talks louder.

Thank you for your time and consideration.

Response 333-17

The commenter's concerns, opinions, and preferences are noted and will be considered by County decision-makers.

Letter #334 March 7, 2025, Barbara Howell

Comment 334-1

I am against this expansion.

!!

1. Will blasts going that deep impact the Millerton Dam? Cracks in the dam will be a major problem for the communities.

Response 334-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Response 210-8 regarding potential effects of blasting on dam safety.

Comment 334-2

2. There are many animals that will be driven out of their habit.

Response 334-2

The project's potential impacts to wildlife are evaluated in Draft EIR Section 4.4, "Biological Resources." See Impact 4.4-6, beginning on Draft EIR page 4.4-62, which evaluates potential impacts on wildlife movement and corridors. At the Plant Site, the "continuation of mining and processing activities is not expected to modify or compromise wildlife movement opportunities or prevent the surrounding habitat from continuing to function as a wildlife corridor." At the Quarry Site, the proposed "downward direction of mining activities is not expected to compromise wildlife movement opportunities or prevent the surrounding habitat from continuing to function as a wildlife corridor." See also, Collective Response #13 regarding the project's operational impacts, including blasting, on wildlife located in areas adjacent to the project sites and Chapter 3, "Draft EIR Errata," for proposed revisions to Section 4.4.

Comment 334-3

3. What impact will there be on the SJ River? I don't want our river destroyed

Response 334-3

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10. The comment is noted for the consideration of the decision-makers.

Comment 334-4

4. What impact will blasting have on our local air?

Please do NOT allow this to go through!!

Response 334-4

The project's potential effects on air quality are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality." See also Collective Response #9 regarding the evaluation of air emissions from blasting events.

Letter #335 March 7, 2025, Linda Kelsey

Comment 335-1

This letter is to register my protest to the plans by Cemex to further lengthen (again!) their lease and to further degrade the environment. Fresno City and County has finally begun to make progress in protecting the once-mighty San Joaquin and to provide access to this valuable resource to the people of the County and City. Now, Cemex wants to seriously disrupt this process while disrupting the current lives and those of future generations.

Response 335-1

The commenter's opposition to the project is noted and will be considered by County decision-makers. The comment is introductory and does not address the adequacy of the Draft EIR. Please see Responses 335-2 through 335-7 below.

Comment 335-2

To make a pit significantly deeper than Millerton Lake is an absolute absurdity. One can see all along Friant Road and from the Eaton Trail the much shallower pits that are more eye sore than anything else. To say it will be made into trails and recreational space is a hollow and likely unattainable promise. And in the umpteen decades that they will degrade the land I'm sure these supposed promises will be long forgotten and what will likely be city/urbanized by then will have a grand hole in the ground to deal with. On that note, that land will be easily surrounded by housing and other development.

Response 335-2

The commenter's opinions and concerns are noted and will be considered by County decision-makers. Note that the project reclamation plan provides requirements and obligations for reclamation of the project sites. The commenter does not provide evidence

of any potential future housing or other development on lands near the project sites and evaluation of such future development would be speculative and is not required for the Draft EIR.

Comment 335-3

Even now, the noise factor of such blasting will be a major disruption. Where I live, the start of dove hunting season makes for the disrupting sounds of gun blasts in my neighborhood. I can imagine what this type of blast mining will be like to the neighborhoods already not far from Cemex.

Response 335-3

The Draft EIR discusses the potential noise impacts of the proposed project in Section 4.13. The proposed project would be required to comply with Fresno County General Plan noise thresholds. Implementation of Mitigation Measures 4.13-2, 4.13, and 4.10-1, would reduce potential noise impacts to a less than significant level.

Comment 335-4

Furthermore, let's not forget the dust and rocks and pebbles that will be in the roadway and the air. Already, as a former cyclist, I can attest to the debris along Friant, especially by the Cemex plant. Take a look in the roadway going up the rise just beyond the plant. Our air is already full of smog and dust and this will certainly add to it from both the mining process and the increased heavy truck traffic going to and from any such expanded project.

Response 335-4

See Collective Response #30 regarding bicycle and pedestrian safety as well as road debris from haul trucks. The commenter's concern that the project "will certainly add" to the smog and dust ignores evidence in the record showing that dust would decrease with the project as compared to the existing physical condition. The Draft EIR quantified particulate matter impacts which were determined to be less than significant after mitigation. Further, Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," demonstrates that, after mitigation, the project would result in less PM_{10} and $PM_{2.5}$ than currently being emitted (see Appendix D-4, "Revised Section 4.3, Air Quality"). Nevertheless, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Revised Air Quality, Health Risk and Climate Change Impact Assessment*, (see Appendix D-3) including preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the Draft EIR analysis was sufficient, and no further response is required.

Comment 335-5

I have danced with those trucks while on my bicycle, with some drivers being respectful, while others ride the bike lanes or fly past nearly knocking people over with the rush of air as they speed pass. Friant is a major bikeway for any rides of decent length.

Response 335-5

Please see Collective Response #30 pertaining to traffic and bicyclist safety.

Comment 335-6

Finally, there is damage to the river and its wildlife. Access has just been returned/made to the river and surrounding property at Ball Ranch and the old Sumner Peck Ranch. These will be increasingly used as word gets out that these are accessible (again). Walkers, off-road cyclists, and especially, kayakers/canoers will all lose open space access or make such spaces unpleasant or unpassable. There is nothing like being down along or on the river and seeing the deer, hearing the beavers, observing the bird rookeries, etc. And lets not forget the growing evidence of how access to green space is beneficial to mental health and in treatment of mental health disorders.

Response 335-6

Please see Collective Response #19 pertaining to public accessibility to parks, and Collective Response #27 pertaining to potential effects on adjacent parks. The commenter's opinions and preferences are noted and will be considered by County decision-makers.

Comment 335-7

I ask that the County Planning Department and Public Works NOT approve this expansion. Please consider both the current and future lives that will be so negatively impacted.

Response 335-7

The commenter's request that the project not be approved is noted and will be considered by County decision-makers.

Letter #336 March 7, 2025, Sharon Lucero

Comment 336-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental

and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval. I am writing to express my strong opposition to the proposed CEMEX mining operation along the San Joaquin River near Fresno. This project poses significant threats to public safety, environmental sustainability, and the well-being of our community.

Please consider the facts with regard to the following: **Impacts on the San Joaquin Viver Watershed; Air Quality and Dust**

Emissions; Biological Resource Impacts; Traffic and Noise Concerns; Cumulative Environmental Effects.

Response 336-1

The commenter's opposition to the proposed project is noted for the consideration of County decision-makers. The project's potential effects on the San Joaquin River Watershed, air quality and dust emissions, and biological resources, are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality," Section 4.3 "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.4, "Biological Resources," as updated in this final EIR. The project's potential effects on traffic and noise, as well as the project's cumulative effects are addressed in Draft EIR Section 4.17, "Transportation," Section 4.13, "Noise," and Section 5, "Cumulative Impact Analysis," as they are updated in the Final EIR. See Chapter 3, "Draft EIR Errata." This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 336-2 to 336-5 below that address specific issues raised in this comment letter.

Comment 336-2

First and foremost, the additional traffic generated by heavy gravel trucks and workers along Friant Road presents a severe public safety risk. Friant Road is already overburdened, with a long history of accidents and fatalities. Increasing the volume of large industrial vehicles will only exacerbate these dangers, endangering residents and commuters alike. We cannot handle it.

Response 336-2

The project's potential impacts related to traffic and transportation safety are addressed in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17. See also Collective Response #30 regarding transportation safety.

Comment 336-3

Beyond the traffic concerns, Fresno already has one of the largest gravel surpluses in the state, as confirmed by the California Geological Survey. This raises a critical question: Why should our community bear the environmental and social costs of a mining project that is not necessary for local supply? The claim that this project is essential to Fresno's gravel supply chain is misleading and does not justify the irreversible damage it would cause.

Response 336-3

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 336-4

The San Joaquin River, once a thriving ecosystem, has already suffered a 97% reduction in flow, the complete loss of its salmon runs due to dam construction, and the destruction of its wetlands from decades of mining. This project would further scar an already beleaguered waterway by blasting a crater nearly twice as deep as Millerton Lake into its banks. Given the river's fragile state, allowing CEMEX to inflict further damage would be an egregious mistake.

Response 336-4

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10. As discussed in the Draft EIR, the project would not significantly impact the San Joaquin River. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of County decision-makers.

Comment 336-5

This is a critical moment to prioritize responsible environmental stewardship and community safety over corporate interests. I urge you to reject this project and protect the San Joaquin River from further degradation.

Thank you for your time and consideration.

Response 336-5

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #337 March 7, 2025, Karen Micheli

Comment 337-1

I am reaching out to you regarding the new proposed CEMEX project on the San Joaquin River and why it should not be approved. According to the California Geological Survey, the Fresno metro area currently has nearly 200% more gravel then is needed for the next 50 years coming from local mines. In addition, the Kings River has roughly 2 billion tons of easily available surface gravel, which is enough for 500 years at Fresno's current 4 million-ton annual rate. Why in the world do we need to further decimate the San Joaquin River by blasting a 600 foot deep crater to extract more gravel that is not needed, unless it's to line the pockets of CEMEX? Isn't it time we start working to make the San Joaquin River better, healthier and cleaner? It's time to say enough is enough.

Response 337-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10. See also, Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 337-2

IN ADDITION, if this project is approved it would send an estimated 400,000 trucks down Friant Road annually - up from about 100,000 in the 1980's and 250,000 in 2023!!!! Each truck causes wear equivalent to 5,000 cars, meaning the project would add the impact of 2 billion car trips to north Fresno's streets every year in an area that's already suffering from to many cars, trucks and has become deadly. I can't tell you how many times I have stood at the crosswalk waiting for a green light at Woodward Park to Fort Washington and have seen gravel trucks run the red light.

Response 337-2

The project's potential effects on traffic and the roadway system are evaluated in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17. See Collective Response #29 regarding traffic impacts and road maintenance and Collective Response #30 regarding transportation safety.

Comment 337-3

I commend you, Mr. Bredefeld, for returning CEMEX'S political donation. But we have to do more….we have to say enough….we have to say NO!

Response 337-3

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #338 March 7, 2025, Bob Paul

Comment 338-1

I am opposed to any expansion in the river bed. The only expansion I want see is for recreational use!

Response 338-1

See Collective Response #21 regarding public access to the San Joaquin River. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #339 March 7, 2025, Gordon Renfro

Comment 339-1

As a resident of Fresno living in the vicinity of the proposed project, I have concerns and objections. All too often the public is left out of the decision process and notified after the planning has been decided.

Response 339-1

See Collective Response #1 regarding the County's processing of the project application and public participation.

Comment 339-2

First, I want to point out that the air quality in Fresno is currently very poor. We now have too many days where the air is unhealthy to breath. My concern is that this project will add to the air pollution problem. Are there modifications that can be made to any trucks that might be used to lessen the impact they will have on our air quality?

Response 339-2

The project's potential air quality impacts are evaluated in Draft EIR Section 4.3, "Air Quality," as updated in this Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). See also Collective Response #9 regarding the project's potential impact on the region's existing air quality conditions. As shown in Draft EIR Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," with mitigation, project emissions of PM_{10} and $PM_{2.5}$ are reduced from the existing conditions (i.e. CEQA baseline) and for those pollutants the project would be a benefit to air quality over baseline conditions. Truck engines associated with the project are regulated by CARB. CARB has regulations in place including the Low Carbon Fuel Standard, and the in-use off-road diesel fueled fleets that, as they phase in, would reduce truck emissions over time. See Draft EIR Section 4.8, "Greenhouse Gas Emissions," as they are updated in this Final EIR (see Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions"). Furthermore, the truck emissions when combined with emissions from other project sources result in emissions increases that are less than the significance thresholds set forth by the County. Thus, reducing the impact of truck emissions. Therefore, changes to the Draft EIR to address this concern are unnecessary.

Comment 339-3

What about modifications to the scale of this proposed project?

Response 339-3

Alternatives to the proposed project are described and evaluated in Draft EIR Chapter 6, "Alternatives." Alternatives 2 through 5 each represent a reduced mining depth which would result in a reduced project duration. Alternative 5 would also reduce annual operations and sales. The reader is referred to Draft EIR Chapter 6 for evaluations of the air quality effects of each project alternative.

Comment 339-4

Secondly, I find a one-hundred-year permit request to be unrealistic. I understand CEMEX requesting such a thing but I doubt they believe any planning group would be foolish enough to approve this.

Fresno is rapidly changing and obligating future generations to live with this project is irresponsible in the extreme.

Response 339-4

See Collective Response #5 regarding the duration of the proposed use permit.

Comment 339-5

Large areas of Fresno are currently changing from agriculture to residential/ urban living. One can look to San Jose to get an idea of what we will see in Fresno over the next ten to twenty years. Parks, walking trails, and natural areas such as the San Joaquin River will be extremely important to the quality of life in Fresno. These things need to be developed and enhanced now. The San Joaquin River should be a center piece for any future planning. A one-hundred-year mining project along the San Joaquin River will not improve the river or quality of life here.

Response 339-5

Draft EIR Section 4.16, "Recreation," discusses the project's potential effects on recreational facilities. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.16. See also, Collective Response #21 regarding public access to the San Joaquin River and Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan. The comment is noted for the consideration of the decision-makers.

Comment 339-6

Please consider the concerns I have regarding the air quality, the unrealistic permit request by CEMEX and the rapid changes taking place in Fresno as we become more residential and urban. Responsible planning will be needed to guide us to a better, healthier Fresno.

Response 339-6

The comment summarizes the previous comments. See Responses 339-1 through 339-5. The comment is noted for the consideration of the decision-makers.

Letter #340 March 7, 2025, Andy Roberts

Comment 340-1

I am writing to formally challenge the findings under Impact 4.17-3 of the Draft Environmental Impact Report (EIR) for the Rockfield Quarry expansion project. The report fails to account for the real and documented roadway hazards caused by debris from heavy-duty haul trucks, which pose a serious safety risk to motorists, bicyclists, and motorcyclists.

Response 340-1

The commenter's assertions are noted. The Draft EIR analyzes the project's potential to substantially increase hazards due to incompatible uses in Impact 4.17-3 on page 4.17-41

of the Draft EIR and concludes this impact to be less than significant. Please also see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 340-2

Key Concerns:

1. Photo Evidence of Dangerous Truck Debris – Ignored in EIR

- I am submitting a photo of debris found on the roadway at the entrance to the Rockfield Quarry site (14765 N Friant Rd), showing tire marks from when I hit the debris with my vehicle while traveling at approximately 65 MPH.
- This directly contradicts the EIR's claim that the project will not significantly increase roadway hazards.
- The presence of such debris demonstrates that trucking operations at this site already create dangerous conditions

Response 340-2

The photographs submitted with the comment are noted and are included with the original comment letter in Appendix M, "Draft EIR Comment Letters." Although road debris and road hazards are an important concern to the County, evidence of existing periodic debris on Friant Road is not evidence that the project would increase road debris or road hazards.

Comment 340-3

2. Failure to Provide Mitigation Measures

- The report incorrectly concludes that hazards from trucking operations are "less than significant" without analyzing the specific safety risks posed by truck debris.
- Despite clear photographic evidence of roadway hazards, the EIR does not propose any mitigation measures, such as:
  - Regular street sweeping on affected roadways.
  - Stricter enforcement of load-securing regulations.
  - A debris hazard reporting system for public complaints.

Response 340-3

Please see Collective Response #30 pertaining to roadway safety and road maintenance. Regarding the mitigation measures proposed in Comment 340-3, mitigation measures are only required where the Draft EIR identifies a potentially significant impact. Here, the Draft EIR has not identified loose gravel or road debris along public roadways as a potentially significant impact that would require mitigation.

However, the project would be subject to certain rules that may potentially reduce loose gravels on public roads, including SJVAPCD Rule 8041, "Carryout or Trackout." The proposed project would reduce fugitive dust emissions by minimizing carryout or trackout on paved public roads or paved shoulders of public roads. Rule 8041 requires that affected facilities prevent and/or clean up carryout and trackout at the end of each workday (Draft EIR page 4.3-28). The project would also be subject to SJVAPCD Rule 8031, "Bulk Materials," which requires certain measures to limit the opacity of visible dust emissions. One of these measures includes maintaining haul trucks to prevent spillage or loss of bulk materials (Draft EIR page 4.3-28). Although these rules are aimed at reducing fugitive dust emissions and impacts to air quality, the measures would also reduce the potential for the project to increase the amount of gravel or debris on public roads.

Comment 340-4

3. Contradiction in the Safety Analysis

- The EIR states that safety concerns are best handled at a programmatic level but fails to acknowledge that CEQA requires project-specific risks to be assessed.

- The report acknowledges that truck traffic will increase by up to 201 trips per day, yet it does not analyze how that will increase the frequency of debris-related hazards.

Response 340-4

See Response 340-3 regarding the project's potential impacts pertaining to road debris. See also Collective Response #30.

Comment 340-5

4. History of Dangerous Incidents Involving Quarry Trucks

- This is not the first time that truck debris from quarry operations on this roadway has caused safety hazards. In the mid-1990s, I was involved in an incident where rocks fell from a northbound truck and struck multiple vehicles,

including the one I was in. The incidents occurred between the plant site & quarry site.

- Some drivers suffered significant damage. One I recall was a river rock going through a windshield of a van, breaking a coffee mug that was in a cup-holder on the dashboard. This creates an immediate and severe danger to motorists.

- Cemex ultimately settled with insurance companies over these claims, acknowledging liability for the damages caused by unsecured debris.

- Although I do not have official records of this incident, it is well-remembered by those involved and serves as a clear example of the dangers associated with unsecured loads from quarry operations, even trucks that are empty and traveling northbound for an additional load.

- This incident demonstrates that truck debris from quarry operations has been a known hazard for decades, and increasing truck traffic will only heighten the risk. Ignoring this history in the EIR is a major oversight.

- In addition to large debris, smaller gravel falling from trucks has caused frequent windshield damage to passing vehicles. Over the years, many drivers—including myself—have experienced cracked or shattered windshields due to loose gravel escaping from haul trucks. These incidents may not always be formally reported, but they represent a persistent and costly hazard for motorists.

Response 340-5

See Collective Response #30 and Response 340-3 above regarding prevention of debris on public roads.

Comment 340-6

5. Failure to Address Flooding Risks and Hydrologic Impacts

- The Draft EIR does not account for the potential flooding of the quarry site in the event of Friant Dam failure, removal, or extreme flood events affecting the entire watershed. Given that this is an old quarry with potentially exposed materials, sediment, and contaminants, flooding could have significant environmental consequences that must be evaluated.

- The EIR must consider flood scenarios under different conditions, including:
  - With and without Friant Dam to assess the long-term hydrologic risks to the site.
  - Upstream dam failures or extreme releases that could lead to rapid inundation.
  - Changes in sediment transport, groundwater infiltration, and potential contamination risks from flooding a site with past and present industrial activity.

Response 340-6

CEQA does not require analysis of speculative impacts (Title 14 CCR Section 15145). As such, dam failure is not a potential issue that needs to be evaluated under CEQA. See Draft EIR discussion of Impact 4.10-17. Additionally, Friant Dam is not controlled by the project. Further, Friant Dam is owned and maintained by the Bureau of Reclamation, and accordingly, the risk of dam failure is extremely unlikely. Furthermore, Friant Dam is over 3 miles upstream of the project sites, so the flows would be significantly attenuated between the dam and the project sites in the rare event of an extreme release from the dam. The 100-year flood is an extreme flood event that is not likely to occur.

Note that the Draft EIR analyzes the proposed project's potential impacts related to inundation given rapid releases of water from Friant Dam and determined this potential impact to be less than significant (Draft EIR Impact 4.10-17 on page 4.10-118).

In response to comments, Chang Consultants conducted additional hydraulic analyses evaluating the San Joaquin River 200-year flood and concluded that the 200-year flood would neither enter the Quarry Site nor the Plant Site (Chang 2026a, Appendix G-7, "200-Year Hydraulic Analysis for CEMEX Rockfield Modification Project—Quarry Site"; Chang 2026b, Appendix G-8, "200-Year Hydraulic Analysis for CEMEX Rockfield Modification Project—Plant Site").

Comment 340-7

- Potential Environmental Consequences:
  - Contamination Risks – Floodwaters could mobilize pollutants from the quarry site, introducing harmful chemicals or heavy metals into the San Joaquin River ecosystem.

Response 340-7

In addition to the response below, see Responses 6-44 and 6-79.

The project does not propose to discharge groundwater or surface water to offsite surface water features. The water stored in the onsite ponds and recharge trenches would not leave the facility boundaries. As such, no contamination to surface waters is expected to occur due to the project's design.

Additionally, the berm is higher than both the 100-year and 200-year water surface elevations, which would prevent breaching. The 1997 flood flow rate of 60,300 cubic feet per second (cfs) is lower than the 100-year flow rate of 71,000 cfs studied for the project. See Collective Response #17 for further information regarding the 200-year flood analysis at the Quarry Site.

Comment 340-8

- Disruption of Salmon Spawning Habitats – The Salmon Conservation and Research Facility (SCRF), which supports Chinook salmon restoration efforts, relies on stable water conditions. Flooding of the quarry site could alter water quality, increase sedimentation, and impact the success of salmon spawning.

Response 340-8

All on-site storm runoff, wash water, and sediment would be retained within the reclaimed pits and managed in accordance with all applicable stormwater management requirements under the NPDES program (Draft EIR at page 4.10-116). As such, the project would not impact the success of salmon spawning.

Comment 340-9

- Long-Term Groundwater and Ecosystem Damage – If floodwaters infiltrate the quarry site, they could permanently alter groundwater chemistry, harming local ecosystems that depend on the river.

Response 340-9

Table 4.10-7, "Comparison of San Joaquin River Water Quality to Quarry Site Groundwater Quality," compares water quality parameters in the San Joaquin River with those from several groundwater wells at the Quarry Site. The concentrations of all detected minerals, metals, and salts are lower in the river than in the groundwater (Draft EIR at page 4.10-44 to 4.10-47). This is typically the case for rivers that flow from the Sierra Nevada because the runoff is primarily snow melt, whereas groundwater from within

bedrock formations, such as the weathered rock and hard rock at the Quarry Site, has spent a substantial amount of time in contact with the rocks that make up those formations, resulting in the dissolution of minerals, metals, and salts. Since floodwaters on the upper San Joaquin River generally consist of rainfall runoff and snowmelt, they would not contain significant dissolved concentrations of those parameters. It should also be noted that the ecosystems referred to in this comment that depend on the river would also be exposed to and affected by these same floodwaters.

Comment 340-10

Requested Actions:

- The EIR must be revised to include a comprehensive analysis of the potential environmental risks posed by flooding at the quarry site in the event of Friant Dam failure or removal, or extreme flooding scenarios from upstream dams. This analysis should include:
  - An evaluation of how floodwaters could disturb exposed quarry materials, potentially releasing pollutants, sediment, and contaminants into the San Joaquin River ecosystem.
  - A study of how flooding could alter groundwater quality, creating long-term environmental damage to surrounding ecosystems.

Response 340-10

As explained in Responses 65-20 and 65-22, potentially significant effects or indirect physical changes, for example, related to extreme flooding, are not required to be analyzed or mitigated if those effects would be speculative (CEQA Guidelines Section 15064(d)(3)). "While a lead agency must use its 'best efforts' to evaluate environmental effects, including the use of reasonable forecasting, 'foreseeing the unforeseeable' is not required, nor is predicting the unpredictable or quantifying the unquantifiable" (see *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1060–1061; citing Guidelines, Section 15064, subd. (d)(3)).

The project does not involve the operation or management of Friant Dam, and as such, operational releases from Friant Dam are outside the scope of the project under CEQA. The project has been designed in consideration of regional hydrology and topography. Specifically, Chang Consultants prepared a detailed hydraulic analysis of the 100-year water surface elevations and flow velocities along the San Joaquin River (Draft EIR Appendix G-1, "Hydraulic Analysis"). This 100-year flood event represents an extreme

and conservative scenario for evaluating potential flood risks. Even so, the analysis determined that the 100-year flow is contained within the easterly San Joaquin River channel bank.

In consideration of commenters' concerns pertaining to severe flooding events and in light of County Policy HS-C.12, Chang Consultants evaluated the potential for the 200-year flood to enter the Quarry Site and Plant Site. Upon an initial evaluation, the modeled 200-year floodplain entered the quarry pit at stations 16, 19, and 20 by approximately two feet. To proactively prevent the possibility of a 200-year flood event from entering the quarry pit, CEMEX raised the northerly portion of the berms separating the San Joaquin River and Quarry Site up to approximately 4 feet with compacted fill. Topographic mapping was prepared to display the locations where the berms were raised and is included in the 200-year Hydraulic Analysis for the Quarry Site (Chang 2026a; see Appendix G-7, "200-Year Hydraulic Analysis for CEMEX Rockfield Modification Project—Quarry Site"). Please see Collective Response #17 for further discussion of the 200-Year Hydraulic Analysis conducted for the Quarry Site, and see Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10, "Hydrology and Water Quality," and Section 4.11, "Land Use and Planning."

The 2026 Hydraulic Analysis also demonstrated that the existing berms and topography of the Plant Site would prevent both the San Joaquin 200-year flood and the Little Dry Creek 200-year flood from entering the Plant Site (Chang 2026b, Appendix G-8, "200-Year Hydraulic Analysis for CEMEX Rockfield Modification Project—Plant Site"). As such, the project sites are sufficiently protected from flood risks, including from the 200-year flood. See also the Response 329-3 and Collective Response #17 for further discussion of flooding impacts.

The project does not propose to discharge groundwater or surface water to offsite surface water features. The water stored in the onsite ponds and recharge trenches would not leave the facility boundaries. As such, no contamination outside of the project is expected to occur due to the project's design.

Comment 340-11

- A detailed review of salmon spawning habitats near the Salmon Conservation and Research Facility and how flooding from the quarry could impact water quality and sedimentation necessary for successful Chinook salmon spawning.

Response 340-11

See Response 340-8 regarding the proposed project's management of on-site storm runoff, wash water, and sediment.

Because storm and flood waters are not anticipated to alter the water quality of the San Joaquin River, an assessment of salmon spawning habitats near the Salmon Conservation and Research Facility is not necessary.

Comment 340-12

- The EIR must also address the risks posed by truck debris on roadways in the vicinity of the quarry, including:
  - Debris removal and regular street maintenance to address hazards from both large rocks and smaller gravel that have been documented to cause damage to vehicles.
  - Enhanced load-securing regulations and enforcement to prevent material from falling off trucks and becoming a roadway hazard.
  - Development of a public reporting system for motorist and cyclist incidents related to debris on roadways near the quarry site.

Response 340-12

See Response 340-3 above.

Comment 340-13

- The County must require the implementation of mitigation measures to address both roadway hazards and flooding risks, including:
  - Creating a flood risk management and emergency response plan specific to the quarry site.
  - Ensuring contingency plans are in place for environmental monitoring in case of flooding, particularly regarding water quality and sediment runoff.
  - Developing strategies to reduce contaminants and sediment transport from the quarry during flood events.
  - In consultation with the Salmon Conservation and Research Facility, incorporating measures to protect

salmon habitats from potential flooding and sedimentation impacts.

- Requiring routine maintenance of roadways to remove debris and ensure safe conditions for all road users.

Response 340-13

The Draft EIR analyzes impacts related to flooding in Impacts 4.10-15, 4.10-16, and 4.10-17 (Draft EIR, pages 4.10-117 through 4.10-119). As discussed in Impact 4.10-17, the project would be required to store hazardous materials on both sites in accordance with the requirements of the Industrial General Permit SWPPP and SPCC Plan, which requirements minimize the risk of the release of pollutants in the event of site inundation.

The Draft EIR also incorporates adaptive management measures to ensure that the project would not exceed water quality thresholds. See discussion of Impacts 4.10-1 through 4.10-7 (beginning on Draft EIR page 4.10-88) for additional analysis of water quality impacts.

See also Collective Response #17 for further discussion of flooding at the project sites and Chapter 3, "Draft EIR Errata," for updates to Draft EIR Section 4.10.

See Response 340-3 above regarding road debris and maintenance.

Comment 340-14

o The EIR must fully account for the hydrological impacts of potential flooding scenarios on the quarry site and the surrounding ecosystems, including the long-term environmental consequences for water quality and fish habitats.

Response 340-14

In addition to the response below, see Response 340-13, which addresses the project's retention of flood waters within both sites.

As described in Responses 6-15, 6-51, 6-55, 65-23 and 459-2, the project does not discharge to the San Joaquin River. Although the project sites are located near the San Joaquin River, the river's floodplain does not extend into the Plant Site or Quarry Site. The existing topography and berms along the north edge of the Plant Site prevent the Little Dry Creek floodplain from entering the Plant Site. As such, the proposed project would be protected from the 100-year flood. As discussed in Response 340-10 above, the project sites are also protected from the 200-year flood, which is a more severe flood scenario. Please see Collective Response #17 for further discussion of the 200-year flood analysis conducted for the Quarry Site, and see Chapter 3, "Draft EIR Errata," for proposed revisions to Draft

EIR Sections 4.10 and 4.11. Note that all proposed project improvements would be located outside of the floodplain, and no flood control measures are required. Stormwater runoff would continue to be directed to existing onsite ponds, canals, and trenches as necessary.

Comment 340-15

- The County must ensure the EIR incorporates up-to-date flood risk data and potential impacts to wildlife habitats and public resources, such as the Salmon Conservation and Research Facility. Failure to do so would render the environmental review incomplete and legally deficient.

Response 340-15

As described in Responses 6-15, 6-51, 6-55, 65-23 and 459-2, the project does not discharge to the San Joaquin River. Although the project sites are located near the San Joaquin River, the river's floodplain does not extend into the Plant or Quarry sites. The existing topography and berms along the north edge of the Plant Site prevent the Little Dry Creek floodplain from entering the Plant Site, apart from the northwest corner of the Plant Site, which is used for stockpiles. This area would be graded to drain into a pond upon reclamation of the site. As such, the proposed project would be protected from the 100-year flood. As discussed in Response 340-10 above, the project sites are also protected from the 200-year flood, which is a more severe flood scenario. Please see Collective Response #17 for further discussion of the 200-year flood analysis conducted for the Quarry Site, and see Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Sections 4.10 and 4.11. Note that all proposed project improvements would be located outside of the floodplain, and no flood control measures are required. Stormwater runoff would continue to be directed to existing onsite ponds, canals, and trenches as necessary.

The Quarry Site mine plan (Exhibit C Sheet 6, "Quarry Site Mine Plan") is designed to continue avoidance of the riparian corridor along the San Joaquin River established by the existing CUPs, including the 200-foot setback from the river edge and avoidance of specified native trees.

The proposed project's potential effects related to biological resources were evaluated in Draft EIR Section 4.4, "Biological Resources."

Comment 340-16

Failure to properly evaluate and mitigate this issue would constitute an inadequate environmental review under CEQA. Given the clear photographic evidence, firsthand accounts, and historical incidents of debris-related dangers, the County has a responsibility to address this issue before approving the project.

[Photographs were included as part of Comment 340-16 that are not reproduced here. To view these photos, please see Letter 340 in Appendix M, "Draft EIR Comment Letters"]

Response 340-16

As discussed in the responses above, the Draft EIR adequately analyzes impacts associated with roadway hazards and would not conflict with applicable local transportation plans. Please see responses above to specific issues raised in the comment letter. The commenter's concerns and requests will be considered by County decision-makers.

Letter #341 March 7, 2025, Jennifer Roberts

Comment 341-1

I am writing to oppose the approval of CEMEX 100 year lease. The DEIR is inadequate.

Response 341-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 341-2 to 341-6 below that address specific issues raised in this comment letter.

Comment 341-2

1. Toxic chemicals will leach into the San Joaquin River and affect wildlife and human health. The dig pit is too close to the river.

Response 341-2

The use of hazardous substances on the project sites is addressed in Draft EIR Section 4.9, "Hazards and Hazardous Materials." The project's potential to degrade surface water quality is addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." Potential impacts to wildlife are addressed in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 341-3

2. Explosions will be heard by cyclists, hikers, boaters, and home owners. This will make for quite an unpleasant experience for those hoping to enjoy the river and its wildlife.

Response 341-3

As described on Draft EIR page 2-42 of the Draft EIR, blasts would be limited to "one to two times per week on weekdays between the hours of 10 a.m. and 2 p.m." See Draft EIR Section 4.13, "Noise," for an evaluation of potential blasting noise and vibration impacts. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.13. See also, Collective Response #27 regarding the project's potential operational effects on users of nearby parks and trails.

Comment 341-4

3. A 600 ft deep pit will not be pleasant site. I do not want to look over the San Joaquin River and see such destruction. The San Joaquin River is the jewel of Fresno. Don't destroy it!!!

Response 341-4

The project's potential impacts to the visual landscape are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The comment is noted for the consideration of the decision-makers.

Comment 341-5

4. The amount of jobs created by this mine is nothing compared to the amount of money brought by visitors to region.

Response 341-5

See Collective Response #7 regarding evaluation of the project's potential economic effects. The comment is noted for the consideration of the decision-makers.

Comment 341-6

5. Why destroy such a beautiful place.

Response 341-6

The project's potential impacts to the visual landscape are evaluated in Draft EIR Section 4.1. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.1.

Letter #342 March 7, 2025, Laura Rosenberger Haider

Comment 342-1

My second comment: SJVAPCD assumed there would be 28 ppm of nickel in aggregate processing dust plus 20 ppm of nickel released from material storage plus 19 ppm of nickel in road dust. Using soil samples the empirically determined amount of nickel from aggregate processing is 20.7 ppm. In addition there is nickel in diesel exhaust from the extra truck trips. (Reference: CE01 Rockfield Air Report, December 4, 2019, page 44. Table 14: Fugitive TAC Speciation Assumptions is a listing of toxic air contaminants in aggregate processing dust. and other dust from mining.)

Response 342-1

The Draft EIR assessed nickel emissions using the speciation profiles and parts per million values that are cited by the commenter. Potential effects from nickel emissions were assessed as part of the health risk assessment (HRA) which determined that health risk levels would be less than the SJVAPCD health risk thresholds. Nevertheless, in response to air comments on the Draft EIR, the technical analysis was updated with new information, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, (see Appendix D-3) including an updated HRA and a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 342-2

"The ARB has estimated that about 70% of the cancer risk that the average Californian faces from breathing toxic air contaminants stems from diesel exhaust particles." (from Rockfield Modification Project DEIR and OEHHA studies)

Response 342-2

As stated in the Draft EIR Section 4.3.2, "Regulatory Setting," as updated in the Final EIR, the EPA regulates emissions from new off-road internal combustion engines by tiered standards and emissions from new on-road engines are regulated using standards by model year, class of vehicle, and fuel type. Additionally, the project would pay its fair share to mitigate the cumulative effects of ozone and PM_{10} by complying with the existing in-use on- and off-road diesel engine State regulations. See Appendix D-4, "Revised Section 4.3, Air Quality." The technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, (see Appendix D-3) including

an updated health risk analysis. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 342-3

One person complained that dust was emitted from CEMEX's rock quarry. What if there is no water to use for controlling the dust?

Response 342-3

Draft EIR Section 4.19, "Utilities and Service Systems," Impact 4.19-2 on pages 4.19-8 through 4.19-10 provides an analysis of the project's estimated water demand and determines that adequate water supplies would be available to serve the proposed project. The commenter does not provide evidence of a deficiency in the Draft EIR analysis and speculation of a future scenario without dust control water is not required.

Comment 342-4

CEMEX company had 43 violations.

Response 342-4

Please see Collective Response #4a pertaining to CEMEX regulatory compliance history.

Comment 342-5

The proposed natural gas powered engines would contribute to climate change and drought.

Response 342-5

The project proposes to use natural gas as a heat-source for a proposed state-of-the-art hot mix asphalt plant equipped with best available control technology. The project does not propose use of natural gas-powered engines as a project feature. Draft EIR Section 4.8, "Greenhouse Gas Emissions," (see Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions"), as updated in the Final EIR, presents an evaluation of the proposed project's potential impact on climate change. This evaluation includes any emissions from the proposed asphalt plant. See also *Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3).

Comment 342-6

I don't want them to wait until damage occurs to mitigate the damage. Mining also produces RCS (harmful silica dust) which is linked to silicosis and fibrotic scaring of the lungs (RMP DEIR, v1 CH 10 p 262).

Response 342-6

Draft EIR Section 4.3, "Air Quality," evaluates potential health effects of toxic air contaminants, including respirable crystalline silica, as presented in Impact 4.3-3 (see Appendix D-4, "Revised Section 4.3, Air Quality"). As discussed therein, Mitigation Measure 4.3-2b requires a Fugitive Dust Control Plan that would reduce pollutant emissions from off-road diesel equipment and dust from on-site roads and soil stockpiles. As shown in Appendix D-4, Impact 4.3-3 was determined to be less than significant with or without the implementation of Mitigation Measure 4.3-2b.

Comment 342-7

Nickel Contamination of the Air or Food Could Lead to Chronic Diseases in Animals and Humans: An Update of Science.

The element nickel does not appear to be needed inside of the human body and, up to recently, it was never considered by researchers to be an essential nutrient for humans. In fact, nickel is well known as a heavy metal, alongside others like lead, mercury and cadmium.

Nickel is also recognized to create serious dysfunctions inside mitochondria (the energy-producing organelles inside most human cells) and to produce massive oxidative stress throughout the body -- as these being well-studied physiological results of its toxicity(1).

Recently researchers found out that epigenetic alterations induced by nickel exposure can damage the human genome. But since healthy changes of human lifestyle are found to influence the Epigenome -- and since the Epigenome determines the health of the human Genome -- there is hope that a healthy lifestyle by itself could lead to the elimination of nickel poisoning from the body and to the reversal of the damage produced by this heavy metal inside human cells.

Sources of Nickel Pollution

Nickel mines and their surroundings are well-known locations with high nickel contamination sites, as well as the companies involved in nickel processing. Marble quarries (and other types of quarries) plus their surroundings are also sources of pollution with heavy metals, including nickel.

However, high quantities of nickel are also released from volcanoes, from the production and burning of fossil fuels of all types, and from municipal and industrial waste.

Examples of Low-Degree Environmental Exposure

Even a low-dose of nickel contamination (as we could find in women wearing nickel jewelry or hand watches daily) appears to lead to pathogenic (disease-creating) changes in the human skin. See Nickel Allergy. Cleveland Clinic website (last reviewed on 12/06/2024)(reference3).

In other studies, nickel leaching from stainless steel pots and pans (only from certain metal alloys containing this heavy metal) seems to trigger a severe allergic reaction in up to 20% of women and 8% of men worldwide. Contact dermatitis could be reversible only by eliminating all contamination sources.

An older study published in 2013(reference4) found out that "After six hours of cooking, Ni [nickel] and Cr [chromium] concentrations in tomato sauce increased up to 26-[fold] and 7-fold respectively, depending on the grade of stainless steel".

Among this study's statements:

-- "Toxicological studies indicate that a single oral dose of Ni as low as 67 □g [micrograms] can cause recurrence of ACD [allergic contact dermatitis], flare up eczema, or lead to systemic dermatitis in individuals sensitive to nickel. Studies have shown the severity of dermatitis has a dose dependent relationship to oral doses of nickel".

-- "Stainless steel grades 304 and 316 are the most commonly used in the food and beverage industry. These SS [stainless steels] grades differ by their chemical compositions of metals including nickel and chromium.

SS grade 304 contains approximately 18–20% mass fraction chromium, and 8–12% nickel, whereas SS grade 316 contains approximately 16–18% chromium, and 10–14% nickel; other metals may also vary within the grades".

The solution for this type of nickel and chromium leaching into foods: purchasing stainless steel pots and pans which do not contain nickel or chromium in the alloy.

Examples of High-Degree Environmental Exposure

A continuous exposure to nickel has been discovered to be the main cause of a specific type of nephropathy (kidney disease) experienced by the population of a certain region of Nicaragua, according to a study published in 2020(reference2).

While nephropathy is known traditionally to exist as a complication of diabetes and high blood pressure, in this study nickel has been isolated from a group of many contaminants as being the only possible root cause of this particular form of kidney disease.

The local medical authorities in Nicaragua consider the source of nickel pollution a mystery. However, it is well-known that near the Pacific shore there are a number of active volcanoes (including Masaya, Ometepe, and Cosigüina) -- all being part of the Ring of Fire, situated on the Pacific side of the continent. We could only speculate that these are the most probable sources of high levels of nickel gases and dust in Nicaragua.

Perhaps the classical form of nickel poisoning exists in specialized workers employed in nickel mines and corporations involved in the processing of this heavy metal.

The degree of severity in affecting the human, as well as animal body, depends on the extent of the dose, as well as the length of exposure. In cases of high-degree of environmental exposure, nickel could cause asthma, kidney failure, cardiovascular diseases, lung fibrosis and cancer of the respiratory tract.

Nickel contamination of other parts of the body contributes also to other forms of cancer, including prostate cancer(reference5).

A study published in 2022(reference6) attempts to delineate the relationship between nickel exposure and kidney function in the U.S. adults.

This study provides "evidence that Ni [nickel] exposure [is] linked with declined kidney function and might interact with Cd [cadmium] exposure".

Many stainless steel pots are made from alloys which include both nickel and cadmium -- in high percentages, up to 20% of the metal alloy -- allowing leaching of these inside foods.

According to the evidence, it is possible that even a low exposure to nickel (like in contact dermatitis) could silently initiate the lowering of human kidney function -- an insidious process which could ultimately lead, if the exposure is not discontinued, to kidney failure.

Kidney disease is an insidious one, having no initial symptoms. Fortunately, early markers like microalbuminuria have the capacity to signal the danger many years in advance. And there are also

urine tests allowing patients to be tested for kidney disease before it is showing symptoms.

Nickel as Imunotoxic and Carcinogen, Promoter of Cardiovascular and Other Chronic Diseases

Depending on the dose amount and the length of impact on the human body, nickel could become a powerful immunotoxic and carcinogen agent(references7,8).

These dangers are based on the activity of nickel against human mitochondria: "Nickel-induced mitochondrial damage can occur, due to impairment of mitochondrial membrane potential, reduction of mitochondrial ATP concentration and destruction of mitochondrial DNA".

However, according to the study "Molecular mechanisms of nickel induced neurotoxicity and chemoprevention", the solutions against powerful oxidation against the body are equally powerful antioxidants like such as L- carnitine, taurine and melatonin, (and perhaps many others) natural compounds that can counteract oxidation and prevent nickel-induced neurotoxicity and carcinogenicity"(reference9).

Most importantly, Vitamin C has been discovered since 1979 to successfully counteract nickel poisoning, when used safely in higher doses. Dr. Thomas E. Levy -- considered today to be one of the most important vitamin C scientists in the world -- mentions in his book "Primal Panacea" (MedFox Publishing, 2011) how nickel and other forms of heavy metal poisoning can be reversed with vitamin C.

This humble vitamin acts as an anti-poison natural substance in animals and humans alike, gently detoxifying the body of many toxins, including nickel. In this study, vitamin C supplementation works successfully (as opposed to other detoxifying agents endangering the kidneys) gently reversing the chromosome damage in workers occupationally exposed to nickel(reference 10).

Nickel Is Employed in the Production of Prescription Medications and Medical Devices

Although nanoparticles in general have been traditionally considered unpredictable and possibly dangerous for the human body, we find them today widely employed in several medical areas, including the production of biological drugs.

Since nickel is a heavy metal, its nanoparticles -- due to their small size -- have the capacity to freely travel through tissues, organs and cell membranes. Many heavy metals (like nickel) induce the formation of powerful free radicals throughout the body, leading to oxidative stress and cellular damage.

When nickel is released into the body in its nanoparticle form, its damaging power can only multiply. It could potentially create havoc inside all cells (sick cells and healthy cells as well), damaging mitochondria (the factories of ATP energy) and lowering their production of electrical voltage(reference1).

This "very low voltage" current is vitally needed for neuron communication in the central nervous system, as well as for the electrical activity of human peripheral nerves.

Therefore we consider the use of nanoparticles of this type to be misguided for the additional, following reasons (quoting from google.com generative AI Overview):

-- "Nickel nanoparticles can trigger the production of reactive oxygen species (ROS) which can damage cell components like proteins, lipids, and DNA, leading to cellular dysfunction and death".

-- "Cancer concerns: The International Agency for Research on Cancer (IARC) classifies some nickel compounds as "carcinogenic to humans"".

-- "Reproductive effects: Studies have shown that nickel nanoparticles can negatively impact male reproductive health, causing sperm damage and abnormalities".

-- "Skin irritation: Contact with nickel nanoparticles can also trigger skin allergies and dermatitis in susceptible individuals".

Nickel is also used in dentistry being employed inside the mouth in orthodontic dental braces for teens. It is also used for various medical devices, including wheelchairs and walking devices for patients.

Response 342-7

Nickel emissions were inventoried and used in the health risk assessment (HRA) resulting in risk levels reported in Draft EIR Table 4.3-25, "Mitigated Project Health Risk Impacts," as updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality." Risk factors for nickel used in the HRA are those adopted by the Office of

Environmental Health Hazard Assessment (OEHHA) and include cancer and non-cancer (acute and chronic) effects from nickel. The health effects of nickel emissions were assessed using current methodologies and when combined with the health effects of other toxic air contaminants are determined in the Draft EIR to result in health risk levels that are less than significant. When impacts are found to be less than significant, no mitigation is required. Nevertheless, in response to comments received, an updated Health Risk Assessment was prepared in the *Air Quality, Health Risk, and Climate Change Impact Assessment* (see Appendix D-3). This updated analysis included cancer burden modeling and demonstrated no new impacts and no changes to the findings in the Draft EIR.

Letter #343 March 7, 2025, Laura Sanford

Comment 343-1

I am writing to express my deep concern about the environmental impact of the proposed CEMEX expansion. As a long-time supporter of the San Joaquin River Parkway, I have seen first-hand how much the public enjoys the preserved and enhanced stretches of the San Joaquin river. Fresno has very few local venues for the enjoyment of nature, and I would assert that the River Parkway is the crown jewel. It's important to preserve the beauty of the river and surrounding area for generations to come. This type of mining not only denigrates the physical beauty of the river area, but also threatens water quality as well as fish and wildlife. I urge that we err on the side of preservation.

Response 343-1

The project's potential effects on the visual landscape of the project area are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality," while potential impacts to fish and wildlife species are evaluated in Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #344 March 7, 2025, Justin Semrick

Comment 344-1

Why would we consider destroying one of our LAST remaining beautiful recreational areas for the sake of gravel, which we have in abundance? This is an unnecessary ecological assault on what little natural earth remains in Fresno county. Do we not have enough of that going on across the United States as the Trump

administration has declared war on our National Parks? Can nothing in this world be protected from greed? Lost Lake should be considered a historic landmark and should be protected.

Response 344-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. Note that the project sites are currently operated as an aggregate mine as described in Draft EIR Section 2.4, "Existing Conditions." See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project. The project's potential impacts to biological resources are addressed in Draft EIR Section 4.4, "Biological Resources." The project's potential effect on recreational facilities, including Lost Lake, are addressed in Draft EIR Section 4.16, "Recreation." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Letter #345 March 7, 2025, Unnamed Resident 1

Comment 345-1

CEMEX should ABSOLUTELY NOT BE able to expand or even continue operations at the San Joaquin River location. 100 years, OUT OF THE QUESTION!!! Hard Rock Blasting- -NO. Should not be allowed in the area. What we need to do is eliminate the traffic from their trucks that travel on Friant Road and 41. We, the citizens, pay for their operations in many ways and it should not be allowed! Get CEMEX out of the area. Restore the land.

DO NOT ALLOW CEMEX TO CONTINUE TO RUIN OUR LAND AND AREA.

Response 345-1

See Collective Response #5 regarding the duration of the proposed use permit. The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, "Noise," as they are updated in the Final EIR. The project's potential effects on traffic are discussed in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata." The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #346 March 7, 2025, Unnamed Resident 2

Comment 346-1

Good morning, sir. I'm sending this email along to ask you, please, don't allow CEMEX to damage the homes of our local wildlife. We have one beautiful wild place left in this city at west river access. It's really a gem. Many people such as myself enjoy morning

walks there and kayaking down from Native Park. I beg you to protect it, sir. God bless you and have a lovely day.

Response 346-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." The project's potential effect on recreational facilities is discussed in Draft EIR Section 4.16, "Recreation." See Chapter 3, "Draft EIR Errata," for proposed revisions to these sections. See also, Collective Response #21 regarding public access to the San Joaquin River and Collective Response #19 regarding public access to recreational facilities adjacent to the project area.

Letter #347 March 7, 2025, Thomas A. Utecht, MD

Comment 347-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

As noted in the DEIR, there are negative impacts on the San Joaquin River Watershed. The dreamed restoration of the San Joaquin river, the longest in central California will be dashed.

Response 347-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10. See also, Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan.

Comment 347-2

Our air quality will continue to worsen. The impact on wild life, particularly migratory salmon and the Swainson's hawk will contribute to their decline.

Response 347-2

The project's potential impact on air quality is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality." See also, Collective Response #9 regarding the project's potential effects on existing air quality conditions.

The project's potential impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources," as updated in the Final EIR. See Chapter 3, "Draft EIR Errata." See also, Collective Response #16 regarding potential impacts on salmon spawning and Collective Response #14 regarding evaluations of impacts to Swainson's hawk.

Comment 347-3

I have driven on Friant road nearly daily for 30 years. This road is already overused and dangerous. Large trucks degrade road conditions and kick up gravel – constantly damaging cars and windshields. This project will escalate these problems.

Response 347-3

The issues of transportation safety and road maintenance are addressed in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17. See also, Collective Response #29 regarding funding for road maintenance and Collective Response #30 regarding transportation safety and vehicle damage.

Comment 347-4

The scenery on this drive is beautiful, until passing the large gravel mining operation and buildings. The view from the sky is worse.

Response 347-4

The project's potential impacts to the visual landscape are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.1.

Comment 347-5

In my professional career, part of my job is recruiting physicians to the valley. One of Fresno's selling points is the San Joaquin river parkway. This selling point becomes moot with the CEMEX project.

Response 347-5

The comment is noted for the consideration of County decision-makers. See Collective Response #7 regarding evaluation of the project's economic effects.

Comment 347-6

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected. I do not believe the potential small economic benefit comes even close to outweighing all of the negative impacts.

Thank you for your time and consideration of these comments.

I look forward to your response and further discussions on this important matter.

Response 347-6

See Collective Response #1 regarding the need for additional analysis and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of reasonable alternatives to the proposed project. The project's potential effect on the San Joaquin River is discussed in Draft EIR Section 4.10. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also, Collective Response #7 regarding evaluation of the project's economic effects.

Letter #348 March 7, 2025, Elizabeth Valdez

Comment 348-1

Dear Mr. Randall,

I am writing to submit my comments on the Draft Environmental Impact Report (DEIR) for the proposed CEMEX quarry expansion. My primary concern is the impact on water quality and supply, particularly for neighboring residents and farmers who rely on groundwater wells.

1. Water Quality & Groundwater Concerns:

    - The expansion seeks to mine up to 600 feet deep, yet no geological surveys have been conducted at this depth to assess potential impacts on groundwater.

Response 348-1

The project's potential effect on groundwater quality and supply are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Impacts 4.10-4 through 4.10-7 regarding groundwater quality. The underlying geology and water quality conditions at

the project sites have been investigated. See Draft EIR Appendix F, "Geology and Soils Reports," and Appendix G, "Hydrology and Water Quality," for the related technical studies. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections and appendices.

Comment 348-2

- Blasting vibrations may disrupt underground aquifers, impacting local wells that provide drinking water and irrigation for farms.

Response 348-2

The effects of blasting vibrations on areas outside of the project boundary are discussed in Draft EIR Section 4.13, "Noise." Draft EIR Impact 4.13-6 addresses the potential effects of vibration due to blasting on surrounding properties and wells. Any potentially significant effects are mitigated by the Blasting Protocols provided in Appendix H-5, "San Joaquin River Embankments Geophysical Investigation," of the Draft EIR. It is also important to note that, as stated on page 2-36 of the Draft EIR, mining and blasting into the hard rock would begin in the center of the Quarry, away from the river and adjacent wells, to establish safe blast designs and to allow on-going groundwater monitoring during blasting and mining. See also Responses 20-8, 22-8, 35-8, 38-8, and 64-8.

The commenter does not provide any substantial evidence or reasoning to support the claim that vibrations would impact a groundwater aquifer.

Comment 348-3

- There is a risk of toxic elements being released into the groundwater, threatening the safety of water sources for residents and agriculture.

Response 348-3

The presence of hazardous substances on the project sites and other potential hazards associated with the project are discussed in Draft EIR Section 4.9, "Hazards and Hazardous Materials." The project's potential effect on ground water quality is evaluated in Draft EIR Section 4.10. See Impacts 4.10-4 through 4.10-7 beginning on Draft EIR page 4.10-93. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 348-4

2. Agricultural & Residential Water Impact:

- Farmers in the surrounding area depend on stable groundwater levels for irrigation. How will the county ensure their water supply is not depleted or contaminated by quarry operations?
- Homeowners in the area rely on private wells, which could be compromised by changes in water flow and quality due to deep excavation and blasting.
- There is no clear plan in place for compensating residents and farmers if their water supply is negatively impacted.

Response 348-4

The project's potential effects on groundwater levels are evaluated in Draft EIR Section 4.10. See Impacts 4.10-8 through 4.10-13 beginning on Draft EIR page 4.10-102. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10. See also Response 348-6 below regarding compensation. See also, Collective Response #24 regarding the proposed groundwater monitoring program and Collective Response #25 regarding potential impacts to nearby wells.

Comment 348-5

3. Do We Need Another Quarry?

- According to reports from the State Geologist (published in the Fresno Bee), Fresno County already has permitted quarries producing more than enough sand and gravel for construction needs.
- If we already have sufficient resources, why approve a 100-year expansion for an industry with a typical 30-year permit limit?
- The long-term environmental and water risks outweigh the benefits of allowing another century of mining in this area.

Response 348-5

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project. See also, Collective Response #5 regarding the duration of the proposed use permit.

Comment 348-6

Given these concerns, I respectfully request:

- A comprehensive study on how the expansion will impact groundwater availability and quality.
- A clear mitigation plan to protect the wells of nearby residents and farms, including compensation for water loss or contamination.

Response 348-6

A comprehensive study of the project's potential impacts to groundwater availability and quality is provided in Draft EIR Appendix G, "Hydrology and Water Quality." See Impacts 4.10-4 through 4.10-12 for discussion of the project's potential impacts to groundwater levels and quality.

Mitigation Measures 4.10-10a and 4.10-10b establish groundwater monitoring and adaptive management programs to protect nearby wells. These measures require ongoing monitoring and implementation of corrective actions, as necessary, to address potential groundwater drawdown or water quality concerns. Mitigation Measure 4.10-10b provides, in part, that the funding mechanism for the Quarry Site Groundwater Adaptive Management Program shall be sufficient to cover costs associated with annual monitoring and reasonably foreseeable actions, including continued pumping to the Northeast Pond and recharge trenches, if necessary.

The Draft EIR concludes that implementation of the groundwater adaptive management program, in conjunction with Blasting Protocols, would be sufficient to minimize potential impacts to groundwater supply and quality to a less than significant level.

The commenter's suggestion to include compensation for water loss or contamination would not constitute mitigation of groundwater impacts under CEQA. The measures identified in the Draft EIR are designed to avoid or minimize physical environmental impacts and are sufficient to reduce potential impacts to groundwater supplies and quality to less than significant levels.

Comment 348-7

- An extension of the public comment period to allow further review of these critical water issues.

I would also like to request an extension of the comment period, as I was only recently informed about this issue. Given its potential impact on so many people, we need additional time to

properly inform the public. I appreciate your time and consideration of these concerns.

Please confirm receipt of this email, and I look forward to your response.

Response 348-7

See Collective Response #1 regarding extension of the public review period. Comment 348-7 is noted for the consideration of County decision-makers.

Letter #349 March 7, 2025, Cindy Williamson

Comment 349-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 349-1

The commenter's concerns are noted and will be considered by County decision-makers. Please see Responses 349-2 through 349-11 below for discussion of the specific issues raised in this comment. The Draft EIR analyzes the project's potential impacts to related to water quality, air quality, recreation, wildlife, and hazards in Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.16, "Recreation," Section 4.4, "Biological Resources," and Section 4.9, "Hazards and Hazardous Materials," respectively. See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response.

Comment 349-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 349-2

See Response 329-2.

Comment 349-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 349-3

See Collective Response #17. See also Response 329-3.

Comment 349-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period.

The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 349-4

See Collective Response #25 regarding groundwater/surface water interaction, and Collective Response #26 regarding the baseline conditions for analyzing the project's potential groundwater impacts. See also Response 329-4, which fully addresses this comment.

Comment 349-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 349-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 349-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 349-6

Please see Collective Response #27 pertaining to potential effects on adjacent parks.

Comment 349-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- Scenic Degradation: The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 349-7

Please see Collective Response #8 pertaining to the Draft EIR's visual resource impact analysis and mitigation.

Comment 349-8

- Traffic Congestion: Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on how mitigation takes place is just one example of the inadequacy of the DEIR.

Response 349-8

Please see Collective Response #29 pertaining to the project's traffic impacts and associated mitigation measures, and please see Collective Response #30 pertaining to roadway safety.

Comment 349-9

- Air Quality: The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 349-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 349-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 349-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a

requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, as revised in the Final EIR, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (Draft EIR, pages 4.4-49 through 4.4-50). The Western red bat was not observed on site during the habitat assessment, and only moderate potential exists for suitable foraging and roosting habitat (Draft EIR, page 4.4-27). In any event, blasting events would be brief, with each blast lasting approximately one to two seconds in duration, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR therefore fully and adequately evaluated the impact on each of these species.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Draft EIR Section 4.4 does not need rewriting or recirculation.

Comment 349-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

I live less than 2 miles from this site and am very concerned on how it will impact me personally being in such close proximity to this site.

Response 349-11

The proposed project would not result in significant impacts to water quality or resources, wildlife, public safety, or air quality. The commenter's concerns and request for additional analysis and recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the project's potential environmental impacts and provides mitigation measures where necessary to reduce potential impacts, in accordance with CEQA. As such, recirculation is not required.

Letter #350 March 7, 2025, Thomas Zynda

Comment 350-1

I am writing regard the CEMEX proposal to expand its mining operation on the San Joaquin River.

I am opposed to this project for a number of reasons:

1. CEMEX, a Mexican company, is proposing this type of mining on the San Joaquin because it is illegal in Mexico.

Response 350-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The proposed project would comply with California state law including the California Surface Mining and Reclamation Act (SMARA) and CEQA. Mexico's mining laws are not relevant and have no jurisdiction over the proposed project. The comment is noted for the consideration of the decision-makers.

Comment 350-2

2. The project will go to a depth of 600 feet, which will destroy that part of the river both for recreation and wildlife habitat.

Response 350-2

The project's potential to impact recreational facilities and wildlife habitat is evaluated in Draft EIR Section 4.16, "Recreation," and Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 350-3

3. The use of blasting for the mining will create intolerable noise for people within miles of the site, frighten pets and wild animals, and ruin the water quality.

Response 350-3

As described on Draft EIR page 2-42 of the Draft EIR, blasts would be limited to "one to two times per week on weekdays between the hours of 10 a.m. and 2 p.m." The issues of noise and water quality are addressed in Draft EIR Section 4.13, "Noise," and Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Regarding the suggestion that the project could affect wildlife movement, See Impact 4.4-6, beginning on Draft EIR page 4.4-62, which evaluates potential impacts on wildlife movement and corridors. At the Plant Site, the "continuation of mining and processing activities is not expected to modify or compromise wildlife movement opportunities or prevent the surrounding habitat from continuing to function as a wildlife corridor." At the Quarry Site, the proposed "downward direction of mining activities is not expected to compromise wildlife movement opportunities or prevent the surrounding habitat from continuing to function as a wildlife corridor." See also, Collective Response #13 regarding the project's operational impacts, including blasting, on wildlife located in areas adjacent to the project sites.

Comment 350-4

4. The mining will further prevent access to the river by Fresno area residents--there is already very little access to the river. We need more access to the river, not less.

Response 350-4

See Collective Response #21 regarding public access to the San Joaquin River.

Comment 350-5

5. As the mining is proposed to last 100 years, it will inflict its damage for generations to come, which generations will have no opportunity to protect themselves and their environment from the project.

Response 350-5

See Collective Response #5 regarding the duration of the proposed use permit.

Letter #351 March 8, 2025, Susan Aronson

Comment 351-1

My name is Susan Aronson, and I am a resident of North Fork, a small town situated along the San Joaquin River, in the foothills of the Sierras, about 45 minutes north of Fresno. I have been a resident here for 29 years.

I am an avid outdoor enthusiast, who enjoys the river for kayaking, swimming, and paddling, as well as the numerous trails along the waterway. I am a member of the Fresno Audubon Society, and relish the abundance of birds and animals that make the river their home.

I am reaching out to ask for your highest and wisest considerations, for what is best for the safety and health of the river now, and for its future protection.

My greatest concern is that the CEMEX project is proposing to dig a 600 foot pit, and will blast and drill into the earth along the river. The possibility of irreparable environmental damage to the waterway, groundwater, air quality, and public safety, is not acceptable, nor worth the risk.

Response 351-1

The project's potential impacts to the San Joaquin River and groundwater supplies are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." The issues of air quality are evaluated in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). The issue of public safety is addressed in multiple sections across the Draft EIR including Section 4.7, "Geology and Soils" (seismic shaking and landslide), Section 4.9, "Hazards and Hazardous Materials" (hazardous substances and emergency access), Section 4.10, "Hydrology and Water Quality" (flooding), and Section 4.15, "Public Services." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 351-2

Please consider all alternatives to mediate a better solution. There is too much at stake, that can cause harm to residence in the area, and all wildlife around and downstream.

Response 351-2

Draft EIR Chapter 6, "Alternatives," describes and evaluates a reasonable range of alternatives to the proposed project. The project's potential impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Letter #352 March 8, 2025, Greg Basila

Comment 352-1

I oppose the Cemex expansion for the following reasons:

1. Water issues

+) water table seepage into the pit will need to be pumped into the San Joaquin. River, affecting water quality in the River.

Response 352-1

The commenter incorrectly states that the project would discharge dewatering water into the San Joaquin River. The project does not propose to discharge any water into the San Joaquin River and the potential for the project to degrade surface water quality was determined to be less than significant. See Impacts 4.10-1 through 4.10-3 beginning on Draft EIR page 4.10-88. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10, "Hydrology and Water Quality."

Comment 352-2

+) underground water flow will be disrupted by the mine likely affecting home and irrigation wells to to west of the mine.

+) the local water table to the mine will be disrupted, allowing separate water stratas to mix, affecting water quality.

Response 352-2

Draft EIR Section 4.10 evaluates groundwater flow conditions and groundwater quality at the Plant Site and Quarry Site. Groundwater occurrence and flow directions are described for the alluvium, weathered rock, and hard rock units, and seasonal groundwater level fluctuations are documented based on long-term monitoring data.

As described in the Quarry Site Groundwater Conditions discussion (Draft EIR, page 4.10-38), ongoing quarry dewatering has resulted in a localized groundwater depression beneath the Quarry Site. However, monitoring data show that groundwater levels respond to seasonal and climatic conditions, and that most groundwater pumped during dewatering is returned to the subsurface through on-site recharge trenches and ponds.

The Draft EIR further explains that groundwater occurrence and movement within the weathered rock and hard rock units is controlled by natural fracturing and does not identify evidence that project activities would cause uncontrolled mixing of groundwater units or degradation of groundwater quality. Groundwater quality data indicate that observed conditions are primarily related to natural geologic materials rather than project-related changes in groundwater flow.

Accordingly, while localized groundwater level changes may occur due to quarry operations, the project would not substantially disrupt groundwater flow patterns or adversely affect groundwater quality, and impacts would be less than significant.

See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10. See also Collective Response #25 regarding impacts of the Quarry Site excavation on surface and groundwater resources.

Comment 352-3

2. Disruption of the river ecosystem in the area of the mine and down stream of the mine.

Response 352-3

The project's potential impacts to fish and wildlife habitat are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.4. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 352-4

3. Noise and ground tremors from the blasts will affect area residents, wildlife and domestic animals.

Response 352-4

The issues of noise and groundborne vibration are evaluated in Draft EIR Section 4.13, "Noise." Potential impacts to fish and wildlife species are addressed in Draft EIR Section 4.4. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 352-5

4. Dust from blasting will add to poor air quality in the Fresno area

Response 352-5

The project's dust emissions and potential effects on air quality are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality." See also, Collective Response #9 regarding the project's potential effects on the region's existing air quality conditions.

Comment 352-6

5. Inadequate plans for returning the River bottom to it's natural state when mining is complete.

Response 352-6

The project's proposed Surface Mining and Reclamation Plan is provided as Draft EIR Appendix B-1, "Surface Mining and Reclamation Plan." The commenter does not specify how the Reclamation Plan is inadequate. No further response can be provided.

Comment 352-7

6. Possible additional truck traffic on Friant Road.

Response 352-7

The project's potential traffic-related impacts are evaluated in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17.

Comment 352-8

7. Approval of this type of gravel extraction will give a competitive advantage to Cemex over other sand and gravel companies.

Response 352-8

The comment is noted for the consideration of County decision-makers. See Collective Response #7 regarding evaluation of the project's potential economic effects.

Comment 352-9

8. This is a open pit mine, no different than to open pit mines in the eastern U.S. and other areas of the country. It will be an eyesore for future generations.

Response 352-9

The project's potential effects on the visual landscape are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.1.

Letter #353 March 8, 2025, Roberta Bavin

Comment 353-1

Dear David, I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

Response 353-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 353-2 to 353-6 below that address specific issues raised in this comment letter.

Comment 353-2

1. Impacts on the San Joaquin River Watershed- The River Parkway area is beautiful and well maintained and will be destroyed by the CEMEX expansion.

Response 353-2

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential effects on views of the project sites from surrounding uses within the San Joaquin River watershed are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." The project's potential effects on recreation are addressed in Draft EIR Section 4.16, "Recreation." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 353-3

2. Air Quality and Dust Emissions- Air Quality in the San Joaquin Valley is already impacted by the geography of the area. Allergens are prevalent throughout. This project will be extremely harmful to that air quality in the area, and will impact anyone with respiratory issues.

Response 353-3

The project's potential effect on dust, air quality, and related public concerns are addressed in Draft EIR Section 4.3, "Air Quality" (see Appendix D-4, "Revised Section 4.3, Air Quality"). See also, Collective Response #9 regarding the project's potential effects on the region's existing air quality conditions.

Comment 353-4

3. Traffic and Noise Concerns- The traffic and noise through the area will destroy some of the peacefulness of the River Parkway area.

Response 353-4

The issues of traffic and noise are addressed in Draft EIR Section 4.17, "Transportation," and Section 4.13, "Noise," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 353-5

4. Cumulative Environmental Effects - Our San Joaquin Valley is the home to many species of wildlife that could be destroyed by this project.

Response 353-5

Cumulative project effects are discussed in Draft EIR Chapter 5, "Cumulative Impacts." The project's potential impacts to wildlife are addressed in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 353-6

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives.

Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 353-6

See Collective Response #1 regarding the need for additional analysis, enhanced mitigation measures, and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a reasonable range of alternatives to the proposed project. See also, Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Chapter 6.

Letter #354 March 8, 2025, Mark Bozzo

Comment 354-1

I am writing to express my strong opposition to the proposed **CEMEX Rockfield Quarry Modification Project** (CUP Applications 3666 & 3667). This project, which plans to expand mining operations for the next **100 years**, poses serious environmental, health, and quality-of-life concerns for Fresno County residents.

Response 354-1

This is an introductory comment that does not address the adequacy of the Draft EIR. No further response is warranted. See Responses 354-2 to 354-6 below that address specific issues raised in this comment letter.

Comment 354-2

Key Concerns:

1. **Environmental Degradation**

- The project will likely result in significant **air pollution** from dust and emissions, affecting public health, air quality, and disrupt local natural habitat.
- Expanded mining operations threaten **local wildlife and water resources,** including potential groundwater depletion and contamination.
- The San Joaquin River ecosystem is already at risk due to increased industrial activity. It would be irresponsible for CEMEX to pile on.

Response 354-2

The issues of dust, air quality, and related public health concerns are evaluated in Draft EIR Section 4.3, "Air Quality" (see Appendix D-4, "Revised Section 4.3, Air Quality"), as updated in the Final EIR. The project's potential impacts to fish and wildlife species and associated habitats are evaluated in Draft EIR Section 4.4, "Biological Resources." The project's potential impacts to groundwater depletion and contamination and the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata." See also, Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment," including an updated health risk assessment. This updated analysis included cancer burden modeling and demonstrated no new impacts and no changes to the findings in the Draft EIR. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 354-3

2. **Public Health & Safety Risks**

- The increase in **blasting noise, and resulting additional truck traffic** will negatively impact nearby residents and businesses and distress local wildlife.
- Blasting operations may **damage nearby structures** and create hazardous conditions.

Response 354-3

Noise and groundborne vibrations impacts associated with the proposed blasting events are evaluated in Draft EIR Section 4.13, "Noise." The project's potential impacts related to increased truck traffic are evaluated in Draft EIR Section 4.17, "Transportation." Indirect impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4, . Potential hazards resulting from blasting events are discussed in Draft EIR Section 4.9, "Hazards and Hazardous Materials." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #13 regarding operational impacts on offsite wildlife. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 354-4

3. **Limited Economic Benefits**

- The project is expected to create only five (5) long-term jobs. It does **not provide substantial job creation** or long-term economic growth for the community. It seems the only benefactor is CEMEX.
- The negative environmental and health costs drastically outweigh any potential financial benefits.

Response 354-4

See Collective Response #7 regarding evaluation of the project's potential economic effects.

Comment 354-5

4. **Land Use & Community Impact**

- The project is **inconsistent** with the vision of the **San Joaquin River Parkway Master Plan,** which prioritizes conservation and recreation.
- The loss of natural habitat and open space will diminish local property values and the quality of life for residents.

Response 354-5

See Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan. See Collective Response #7 regarding evaluation of the project's potential economic effects.

Comment 354-6

Request for Action:

I urge Fresno County to reject this project in favor of sustainable development and environmental protection. The long-term consequences of expanded mining far outweigh the short-term benefits.

Thank you for considering my concerns. I request that my opposition be included in the public record.

Response 354-6

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #355 March 8, 2025, Gloria Brough

Comment 355-1

Please, don't let this environmental disaster happen!

Response 355-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #356 March 8, 2025, L Dean Clark

Comment 356-1

Mr. Randall, My comment on the proposal is negative. For a century the gravel and deposition surface mining has operated although the land has been zoned for agriculture. It is out of scope of law to permit hard rock mining. It is prudent and sensible to continue the present gravel and surface operations until the material is used up, within the scope of other applicable environmental laws bearing on this work. Thank You for the opportunity to weigh in.

Response 356-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. As described in Draft EIR Section 4.11.1.4 on page 4.11-3, surface mining operations and related facilities and activities are permitted in the project sites' zoning district of AE-20 (Exclusive Agriculture, 20-acre minimum parcel size), subject to a conditional use permit (CUP). The existing facility operates under multiple CUPs issued by Fresno County as summarized in Draft EIR Table 2-4, "Summary of Conditional Use Permits," on page 2-27.

Letter #357 March 8, 2025, David Cords

Comment 357-1

Friends and I used to float down the river. Those times are great memories. Later I ran along the river and biked. The San Joaquin is beautiful and needs to be protected! What CEMEX is proposing would be disastrous.

Please put the San Joaquin River safety ahead of profit and vote against a destructive future.

Response 357-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential effects on the San Joaquin River and the surrounding visual landscape are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality," and Section 4.1, "Aesthetics and Visual Resources," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Letter #358 March 8, 2025, Carol De Vries

Comment 358-1

It is difficult for me to understand why our local government would even consider giving Cemex a 100 year extension which would involve blasting a 600 foot pit, to put it to scale the equivalent of the Fremont Center in San Francisco (43 stories) or the length of 2 football fields, adjacent to the San Joaquin River. It seems reckless at best.

Response 358-1

The commenter's opposition to the proposed project is noted for the consideration of County decision-makers.

Comment 358-2

With the San Joaquin Parkway we have the opportunity to create something comparable to the American River Trail.

Response 358-2

See Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan.

Comment 358-3

According to the last updated Aggregate Sustainability in the California Report (2018) we will need 305 million tons of aggregate

for the next 50 years. With that I mind, we have 556 million tons of permitted aggregate reserves – nearly double (180%) the projected demand. The majority are permitted for extraction from the Kings River outside Minkler and from the Austin Quarry near Highways 41 and 145 at facilities owned by Vulcan Materials. The bottom line is we do not need more aggregate! So why is a large multinational corporation going to be allowed to blast 600 foot pit by the San Joaquin River for something we don't need?

Vulcan materials ceased operations in 2917 in the San Joaquin River

because aggregate deposits on the river were almost gone. They left so why doesn't Cemex go. They were suppose to leave in 2005.

Response 358-3

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 358-4

4-1-1 To mitigate the substantial adverse effect in the scenic vista CEMEX is going to stain the walls of the pit to match the surrounding area. Do you really think staining the walls of a giant 600 foot pit the size of a 43 story building is going to disguise it and make it more attractive?

Response 358-4

The project's potential visual impacts are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.1. See also Collective Response #8 regarding proposed Mitigation Measure 4.1-1.

Comment 358-5

What is going to prevent kids and/or people from climbing over the fence and falling in it?

Response 358-5

The proposed project would comply with SMARA and Fresno County requirements pertaining to safety of mines. This would include, for example, the minimum fencing requirements outlined in Fresno County Code and described on page 4.11-43 of the Draft EIR. Fresno County Zoning Code, Section 834.4.220, Material Extraction Sites," requires that security fencing be placed along property lines abutting public rights-of-way in accordance with applicable County standards. The project would comply with these

standards. See discussion of the project's consistency with Fresno County's Surface Mining and Reclamation regulations (Title 15, Chapter 15.48) starting on page 4.11-43 of the Draft EIR.

Comment 358-6

If the wall of the pit collapses or is breached the impact on the water quality will be devastating.

Response 358-6

See Collective Response #17 regarding river bank stability and the potential for breach and flooding of the Quarry Site.

Comment 358-7

There is even a conflict with the zoning.

Response 358-7

As described in Draft EIR Section 4.11.1.4, "Zoning Classifications," on page 4.11-3, surface mining operations and related facilities and activities are permitted in the project sites' zoning district of AE-20 (Exclusive Agriculture, 20-acre minimum parcel size), subject to a conditional use permit (CUP). The existing facility operates under multiple CUPs issued by Fresno County as summarized in Draft EIR Table 2-4, "Summary of Conditional Use Permits," on page 2-27.

Comment 358-8

There is a conflict with the air quality plan with no mitigation measure. Seriously? Fresno's air quality is some of the worst in the nation with one of the highest rates of childhood asthma and there is no mitigation plan.

Response 358-8

The project's potential air quality impacts are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality." See also Collective Response #9 regarding the project's potential effects on the region's existing air quality conditions.

Comment 358-9

Consider the adverse effect of the constant noise and added traffic, damage and loss of agricultural and forest land, defacement of the beauty of the area, loss of natural habitat.

Response 358-9

The issues of noise and traffic are discussed in Draft EIR Section 4.13, "Noise," and Section 4.17, "Transportation." The project's potential impacts to agricultural and forest land, visual resources, and natural habitats are addressed in Draft EIR Section 4.2, "Agricultural and Forestry Resources," Section 4.1, "Aesthetics and Visual Resources," and Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 358-10

All will impact the environment and those living in the area as well as those who use the river for recreation.

Response 358-10

See Collective Response #27 regarding the project's potential effects on users of nearby parks and trails. See also Collective Response #21 regarding the project's potential impact on public access to the San Joaquin River and recreational sites.

Comment 358-11

To make matters worse, Cemex has a terrible track record of environmental violations: 43 million dollars in fines for 81 separate violations since 2000 to be exact according to the Good Jobs First, a Washington DC based nonprofit that tracks corporate and government accountability in economic development. It does not sound like Cemex is too trust worthy of cleaning up the messes that they make.

Response 358-11

See Collective Response #4a regarding CEMEX's regulatory history.

Comment 358-12

In closing we have the beautiful San Joaquin River in our backyard. It is our playground. It is an asset to our community. This is an opportunity for the local government to give the people of Fresno a place to recreate, take families on picnics, camp, bird, fish, kayak and canoe among other things. Please do the right thing for our community. Save our rivers!

Response 358-12

This is a conclusory comment that does not address the adequacy of the Draft EIR. See Responses 358-2 through 358-11 for responses to the substantive comments contained in

Letter #358. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #359 March 8, 2025, Renee Denton

Comment 359-1

I appreciate the opportunity to comment on the Draft EIR for the CEMEX Rockfield Expansion Project.

I have lived with my family near the Eaton Trail for over 30 years. I use the Eaten Trail almost every day. I often visit the San Joaquin River Parkway. I love observing wildlife, especially birds. It is unfortunate that this remarkable view shed is marked by mining activity. In my opinion, this trail and parkway are the most valuable recreational and wildlife resource that Fresno has to offer. This puts Fresno on the map as a destination place for living in California. I appreciate the mining reclamation that has been completed. I sincerely believe that the mining should come to a close.

Mining should not be further developed into hard rock mining.

Response 359-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 359-2

I do not support the increase in noise level, air pollution, adverse effects to wildlife species, and the reduced recreational experience.

Response 359-2

The issues of increased noise levels, air pollution, and adverse effects to wildlife species are discussed in Draft EIR Section 4.13, "Noise," Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.4, "Biological Resources," as they are updated in this Final EIR. See Chapter 3, "Draft EIR Errata." See Collective Response #27 regarding the project's potential operational effects on users of nearby parks and trails.

Comment 359-3

I also do not appreciate the increase in gravel trucks along Friant over the years. Those trucks present a safety concern. I drive the road at least once a week and see this safety hazard first hand.

Response 359-3

The project's potential effects related to truck trips and transportation safety are addressed in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17. See also Collective Response #30 regarding transportation safety.

Comment 359-4

I do not support rock mining in the San Joaquin River.

Response 359-4

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #360 March 8, 2025, Jeffrey Duncan

Comment 360-1

My wife and I are long-time residents of the city of Fresno, and have enjoyed raising our family here. We have recreated throughout that time in the Sierras, Millerton Lake, and the San Joaquin River area. We oppose the subject project for the following reasons:

Response 360-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 360-2 through 360-5 below that address specific issues raised in this comment letter.

Comment 360-2

(1) CEMEX does not *need* to expand this facility, because as you know there is more than enough capacity in multiple quarries to fulfill the area's need for many years. CEMEX *wants* to expand the plant to increase profits.

Response 360-2

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 360-3

(2) There are numerous environmental concerns including potential negative effects on the habitat of special-status wildlife species, soil management and groundwater contamination. Much of this requires self monitoring and self enforcement, which I understand has not been a priority of CEMEX. In light of this, why

would the County want to assume these risks, as it is almost guaranteed that the County would be made a party to environmental litigation.

Response 360-3

The project's potential impacts to special-status wildlife species and associated habitats are evaluated in Draft EIR Section 4.4, "Biological Resources." Project effects related to soils and groundwater quality are discussed in Draft EIR Section 4.7, "Geology and Soils," and Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #4a regarding CEMEX's regulatory history.

Comment 360-4

(3) By many measures, recent development projects in the area - including desirable higher density housing and related services - have been welcomed in expanding housing options for residents.

Response 360-4

The comment does not relate to the adequacy of the Draft EIR and is noted.

Comment 360-5

(4) The subject project will undoubtedly negatively impact the quality of life in the area through increased noise and increased industrial trucking congestion. Who will pay for road mitigation measures that would be necessary?

Response 360-5

The issues of noise and increased truck trips are addressed in Draft EIR Section 4.13, "Noise," and Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17. See also Collective Response #29 regarding funding for road maintenance.

Comment 360-6

To close, I have no issue with the prudent operation of the plant as currently configured and operating. I scratch my head in wonder as to why the supervisors would vote for anything that binds the community for 100 years and allows explosives to blast open a 600 foot hole in the river area.

Response 360-6

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #361 March 8, 2025, James Durando

Comment 361-1

4.4.9 Use of Explosives

As previously discussed, mining the hard rock at the Quarry Site would require drilling and blasting.

This section is confusing and incomplete. It references the "Blasting Protocols CEMEX-Rockfield Quarry, Fresno, California, September 8, 2021" document. The Project Specific References under the Blasting heading do not show that document available for review. There is a document "Blasting Protocols, CEMEX-Rockfield Quarry, Fresno, California, Vibra-Tech Engineers, Inc., October 27, 2020" under that Blasting heading but that is a completely different report.

This seems confusing and difficult to unravel. How can anyone be expected to understand the information when the source listed in the DEIR and the Project Specific References do not correspond. Where is that document to review that is needed to understand the "unknown" blasting protocol. This is another of many mistakes in this DEIR that makes me question how sloppy and careless the authors involved in the preparation of this document have been.

The fact that those other copies are on file with the Fresno County Department of Public Works and Planning creates another barrier to accessing the information. A series of links could make those documents simple to access and read. It is not reasonable to make the information available only by either driving to the county offices or by requesting it to be mailed or emailed (although those options were not offered).

"CEMEX contracted with Vibra-Tech to prepare blasting protocols for the Quarry Site (Blasting Protocols, CEMEX-Rockfield Quarry, Fresno, California, September 8, 2021). This blasting protocol document outlines the monitoring, control and reporting requirements for ground vibrations and air overpressures emitted from blasting at the Quarry Site. Mining of the hard rock will begin in the center of the site to establish safe blast designs (Exhibit C, Sheet 6). In addition, it provides "Best Practices" for the control and mitigation of flyrock from rock blasting and

the mitigation of groundwater and surface water contamination from the use of explosive products as outlined below:"

- Blast Vibration Monitoring and Control Plan including:
- Instrument Requirements
- Instrument Setup Procedures including:
- Ground vibration measurements,
- Air pressure measurements, and
- Air overpressure measurements
- Receptor Locations and Frequency of Monitoring
- Application of Particle Velocity and Air Overpressure Control
- Inspection of San Joaquin River Embankment
- Corrective Action Plan
- Complaint Response Procedure
- Record Keeping
- Annual Reporting
- Annual Blasting Plan
- Flyrock Mitigation Plan
- Groundwater and Surface Water Contamination Mitigation Plan with Best Management Practices for Blasting including:
- General Requirements
- Loading Practices
- Explosive Selection
- Muck Pile Management

This information is in the (Blasting Protocols, CEMEX-Rockfield Quarry, Fresno, California, September 8, 2021) document. This document is not available in this DEIR or from the County

Response 361-1

The commenter is incorrect regarding the availability of the September 8, 2021, Blasting Protocols document. Draft EIR Appendix H-6, "Blasting Protocols," contains the *Blasting Protocols, CEMEX—Rockfield Quarry, Fresno, California*, dated September 8, 2021. The commenter may be confusing the document's original date of "October 27, 2020" which is also shown on the cover of the document, but is immediately followed on the cover of the document by "Updated September 8, 2021." The Draft EIR includes the referenced September 8, 2021, Blasting Protocols as an appendix and clearly references the appendix, where applicable, in the text of the Draft EIR (see Draft EIR pages 4.4-57, 4.9-1, and 4.10-92). The reader is further referred to the Revised Blasting Protocols provided as Final EIR Appendix H-9, "Revised Blasting Protocols," which were updated on April 29, 2026.

Comment 361-2

Table 4.3-2 in the Cemex Rockfield Quarry DEIR (Draft Environmental Impact Report) addresses the potential emissions of PM10 (particulate matter with a diameter of 10 micrometers or smaller) and PM2.5 (particulate matter with a diameter of 2.5 micrometers or smaller) from the quarry operations, specifically from activities such as blasting, excavation, material handling, and transportation.

From a scientific perspective, here are several problems or concerns related to PM10 and PM2.5 emissions, as highlighted in the DEIR:

1. Health Impacts on Local Population

- PM10 and PM2.5 are both inhalable particles that can deeply penetrate the respiratory system. While PM10 can lodge in the upper respiratory tract, PM2.5 is small enough to reach the lungs and even enter the bloodstream, leading to a wide range of health problems.
    - Respiratory issues: Long-term exposure to PM2.5 is linked to chronic respiratory conditions, including asthma, bronchitis, and chronic obstructive pulmonary disease (COPD).
    - Cardiovascular problems: Scientific studies have shown a direct link between PM2.5 exposure and an increased risk of cardiovascular diseases like heart attacks and strokes.

    - Premature mortality: Higher levels of fine particulate pollution can contribute to premature death from respiratory and cardiovascular diseases.

- Vulnerable populations such as children, the elderly, and individuals with pre-existing respiratory conditions would be most affected by these emissions.

2. Exceeding Ambient Air Quality Standards

- Exceeding the established air quality standards for PM10 and PM2.5 can be a serious issue, particularly if background concentrations are already high. According to Table 4.3-2, if the project contributes to increased PM concentrations above state or federal thresholds, the impact could be classified as significant.

- Scientists' perspective: According to the U.S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB), consistent exposure to PM levels above the standards (e.g., 50 µg/m³ for PM10 and 12 µg/m³ for PM2.5 annually) is not recommended for long-term public health. The risk of exceeding these standards, especially in an area already prone to air pollution, is a serious concern for public health.

3. Limited Mitigation Effectiveness

- Mitigation measures outlined in the DEIR for controlling dust emissions (such as water spraying, dust suppression systems, etc.) may not be entirely effective in reducing PM10 and PM2.5 to levels that are safe for human health. These measures often address only surface dust, which may not fully control the fine particulate matter that poses the greatest health risks.

- Scientific viewpoint: While dust suppression measures can reduce visible dust and PM10, they are less effective in controlling PM2.5, which can be more difficult to manage. Fine particulate matter can remain suspended in the air for much longer periods, potentially traveling further from the source of emission and affecting a broader area.

Response 361-2

The project's potential impacts on air quality are discussed in Draft EIR Section 4.3, "Air Quality," as updated in this Final EIR, (see Appendix D-4, "Revised Section 4.3, Air Quality"). The concentrations of particulate emissions presented in Draft EIR Table 4.3-

2, "Ambient Air Quality in the Project Area," for the Clovis station, which represents an urban area, are elevated. The air quality at the project sites is cleaner than the values in Table 4.3-2. Nevertheless, as the commenter suggests, adding to pollutant concentrations that already exceed an ambient air quality standard deserves special attention. The significant impact levels (SILs) presented in Draft EIR Table 4.3-7, "Significant Impact Level Threshold Values," are designed to be used in that instance (i.e., when the background already exceeds the air quality standard). Absent additional scientific information supporting the commenter's claim, the project would retain the standard practices identified in the Draft EIR. The Draft EIR quantified particulate matter impacts that were determined to be less than significant after mitigation. Further, Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," demonstrates that after mitigation the project would result in less PM_{10} and $PM_{2.5}$ than are currently being emitted. For this reason, the Draft EIR did not model PM_{10} and $PM_{2.5}$. Nevertheless, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, (see Appendix D-3) including preparation of PM_{10} and $PM_{2.5}$ models for comparison to the SILs. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the Draft EIR analysis was sufficient, and no further response is required.

Comment 361-3

4. Cumulative Air Quality Impacts

- The DEIR also discusses the cumulative impact of the quarry's activities in the context of existing air pollution levels in the region. Fresno County already experiences elevated levels of air pollution, including high levels of PM10 and PM2.5.

- Scientific concern: When emissions from multiple sources (such as industrial operations, vehicular traffic, and agricultural activities) accumulate, they can exacerbate air quality problems in the region. A comprehensive approach to mitigating these emissions across all sources is needed. Without this, cumulative impacts could lead to significant degradation of air quality, particularly in areas that already exceed ambient air quality standards.

Response 361-3

The cumulative nature of thresholds used in each air quality impact determined in the Draft EIR Section 4.3 as updated in this Final EIR, (see Appendix D-4, "Revised Section 4.3, Air Quality"), is discussed below.

- Impact 4.3-1 describes how the project would be consistent with applicable air quality plans. Addressing cumulative air quality conditions is the primary role of air quality plans. Therefore, consistency with air quality plans is a cumulative analysis (see Appendix D-4 Section 4.3.4, "Project Impacts and Mitigation Measures").
- Impact 4.3-2 is discussed in Section 7.14 of the GAMAQI (SJVAPCD 2015) which describes the thresholds as levels that would "Result in a Cumulatively Considerable Net Increase of any Criteria Pollutant" (Appendix D-4 Section 4.3.4).
- Impact 4.3-3 is discussed in Section 8.5.2 of the GAMAQI which describes how health risk assessment thresholds that were used to evaluate Impact 4.3-3 are meant to exclude background levels from their application. As such, these levels are the amounts that are cumulatively considerable (Appendix D-4 Section 4.3.4).
- Impact 4.3-4 involves odor. If it would be the case that other odorous sources around the project exist, then cumulative odor may need to be assessed but that is not the circumstance in this case (Appendix D-4 Section 4.3.4).

The Draft EIR quantified particulate matter impacts that were determined to be less than significant after mitigation. Further, Draft EIR Table 4.3-21 demonstrates that after mitigation the project would result in less PM_{10} and $PM_{2.5}$ than currently being emitted under the CEQA baseline. The technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, (see Appendix D-3), including preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the Draft EIR analysis was sufficient, and no further response is required.

Comment 361-4

5. Non-Attainment Area Issues

- Fresno County is designated as a non-attainment area for both PM10 and PM2.5 under both state and federal air quality standards, meaning that air quality in the region already does not meet the required levels.

- Scientifically: Even modest increases in PM concentrations due to the project could worsen the area's non-attainment status, making it harder for the region to meet air quality goals. This could result in additional regulatory requirements and restrictions on future development, as well as further public health risks.

From a scientific standpoint, elevated levels of PM10 and PM2.5 from the Cemex Rockfield Quarry project present serious health risks, particularly for those living in the nearby. To minimize these impacts, stronger and more effective mitigation strategies are needed, alongside regular monitoring and adaptive management practices to ensure air quality standards are consistently met.

Response 361-4

As the comment suggests, adding to pollutant concentrations that already exceed an ambient air quality standard deserves special attention. The significant impact levels (SILs) presented in Draft EIR Table 4.3-7, as updated in the Final EIR, are designed to be used in that instance (i.e., when the background already exceeds the air quality standard). See Appendix D-4, "Revised Section 4.3, Air Quality," and Chapter 3, "Draft EIR Errata." Furthermore, not all particles are created equally toxic. Therefore, health risk assessment was performed for the Draft EIR and reported to result in less than significant health risk after mitigations. The technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, (see Appendix D-3) including additional PM_{10} and $PM_{2.5}$ modeling for comparison to the SILs. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the Draft EIR analysis was sufficient, and no further response is required.

Comment 361-5

Health Risks Associated with PM 10/ PM 2.5

From a medical viewpoint, PM10 (particulate matter with a diameter of 10 micrometers or smaller) and PM2.5(particulate matter with a diameter of 2.5 micrometers or smaller) are considered significant environmental health risks due to their ability to penetrate the respiratory system and affect various organs. Below are the health risks associated with these fine particles:

1. Respiratory Diseases

- Asthma: Long-term exposure to PM10 and PM2.5 has been linked to the development and worsening of asthma, particularly in children. These fine particles can trigger asthma attacks and exacerbate symptoms like wheezing, coughing, and shortness of breath.

- Chronic Obstructive Pulmonary Disease (COPD): Prolonged exposure to particulate matter is associated with a higher risk of developing COPD, a progressive lung disease that

includes chronic bronchitis and emphysema. PM2.5, is known to worsen airflow restriction and lung function over time.

- Bronchitis: Both short-term and long-term exposure to elevated levels of particulate matter can lead to chronic inflammation of the bronchial tubes (bronchitis), which causes persistent coughing and difficulty breathing.

2. Cardiovascular Diseases

- Heart Attacks: Studies have shown that long-term exposure to PM2.5 increases the risk of heart attacks (myocardial infarction) and other cardiovascular events. Fine particles contribute to systemic inflammation, which can damage blood vessels, increase blood clotting, and lead to arterial plaque buildup.

- Stroke: Chronic exposure to fine particulate pollution has been linked to an increased risk of stroke. The particles can affect the cardiovascular system, leading to high blood pressure and damage to blood vessels in the brain, increasing the risk of both ischemic and hemorrhagic strokes.

- Arrhythmia: Exposure to PM2.5 has been shown to contribute to heart arrhythmias (irregular heart rhythms), which can increase the risk of sudden cardiac events.

3. Neurological Effects

- Cognitive Decline: Recent research has shown a link between long-term exposure to PM2.5 and cognitive decline, particularly in older adults. Fine particulate matter can cause inflammation in the brain, which may lead to neurodegenerative diseases like Alzheimer's disease and other forms of dementia.

- Developmental Effects in Children: Children are particularly vulnerable to air pollution, as their respiratory and immune systems are still developing. Studies suggest that exposure to PM10 andPM2.5 can interfere with brain development, potentially leading to issues with memory, learning, and behavioral disorders.

- Mental Health Issues: Chronic exposure to air pollution has also been associated with mental health issues, such as anxiety and depression. The physiological stress caused by particulate matter may affect brain function and contribute to mood disorders.

4. Cancer Risks

- Lung Cancer: There is strong evidence linking long-term exposure to PM2.5 with an increased risk of lung cancer. The fine particles can carry carcinogenic chemicals deep into the lungs, leading to DNA damage and potentially the development of cancerous cells.

- Other Cancers: While the most direct link is to lung cancer, long-term exposure to particulate matter has also been associated with increased risks of other cancers, including bladder cancer and cancers of the upper respiratory tract.

5. Premature Mortality

- Increased Mortality Rates: Long-term exposure to PM10 and PM2.5 is a significant risk factor for premature death. Studies have shown that individuals living in areas with high levels of fine particulate pollution have an increased risk of dying from conditions like heart disease, respiratory illnesses, and cancer.

- Life Expectancy: According to various studies, communities exposed to higher levels of particulate matter have a shorter life expectancy compared to those living in areas with cleaner air.

6. Vulnerable Populations

- Children and Infants: Children are particularly vulnerable to the effects of PM10 and PM2.5, as their respiratory systems are still developing. Chronic exposure can result in impaired lung function, developmental delays, and increased susceptibility to respiratory diseases.

- Elderly: Older adults, particularly those with pre-existing heart or lung conditions, are at higher risk for adverse health effects from particulate matter. Aging bodies are less able to cope with inflammation caused by air pollutants, increasing the risk of heart attacks, strokes, and respiratory infections.

- People with Pre-existing Health Conditions: Individuals with chronic conditions such as asthma, COPD, cardiovascular disease, or diabetes are more likely to suffer from exacerbated symptoms or complications when exposed to high levels of PM10 and PM2.5.

7. Pregnancy and Birth Outcomes

- Premature Birth: Pregnant women exposed to high levels of PM2.5 are at increased risk of premature birth and low birth weight. Fine particles can cause inflammation that affects the placenta and fetal development.

- Developmental Issues: In utero exposure to air pollution is associated with developmental delays and health issues in newborns, including problems with lung development and cognitive function.

8. Immune System Disruption

- Immune System Suppression: Prolonged exposure to particulate matter can impair the body's immune response, making individuals more susceptible to infections, including respiratory infections like pneumonia and influenza. The particles can interfere with immune cell function, making it harder for the body to fight off pathogens.

Response 361-5

Whether an exposure is a significant risk depends on the dose and response. The potential health effects listed by the commenter appear to be true. However, the dose that individuals would receive from the project is less than significant as presented in Draft EIR Table 4.3-25, "Mitigated Project Health Risk Impacts," as updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality." The Draft EIR HRA quantified particulate matter impacts that were determined to be less than significant after mitigation. Further, Draft EIR Table 4.3-21 demonstrates that after mitigation the project would result in less PM_{10} and $PM_{2.5}$ than currently being emitted under the CEQA baseline (Draft EIR, Section 4.3.4, as updated in the Final EIR). The technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3) including preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. For these reasons, the Draft EIR analysis was sufficient, and no further response is required.

Comment 361-6

Conclusion

In summary, from a medical perspective, the health risks associated with exposure to PM10 and PM2.5 are extensive and include significant respiratory, cardiovascular, neurological, and cancer-related issues. Particularly vulnerable populations, such as

children, the elderly, pregnant women, and individuals with pre-existing health conditions, are at greater risk. The scientific consensus emphasizes the importance of reducing exposure to fine particulate matter to protect public health, particularly in areas with high pollution levels like those near industrial projects such as the Cemex Rockfield Quarry. As a resident adjacent to the Cemex Rockfield Quarry site I have concerns about the impacts of Blast Hardrock Mining.

Water Quality and Domestic Wells (Section 4.5)

- Concern: The quarry's operations, particularly excavation, blasting, and water usage, may impact local groundwater resources. This could affect domestic wells, particularly if contamination from manganese, nitrates, or other pollutants occurs, or if the water table is altered due to the project's activities.

- Key Impact: Degradation of water quality and reduced water supply are significant concerns, as they could affect your access to clean, safe water for drinking, irrigation, and other uses.

- Recommendation: Ensure the quarry implements effective mitigation measures for groundwater protection, including baseline water quality testing and monitoring of local wells.

Air Quality and Dust Emissions (Section 4.3)

- Concern: Blasting, drilling, and aggregate processing at the quarry could generate significant amounts of dust, particularly PM10 and PM2.5 particles. These fine particles can have detrimental effects on air quality, human health, and the surrounding environment.

- Key Impact: Exposure to high levels of particulate matter can exacerbate respiratory issues, particularly for children, the elderly, and those with pre-existing conditions like asthma. Long-term exposure can contribute to other health problems.

- Recommendation: Advocate for robust mitigation measures to control dust, such as regular water spraying, dust suppression technologies, and air quality monitoring around residential areas

Noise and Vibration from Blasting and Operations (Section 4.9)

- Concern: The quarry's blasting activities, as well as heavy equipment operations, may generate high levels of noise and ground vibrations. These could disrupt daily life, damage nearby structures, and cause stress or health issues due to persistent noise.

- Key Impact: Noise from the quarry could interfere with sleep, work, and leisure activities. Blasting vibrations could potentially damage nearby homes and infrastructure.

- Recommendation: Push for the implementation of noise and vibration limits and ongoing monitoring to minimize disturbances. It would be beneficial to include a system of alerts for residents before blasting events.

In Summary-

Protection of water resources and domestic wells

Ensuring air quality standards to protect health

Minimizing the impact of noise and vibration from quarry activities

Response 361-6

The proposed project would not result in significant impacts to water resources and domestic wells, air quality, or noise and vibration that cannot be mitigated. The commenter's concern is noted for the consideration of the County decision-makers. The Draft EIR sufficiently analyzes the project's potential environmental impacts and provides mitigation measures where necessary to reduce potential impacts, in accordance with CEQA.

Regarding air quality and, specifically, the project's potential to emit particulate matter, Table 4.3-21 and Table 4.3-22, "Mitigated Net Change in Daily Emissions," demonstrate that after mitigation, the project would result in less PM_{10} and $PM_{2.5}$ than is currently being emitted. See Draft EIR Section 4.3.4, (see Appendix D-4, "Revised Section 4.3, Air Quality"), as updated in the Final EIR. Furthermore, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment,* (see Appendix D-3) including preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Further, compliance with Fresno County General Plan noise measures and Mitigation Measure 4.13-2, 4.13-3, and 4.10-1, are required. The Draft EIR found that these mitigation measures would reduce potential noise impacts to a less than significant level.

Further, as discussed in Draft EIR Section 4.10, "Hydrology and Water Quality," Mitigation Measure 4.10-10a provides for monitoring of the MW-3 well cluster to assess groundwater level conditions that might affect wells to the east and northeast of the Quarry Site, and of the MW-1 well cluster to assess groundwater level conditions that might affect the San Joaquin River and wells to the west of the Quarry Site. Each well cluster includes a separate well within the alluvium, the weathered rock, and the hard rock. These wells would continue to be monitored throughout the project duration and after reclamation. Therefore, impacts to water resources and domestic wells would be less than significant with the inclusion of mitigation measures. For these reasons, the Draft EIR analysis was sufficient, and no further response is required.

Letter #362 March 8, 2025, Lonney Edwards

Comment 362-1

I am writing to express my deep concerns regarding the proposed 100-year mining permit for CEMEX by the San Joaquin River in Fresno County in the State of California.

I believe this will have detrimental effects on our local environment. The area in question is vital not only for its natural beauty but also plays a crucial role in maintaining the health of our ecosystem. The mining activities proposed threaten to destroy the landscaping and disturb the delicate balance of our local habitats.

Response 362-1

The project's potential impacts to the visual landscape of the project area are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." Potential effects to fish and wildlife species and associated habitats are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 362-2

Furthermore, the potential for pollution is alarming. If any dust or toxic materials from the mining operations enter the nearby river, we risk contaminating our water supply. The impact on the San Joaquin River and its tributaries could be catastrophic, affecting not only wildlife but also the health and safety of our community.

Response 362-2

The use of hazardous substances on the project sites is evaluated in Draft EIR Section 4.9, "Hazards and Hazardous Materials." The project's potential to degrade surface water quality is evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Impacts 4.10-1 through 4.10-3. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #17 regarding river bank stability and the potential for breach and flooding of the Quarry Site.

Comment 362-3

Given these significant environmental risks, I urge you to consider the long-term consequences of this decision. The effects of such mining activities could last far beyond the duration of the permit, impacting generations to come.

Therefore, I strongly advocate for a NO vote on this proposed mining permit.

Thank you for considering the voices of community members deeply invested in protecting our environment.

Response 362-3

The commenters' opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #363 March 8, 2025, Ingrid Fellows

Comment 363-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

1) Noise from Blasting which will significantly impact residents daily lives and their property values

- Impacts to area residents have the potential to be significant

- The DEIR doesn't explain what residents would experience with blasting once or twice a day (which would be within the proposed threshold)

- The analysis lists three potential impacts related to damage to surrounding residential/commercial structures and damage to nearby groundwater wells, disturbance of nearby residents, or destabilization of the San Joaquin River embankment. The DEIR analyses damage to structures and wells and destabilization of the river embankment but barely mentions disturbance to residents.

Response 363-1

Please refer to Response 58C-3 and Appendix H-8, "Blasting and Human Response Technical Memorandum," for discussion of the blasting thresholds applicable to humans. As discussed in Chapter 3, "Draft EIR Errata," the blasting threshold applicable to residents at occupied residences would be 0.60 inches/second peak particle velocity (PPV). Adherence to a threshold of 0.60 inches/second PPV would be sufficient to minimize potential disturbances to nearby humans at occupied residential structures adjacent to the Quarry Site.

Comment 363-2

- It appears that they did not evaluate the impacts of blasting to users of the adjacent park"

Response 363-2

See Collective Response #27 pertaining to the potential effects of blasting and mining activities on users of nearby parks and trails. A Blast Impact Analysis was prepared by Vibra-Tech Engineers to evaluate potential vibration impacts from proposed blasting activities (see Section 4.13, "Noise," of the Draft EIR). The analysis includes the closest structure to the Lost Lake Park. Therefore, impacts of blasting to the adjacent park was considered. Additionally, the project would be required maintain certain thresholds which would not significantly impact people (Draft EIR page 4.13-65). For these reasons, the Draft EIR's analysis was sufficient.

Comment 363-3

"- The mitigation measures for noise impacts should be more specifically be required rather than a laundry list for the applicant to choose from.

- The DEIR should have analyzed how much noise reduction each measure would result in and required particular combinations of measures to ensure noise is adequately reduced.

Response 363-3

In addition to the response below, see Responses 58C-13 and 58-65.

The noise control measures required for consideration under Mitigation Measures 4.13-2 and 4.13-3 have been proven to be effective in reducing noise generated by the aggregate industry. The measures that would be most effective in reducing noise generated by the project cannot be precisely determined until the design and specific equipment types to be utilized have been finalized. For this reason, Mitigation Measures 4.13-2(7) and 4.13-3(12), specifically require noise monitoring to be conducted to demonstrate that the implemented measures have resulted in compliance with the applicable noise standards. As such, the Operator would be required to implement the measures determined to be required to achieve such satisfaction with those standards. Otherwise, Comment 363-3 does not provide any substantial evidence that these mitigation measures fail to adequately reduce noise impacts to a less than significance.

Comment 363-4

- Because the project would increase nighttime noise for area residents, the DEIR should prohibit nighttime operations that increase noise. See pg. 4.13-60."

Response 363-4

See Responses 58C-15 and 112-18.

Comment 363-5

2) VOC and SO2 fumes due to new asphalt plant are hazardous to the local residents

Impact 4.3-4: Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people

"- The DEIR says that project emissions may exceed cancer risk thresholds. DEIR pg. 4.3-63. The DEIR says that because mitigation measures would reduce emissions, the DEIR did not evaluate population-wide cancer burden.

DEIR at pg. 4.3-64. CEQA requires that the analysis be performed before taking into account implementation of mitigation measures."

Response 363-5

The Draft EIR determined that local residents would be exposed to VOC, SO_2, and other pollutants at levels that would be considered less than significant. After mitigation, the cancer risk at the MEIR decreases from the existing CEQA baseline condition (see Draft

EIR, Table 4.3-24, "Unmitigated Project Health Risk Impacts," and Table 4.3-25, "Mitigated Project Health Risk Impacts," as updated in this Final EIR). See Appendix D-4, "Revised Section 4.3, Air Quality," and Chapter 3, "Draft EIR Errata." Thus, the cancer burden, a measure summing effects from each census block, would also show a reduction from the baseline values. Therefore, cancer burden was not calculated in the Draft EIR. Nevertheless, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3). The analysis includes cancer burden modeling and demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 363-6

I have grave concerns about blasting to a depth of 600 ft near several residential communities, not to mention our beloved San Joaquin River. The wildlife impact, the aesthetic impact, the noise, the noxious and carcinogenic fumes generated from the new asphalt plant- these are all items that are going to reduce the local residents quality of life as well as their property values. I strongly urge you not to allow the blasting portion of this project and the implementation of the asphalt plant. We do not wish to pay high property taxes to live in a carcinogenic garbage dump. On a personal level, I truly love the river and hope that we can maintain the few beautiful and wild areas we have in our valley.

Thank you for your time and attention to this matter.

Response 363-6

Please see Responses 363-1 through 363-5 above for discussion of the individual issues raised in the comment letter. The commenter's preferences and concerns are noted and will be considered by County decision-makers.

Letter #364 March 8, 2025, Andrea Gerton

Comment 364-1

Please reconsider this CEMEX Rockfield Expansion Plan. I work from home, and hearing explosives and drilling to excavate up to 600 feet below the surface would be extremely disturbing for me.

Response 364-1

As described in Draft EIR Chapter 2, "Project Description," on page 2-42, blasts would be limited to "one to two times per week on weekdays between the hours of 10 a.m. and 2

p.m." Noise and groundborne vibration associated with proposed blasting events are evaluated in Draft EIR Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," of this Final EIR for proposed revisions to Draft EIR Section 4.13.

Comment 364-2

This change could also lead to further strain on our already limited local resources.

Response 364-2

The commenter does not identify what local resources would be strained by the proposed project. The project's potential impacts to public services and utilities are addressed in Draft EIR Section 4.15, "Public Services," and Section 4.19, "Utilities and Service Systems." See Chapter 3, "Draft EIR Errata," of this Final EIR for proposed revisions to these Draft EIR sections.

Letter #365 March 8, 2025, Paul Gordon

Comment 365-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 365-1

The commenter's concerns are noted and will be considered by County decision-makers. Please see Responses 365-2 through 365-11 below for discussion of specific issues raised in this comment. The Draft EIR analyzes the project's potential impacts to water quality, air quality, recreation, wildlife, and hazards in Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.16, "Recreation," Section 4.4, "Biological Resources," and Section 4.9, "Hazards and Hazardous Materials," respectively. See Chapter 3, "Draft EIR Errata."

Comment 365-2

Impacts on Water Quality

the San Joaquin River

- The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and

contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

- The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 365-2

See Response 349-2.

Comment 365-3

What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?

Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 365-3

See Collective Response #17. See also Response 329-3.

Comment 365-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 365-4

See Collective Response #25 regarding groundwater/surface water interaction, and Collective Response #26 regarding the baseline conditions for analyzing the project's potential groundwater impacts. See also Response 329-4, which fully addresses this comment.

Comment 365-5

Impacts on the San Joaquin River Parkway

Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed. â€¢ The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master

Planâ€™s [sic] requirement for a 300-foot buffer between mining operations and public access

- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 365-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 365-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 365-6

Please see Collective Response #19 pertaining to public accessibility to area parks, and please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 365-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- Scenic Degradation: The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 365-7

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation.

Comment 365-8

- Traffic Congestion: Significant traffic impacts are expected, yet there is no Traffic Congestion: Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on how mitigation takes place is just one example of the inadequacy of the DEIR. The docu [sic]

Response 365-8

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 365-9

- Air Quality: The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 365-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 365-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainsons hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 365-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (Draft EIR, pages 4.4-49 through 4.4-50). The Western red bat was not observed on site during the habitat assessment, and only moderate potential exists for suitable foraging and roosting habitat (Draft EIR, page 4.4-27). In any event, blasting activities would be brief, with each blast lasting approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR, as amplified by the Final EIR, therefore fully and adequately evaluates the impacts on each of these species. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.4.

Regarding the use of Alaskan Blasting Standards for analyzing the Project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Draft EIR Section 4.4, "Biological Resources," does not need rewriting or recirculation.

Comment 365-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 365-11

With implementation of the mitigation measures required in this EIR, the proposed project would not result in significant impacts to water quality or resources, wildlife,

public safety, or air quality. The commenter's concerns and request for additional analysis and recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the project's potential environmental impacts and provides mitigation measures where necessary to reduce potential impacts, in accordance with CEQA. As such, recirculation is not required.

Letter #366 March 8, 2025, Ann Guevara

Comment 366-1

I'm certain your job isn't easy, though grateful to reach out to you about the CEMEX expansion project.

Is this project necessary or beneficial to the long term resiliency of the Fresno area? Sure money is great, and some say makes the world go round. But does it really (if we put short term greed aside)?

Not only do we probably not need this expansion project (if were being honest with ourselves), but it will do nothing to help our County thrive (economically, socially, environmentally...). I think of Butan and all their new economic growth projects, that also maintain a focus on the community and environment. While Butan is a nation smaller than the population of Fresno, they maintain the clean water source for 1/5 of the world's population. (A pretty impressive fact, that illustrates even small can be mighty.) Fresno is an incredible place. When I first moved here 20 years ago, I was told it was the armpit of California. I've found that is not true, though a project like the CEMEX Rockfield Expansion Project would certainly support that belief.

Response 366-1

No specific comments related to the adequacy of the Draft EIR were made; however, the commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 366-2

Please consider the impacts of this project and any more sustainable alternatives.

Response 366-2

The potential environmental impacts of the proposed project are considered throughout the EIR. Draft EIR Chapter 6, "Alternatives," describes and evaluates a reasonable range of alternatives to the proposed project.

Letter #367 March 8, 2025, Shannon Holmes

Comment 367-1

This is a bad idea for the citizens who live nearby the site, as I do, but mostly the environmental impacts this will create is unacceptable !!

NO TO DRILLING, DIGGING AND MINING OF THE SAN JOAQUIN RIVERBED !!

Response 367-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #368 March 8, 2025, Tom Holyoke

Comment 368-1

I am writing to express my concerns regarding the Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. I really fear that this project will threaten the San Joaquin River, local water quality, air quality, public recreation, wildlife, and even public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 368-1

The commenter's concerns are noted and will be considered by County decision-makers. Please see Responses 349-2 through 349-11 below for discussion of the specific issues raised in this comment. The Draft EIR analyzes the project's potential impacts to water quality, air quality, recreation, wildlife, and hazards in Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.16, "Recreation," Section 4.4, "Biological Resources, and Section 4.9, "Hazards and Hazardous Materials," respectively. See Chapter 3, "Draft EIR Errata."

Comment 368-2

Impacts on Water Quality and the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows yet fails to provide any solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events. Specifically,

Response 368-2

See Response 349-2.

Comment 368-3

- What is CEMEX's plan if major flooding breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 368-3

See Collective Response #17. See also Response 329-3.

Comment 368-4

Impacts on the San Joaquin River Parkway

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or any kind of timeline. At the very least the DEIR should identify the timeframe and exact location of the trail to be constructed. It should also describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access.

Response 368-4

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River, and please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 368-5

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts. For instance,

- The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 368-5

Please see Collective Response #8 pertaining to the Draft EIR's visual resource impact analysis and mitigation.

Comment 368-6

- Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on *how* mitigation takes place is just one example of the inadequacy of the DEIR.

Response 368-6

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 368-7

- The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 368-7

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 368-8

Threats to Wildlife

The DEIR also appears to not adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, it uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Alaska standards? Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River? This section should be completely rewritten and recirculated for public comment.

Response 368-8

The impacts from construction and mining, including blasting, on nesting and migration patterns are adequately analyzed in the Draft EIR. See Response 65-12 for further discussion of the project's potential impacts on wildlife related to blasting and continued mining operations. With the implementation of Mitigation Measure 4.4-1c, which

requires a qualified biologist to conduct pre-construction surveys for nesting birds (including tricolored blackbirds, burrowing owl, and Swainson's hawk) located on the project sites prior to initiation of a mining phase, potential impacts to nesting birds would be less than significant (Draft EIR at page 4.4-49).

See Response 65-16 for further discussion of impacts to migratory birds and 65-17 for further discussion of the project's potential impacts to migratory corridors or linkages.

See Response 65-13 and 124-9 regarding the sufficiency of Alaskan Blasting Standards for determining the project's potential impacts to salmon.

It should be noted that blasting events would be brief, with each blast lasting approximately one to two seconds, and would not result in significant adverse impacts to wildlife. The project sites are already disturbed by decades of ongoing mining activities and would not have a significant increase in activity.

Comment 368-9

Overall, given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Response 368-9

With the implementation of mitigation measures, the proposed project would not result in significant impacts to water quality or resources, wildlife, public safety, or air quality. The commenter's concerns and request for additional analysis and recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the project's potential environmental impacts and provides mitigation measures where necessary to reduce potential impacts, in accordance with CEQA. As such, recirculation is not required.

Letter #369 March 8, 2025, Valerie Johnson

Comment 369-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have specific concern that I urge you to address prior to moving forward with approval.

Air Quality and Dust Emissions: "The DEIR says that project emissions may exceed cancer risk thresholds. DEIR pg. 4.3-63. The DEIR says that because mitigation measures would reduce emissions, the DEIR did not evaluate population-wide cancer burden. DEIR at pg. 4.3-64. CEQA requires that the analysis be performed before taking into account implementation of mitigation measures." This is particularly concerning to me.

Response 369-1

Please see Collective Response #11 pertaining to community cancer risk. Draft EIR Section 4.3, "Air Quality," as updated by the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), evaluates potential air quality impacts of the project, including fugitive dust, toxic air contaminants, and associated health risks (Impact 4.3-3). The air quality technical analysis was updated to clarify and expand upon the information presented in the Draft EIR, as described in the A*ir Quality, Health Risk, and Climate Change Impact Assessment* (see Appendix D-3). This updated analysis includes cancer burden modeling and confirms that there are no new impacts and no changes to the conclusions presented in the Draft EIR. See Chapter 3, "Draft EIR Errata" and Appendix D-4.

The analysis quantifies estimated unmitigated health risk impacts (Appendix D-4, Table 4.3-24, "Unmitigated Project Health Risk Impacts") and mitigated health risk impacts (Appendix D-4, Table 4.3-25, "Mitigated Project Health Risk Impacts"). Appendix D-4 confirms that the project's potential impact regarding increased cancer risk to sensitive receptors was determined to be less than significant.

As shown in Tables 4.3-24 and 4.3-25, implementation of mitigation results in a reduction in cancer risk at the maximally exposed individual receptor compared to the CEQA baseline condition. Because the project would result in a reduction in cancer risk, a corresponding reduction in cancer burden would also be expected.

Comment 369-2

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected. Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 369-2

The Draft EIR adequately analyzes the project's potential environmental impacts and identifies mitigation measures, where necessary, to reduce impacts to less than significant levels. The commenter requests additional analysis, enhanced mitigation measures, and less harmful alternatives, but does not provide evidence that the existing analysis is deficient or that additional measures are warranted. The commenter also does not identify or describe specific feasible mitigation measures or alternatives that should be considered. The commenter's concerns are noted and will be considered by County decision-makers.

Under CEQA, project alternatives and mitigation measures are required where potentially significant impacts are identified. Because the Draft EIR concludes that impacts would be mitigated to less than significant levels, no additional alternatives analysis or mitigation measures are required.

Letter #370 March 8, 2025, Chris Julian

Comment 370-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project.

Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

Response 370-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 370-2 through 370-10 that address specific issues raised in this comment letter.

Comment 370-2

1. Impacts on the San Joaquin River Watershed. My wife and I have lived directly across from the Cemex plant for the past 25 years in River View Ranch. Our water source is a community well run by Fresno County. We worry about the effect on our water quality and water supply with a 600 foot deep pit being dug between us and the most beautiful natural feature in the San Joaquin Valley, the river. No one can tell us the impact of this with any certainty; expert opinion may be given, but will be an extrapolation of theory and experience limited in accuracy by the complexity of the local environment. In other words, no one can guarantee me that the big pit want hurt our water.

Response 370-2

The project's potential impacts to groundwater supplies and quality are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." Potential effects on the visual landscape are discussed in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," of this Final EIR for proposed revisions to these Draft EIR sections.

Comment 370-3

2. Air Quality and Dust Emissions. Living across from Cemex, we have seen the dust and air quality issues for years. Expanding the scope and nature of the mining will certainly increase these emissions. I am doubtful of meaningful mitigation can be achieved. How will Cemex accomplish this?

Response 370-3

Draft EIR Section 4.3, "Air Quality," as updated by this Final EIR, (see Appendix D-4, "Revised Section 4.3, Air Quality"), evaluates potential air quality impacts of the project. The technical analysis for air quality impacts was updated to clarify and expand upon the information presented in the Draft EIR, as described in the *Revised Air Quality, Health Risk and Climate Change Impact Assessment*, (see Appendix D-3), which includes additional analysis, modeling, and a draft Fugitive Dust Control Plan. See also Collective Response #9 for further discussion of the project's potential air quality impacts.

Mitigation Measure 4.3-2b as revised in this Final EIR, includes a draft Fugitive Dust Control Plan, subject to the approval of the SJVAPCD, that would effectively address the project's equipment emissions and dust generation. This updated analysis demonstrates no new impacts and no changes to the conclusions presented in the Draft EIR. Mitigation Measure 4.3-4, as updated in the Final EIR, requires the incorporation of specific design features to address air emissions associated with the proposed asphalt plant. See Appendix D-4, "Revised Section 4.3, Air Quality."

Comment 370-4

3. Biological Resource Impacts. I have great concerns for the environment related to the increased mining. We have a wonderful mix of animals that live in and around are yard including currently an owl. In my yard over the past 25 years, I have seen the tiger salamander, a bobcat, coyotes, an osprey, voles, rabbits, field mice, squirrels, snakes, and, not to mention, many redtail hawks. The main corridor of wildlife in our area is the river. I remember the extreme environmental evaluation related to the widening of Friant

Road carried out worrying about many issues but especially the vernal pools and the tiger salamander. Widening the road by ten feet each lane is a minor change to the environment compared to the future destruction of the ecosystem along the side of the river by the expansion of the Cemex mining digging a pit the size of a skyscraper. One wonders if the project could be achieved at a less environmentally sensitive site away from the river-has this been explored or addressed? What about the impact on the tiger salamander and the surrounding vernal pools?

Response 370-4

The project's potential impacts to fish and wildlife species and associated habitats are evaluated in Draft EIR Section 4.4, "Biological Resources." As described there, California tiger salamander is presumed to be absent from the project sites. However, because this species is commonly of concern at sites in the Central Valley it is described in detail on Draft EIR page 4.4-23 and evaluated in Table 4.4-1, "Special-Status Wildlife Species," and on page 4.4-29 through 4.4-31. In addition, no vernal pools occur within the boundaries of either the Plant Site or the Quarry Site as they have both been subjected to ground disturbance for many years (Draft EIR page 4.4-33 and 4.4-34). Additionally, alternative project locations are discussed in Draft EIR Section 6.4.2.1, "Alternative Site Locations." See also Final EIR Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response.

Comment 370-5

4. Traffic and Noise Concerns. The trucks are noisy and often pull out with a long trailer behind them that require the surrounding traffic to slow down to avoid them. I always worry about the safety of drivers on Friant Road.

Response 370-5

The issue of traffic noise is addressed in Draft EIR Section 4.13, "Noise." See Impact 4.13-1 beginning on Draft EIR page 4.13-49. The issue of traffic safety is addressed in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," of this Final EIR for proposed revisions to these Draft EIR sections. See also Collective Response #30 regarding transportation safety.

Comment 370-6

I understand that blasting may be used in the future with obvious creation of noise and air quality problems.

How can this be achieved without the loud noise and mess? Again, is there a location not as environmentally sensitive as next to the river?

Response 370-6

Please see Collective Response #9 for further discussion of air quality emissions associated with blasting. The potential effects of proposed blasting (e.g., dust and noise/vibration) are addressed in Draft EIR Section 4.3 (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, as updated in this Final EIR. Alternative project locations are discussed in Draft EIR Section 6.4.2.1, "Alternative Site Locations." See Chapter 3, "Draft EIR Errata."

Comment 370-7

5. Cumulative Environmental Effects. I am sure there are other issues not already brought up by me that may affect the environment in the long run like leaching of chemicals or release of toxins that will increase over time.

Response 370-7

Issues related to hazardous substances are evaluated in Draft EIR Section 4.9, "Hazards and Hazardous Materials." The project's potential cumulative effects are described in Draft EIR Chapter 5, "Cumulative Impacts." See Chapter 3, "Draft EIR Errata," of this Final EIR for proposed revisions to Draft EIR Section 4.9.

Comment 370-8

What about the fish in the river? The birds of prey that hunt these fields? etc.

Response 370-8

The project's potential impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4. See Chapter 3, "Draft EIR Errata," of this Final EIR for proposed revisions to Draft EIR Section 4.4.

Comment 370-9

No human, expert or not, can known the long term damage of the project to me, my wife, our yard and the animals that live in it, the wildlife in and around the river, the air quality and the water quality for decades (10 of them) to come.

Response 370-9

See Collective Response #5 regarding the duration of the proposed use permit. The issues of air and water quality are discussed in Draft EIR Section 4.3 (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.10. The project's potential impacts to wildlife species are evaluated in Draft EIR Section 4.4. See Chapter 3, "Draft EIR Errata," of this Final EIR for proposed revisions to these Draft EIR sections.

In accordance with CEQA, the Draft EIR analyzes all reasonably foreseeable environmental impacts based on the best available scientific data, accepted methodologies, and existing regulatory standards at the time of environmental review. Where appropriate, the mitigation measures provided in the EIR require long term monitoring and adaptive management and provide funding sources to ensure implementation. In addition, the project would be subject to ongoing regulatory oversight, permitting requirements, and annual inspection, which provide mechanisms to address changing conditions or new information that may arise during operations.

Comment 370-10

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected. Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 370-10

See Collective Response #1 regarding the need for additional analysis and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of alternatives to the proposed project.

Letter #371 March 8, 2025, Kent Karsevar

Comment 371-1

Dear David, I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

Response 371-1

This is an introductory comment that does not address the adequacy of the Draft EIR. No further response is warranted. See responses below that address specific issues raised in this comment letter.

Comment 371-2

1. Impacts on the San Joaquin River Watershed are significant and damaging.

Response 371-2

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," of this Final EIR for proposed revisions to Draft EIR Section 4.10. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 371-3

2. Air Quality and Dust Emissions will be horrific for the area.

Response 371-3

Draft EIR Section 4.3, "Air Quality," as updated by the Final EIR, evaluates potential air quality impacts of the project. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to Draft EIR Section 4.3. See also Collective Response #9 regarding the project's potential effects on existing air quality conditions.

Comment 371-4

3. Biological Resource Impacts will be significant and damaging.

Response 371-4

The project's potential impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," of this Final EIR for proposed revisions to Draft EIR Section 4.4. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 371-5

4. Traffic and Noise Concerns will be significant.

Response 371-5

The project's potential effects related to traffic and noise are addressed in Draft EIR Section 4.17, "Transportation," and Section 4.13, "Noise." See Chapter 3, "Draft EIR

Errata," of this Final EIR for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 371-6

5. Cumulative Environmental Effects will be significant and damaging.

Response 371-6

The project's cumulative effects are discussed in Draft EIR Chapter 5, "Cumulative Impacts."

Comment 371-7

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 371-7

See Collective Response #1 regarding the need for additional analysis, enhanced mitigation measures, and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a reasonable range of alternatives to the proposed project.

Letter #372 March 8, 2025, David Kawano

Comment 372-1

I support CeMex enlarging their operation here in Fresno. The industry knows how to take care of the environment as well as setting explosives in their mining operation. The Fresno management actively takes part in taking care of their land and helping the community in times unexpected issues for the county arise. They provide employment and keep the cost lower for industry. Please support their operation.

Response 372-1

The commenter's support to the proposed project is noted for the consideration of the decision-makers.

Letter #373 March 8, 2025, Deborah Ledford

Comment 373-1

Thank you for the opportunity to comment on the Draft Environmental Impact Report. I strongly object to the proposed project because of the significant environmental damage and community impact which would result.

The San Joaquin River is our local waterway and it is important both for public recreation and as a habitat for wildlife.

Response 373-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential impacts to recreational resources and fish and wildlife species are evaluated in Draft EIR Section 4.16, "Recreation," and Section 4.4, "Biological Resources," respectively. See Chapter 3, "Draft EIR Errata," of this Final EIR for proposed revisions to these Draft EIR sections.

Comment 373-2

Extending the mining for another hundred years and changing the depth of the mining as well as blasting hard rock will alter the environment significantly. Water and air quality will deteriorate. The San Joaquin Valley already struggles with these issues and this project will greatly worsen the situation.

Response 373-2

The potential effects of proposed blasting (e.g., dust and noise/vibration) are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, "Noise," as revised in this Final EIR. The potential impacts on water quality are addressed in Draft EIR Section 4.10. See Chapter 3, "Draft EIR Errata," of this Final EIR for proposed revisions to these sections of the Draft EIR. See also Collective Response #9 regarding the project's potential effects on the existing air quality conditions of the region.

Comment 373-3

I live near Friant Road and the huge increase in truck traffic will create more noise, pollution and traffic hazards.

Response 373-3

The issue of truck traffic is addressed in Draft EIR Section 4.17, "Transportation." See also Collective Response #29 regarding traffic impacts and mitigation and Collective Response #30 regarding transportation safety. Noise impacts are discussed in Draft EIR Section 4.13, "Noise." Pollution is a broad topic that is addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.8, "Greenhouse Gas Emissions," (see Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions"), Section 4.9, "Hazards and Hazardous Materials," Section 4.10, "Hydrology and Water Quality," Section 4.13, and Section 4.20, "Wildfire." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 373-4

CEMEX borders on the San Joaquin River Conservancy and other public lands. The proposed mining will harm these environmental preserves.

Response 373-4

See Collective Response #20 regarding the claim that the operation encroaches on an ecological preserve. See also Collective Response #18 regarding the proposed project's consistency with the San Joaquin River Parkway Master Plan.

Comment 373-5

At a time in the history of the earth when we face unprecedented global warming, we must do everything we can to protect the climate, resources and environment .

Response 373-5

The project's potential to contribute to climate change is evaluated in Draft EIR Section 4.8, "Greenhouse Gas Emissions." See Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions," for proposed revisions to Draft EIR Section 4.8.

Comment 373-6

Given these concerns, I ask the agency to require CEMEX to find less harmful alternatives.

Response 373-6

Draft EIR Chapter 6, "Alternatives," describes and evaluates a reasonable range of alternatives to the proposed project. Each of the alternatives evaluated would lessen one or more of the environmental impacts identified for the proposed project.

Comment 373-7

In the Fresno area we already have more than enough rock available for construction.

Response 373-7

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 373-8

It is essential that we protect the health of the San Joaquin River watershed and the local environment.

Thank you for your time and support!

Response 373-8

The comment does not address the adequacy of the Draft EIR. See Responses 373-2 through 373-7 for responses to the substantive comments contained in this letter.

Letter #374 March 8, 2025, Annabelle Lowndes

Comment 374-1

I am writing to express my strong opposition to the proposed extension of the CEMEX DIER mining operations in Fresno, CA. This extension poses significant risks to public health, the local environment, and the overall well-being of our community. I urge you to deny this extension and prioritize the safety and quality of life for Fresno County residents.

Response 374-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 374-2 through 372-4 that address specific issues raised in this comment letter.

Comment 374-2

The continuation of CEMEX's operations would exacerbate air and water pollution, contributing to Fresno County's already poor air quality. The release of particulate matter and other pollutants from mining activities is linked to respiratory illnesses, cardiovascular disease, and other serious health conditions. Extending this project will disproportionately affect vulnerable populations, including children, the elderly, and low-income communities who already experience environmental burdens. I am a

mother with an infant. Living in the Central Valley is already burdensome on our lungs and health, this plan would greatly exacerbate that.

Response 374-2

Draft EIR Section 4.3, "Air Quality," as updated by the Final EIR, evaluates potential air quality impacts of the project. See Appendix D-4, "Revised Section 4.3, Air Quality." Potential health effects associated with air pollution are described in Draft EIR Section 4.3.1.2, "Pollutants and Health Effects." The project's potential impacts related to water quality are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Draft Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. See also Collective Response #9 regarding the project's potential air quality impacts in the region.

Comment 374-3

The proposed extension threatens local ecosystems and wildlife. Mining operations consume substantial water resources, further straining our region's limited water supply during a time of ongoing drought and climate change. Additionally, the destruction of natural habitats disrupts local biodiversity and undermines efforts to protect our environment for future generations.

Response 374-3

The project's potential impacts to local habitats and ecosystems, biodiversity, and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources."

Potential impacts to water resources are evaluated in Draft EIR Section 4.10 and Section 4.19, "Utilities and Service Systems." Table 4.19-1, "Existing and Proposed Water Use Summary (Acre-Feet per Year)," on Draft EIR page 4.19-9 provides a water use summary for the project including existing and proposed water demands. Table 4.19-2, "Availability of Water vs Project Use (Acre-Feet Per Year)," on Draft EIR page 4.19-10 provides a comparison of the project's proposed water demands and supplies. The issue of climate change is addressed in Draft EIR Section 4.8, "Greenhouse Gas Emissions," (see Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions").

See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 374-4

Noise pollution, increased traffic from heavy trucks, and the degradation of open spaces reduce the quality of life for nearby

residents. The long-term social and economic costs of this extension outweigh any short-term financial gains. Our community deserves sustainable development that prioritizes environmental justice and public health. I live nearby this quarry and often utilize the outdoor public spaces with my family. I, like many other residents of North Fresno, believe I deserve a life of peace and good health.

Response 374-4

The issues of noise pollution and increased traffic are addressed in Draft EIR Section 4.13, "Noise," and Section 4.17, "Transportation." The project's potential effects on surrounding open spaces and recreational uses are evaluated in Draft EIR Section 4.16, "Recreation." See Chapter 3, "Draft EIR Errata," of this Final EIR for proposed revisions to these Draft EIR sections. See also Collective Response #7, regarding evaluation of the project's potential economic effects, and Collective Response #27, regarding the project's potential operational effects on users of nearby parks and trails.

Comment 374-5

I respectfully urge the Fresno County Board of Supervisors to reject the CEMEX DIER extension. Instead, I encourage you to pursue policies that protect our natural resources, promote public health, and invest in sustainable economic alternatives that benefit all residents. Our collective future depends on decisions that value people over profit and prioritize long-term community well-being.

Thank you for your time and consideration. I trust that you will act in the best interest of

Fresno County residents and the environment by opposing this harmful extension.

Response 374-5

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #375 March 8, 2025, Kyle Lyman

Comment 375-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and

public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 375-1

The commenter's concerns are noted and will be considered by County decision-makers. Please see Responses 375-2 through 375-11 for discussion of the specific concerns raised in this comment. The Draft EIR analyzes the project's potential impacts to water quality, air quality, recreation, wildlife, and hazards in Draft EIR Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.16, "Recreation," Section 4.4, "Biological Resources, and Section 4.9, "Hazards and Hazardous Materials," respectively.

Comment 375-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 375-2

See Response 349-2.

Comment 375-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 375-3

See Collective Response #17. See also Response 329-3.

Comment 375-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 375-4

See Collective Response #25 regarding groundwater/surface water interaction, and Collective Response #26 regarding the baseline conditions for analyzing the project's potential groundwater impacts. See also Response 329-4, which fully addresses this comment.

Comment 375-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 375-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 375-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 375-6

Please see Collective Response #19 pertaining to public accessibility to area parks, and see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 375-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 375-7

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation.

Comment 375-8

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on *how* mitigation takes place is just one example of the inadequacy of the DEIR. The docu [sic]

Response 375-8

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 375-9

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 375-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 375-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 375-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (see Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With the implementation of Mitigation Measures 4.4-1c and 4.4-1a, as revised in the Final EIR, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (see Draft EIR, page 4.4-49 through 4.4-50). The Western red bat was not observed on site during the habitat assessment, and only moderate potential exists for suitable foraging and roosting habitat (Draft EIR, page 4.4-27). In any event, blasting events would be brief, each lasting approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR therefore fully and adequately evaluated the impact on each of these species.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Section 4.4 of the Draft EIR does not need rewriting or recirculation.

Comment 375-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Living near the San Joaquin River most of my life, it would be devastating to our future generations to not receive the same benefits of having this vital resource. I hope the county takes all this into consideration and chooses our people over profits. We need our river to keep Fresno strong.

Response 375-11

With the implementation of mitigation measures, the proposed project would not result in significant impacts to water quality or resources, wildlife, public safety, or air quality. The commenter's concerns and request for additional analysis and recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the project's potential environmental impacts and provides mitigation measures where necessary to reduce potential impacts, in accordance with CEQA. As further discussed in Chapter 3, "Draft EIR Errata," of this Final EIR the County has determined that recirculation of the Draft EIR is not required.

Letter #376 March 8, 2025, Marie Meade

Comment 376-1

Kindly stop ruining the environment by allowing blasting rights to bleed gravel at the cost of beauty, birds, trees snd plants, much less the river in their natural home. Let the earth breathe so we can breathe as well.

Response 376-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, "Noise," as updated by the Final EIR. The proposed

project's potential effects on the visual landscape and plant and wildlife species are addressed in Draft EIR Section 4.1, "Aesthetics and Visual Resources," and Section 4.4, "Biological Resources," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Letter #377 March 8, 2025, Norell Naoe

Comment 377-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

Response 377-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 377-2 through 377-8 that address specific issues raised in this comment letter.

Comment 377-2

1. Impacts on the San Joaquin River Watershed: The San Joaquin River is an important natural resource beloved by Fresno County residents. Generations of Fresnans have spent many a hot summer along the banks of the river during River Camp, learning about the ecology of our environment and learning to appreciate the beauty of Fresno! The CEMEX Rockfield Expansion Project may damage the river preventing future generations from the opportunity to enjoy all that the San Joaquin River has to offer.

Response 377-2

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," of this Final EIR for proposed revisions to Draft EIR Section 4.10. See Collective Response #27 regarding the project's potential operational effects on users of nearby parks and trails. See also responses to Letter 128 regarding potential effects on River Camp programming.

Comment 377-3

2. Air Quality and Dust Emissions: As a resident of the Woodward Lake Community, excessive dust is already an issue from the farming fields across the river in Madera. Explosive mining would create additional airborne particulate matter and add to Fresno's already poor air quality.

Response 377-3

The issue of dust and potential air quality effects are addressed in Draft EIR Section 4.3, "Air Quality," as updated by this Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to this Draft EIR section. See also Collective Response #9 regarding air emissions from proposed blasting activities and the project's potential air quality impacts.

Comment 377-4

3. Biological Resource Impacts: Lost Lake is also another recreational area that would be greatly impacted by the CEMEX expansion. I can't imagine picnicking or camping at Lost Lake with heavy explosives detonating nearby!

Response 377-4

As described in Draft EIR Chapter 2, "Project Description," on page 2-42, blasts would be limited to "one to two times per week on weekdays between the hours of 10 a.m. and 2 p.m." The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, "Noise," as updated by the Final EIR, see Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #27 regarding the project's potential operational effects on users of nearby parks and trails.

Comment 377-5

4. Traffic and Noise Concerns: Friant Road is busy and dangerous with many heavy construction and cement trucks. Additional heavy trucks along Friant are the last thing this community needs.

Response 377-5

The project's potential effects on transportation and the local roadway system are evaluated in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," of this Final EIR for proposed revisions to Draft EIR Section 4.17. See also Collective Response #29 regarding traffic congestion and Collective Response #30 regarding transportation safety.

Comment 377-6

As a resident, I'm extremely concerned about the potential noise from the explosives being proposed at the CEMEX site. It would be extremely unnerving to hear continual blasting, it would feel like we were living in a war zone!

Response 377-6

As described in Draft EIR Chapter 2, "Project Description," on page 2-42, blasts would be limited to "one to two times per week on weekdays between the hours of 10 a.m. and 2 p.m." The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3 (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 377-7

5. Cumulative Environmental Effects: All around, expanding CEMEX with blasting at Lost Lake for the next 100 years would be a tragedy and would end the potential neighborhood expansion in Northeast Fresno and Madera.

Response 377-7

The project's potential cumulative effects are discussed in Draft EIR Chapter 5, "Cumulative Impacts." The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3 (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, as updated by this Final EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #5 regarding the duration of the project's requested conditional use permit.

Comment 377-8

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 377-8

See Collective Response #1 regarding the need for additional analysis and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a reasonable range of alternatives to the proposed project.

Letter #378 March 8, 2025, Jack Roberts

Comment 378-1

I am writing to oppose the approval of CEMEX 100-year lease. The DEIR is inadequate.

Response 378-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The commenter does not provide evidence or reasoning to support the claim that the Draft EIR is inadequate.

Comment 378-2

1. Toxic chemicals will leach into the San Joaquin River and affect wildlife and human health. The dig pit is too close to the river

Response 378-2

The presence of hazardous substances on the project sites and other potential hazards associated with the project are discussed in Draft EIR Section 4.9, "Hazards and Hazardous Materials." The project's potential to degrade surface water quality is evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Impacts 4.10-1 through 4.10-3 beginning on Draft EIR page 4.10-88. See Chapter 3, "Draft EIR Errata," of this Final EIR for proposed revisions to these Draft EIR sections.

Comment 378-3

2. Explosions will be heard by cyclists, hikers, boaters, and all other visitors to the San Joaquin River. This will make for quite an unpleasant experience for those hoping to enjoy the river and its wildlife.

Response 378-3

As described in Draft EIR Chapter 2, "Project Description," on page 2-42, blasts would be limited to "one to two times per week on weekdays between the hours of 10 a.m. and 2 p.m." The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, "Noise," as updated by the Final EIR. See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections. See also Collective Response #27 regarding the project's potential effects on users of nearby parks and trails.

Comment 378-4

3. A 600 ft deep pit will not be a pleasant site. I do not want to look over the San Joaquin River and see such destruction. The San Joaquin River is the jewel of Fresno. Don't destroy it!!!

Response 378-4

The project's potential impacts to the visual landscape are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," of this Final EIR for proposed revisions to Draft EIR Section 4.1.

Comment 378-5

4. The number of jobs this mine created is nothing compared to the amount of money brought by visitors to the region who recreate along the San Joaquin River.

Response 378-5

See Collective Response #7 regarding the project's potential economic effects.

Letter #379 March 8, 2025, Bonna Rogers-Neufeld

Comment 379-1

I am writing to express my opposition to the Cemex project.

First of all, the length of the project, 100 years, is way too long for any contract or project. We do not know the environmental or economic impacts of things that may be 10 years down the line, much less 100.

Response 379-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #5 regarding the duration of the proposed use permit.

Comment 379-2

This project threatens water quality, impacts fish and wildlife and will lead to noise, air, water and environmental pollution.

Response 379-2

The project's potential impacts related to water quality, fish and wildlife species, noise, and air pollution are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality," Section 4.4, "Biological Resources," Section 4.13, "Noise," and Section 4.3, "Air Quality,"

(see Appendix D-4, "Revised Section 4.3, Air Quality"). See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 379-3

Digging down 600 feet could adversely affect water tables.

Response 379-3

The project's potential effects on groundwater resources are evaluated in Draft EIR Section 4.7, "Geology and Soils," and Section 4.10. See Impacts 4.10-4 through 4.10-7, beginning on Draft EIR page 4.10-93, for potential impacts to groundwater quality. See Chapter 3, "Draft EIR Errata," of this Final EIR for proposed revisions to these Draft EIR sections.

Letter #380 March 8, 2025, Erika San Roman

Comment 380-1

As a Fresno County resident and mother who cares deeply about our environment and community, I'm very concerned about the impacts of the proposed CEMEX Rockfield Quarry Modification Project (EIR 7763).

There are serious issues with the project's Draft Environmental Impact Report (DEIR) that I believe need immediate attention:

Response 380-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 380-2 through 380-7 below that address specific issues raised in this comment letter.

Comment 380-2

1. Water Quality Concerns:

The DEIR downplays the risk of major water contamination if the barrier between the San Joaquin River and the mining pit is breached. Given CEMEX's troubling record of environmental violations (over $43 million in fines since 2000), it is alarming that there are no mandatory financial safeguards in place. The DEIR needs stronger protections, including guaranteed funding set aside for cleanup if a disaster occurs.

Response 380-2

The issues of water contamination and flooding are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," of this Final EIR for

proposed revisions to Draft EIR Section 4.10. See Collective Response #17 regarding river bank stability and the potential for breach and flooding of the Quarry Site. See also Collective Response #4b regarding liability and funding for unforeseen environmental damage caused by the project.

Comment 380-3

2. Lack of Need for the Project:

According to the Aggregate Sustainability in California report (2018), Fresno County already has nearly double the aggregate resources needed for the next 50 years. It makes no sense to cause further environmental harm along the San Joaquin River when there's already plenty of supply elsewhere.

Response 380-3

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 380-4

3. Air Quality and Community Health:

Blasting, drilling, and increased truck traffic will worsen Fresno's air quality and could harm residents' health, especially children and elderly people in nearby communities. The DEIR needs much stronger measures to limit these harmful impacts on air quality.

Response 380-4

The project's potential effects on air quality are evaluated in Draft EIR Section 4.3, "Air Quality," as updated by the Final EIR. Potential health effects associated with air pollution are described in Draft EIR Section 4.3.1.2, "Pollutants and Health Effects." Mitigation Measure 4.3-2a and 4.3-2b would require off-road engines to be retrofitted or upgraded in order to meet the tier 4i particulate emissions standard as well as implementation of a Fugitive Dust Control Plan to reduce dust emissions. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to Draft EIR Section 4.3. See also Collective Response #9 regarding the project's potential to air quality impacts.

Comment 380-5

4. Traffic Problems:

The DEIR admits that traffic congestion at key intersections will significantly increase but does not require CEMEX to fully pay for

necessary improvements. Given CEMEX's profits, it's unfair for residents to bear these traffic issues. The company should fully fund intersection improvements and new traffic signals.

Response 380-5

The project's traffic-related impacts are evaluated in Draft EIR Section 4.17, "Transportation." Mitigation Measures 4.17-1a through 4.17-1r require the Applicant to pay the project's fair share contribution of the cost to implement various roadway and intersection improvements needed to address cumulative traffic increases. See Section 3.2.5.17 of see Chapter 3, "Draft EIR Errata," of this Final EIR for proposed revisions to these mitigation measures. See Collective Response #29 regarding funding of traffic improvements.

Comment 380-6

5. Environmental and Visual Impacts:

The DEIR recognizes the permanent damage this project will cause to our landscape but fails to offer meaningful solutions. We risk losing wildlife habitats, recreational spaces, and the natural beauty of our river parkway.

Response 380-6

Wildlife habitats, recreational spaces, and the visual landscape of the project area are evaluated in Draft EIR Section 4.4, "Biological Resources," Section 4.16, "Recreation," and Section 4.1, "Aesthetics and Visual Resources," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 380-7

I urge the county to require better alternatives, including reduced mining depths, greater setbacks from the river, stronger air quality measures, guaranteed cleanup funds, and fully funded traffic improvements by CEMEX.

Thank you for taking our community's concerns seriously. We must prioritize long-term environmental health and the safety and quality of life of all Fresno County residents.

Response 380-7

See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of alternatives to the proposed project. Alternatives 2 through 5 each represent a reduced mining depth and Alternative 5 would also reduce the disturbance area and reduce annual operations and

sales. This comment otherwise summarizes the prior comments in Letter #380. See Responses 380-2 through 380-6 that address the other specific issues raised in this letter.

Letter #381 March 8, 2025, Cat Sanders-Smith

Comment 381-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

Quarrying activities have a negative effect on the surrounding towns, the environment, and the health and safety of the workers and residents of the quarries such as landscape degradation, habitat destruction, air and water pollution, and noise pollution.

Response 381-1

The commenter's concerns are noted and will be considered by County decision-makers. The Draft EIR analyzes the project's potential impacts to water quality, air quality, recreation, wildlife, and hazards in Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.16, "Recreation," Section 4.4, "Biological Resources, and Section 4.9, "Hazards and Hazardous Materials," respectively.

Comment 381-2

Furthermore, the fumes and others residues of the blasted explosives have caused biodegradation and hazardous impacts on the ecosystem survival in a quarry environment. Most of the blasted explosives are stable in soil due to their chemical structures and easily binding to the soil organic matter, which making soil remediation difficult. Take for example, Winfield et al (2004), wherein he states the has been presence of 2,4,6-trinitrotoluene (TNT), hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX, hexogen) and octahydro-1,3,5,7-tetranitro-1,3,5,7tetrazocine (HMX, Octogen) in soil, surface water and groundwater in locations where these explosives are being used. Hexogen and Octogen have resulted to decrease in terrestrial plant biomass, abnormality growth in terrestrial plants and decrease in biomass and fertility of earthworm (Best et al., 2006, Rocheleauet al., 2008, Winfieledet al., 2004; Vila et al., 2007, Lachanceet al., 2004, Krishnan et al., 2000).

The direct contamination effects of residual explosive on living inhabitants of an ecosystem include eye irritation, health deterioration, air, water and land pollutions, and the indirect influences are on inanimate living creatures upon which man and animal depend. The plants and vegetation that are responsible for photosynthesis and oxygen production are suffering undergrowth and development which in return have effects on animate creatures that depend upon them. The study therefore suggested that quarry operators should ensure appropriate and proper selection, application and detonation of explosives during quarry operations.

Response 381-2

RDX, HMX, and Octogen are primarily military explosives and not use in commercial explosive for the quarry industry. TNT is primarily used in the cast boosters used to detonate the ANFO or emulsion explosive products in each hole. The use of cast boosters in blasting operations requires additional measures to prevent impacts to groundwater, primarily due to the potential for nitrate and nitrite leaching. This potential would be minimized by removing the blasted muck pile from the blast area as soon as reasonably possible. Mitigation Measure 4.10-1 requires "blasting designs and loading controls to be prepared by qualified blasting contractors to ensure complete detonation, specify appropriate loading practices such as cleaning loading equipment in areas where wastewater can be properly contained, require explosives to be selected that have appropriate water resistance for the site conditions present, and require the management of muck piles (the fragmented pieces of rock left after the blast) to be managed to prevent interaction with stormwater" (Draft EIR at page 4.9-18). The quarry operation's storm water management plan would be managed in accordance with all requirements under the Waste Discharge Permit (WDR) system. Regarding nitrates, there is no evidence that the Quarry Site or Plant Site in the past, or in the future, would contribute to nitrates in the groundwater (see Draft EIR at page 4.10-98 to 4.10-99). Rather, any nitrates found in groundwater wells are relics of past agricultural activity in the area (see Draft EIR at page 4.10-99).

Comment 381-3

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 381-3

The commenter's concerns and request for additional analysis and mitigation are noted. The Draft EIR sufficiently analyzes the project's potential environmental impacts and provides mitigation measures where necessary to minimize potentially adverse impacts.

Letter #382 March 8, 2025, Susan Sanford

Comment 382-1

I know I'm supposed to be specific with my comments, but my obligations as a family caregiver, and much more, preclude my having sufficient time to do so.

I would simply offer that it would be wise to consider all that has transpired in the world since 1925...environmentally, technologically, socio-politically. With the astonishing rate at which all those things continue to change, it makes no sense to grant CEMEX permission for any further extraction of resources for a century.

Children alive now may live to see 2125. I humbly suggest that the decision-makers of today cannot fathom what their world will be like, but need to make the life-affirming choice to deny further extraction activities by CEMEX.

Response 382-1

See Collective Response #5 regarding the duration of the proposed use permit. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #383 March 8, 2025, Laura Silberman

Comment 383-1

I am opposed to the renewal of the CEMEX mining operation.

Response 383-1

The comment does not raise any issues related to the Draft EIR or potential environmental impacts of the proposed Project; therefore, no further response is required. Fresno County will consider these comments as part of its deliberations prior to certification of the Final EIR and any project approval.

Comment 383-2

I am particularly concerned about air pollution as a result of increased truck traffic. The DEIR says that project emissions may exceed cancer risk thresholds. Refer to DEIR pages 4.3-63. I understand that the DEIR did not evaluate the population-wide cancer burden. Refer to pages 4.3-64. CEQA requires that the evaluation be performed before taking into account implementation of mitigation measures.

Will CEMEX be following these CEQA requirements ?

Response 383-2

Please see Collective Response #11 pertaining to community cancer risk. Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), as updated by this Final EIR, evaluates potential air quality impacts of the project, including fugitive dust, toxic air contaminants, and associated health risks (Impact 4.3-3; see Final EIR Appendix D-4). The air quality technical analysis was updated to clarify and expand upon the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, (see Appendix D-3). This updated analysis includes evaluation of cancer burden and health risks along haul routes and confirms that there are no new impacts and no changes to the conclusions presented in the Draft EIR.

The analysis of cancer burden and health risks quantifies estimated unmitigated health risk impacts (Appendix D-4, Table 4.3-24, "Unmitigated Project Health Risk Impacts") and mitigated health risk impacts (Appendix D-4, Table 4.3-25, "Mitigated Project Health Risk Impacts"). Appendix D-4 confirms that the project's potential impact regarding increased cancer risk to sensitive receptors was determined to be less than significant. As shown in Tables 4.3-24 and 4.3-25, implementation of Mitigation Measures 4.3-2a and 4.3-2b would result in a reduction in cancer risk at the maximally exposed individual receptor compared to the CEQA baseline condition. Because the project would result in a reduction in cancer risk, a corresponding reduction in cancer burden would also be expected.

Comment 383-3

In addition, will the DEIR analyze the impacts of blasting on wildlife?

Response 383-3

The Draft EIR analyzes the impacts of blasting on wildlife in Section 4.4, "Biological Resources," at Impact 4.4-2 and 4.4-6. Additional information specific to various taxa are covered in the collective responses (see Chapter 3, "Draft EIR Errata"). The effects of

project operations, including blasting, on wildlife are discussed in Collective Response #12 (river and salmon restoration efforts), Collective Response #13 (nesting birds and other wildlife), Collective Response #15 (non-nesting birds and birds outside of nesting season), and Collective Response #16 (salmon spawning). Blasting events would be brief, with each blast lasting approximately one to two seconds. Thus, blasting is not expected to result in significant impacts to wildlife. Please see Responses 58-37, 58-38, 58-40, 58-41, and 58-42 for further discussion of blasting impacts upon wildlife.

Letter #384 March 8, 2025, Unnamed Resident

Comment 384-1

Hello, I'm wanted to send an email to state my disapproval of this project. This project is bound to destroy the San Joaquin River and we don't need another river or ecosystem destroyed. Please don't let this project happen.

Response 384-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential ecological impacts are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Letter #385 March 8, 2025, John Watkins

Comment 385-1

I live in the Copper River area and I oppose the CMEX expansion on the San Joaquin River. It will have a significant negative impact on the environment.

Response 385-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #386 March 8, 2025, Thomas and Anna Wielicki

Comment 386-1

I have been a resident of Fresno Bluffs for the last 30 years and had numerous close calls while driving on Friant Road due to the heavy truck traffic generated by the CEMEX company in the middle of residential area.

Response 386-1

The project's traffic-related impacts are evaluated in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17. See also Collective Response #30 regarding transportation safety.

Comment 386-2

Vast majority of Fernans believe that a city at our location needs to pivot from polluting heavy industry to a service economy. Why don't you guys?

I can tell you that extension of operating permits for CEMEX will make many of my neighbors in the Bluffs REALLY angry and we will not hesitate to show it.

Please, make a smart decision that is aligned with the will and interest of your constituency and stop CEMEX from operating in our neighborhood.

Response 386-2

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #387 March 8, 2025, Carolyn Yale

Comment 387-1

Below are my comments on the proposed project. Also in the form of an attached file.

FYI: I am retired, and do not live in Fresno, but I have kept up an interest in the SJR and restoration efforts.

At USEPA I worked on SJ RIver issues for several decades, starting with the legal challenge to renewal of Bureau of Rec.water contracts and continuing through water-related plans and projects in the SJ region. Before EPA , I worked in CA as a planner (land use) at the local land and county levels.

Response 387-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 387-2 through 387-4 below that address specific issues raised in this comment letter.

Comment 387-2

I am writing to oppose the Cemex Rockfield proposal to continue and expand mining and processing at sites immediately adjacent to the San Joaquin River. The proposed project would substantially expand these activities under a permit lasting 100 years. Although the site has been used for mining and processing for over a century, these operations are incompatible with the surrounding natural and human environment as it exists today. Expanding the project exacerbates the conflict between an industrial use and a reach of the San Joaquin River corridor that is designated for public use as a Parkway. Rather than approving a new permit, plans should be made to close out the mining and processing operations out at the end of the current 2026 permit.

Response 387-2

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The issue of land use conflicts is a broad topic discussed in multiple Draft EIR sections including Section 4.1, "Aesthetics and Visual Resources," Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.10, "Hydrology and Water Quality," Section 4.11, "Land Use and Planning," and Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan and Collective Response #27 regarding the project's potential effects on users of nearby parks and trails.

Comment 387-3

Times change: If the mining/processing was acceptable years ago, it is now within an area that is valued for its recreational and natural resource values. This fact is barely mentioned in the EIR section on existing conditions, which instead focuses on the project site. There is almost no substantive information about conditions "in the vicinity" of the project (to quote CEQA). The EIR overlooks the fact that there has been major investment of time, effort and funds on the part of many agencies, citizens and various organizations to reestablish more natural conditions in the river (flows) and on functionally connected lands for the benefit of recreation, fish, riverine habitat and floodplains. The vision for river restoration and subsequent planning and projects date from the last century, following passage of the federal Central Valley Project Improvement Act (1992).

Response 387-3

The land uses surrounding each project site are described in Draft EIR Section 2.4.5, "Surrounding Land Uses." The parks and recreational uses near the project sites are further detailed in Draft EIR Section 4.16, "Recreation." The San Joaquin River Parkway Master Plan is also described in the Draft EIR in both Section 4.16 and Section 4.11. See Table 4.11-1, "Project Consistency with Local Planning Documents," for an analysis of the project's consistency with the policies established by the Parkway Master Plan. See Collective Response #18 for further discussion of the project's consistency with the Parkway Master Plan. See also Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 387-4

In terms of policy, the EIR cites a policy overlay relating to the Parkway, suggesting intent of conforming County land use decisions to the San Joaquin River Conservancy plan for the Parkway., but this is qualified. Overall, treatment of state and local policies, standards, County zoning, and the limited impact analysis itself, seem designed to make the case that approval of this project would be perfectly defensible from a legal standpoint. There may well be concerns about project impacts – for example, on base flow in the River resulting from a 600-foot deep, dewatered pit, or how blasting affects fish, birds, people. But the County's decision on the proposal should not revolve around technical details of project operations.

The main question is a matter of policy. Whether or not to permit continuation and expansion of an industrial land use that conflicts with the Parkway river corridor. The County has the discretionary authority to say no to Cemex. I would remind you that the possibility of restoring the San Joaquin River started with a challenge to renewing 40-year water contracts that had dried up reaches below Friant Dam. From a larger, societal perspective, there are other options for gravels mining and processing--but only one San Joaquin River.

Response 387-4

See Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan. The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10. The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3 (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, as updated by this Final EIR. Impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." The

commenter's opposition to the proposed project is noted for the consideration of County decision-makers.

Letter #388 March 8, 2025, Thomas Zynda

Comment 388-1

This follows up on my message to you of March 8, in which I voiced my opposition to the CEMEX proposal to use blasting to mine our local area of the San Joaquin River , which project would entail extreme destruction of the river as well as other environmental degredation.

It appears that the current Enivorment Impact Study has severely underestemated or simply ignored the extreme deleterious effects of this project on Fresno Air Quality.

In this follow-up message I wish to add my concern about the extremely serious degradation of our Fresno air quality that this project would cause. The use of explosives to mine rock sends an enormous amount of rock duct into our air, as well as the airborne chemical products of the explosives used. There is no way to mitigate that result, so the blasting must not allow to occur.

Fresno already has some of the worst air quality in the United States. I already have to use multiple prescrition medications to attempt to deal with it. And my neighborhood has families with young children, and it's very well known that poor air quality has negative effects on the brain development of children such that it lowers their IQ's.

So I respectfully that you all in your power to reject any proposal of CEMEX to continue its mining of the San Joaquin River in order to protect the lives of those of us who live in the wide Fresno Area.

Response 388-1

See Comment Letter #350 for responses to the commenter's previous comment letter referenced here. The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential effects on air quality are evaluated in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), as updated by the Final EIR. Potential health effects associated with air pollution are described in Draft EIR Section 4.3.1.2, "Pollutants and Health Effects." Mitigation Measures 4.3-2a and 4.3-2b would require the project's off-road engines to be retrofitted or upgraded to meet the Tier 4i Particulate Emissions standard as well as implementation of a Fugitive Dust Control Plan to reduce dust

emissions. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #9 regarding air emissions associated with blasting events and the project's potential impacts on air quality. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #389 March 9, 2025, Jacinta Amaral

Comment 389-1

I am deeply concerned that your office and the Fresno County Board of Supervisors is considering this request for a 100 year lease to continue and expand the company's operations near the San Joaquin River. I am against the expansion of the Cemex project.

Response 389-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 389-2

It is my understanding that the p[lan to extract rock which will then be ground to gravel by blasting a 600 foot deep and half a mile wide pit. Many concerned citizens now know that the pit would be twice as deep as Millerton Lake and that the half mile wide which would be similar to the distance from, say, West Avenue to Fruit Avenue. I find it very difficult to imagine a hole of this size. I find it more difficult to come up with sane reasons to blast a hole this size right next to the San Joaquin River and in the flood plain of the San Joaquin River.

For Cemex the sane reason for this incredible excavation is profit.

Response 389-2

The comment is noted.

Comment 389-3

The size of the hole is stunning. The length of the lease is mindboggling. The destruction of the beauty of the San Joaquin River environment is sickening. And there is no such thing as a one hundred year guarantee that river an its environs will be adequately cared for and protected for all those one hundred years.

Thank you for your attention in this matter.

Response 389-3

See Collective Response #5 regarding the duration of the proposed use permit. The project's potential impacts to the visual landscape of the project area are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.1. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #390 March 9, 2025, Marc Ament and Mary-Elin Kelly

Comment 390-1

We say NO! to the Cemex blast mine project! We strongly OPPOSE this project.

Thank you for bringing this egregious proposal to our attention and giving us a chance to ake our voices heard.

Response 390-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 390-2

We live a stones throw from the beautiful river parkway and wish to preserve the natural beauty and resources of the San Joaquin River.

Response 390-2

The project's potential impacts to the San Joaquin River and surrounding visual landscape are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality," and Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 390-3

The existing gravel quarry is more than enough already.

Response 390-3

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 390-4

The idea of expanding that and bringing more destruction to the environment, pollution of the river and the air, noise pollution,

Response 390-4

The issues of water, air, and noise pollution are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for proposed revisions.

Comment 390-5

heavy and dangerous truck traffic on Friant Road, where families are trying to cross the intersection to enjoy Woodward Park and the river trails. Friant Road is currently one of the most dangerous streets in Fresno, with a higher than average number of collisions at several intersections along the park and river trails area. With increased gravel and cement truck traffic there, it is a statistical fact that there will be more and more serious, even fatal, accidents along that corridor.

Response 390-5

The issue of transportation safety is addressed in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17. See also Collective Response #30 regarding transportation safety.

Comment 390-6

Also, I am not a civil engineer but I even worry that the impacts of heavy explosives near Friant Dam could bring a high risk of dam collapse.

Response 390-6

See Response 210-8 regarding potential effects of blasting on dam safety.

Comment 390-7

The project is not viable from a benefit/risk calculation. Who benefits? just Cemex, not our community!

Please deny this destructive project. It will do nothing to the betterment of our community and the natural resources of the San Joaquin River parkway and surrounding area.

Let us know if there is anything else we can do to keep this project from going forward.

Response 390-7

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #391 March 9, 2025, Katurah Andrews

Comment 391-1

The CEMEX Rockfield Project is an irresponsible project that will do unnecessary lasting damage to the San Joaquin River and surrounding areas.

I request that the Planning Department reconsider this permit in light of the inadequacies of the EIR and demand a more thorough environmental review before any decisions are made.

Response 391-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential impacts to the San Joaquin River and surrounding visual landscape are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality," and Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The commenter fails to provide evidence or reasoning to support the assertion that the Draft EIR is inadequate.

Letter #392 March 9, 2025, Saeed Attar

Comment 392-1

I am writing to formally express my strong opposition to the proposed **CEMEX Rockfield Expansion Project in Fresno.** This project, if allowed to proceed, will pose serious and irreversible environmental health hazards to our community, jeopardizing the well-being of residents and the ecological integrity of our region.

Response 392-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 392-2 through 392-4 below that address specific issues raised in this comment letter.

Comment 392-2

The detrimental impacts of this project are extensive and deeply concerning. Scientific evidence and similar case studies have shown that projects of this nature significantly contribute to air and water pollution, increase the risk of respiratory illnesses,

and degrade natural ecosystems. Specifically, the chemical runoff and toxic emissions will expose our community to hazardous substances, leading to increased health risks such as asthma, lung disease, and other long-term medical conditions.

Response 392-2

The project's potential impacts related to air pollution, water pollution, and natural ecosystems are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.10, "Hydrology and Water Quality," and Section 4.4, "Biological Resources," respectively. The potential health effects associated with air pollution are described in Section 4.3.1.2, "Pollutants and Health Effects." See Impact 4.3-3, as updated in this Final EIR (Appendix D-4), for discussion of the project's air emissions and potential impacts to sensitive receptors. See Impacts 4.10-1 through 4.10-7 and 4.10-17 for discussion of the project's potential to degrade surface and ground water quality. See also Draft EIR Section 4.9, "Hazards and Hazardous Materials," for a general discussion of the use of hazardous substances on the project sites. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 392-3

Furthermore, the disruption of the San Joaquin River and increased noise and traffic pollution will not only threaten our natural habitat but also negatively impact property values and the quality of life of thousands of residents. The proposed project neither adequately addresses these risks, nor does it offer substantial measures to mitigate the foreseeable damage.

Response 392-3

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10. The issues of noise and traffic are discussed in Draft EIR Section 4.13, "Noise," and Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. Evaluation of the project's potential economic effects is discussed in Collective Response #7. The Draft EIR requires mitigation measures for each of the project's potentially significant impacts. The commenter fails to specify which impacts are not adequately addressed in the Draft EIR nor what mitigation measures should be added to the Draft EIR to address these inadequacies.

Comment 392-4

Given the magnitude of these risks, I urge the agency to reject this project and instead advocate for environmentally sustainable alternatives that prioritize public health and safety and to ensure that the long-term health of the San Joaquin River watershed and

surrounding communities is protected. The residents of Fresno County deserve to live in an environment that fosters health, security, and sustainability, rather than one threatened by pollution and industrial hazards.

The well-being of our families, children, and future generations must take precedence over industrial interests. I strongly encourage the agency to reconsider this project's approval and take proactive steps toward more sustainable and community-friendly developments.

Thank you for your attention to this urgent matter. I look forward to your prompt response and action in safeguarding our community.

Response 392-4

Draft EIR Chapter 6, "Alternatives," describes and evaluates a reasonable range of alternatives to the proposed project. Each of the alternatives evaluated would lessen one or more of the environmental impacts identified for the proposed project. See also Draft EIR Section 6.4.2.1, "Alternative Site Locations," for discussion of the Draft EIR's evaluation of reasonable alternative locations for the project. The commenter's opposition to the proposed project is noted for consideration by the decision-makers.

Letter #393 March 9, 2025, Amy Barron

Comment 393-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

Response 393-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 393-2 through 393-4 below that address specific issues raised in this comment letter.

Comment 393-2

Drilling in the river for mining purposes is highly problematic for several reasons. Extending mining operations for another 100 years significantly amplifies the environmental impact over time, causing long-term harm to the river's ecosystem.

Response 393-2

The project's potential effects on the San Joaquin River and associated ecosystems are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality," and Section 4.4, "Biological Resources," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 393-3

The change in technique from mechanical digging to blasting hard rock and crushing it into gravel increases the potential for habitat destruction and water pollution, as this method creates more disturbance to the surrounding environment and releases harmful sediments into the water.

Response 393-3

The potential environmental effects of changing in mining methods used at the Quarry Site are evaluated throughout the Draft EIR. See Draft EIR Section 4.4 regarding potential habitat destruction and Section 4.10 regarding potential water pollution and sedimentation. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 393-4

Additionally, increasing the mining depth to 600 feet below the ground surface risks destabilizing the riverbed, possibly leading to changes in water flow and threatening aquatic life. These activities not only jeopardize the river's health but also the livelihoods that depend on its natural resources.

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments.

Response 393-4

The issues of ground and slope stability are addressed in Draft EIR Section 4.7, "Geology and Soils." See Collective Response #17 regarding riverbank stability and Collective Response #25 regarding the potential for the project to effect surface water flows in the San Joaquin River. The project's potential impacts to special-status aquatic species are evaluated in Draft EIR Section 4.4. See Collective Response #16 regarding the project's

potential to impact salmon spawning. See Collective Response #7 regarding evaluation of a project's economic effects under CEQA. See Collective Response #1 regarding the need for additional analysis and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a reasonable range of alternatives to the proposed project.

Letter #394 March 9, 2025, Sharon Benes

Comment 394-1

This proposed expansion project by CEMEX Rockfield is a project that needs to be STOPPED. The San Joaquin River Conservancy Trust over the last 30 years or so, has done a remarkable job of preserving land along the SJ River, making it accessible to the public for recreational and educational opportunities.

Response 394-1

See Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan and Collective Response #21 regarding the project's potential to affect public access to the river.

Comment 394-2

I work in agriculture and fully appreciate its importance and the role of farmers in land stewardship. But along with that agriculture comes a massively transformed landscape in the San Joaquin Valley from Tule marshes, grasslands and trees to orchards, homes and shopping malls and a great loss of vegetation and wildlife.

The San Joaquin River represents the last truly natural place within the city and surrounding area and it is of tremendous value to the quality of living in Fresno.

I recently went on a canoe trip at Sycamore Island with the SJ River Parkway group to see bald eagles. I arrived within 20 minutes of leaving my home and was on the water and we did see two bald eagles, along with their nest. I also try to do a canoe trip every summer. I do not have to travel far and I have a few hours of tranquility on the river and then I return to my busy life.

Response 394-2

See Collective Response #27 regarding the project's potential operational effects on users of nearby parks and trails and Collective Response #21 regarding the project's potential to affect public access to the river.

Comment 394-3

Gravel mining has always been done along the river and the Parkway has worked to reverse some of this damage. Rock mining and a 600 ft. pit is a whole other level of disruption to the river and its hydrology and biology. This will unravel what the work of so many volunteers has achieved along the river such as removal of invasive species, restablishment of native plants, trash removal and flow restoration. The CEMEX Expansion Project represents a huge blow to these conservation efforts and I fail to see how jobs and tax revenue can compensate for this damage. It represents short term gain for long term loss.

Please have the courage to stop the project.

Response 394-3

The project's potential effects on the San Joaquin River and associated ecosystems are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality," and Section 4.4, "Biological Resources," respectively. See Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan. The project sites contain numerous non-native plant species that would be removed through mining activities. As described in Draft EIR Appendix B-2, "Project Description/Operational Statement," Section 5.1.7, "Revegetation," as part of reclamation, the project sites would be reseeded and planted with native grasses, forbs, and trees, and shrubs, using nearby undisturbed riparian areas as reference sites. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #395 March 9, 2025, Perminder Bhatia

Comment 395-1

I appreciate the opportunity to submit comments on DEIR for the Cemex Rockfield Expansion project. This project causes significant dust and environment impact. The dust it produces causes lot of allergies and lung diseases. As living in the neighbor hood close to it (Monte Verdi), We suffer from a lot of allergies due to dust. Fresno Clovis area is always full of allergies and has the largest number of people suffering from chronic allergies. I would ask the County Supervisors to vote against the project.

Response 395-1

The project's anticipated dust emissions and potential impacts to air quality and public health are addressed in Draft EIR Section 4.3, "Air Quality." See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to Section 4.3. See also Collective Response #9 regarding the project's potential impacts on the region's existing air quality

conditions. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #396 March 9, 2025, Veronika Carrillo

Comment 396-1

I am writing to formally express my opposition to the proposed 100-year permit for the CEMEX mining operation and to challenge the adequacy of the Draft Environmental Impact Report (EIR) prepared for this project. The EIR, as currently drafted, does not sufficiently or accurately assess the environmental, ecological, and community impacts that this long-term operation will have on the San Joaquin River and surrounding areas.

Response 396-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The commenter fails to provide evidence or reasoning to support the claims that the Draft EIR is inadequate. See Responses 396-2 through 396-6 below that address specific issues raised in this comment letter.

Comment 396-2

As someone with experience in Anthropology, I find that the EIR fails to adequately address the following concerns:

The San Joaquin River is an important staple in the valley and is rich with natural and historical resources. It's the life's blood of much of the valley and must be cared for. As an anthropologist, I am concerned with the ramifications of what blast mining could have on the surrounding area. In order to avoid possible destruction of Native cultural sites, the area that CEMEX wishes to blast in needs to have a sanctioned archaeological survey done to ensure that the work being done will not damage or disrupt sites of cultural significance. If this step is ignored, it could result in legal ramifications.

Response 396-2

The project's potential impacts to native cultural sites are evaluated in Draft EIR Section 4.5, "Cultural Resources," and Section 4.18, "Tribal Cultural Resources." See Draft EIR Section 4.5.1.6, "Pedestrian Surveys," for a description of the intensive archaeological surveys conducted on both the Plant Site and the Quarry Site. The cultural resources technical report and peer review memorandum contain confidential information and were not included as appendices to the Draft EIR. However, the documents, with redaction of certain confidential information including site records, are on file with the

Fresno County Planning Department. With mitigation, the Draft EIR determined that the project's potential impacts to cultural and tribal resources would be less than significant.

Comment 396-3

I am a citizen of the valley. I was born here and as such I have heard my family and doctors speak of the poor air quality in the valley. My family and I have asthma from the pollution in the valley's air. As do many other citizens. If blast mining takes place, the air quality of the valley will grow worse and many people will become sicker.

Response 396-3

The project's air quality impacts are evaluated in Draft EIR Section 4.3, "Air Quality." See Collective Response #9 regarding the project's potential impacts on air quality conditions. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to Section 4.3 and the associated Draft EIR Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment."

Comment 396-4

There is also the concerns of Valley Fever. People here already contract the sickness from the fungus in the earth. If there is any of the fungus in the soil along the river, it could feel the air and infect countless citizens.

The health risks need to be considered. A survey of that area for the fungus should be done before any blasting takes place.

Response 396-4

"In California, Valley Fever is caused by the fungus *Coccidioides immitis* that lives in the top two to 12 inches of soil …." Generally, this thin layer of topsoil would be suspect only if it were undisturbed from its natural state. Thus, dust emissions that have potential to contain Valley Fever causing spores would only occur during the excavation and storage of topsoil prior to mining. Excavation at greater depths below the ground surface would not cause Valley Fever. The fungal spores can become airborne when soils are disturbed, potentially exposing workers to the disease. According to the Fresno County Department of Public Health (2026), the project sites are located outside the areas of western Fresno County known to have elevated levels of Valley fever activity. Valley fever is primarily a risk to workers that are directly exposed to dust emissions at or near the site of soil disturbance. Thus, it is regulated as a worker health and safety issue by the Occupational Safety and Health Administration (OSHA) and the California Department of Public Health. Required safety measures primarily relate to dust management at work sites

including regular watering of exposed surfaces. The operator would continue to comply with all applicable worker safety measures. Mitigation Measure 4.3-2b, as provided in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), would require implementation of a broader Fugitive Dust Control Plan that would further minimize the risk for spreading fungal spores in dust emissions.

See Appendix D-4 for proposed revisions to Draft EIR Section 4.3 and Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment."

Comment 396-5

A project of this scale and duration requires a far more comprehensive environmental review that includes thorough scientific analysis, long-term cumulative impact assessments, and meaningful mitigation strategies. The EIR, as it stands, does not meet these standards, and I urge Fresno County to require revisions that fully account for the long-term consequences of extending CEMEX's mining operations.

I request that the Planning Department reconsider this permit in light of the inadequacies of the EIR and demand a more thorough environmental review before any decisions are made.

Response 396-5

See Collective Response #1 regarding the suggestion that further environmental review and analysis is needed. The commenter does not provide substantial evidence or reasoning to support the claim that the Draft EIR is deficient. The commenter's opposition to the proposed project is noted for the consideration of County decision-makers.

Letter #397 March 9, 2025, Robin Cassinerio

Comment 397-1

This is not acceptable and I just received notice this week!

Comments are due tomorrow March 10, 2025??? What the heck??? I can see what they are trying to get away with and

Response 397-1

See Collective Response #1 regarding public participation and the County's processing of the project's application.

Comment 397-2

it makes no sense based on the environmental impact on the water quality, the entire San Joaquin river bottom, public recreation,

fish and wildlife and current housing, ranching or other businesses in the area.

Response 397-2

The project's potential impacts related to water quality and the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The issues of public recreation and fish and wildlife are addressed in Draft EIR Section 4.16, "Recreation," and Section 4.4, "Biological Resources," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See Collective Response #7 regarding evaluation of the economic effects of the proposed project.

Comment 397-3

As a lifelong Fresnan I am completely against this project. It needs to stop. NO NO NO to rock blasting.

Response 397-3

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 397-4

Even the current CEMEX business is a hazard to the surrounding area traffic and noise pollution.

Response 397-4

The existing, baseline conditions in the project area as they relate to traffic and noise pollution are described in Draft EIR Section 4.17, "Transportation," and Section 4.13, "Noise," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Letter #398 March 9, 2025, Allyson Chun

Comment 398-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

Response 398-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 398-2 through 398-9 below that address specific issues raised in this comment letter.

Comment 398-2

1. Impacts on the San Joaquin River Watershed

Further drilling and excavation will deplete resources of an already fragile ecosystem in a changing climate where wildfires, landslides, and floods are more common than before.

Response 398-2

The project's potential impacts related to ecosystems, climate change, wildfires, landslides, and floods are addressed in Draft EIR Section 4.4, "Biological Resources," Section 4.8, "Greenhouse Gas Emissions," (see Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions"), Section 4.20, "Wildfire," Section 4.7, "Geology and Soils," and Section 4.10, "Hydrology and Water Quality," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 398-3

There are multiple studies linking mental health benefits to spending time outdoors. This project will impact scenic views and make it challenging for people to unplug and enjoy being outside.

Response 398-3

The project's potential impacts to the visual landscape of the project area are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.1. See Collective Response #27 regarding the project's potential effects on users of nearby parks and trails. See also Collective Response #21 regarding the project's potential to affect public access to the San Joaquin River. The comment is noted for the consideration of the decision-makers.

Comment 398-4

How will the landscape change under this current proposal? Will mining cause erosion and weaken foundations to nearby topography, roadways, and buildings?

Response 398-4

The proposed mine plans for the Plant Site and Quarry Site are shown in on Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan," respectively. The proposed reclaimed conditions at the Plant Site and Quarry Site are shown in Draft EIR Figure 2-9, "Plant Site Final Reclaimed Conditions," and Figure 2-10, "Quarry Site Final Reclaimed Conditions," respectively. The project's visual simulations are shown in Draft EIR Figures 4.1-1 through 4.1-16. Together these graphics and associated text descriptions provide an overview of the anticipated physical changes that would occur to the landscape of the project sites with project implementation. The issues of erosion and ground stability are addressed in Draft EIR Section 4.7. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.7.

Comment 398-5

2. Air Quality and Dust Emissions

The Valley already has some of the poorest air quality in the U.S. due to geographical location and dust from agriculture, not to mention the risk of asthma and Valley Fever. This 100-year project will further degrade air quality with particulates and dust in one of Fresno's most popular areas for outdoor activities. What are the air quality impacts and long-term ramifications of having rock crushing, blasting, and drilling so close to where people commonly recreate?

Response 398-5

The project's potential air quality impacts are evaluated in Draft EIR Section 4.3, "Air Quality." See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to Draft EIR Section 4.3. See also Collective Response #9 regarding the project's potential impacts on the region's existing air quality conditions, including air quality impacts associated with blasting and drilling. See also Response 396-4 regarding Valley fever.

Comment 398-6

3. Biological Resource Impacts

This project will likely impact nesting and migration for hawks, owls, and bats. The area is also host to many four-legged wildlife such as rabbits, foxes, coyote, and deer, all of which will likely have their habitats fragmented.

Response 398-6

The project's potential impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.4, including the addition of Mitigation Measure 4.4-1d addressing the project's potential impacts to bats. See also Collective Response #14 regarding Swainson's hawk and Collective Response #15 regarding potential avian impacts other than nesting impacts.

Comment 398-7

Drilling, blasting and excavation can also damage local water quality which has negative marine life, farming, and potable water impacts. Have studies been done to ensure that wildlife and water quality are not affected?

Response 398-7

The project's potential to degrade surface water quality is addressed in Draft EIR Section 4.10. See Impacts 4.10-1 through 4.10-3 for potential impacts to surface water quality and Impacts 4.10-4 through 4.10-7 for potential impacts to groundwater quality. With implementation of Mitigation Measures 4.10-1 and 4.10-5a the project's impacts to water quality would be less than significant. See Draft EIR Appendix E, "Biological Resources," and Appendix G, "Hydrology and Water Quality," for the project's related technical studies. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections and appendices referenced here.

Comment 398-8

4. Traffic and Noise Concerns

Construction trucks for this project will further congest roadways that have already had the speed limits lowered within the last year due to traffic. Increased traffic will lower air and road quality and amplify noise in those areas. Furthermore, blasting is a noise concern for local residents, especially for those with pets and people suffering from PTSD. What precautions will be taken to mitigate the increased traffic and noise levels from this project?

Response 398-8

The project's traffic-related impacts are evaluated in Draft EIR Section 4.17, "Transportation." The issues of noise and air quality are addressed in Draft EIR Section 4.13, "Noise," and Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), respectively. As described on Draft EIR page 2-42 of the Draft EIR, blasts would be limited to "one to two times per week on weekdays between the hours of 10 a.m. and

2 p.m." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #29 regarding the project's potential contribution to traffic congestion.

Comment 398-9

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 398-9

See Collective Response #1 regarding the need for additional analysis and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a reasonable range of alternatives to the proposed project. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Chapter 6.

Letter #399 March 9, 2025, Holly Clinard

Comment 399-1

I am writing to express my strong opposition to the proposed CEMEX Rockfield Expansion Project, which threatens to irreversibly damage the San Joaquin River and the surrounding environment for generations to come. As a parent, I have spent countless hours with my children enjoying the natural beauty of the river, and I am deeply concerned that this project will destroy a cherished local resource.

Response 399-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential to impacts the visual landscape of the project area is evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 399-2

The proposed expansion, which includes blasting hard rock instead of traditional sand and gravel mining, represents a significant escalation in environmental harm. The impact of a 600-foot-deep mine—equivalent in scale to a 43-story high-rise—will permanently alter the river bottom, disrupt wildlife habitats, and degrade water quality. The project description fails to adequately address the long-term consequences of such a massive excavation, including how it will affect groundwater levels, sediment transport, and the delicate ecological balance of the region.

Response 399-2

The analysis of the project's potential environmental impacts is provided in Draft EIR Chapter 4, "Environmental Analysis." Potential impacts to wildlife habitats and water quality are addressed in Draft EIR Section 4.4, "Biological Resources," and Section 4.10, "Hydrology and Water Quality," respectively. Draft EIR Section 4.10 also discusses groundwater levels and sediment transport. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 399-3

Additionally, the need for this expansion is highly questionable. The project proponents have not provided sufficient evidence that additional aggregate resources are necessary at this scale, nor have they justified the supposed economic benefits in terms of jobs. Any short-term economic gain is vastly outweighed by the permanent destruction of an irreplaceable natural area.

Response 399-3

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project. See also Collective Response #7 regarding evaluation of the project's potential economic effects.

Comment 399-4

Furthermore, the Environmental Impact Report (EIR) lacks sufficient mitigation measures to protect local communities from the noise, dust, and vibrations associated with blasting.

Response 399-4

See Collective Response #9 for discussion of the project's potential air quality impacts related to blasting. The Final EIR requires implementation of Mitigation Measures 4.3-2a and 4.3-2b to address the project's potential dust emission impacts and Mitigation Measure 4.10-1 to address noise and vibration resulting from blasting events. See

Appendix D-4, "Revised Section 4.3, Air Quality," and Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Sections 4.3 and 4.13. The commenter does not describe how these mitigation measures are insufficient or identify new or revised mitigation measures to address these impacts.

Comment 399-5

The transition from mechanical excavation to blasting introduces new hazards, yet the project documents fail to fully account for the risks of airborne particulate matter, potential seismic effects, and the broader environmental footprint.

Response 399-5

The issue of airborne particulate matter is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). See Collective Response #9 regarding the project's potential air quality impacts, including impacts related to blasting. Potential seismic effects are discussed in Draft EIR Section 4.7, "Geology and Soils." See Impacts 4.7-1 and 4.7-2, beginning on Draft EIR page 4.7-26. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The commenter does not identify how these analyses are inadequate and no further response can be provided.

Comment 399-6

The San Joaquin River is a vital resource for our community, providing recreation, wildlife habitat, and ecological benefits that cannot be replaced. I urge you to reject this proposal and protect the river for future generations.

Response 399-6

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #400 March 9, 2025, Priscilla Craft

Comment 400-1

I have lived in Fresno since 1967. I have enjoyed many years along the San Joaquin River hiking, cycling and canoeing. We are so fortunate to have such a beautiful river so close to Fresno. Why do we want to ruin the Lost Lake area with such a horrendous mining project?

The CEMEX proposal for the Rockfield Expansion Project along the San Joaquin River threatens so much. This proposal location is

surrounded by popular picnic areas, hiking trails, biking, and fishing.

Response 400-1

This is an introductory comment that does not address the adequacy of the Draft EIR. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Responses 400-2 to 400-8, below that address specific issues raised in this comment letter.

Comment 400-2

This project is highly unusual and like no other local project in the past because of two main unacceptable factors:

1. 600 Foot Depth over 100 years: Other quarries have typically been only 30 to 50 feet deep and permitted for only 30 to 50 years. No one knows the effects to the river and environment with a 600-foot hole 100 years from now. What sediment is that deep? What potential toxins will seep into the river? How will restoration look with such a deep hole? What assurance do we even have that restoration will ever be enforced and followed through, since none of us will be alive by then?

Response 400-2

This comment describes other existing quarries that are not relevant to the evaluation of the proposed project. The effects of the proposed Quarry Site excavation are disclosed and evaluated throughout the Draft EIR. The issues of sediment and surface water quality degradation are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Draft EIR Section 4.1, "Aesthetics and Visual Resources," for discussion of the project's potential impacts to the post-reclamation visual landscape. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. The project sites would be reclaimed as described in the proposed Surface Mining and Reclamation Plan provided as Draft EIR Appendix B-1, "Surface Mining and Reclamation Plan." Reclamation of the project sites in accordance with this plan would be legally required and would be enforced by Fresno County through its Surface Mining and Reclamation Ordinance and, as necessary, by the California Division of Mine Reclamation under the Surface Mining and Reclamation Act (SMARA).

Comment 400-3

2. Drilling and Blasting: This has NEVER been permitted on the river. While nonprofits are preserving more and more public trust properties all around this proposed site for the purpose of outdoor recreational use, and building more and more trails, CEMEX wants

to blast this area with explosives. This is ABSOLUTELY UNACCEPTABLE and makes no sense. The peaceful enjoyment for recreationists will be ruined by the continued blasting. Lost Lake will no longer be a peaceful getaway. Canoeing down the river will no longer be peaceful. Walking the Eaton Trail or exploring Ledger Island will no longer be peace and quiet. Have you seen the numbers of people that come out to enjoy these popular trails every day?

Response 400-3

The project sites have been permitted and used for mining activities for the past approximately 100 years. Therefore, mining would not be a new use in the project area. The commenter is also referred to the description of proposed blasting procedures on page 2-42 of the Draft EIR Chapter 2, "Project Description," which state that *"[b]lasting would occur one to two times per week on weekdays between the hours of 10 a.m. and 2 p.m."* See Collective Response #27 regarding the project's potential operational effects on nearby parks and trails.

Comment 400-4

Additionally, the fish will be affected by water vibrations, and birds will be misguided by air vibrations.

Response 400-4

See Collective Responses #16 and #13 regarding the potential effects of blasting vibration on salmon spawning and birds, respectively.

Comment 400-5

How far will blasting be heard due to the capacity for water to carry sound? Valley Children's Hosptial? City of Friant? The Parkway River Center? Woodward Park? Will the blasting vibrations affect the integrity of Friant Dam itself?

Response 400-5

See Draft EIR Section 4.13, "Noise," for evaluation of the project's potential operational noise and vibrational effects on surrounding properties, including blasting. Draft EIR Figure 4.13-1, "Nearest Sensitive Receptors to Plant Site," and Figure 4.13-2, "Nearest Sensitive Receptors to Quarry Site," show the location of the nearest sensitive receptors to the Plant Site and the Quarry Site, respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.13. With implementation of Mitigation Measures 4.13-2 and 4.13-3, none of these sensitive receptors would be significantly affected by the project's operational noise. Receptors located even further away from the

project sites, such as Valley Children's Hospital mentioned by the commenter, which is over seven miles away, would experience comparatively lesser to no noise impacts.

Comment 400-6

In addition to my two main points, there is also the heavy truck traffic along Friant Road and Willow Avenue, creating noise and safety issues in nearby neighborhoods.

Response 400-6

The issues of truck traffic and transportation safety are addressed in Draft EIR Section 4.17, "Transportation," while the issue of traffic noise is addressed in Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See Collective Response #29 regarding the project's truck trips and Collective Response #30 regarding transportation safety. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 400-7

Yes, I understand our local construction companies need gravel. However, the Fresno area already has 180% of the gravel it needs for the next 50 years. Need for more local gravel is not a valid argument.

Response 400-7

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 400-8

Please vote against this absurd project. It is too deep, too many years, too noisy and too destructive. This popular recreational area along the San Joaquin River is not the proper location for such a massive project.

Response 400-8

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Draft EIR Section 6.4.2.1, "Alternative Site Locations," for a discussion of the Draft EIR's evaluation of reasonable alternative locations for the project.

Letter #401 March 9, 2025, James Crane

Comment 401-1

I understand that monied interests and politics have an influence on how cities and counties regulate business expansion. However, occasionally such influence will attempt to downplay concerns for potential harm to people, neighborhoods, and the environment.

I have briefly reviewed the Draft EIR 7763 and agree with the San Joaquin River Parkway and Conservation Trust's assessment as well as with Marek Warszawski's Op Ed (Fresno Bee 2/18/25), that the CEMEX Corporation should be required to provide additional analysis, stronger mitigation measures, and financial guarantees. All of these issues should be addressed and presented for public review BEFORE the EIR is finalized.

Thank you for your consideration.

Response 401-1

See Collective Response #1 regarding additional analysis, enhanced mitigation measures, and transparency in the planning process. The comment is noted for the consideration of the decision-makers.

Letter #402 March 9, 2025, Catherine Curry McNally

Comment 402-1

I am writing to express my strong opposition to the proposed CEMEX mining operation, as outlined in the draft Environmental Impact Report (EIR). My concerns revolve around the severe visual, environmental, and noise-related impacts this project would impose—particularly given its proximity to the San Joaquin River, nearby groundwater wells, and residential communities. I also want to emphasize the critical role you and other decision-makers hold in safeguarding our region's future.

Response 402-1

The commenter's opposition to the project is noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR. The Draft EIR analyzes the project's potential impacts related to aesthetics, noise, water quality, and water supply in Section 4.1, "Aesthetics and Visual Resources," Section 4.13, "Noise," and Section 4.10, "Hydrology and Water Quality," respectively. See also Responses 402-2 through 402-6 below, which address the commenter's specific concerns.

Comment 402-2

As a graphic designer with extensive experience in designing layouts and assisting clients in putting together comprehensive business proposals, I understand that every element included—or omitted—in a presentation carries significant weight. Over the years, I have worked with clients across various industries, which has honed my ability to scrutinize the details that truly matter. That is why I am particularly troubled by the images included in the EIR. **These photos fail to show any evidence of heavy machinery, debris, or transport trucks—essential elements of a large-scale mining operation.** Instead, they depict a pristine, recreational landscape that is entirely unrepresentative of industrial mining. This discrepancy raises serious doubts about the transparency and credibility of the entire report. To highlight the stark contrast between the EIR's portrayal and reality, I plan to submit both actual photos from existing mining sites and photo-shopped images showing what this site would truly look like under CEMEX's proposal.

Response 402-2

The Draft EIR adequately characterizes the existing setting of the Plant and Quarry sites in Section 2.4, "Existing Conditions." The description includes a discussion of the history of mining operations that have occurred on both sites, and includes the acreage that has been disturbed by mining operations (Draft EIR pages 2-8 through 2-23). See also Draft EIR Figure 2-1, "Plant Site Aerial," and Figure 2-2, "Quarry Site Aerial," for a depiction of the current conditions of each site.

Comment 402-3

The EIR's claims regarding noise and other environmental impacts are similarly unconvincing. Suggesting that large-scale mining equipment—such as grinders, front loaders, and hydraulic machinery—will produce only a minimal increase in decibel levels is akin to expecting a lion to meow like a house cat. Such assertions only serve to obscure the real consequences of this operation.

Response 402-3

See Responses 11-27, 58C-13, 58C-14, and 60-15.

Comment 402-4

Furthermore, the proposal's emphasis on operating for 100 years and creating a 600-foot deep pit appears to be a calculated distraction. Rather than addressing these long-term figures, we

must confront the undeniable fact that, from day one, this project will unleash immediate devastation upon our environment and community.

Response 402-4

The Draft EIR's visual impact analysis provides visual depictions of existing conditions from a selected viewpoint, Stage 1 operational view (1-30 years), Stage 2 operational view (31-100 years), and post-reclamation, thus encapsulating the entire duration of the proposed project. See Draft EIR Section 4.1 for further discussion of the project's potential impacts to visual resources. See also Collective Response #5 regarding the duration of the project and Collective Response #8 for further discussion of mitigating the visual impact of the quarry pit.

Comment 402-5

I am also deeply concerned that the operating hours proposed in the EIR contradict Fresno County's own noise ordinance (8.40.040), signed on December 17, 2024. This ordinance was enacted specifically to protect our community from excessive noise and disturbance. By proposing operating hours that violate these standards, the EIR not only undermines local regulations but also calls into question the commitment of those overseeing this project to uphold the community's well-being.

Response 402-5

See Draft EIR Section 4.13 for more information pertaining to the noise impacts analysis. See the Draft EIR's discussion of Impact 4.13-2 and Impact 4.13-3. The noise impact analysis accounts for the project's potential impacts to daytime and nighttime noise thresholds. With the implementation of Mitigation Measures 4.13-2 and 4.13-3, the potential for the project to exceed the noise thresholds set forth in the Fresno County Noise Ordinance and the Fresno County General Plan would be less than significant.

Comment 402-6

I urge you to recognize the significant responsibility that comes with your position. You and your colleagues are fortunate enough to be the decision-makers who can protect our most cherished resources—including the San Joaquin River—from potentially irreversible harm. Approving a project of this nature would not only degrade the environment but also erode public trust in those elected and appointed to serve the best interests of the community.

This project is neither necessary nor beneficial when weighed against its potential damage. If CEMEX or the county truly believes more aggregate is needed, they should seek a more suitable

location—one that is not adjacent to critical waterways, residential areas, or treasured open space.

I respectfully request that the Planning Department reject this permit. The EIR is inadequate, misleading, and fails to address the true scope of this project's environmental and community impacts. A decision to green-light the mining operation would be a disservice to the people of Fresno County, now and for generations to come.

Thank you for your time and consideration. I implore you to uphold your commitment to serving the public interest by rejecting this proposal. Let us protect and preserve our region's natural beauty, rather than surrender it to a mining operation that is out of place and out of touch with our community's needs.

[Graphics and simulations were included as part of Comment Letter 402 that are not reproduced here. To view these graphics please see Letter 402 in Final EIR Appendix M, "Draft EIR Comment Letters."]

Response 402-6

The commenter's opposition to the proposed project is noted for County decision-makers. See Draft EIR Section 6.4.2.1, "Alternative Site Locations," for a discussion of the Draft EIR's evaluation of reasonable alternative locations for the project. See also Responses 402-1 through 402-5. The commenter fails to provide sufficient evidence or reasoning to support the assertion that the EIR is inadequate or misleading.

Letter #403 March 9, 2025, Melissa Dearing

Comment 403-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 403-1

The commenter's concerns are noted and will be considered by County decision-makers. The Draft EIR analyzes the project's potential impacts to water quality in Section 4.10, "Hydrology and Water Quality," air quality in Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), recreation in Section 4.16, "Recreation," wildlife in Section 4.4, "Biological Resources," and hazards in Section 4.9, "Hazards and

Hazardous Materials." Please see Responses 403-2 through 403-11 below for further discussion of the concerns raised in this comment.

Comment 403-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 403-2

See Response 349-2.

Comment 403-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 403-3

See Collective Response #17. See also Response 329-3.

Comment 403-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 403-4

Please see Collective Response #26 regarding baseline groundwater data used in the Draft EIR. Further, as discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the area of the project sites. Collective Response #25 further

demonstrates that Department of Water Resources criteria for interconnected surface water are not met at the project site.

Comment 403-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 403-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 403-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 403-6

Please see Collective Response #19 regarding the Draft EIR's evaluation of recreational sites adjacent to the project sites, and please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 403-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 403-7

Please see Collective Response #8 pertaining to the Draft EIR's visual resource impact analysis and mitigation.

Comment 403-8

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on *how* mitigation takes place is just one example of the inadequacy of the DEIR.

Response 403-8

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 403-9

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 403-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 403-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western

red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 403-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, as revised in this Final EIR, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (see Draft EIR, pages 4.4-49 through 4.4-50).

The Western red bat was not observed on site during the habitat assessment; however, moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). As discussed in Chapter 3, "Draft EIR Errata," the Final EIR provides additional analysis of potential impacts to bats and adds Mitigation Measure 4.4-1d to require pre-construction surveys and measures to avoid or minimize impacts to active bat roosts. With implementation of Mitigation Measure 4.4-1d, potential impacts to bats, including the Western red bat, would be less than significant.

In any event, blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and

would not have a significant increase in activity. The Draft EIR, as revised in this Final EIR, therefore adequately evaluates potential impacts to the species discussed above.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Section 4.4 of the Draft EIR does not need significant revision or recirculation.

Comment 403-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 403-11

The proposed project would not result in significant impacts to water quality or resources, wildlife, public safety, or air quality. The commenter's concerns and request for additional analysis and recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the project's potential environmental impacts and provides mitigation measures where necessary to reduce potential impacts, in accordance with CEQA. As such, recirculation is not required. As further discussed in Chapter 3, "Draft EIR Errata," of this Final EIR, the County has determined that recirculation of the Draft EIR is not required.

Letter #404 March 9, 2025, Kory Donati

Comment 404-1

I am an avid fisherman. The San Joaquin is a wonderful place to go fishing with my kids. We have many memories there. I am worried the cemex proposal will pollute/damage our favorite water way.

Please reject the plans to expand. I want my kids to be able to make their own memories there some day.

Response 404-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. No specific comments related to the adequacy of the

Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Letter #405 March 9, 2025, Eric Downing

Comment 405-1

I am writing to strongly oppose the proposed CEMEX Rockfield Expansion Project, which poses significant and irreversible harm to the San Joaquin River and surrounding environment.

If approved, this project will:

- **Allow mining operations for 100 more years,** permanently altering the landscape and impacting local communities.
- **Create a massive 600-foot-deep mining pit,** deeper than Millerton Lake, drastically changing the region's natural topography.

Response 405-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #5 regarding the duration of the proposed use permit. See also Draft EIR Section 4.1, "Aesthetics and Visual Resources," for discussion of the project's potential effects on the visual landscape, and Section 4.10, "Hydrology and Water Quality," regarding the project's potential effects on the San Joaquin River. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 405-2

- **Introduce hard rock blasting near the river,** increasing the risk of water contamination, habitat destruction, and harm to fish and wildlife.

Response 405-2

The issues of hazardous substance contamination and water quality degradation are addressed in Draft EIR Section 4.9, "Hazards and Hazardous Materials," and Section 4.10, respectively. The issues of potential habitat destruction and potential harm to fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 405-3

The San Joaquin River is a vital resource for our community, providing water, recreation, and crucial habitat for countless species. Allowing this expansion would prioritize corporate profit over environmental responsibility and long-term sustainability. I urge Fresno County to reject this proposal and prioritize the health of our natural resources.

Please ensure that community voices are heard and that environmental protections remain a top priority.

Response 405-3

The project's potential impacts on the San Joaquin River, recreation, and wildlife are addressed in Draft EIR Section 4.10, Section 4.16, "Recreation," and Section 4.4, respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #406 March 9, 2025, Jesus Flores

Comment 406-1

My name is Jesus, I'm a resident of the Central Valley and interested in preserving and caring for it, especially the San Joaquin river. What this CEMEX expansion will do is allow for many more years of mining, affecting not only the youth and people of today, but generations to come. We now and the people to come will see the loss of more natural habitats, in a state where many are already in danger of being lost.

Response 406-1

The effects of the proposed project are evaluated throughout the Draft EIR. See Draft EIR Section 4.4, "Biological Resources," for discussion of potential impacts to natural habitats. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 406-2

It will lead to a 600 ft deep mining pit, nearly double the depth of Millerton Lake. If all of that isn't enough, hard rock blasting will become increasingly more common.

Response 406-2

The commenter is referred to the description of proposed blasting procedures on page 2-42 of the Draft EIR, which states that "[b]lasting would occur one to two times per week on weekdays between the hours of 10 a.m. and 2 p.m." The frequency and duration of blasting would not deviate from that described in the project description. Regarding hard rock blasting becoming more common, the Draft EIR, as revised in this Final EIR, responds to and analyzes the potential environmental impact of the proposed project. Speculation regarding further blasting from other projects is outside the scope of this EIR.

Comment 406-3

Leading to impacted water quality, as if near yearly droughts aren't enough, and nearby wildlife will be affected as well.

Response 406-3

The issues of water quality and supply are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential effects on wildlife are evaluated in Draft EIR Section 4.4. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 406-4

Overall, this expansion will only cause harm to local people and the environment. Disallow this expansion, prevent harm to the San Joaquin River and its local people.

Response 406-4

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #407 March 9, 2025, Dennis and Valarie Foley

Comment 407-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

1. Impacts on the San Joaquin River Watershed.

My wife and I are both recreational kayakers and enjoy the San Joaquin River from Lost Lake to Fort Washington beach. Our concern is how is Cemex going to mitigate the water quality of the Quarry pit water seepage that will now include new increased sediment, chemical, and mineral levels as Cemex returns this water back into Dry Creek and eventually the San Joaquin River? Why does Cemex need to dig a 600ft. deep gravel pit anyway?

Response 407-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Impacts 4.10-1 through 4.10-3, beginning on Draft EIR page 4.10-88, for a discussion of potential surface water quality degradation. Mitigation Measure 4.10-1 requires implementation of the Blasting Protocols, as revised in EIR Appendix H-9, "Revised Blasting Protocols," and specify practices to prevent the contamination of groundwater and surface water. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Blasting Protocols.

Comment 407-2

2. Air Quality and Dust Emissions.

How is Cemex planning to mitigate their negative impact on our local Air Quality and Dust Emissions with the implementation of "Blasting" in their mining operations and the increased rock trucks transporting more aggregate on a larger scale in uncovered trailers on Friant, Highway 41, Copper Ave, and other County roads?

Response 407-2

The issues of air quality and dust are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to this Draft EIR section. Mitigation Measures 4.3-2a and 4.3-2b would require implementation of measures to reduce pollutant emissions from off-road diesel equipment and to reduce dust from on-site roads and soil stockpiles. See Collective Response #9 regarding the project's potential impact on the existing air quality conditions in the region. See also Collective Response #29 regarding traffic congestion and project truck trips.

Comment 407-3

3. Biological Resource Impacts

How will Cemex's open pit gravel mine expansion request "not" add to further impact in many negative ways; our local and migratory bird populations, river fisheries and native mammal wildlife in

and around this mining project along our beautiful San Joaquin River?

Response 407-3

The project's potential impacts to fish and wildlife populations are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #15 for further discussion of potential impacts to bird species and Collective Response #12 regarding the project's potential impacts to salmon restoration efforts in the area.

Comment 407-4

4. Traffic and Noise Concerns

The city and county of Fresno are expanding housing and commercial business development in a northeast direction along the Friant road corridor. Along with this occurrence, the community of Friant is increasing their housing foot print as well.

How is Cemex's increase in gravel truck trip hours on Friant road not going to have many negative impacts with local traffic safety; regarding commuters, Millerton Lake & Lost Lake recreational users day travels, and bicyclists? The increase in gravel trucks will also further degrade our roads, create more auto windshield repairs, and add to overall negative background noise levels to nearby homes.

Response 407-4

The issues of traffic and noise are addressed in Draft EIR Section 4.17, "Transportation," and Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See Collective Response #30 regarding transportation safety and vehicle damage from aggregate trucks. See Collective Response #29 regarding funding for road maintenance. See Impact 4.13-1 for a discussion of traffic noise. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 407-5

5. Cumulative Environmental Efforts

My wife and I have personally witnessed since 2001, the expansive housing growth that has occurred in Woodward Lake, all be impacted in at least one or more negative ways should Cemex be allowed their

request! Copper River, North Willow Ave., and Friant areas that will

Response 407-5

The project's cumulative effects are described in Draft EIR Chapter 5, "Cumulative Impacts." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR chapter.

Comment 407-6

The Cemex's Aggregate Extraction business can be successfully accomplished in other available and less imposing locations as is evident in the Vulcan Aggregate mining operations near the Kings River, east of Centervillle, CA.

My wife and I, as Woodward Lake homeowners, who are very concerned with this Cemex Rockfield Modification Project DEIR look forward to your response to our questions.

Response 407-6

See Draft EIR Section 6.4.2.1, "Alternative Site Locations," for discussion of the Draft EIR's evaluation of reasonable alternative locations for the project.

Letter #408 March 9, 2025, Linda Garcia

Comment 408-1

I am writing to formally express my opposition to the proposed 100-year permit for the CEMEX mining operation I request that the Planning Department reconsider this permit.

Thank you for your time and consideration.

Response 408-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #409 March 9, 2025, Acsa Garcia-Aceves

Comment 409-1

My name is Acsa Garcia-Aceves. As a resident of the Central Valley, I am very interested in preserving and caring for it, especially the San Joaquin river. What this CEMEX expansion will do is allow for many more years of mining, affecting us and generations to come.

This project will cause the loss of more natural habitats, in a state where many are already in danger of being lost.

Response 409-1

The effects of the proposed project are evaluated throughout the Draft EIR. See Draft EIR Section 4.4, "Biological Resources," for discussion of potential impacts to natural habitats, and Draft EIR Section 4.10, "Hydrology and Water Quality," for discussion of the project's potential impact on the San Joaquin River. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 409-2

It will lead to a 600 ft deep mining pit, nearly double the depth of Millerton Lake. If all of that isn't enough, hard rock blasting will become increasingly more common.

Response 409-2

The commenter is referred to the description of proposed blasting procedures on page 2-42 of the Draft EIR Section which states that "[b]lasting would occur one to two times per week on weekdays between the hours of 10 a.m. and 2 p.m." The frequency and duration of blasting would not deviate from that described in the project description. Regarding hard rock blasting becoming more common, the Draft EIR responds to and analyzes the potential environmental impact of the proposed project. Speculation regarding further blasting from other projects is outside the scope of this EIR.

Comment 409-3

This will impact water quality, which will in turn negatively impact wildlife.

Response 409-3

The issues of water quality and supply are evaluated in Draft EIR Section 4.10. The project's potential effects on wildlife are evaluated in Draft EIR Section 4.4. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 409-4

Overall, this expansion will only cause harm to local people and the environment.

Disallow this expansion, prevent harm to the San Joaquin River and its local people.

Response 409-4

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #410 March 9, 2025, Paul M. Gibson

Comment 410-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. As a former board member of the San Joaquin River Conservancy, appointed by Governor Brown, I am concerned how often the DEIR inadequately recognizes critical dangers to the San Joaquin River and the State owned San Joaquin Conservancy lands that surround the project.

The conservation and restoration of the San Joaquin River, its flows, its habitat, and its use by the public have been supported by taxpayers for nearly 40 years. For decades, public use of the land has been exponentially increasing. A project that will greatly impact the River and surrounding land use for the next 100 years needs to carefully detail the mitigation measures necessary to protect hundreds of thousands of citizens visiting their public lands each year. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 410-1

The commenter's former position as a board member of the San Joaquin River Conservancy and concerns regarding the Draft EIR are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures. Please see Responses 410-2 through 410-13 below for responses to specific concerns raised in this comment. The Draft EIR analyzes the project's potential impacts to water quality, air quality, recreation, wildlife, and hazards in Draft EIR Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.16, "Recreation," Section 4.4, "Biological Resources," and Section 4.9, "Hazards and Hazardous Materials," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced herein.

Comment 410-2

Lack of Mitigation for Rapidly Increasing Public Visitation, Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Contradictions to Master Plan for the San Joaquin River Parkway:** The DEIR does not address the harm the project will do to public access to the San Joaquin River. The Master Plan for the San Joaquin River Parkway calls for dramatic increase in the public access points to the River. The DEIR does not address increased public use of areas surrounding the project. Currently, public visitation to State owned Conservancy lands is increasing by the thousands every year. A 100 year project in the middle of one of the State's fastest growing regions needs to consider that visitors to the River Parkway will likely be in excess of 1 million people per year in the near future.

Response 410-2

Please see Collective Response #18 pertaining to the project's consistency with San Joaquin River Parkway Master Plan, please see Collective Response #21 pertaining to public access to the San Joaquin River, and please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 410-3

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 410-3

Please see Collective Response #8 pertaining to the Draft EIR's visual resource impact analysis and mitigation.

Comment 410-4

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on *how* mitigation takes place is just one example of the inadequacy of the DEIR.

Response 410-4

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 410-5

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining? In the region with some of the nation's highest rates of child asthma, it is imperative that CEMEX's current operations be seen as a contributor to current health outcomes. The public has a right to see the project's emissions as compared to a no-project scenario.

Response 410-5

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 410-6

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 410-6

See Response 349-2.

Comment 410-7

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?

- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 410-7

See Collective Response #17 regarding flooding and pit capture. See also Response 329-3.

Comment 410-8

- The San Joaquin River Conservancy has spent millions of dollars fixing breached quarry ponds downstream from the project. More public funds have been spent on the restoration of habitat and water flow by the San Joaquin Salmon Restoration project. The DEIR should identify impacts to these projects.

Response 410-8

Please see Collective Response #12 pertaining to San Joaquin River restoration efforts. The Draft EIR addresses potential impacts to the environment as a result of the project and prescribes mitigation measures where necessary to reduce impacts to less than significant levels. An in-depth review of existing conditions and potential effects of the project on hydrology is provided in Draft EIR Section 4.10. Impacts related to biology are evaluated in Section 4.4 at Impact 4.4-2 and 4.4-6, including mitigation measures to reduce effects to salmonids to less than significant levels. Blasting activities would be infrequent and brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in significant impacts to wildlife. Please see Responses 58-37, 58-38, 58-40, 58-41, and 58-42 for further discussion of blasting impacts upon wildlife.

Comment 410-9

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 410-9

See Response 403-4, which explains that the Draft EIR groundwater data was collected during low and high flow periods.

Comment 410-10

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.

- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access

- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 410-10

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 410-11

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 410-11

Please see Collective Response #19 regarding the Draft EIR's evaluations of recreational sites adjacent to the project sites, and please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 410-12

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation

measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 410-12

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (Draft EIR, pages 4.4-49 through 4.4-50).

The Western red bat was not observed on site during the habitat assessment; however, moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). As discussed in Chapter 3, "Draft EIR Errata," the Final EIR provides additional analysis of potential impacts to bats and adds Mitigation Measure 4.4-1d to require pre-construction surveys and measures to avoid or minimize impacts to active bat roosts. With implementation of Mitigation Measure 4.4-1d, potential impacts to bats, including the Western red bat, would be less than significant.

In any event, blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR, as revised in this Final EIR, therefore adequately evaluates potential impacts to the species discussed above.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Section 4.4 of the Draft EIR does not need significant revision or recirculation.

Comment 410-13

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees

from CEMEX. The additional information will need to be drafted and recirculated for public review before finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 410-13

The proposed project would not result in significant impacts to water quality or resources, wildlife, public safety, or air quality. The commenter's concerns and request for additional analysis and recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the project's potential environmental impacts and provides mitigation measures where necessary to reduce potential impacts, in accordance with CEQA. As such, recirculation is not required.

Letter #411 March 9, 2025, Brandon Gonzalez

Comment 411-1

I am writing to formally document my dissent as a citizen of Fresno towards the proposed 100-year permit for the CEMEX mining operation. Having look through the applicable sections of the EIR, I want to strongly express my concern for the soundness of the EIR.

I have lived my whole life near the San Joaquin River, and make frequent birdwatching trips along its expanse, as I have since I was a child. As I am certain you're aware of, our location in the Central Valley provides prime habitat for many endemic, and often endangered, species.

Response 411-1

The commenter's opposition to the project is noted and will be considered by County decision-makers. The commenter does not address the adequacy of the Draft EIR. The Draft EIR analyzes impacts to wildlife and special status species in Section 4.4, "Biological Resources." Please see Responses 411-2 through 411-4 below for discussion of specific concerns. See also Chapter 3, "Draft EIR Errata."

Comment 411-2

One threatened species that I can personally vouch has been present very near the proposed mining site is the Swainson's hawk (*Buteo swainsoni*). A nest has been observed as recently as 2022-2023 along the San Joaquin, in Woodward Park.

I am not an expert and merely a lifelong hobbyist, but I am certain that others with more specific areas of expertise could provide

similar contradictions to the current EIR findings. Additionally, the survey states that Osprey were detected as far back as 2017, another species which I can firsthand attest still nests along the San Joaquin. It is my firm belief that a survey from nearly 8 years ago is completely insufficient in determining the status of vulnerable species. Furthermore, whether a particular species is sighted directly on either of the proposed sites is an incredibly short-sighted plan of approach, as actions as drastic as blast mining the riverbed would obviously have much further reaching effects than those that may be observed directly in their borders.

Response 411-2

The Draft EIR analyzes impacts to nesting birds, including raptors like Swainson's hawk and osprey, in Draft EIR Section 4.4. Due to the moderate potential of certain raptor species' (e.g. Swainson's hawk and osprey) to forage over the project sites, the Draft EIR includes Mitigation Measure 4.4-1c, which sufficiently reduces impacts to these species to less than significant. See discussion of Draft EIR Impact 4.4-1 on page 4.4-48. The Draft EIR analyzes potential blasting impacts to wildlife species in the riparian area surrounding the Plant and Quarry sites in Impact 4.4-2 and concluded that these impacts would be less than significant. See Response 65-12 for further discussion of blasting impacts to wildlife. See also Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.4.

The conclusions regarding the presence of certain species at the project sites are supported by literature searches and by multiple field surveys conducted on and adjacent to the project sites. The field surveys conducted in 2017, 2019, and 2021 for the purposes of analyzing the project's potential impacts to biological resources are sufficient under CEQA. See Response 65-5 regarding the sufficiency of the above-mentioned field surveys.

Comment 411-3

According to publicly accessible records (such as https://www.conservation.ca.gov/cgs/Documents/Publications/Map-Sheets/MS_052_California_Aggregates_Report_201807.pdf)

Response 411-3

Response Text

Comment 411-4

Fresno has no need for this project and already has more than adequate access to locally sourced gravel. Attempts to frame this operation as empowering our community with locally sourced materials are a blatant exaggeration of the truth.

Response 411-4

Please see Collective Response #3 pertaining to regional aggregate demand and supply.

Comment 411-5

The San Joaquin River has sustained sever damage already, and it is my firm belief that this operation would set any conservation efforts back immensely as well as desecrate the natural beauty that all in our community should have access to. The current EIR is not nearly comprehensive enough in its studies of the local impact of this project. As a citizen of Fresno and lifelong admirer of the river habitat we are lucky enough to still have, I implore the Planning Department to reconsider this hasty proposal.

Response 411-5

Please see Responses 411-1 through 411-3 above for discussion of the specific issues raised in the comment letter. The Draft EIR sufficiently analyzes the potential environmental impacts of the proposed project, and provides mitigation measures where necessary to minimize adverse effects. The commenter's concerns, requests, and opinions regarding the project are noted and will be considered by County decision-makers.

Letter #412 March 9, 2025, Carol Hansen

Comment 412-1

I would like to express my concern regarding CEMEX Rockfield Quarry site northeast of Fresno seeking an extension of its sand and gravel mining operations. My husband and I have a home in the subdivision of Copper River Country Club and are alarmed that this expansion will cause new harm to the San Joaquin River, not to mention to the health of our community and the environmental impact that it has on those living and working in the area.

Response 412-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 412-2 through 412-4, below that address specific issues raised in this comment letter.

Comment 412-2

The California Geological Survey Report clearly shows that there are other local sources available to CEMEX that will provide aggregates.

Response 412-2

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 412-3

All along Friant Road and Copper Avenue continuing north, the city population has grown tremendously. The impact of CEMEX's continuing to mine and blast in this area negatively impacts the environment. It is a negative impact to air quality, water quality, fish and wildlife, the San Joaquin River, traffic, recreation, land use and planning, and visual aesthetics.

Response 412-3

The comment lists numerous potential environmental issue areas that could be impacted by the proposed project. These environmental issues areas are evaluated in the following Draft EIR sections in the order they appear in the comment: Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.10, Hydrology and Water Quality," Section 4.4, "Biological Resources," Section 4.17, "Transportation," Section 4.16, "Recreation," Section 4.11, "Land Use and Planning," and Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 412-4

In addition, in this proposal, CEMEX wants to dynamite hundreds of feet below ground in close proximity to one of the country's endangered rivers. We oppose this project and hope that the Fresno County Board of Supervisors does not grant an extension to CEMEX. Thank you for the opportunity to respond to this proposal.

Response 412-4

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #413 March 9, 2025, Keith Hawkyard

Comment 413-1

Dear Mr. Randall, help us preserve the beauty and serenity of the San Joaquin river. Every natural resource does not need to be exploited to depletion we have already reduced the water flow such that the river no longer flowed to the delta and only does now seasonally because of law suits. Let's not destroy the natural beauty of the riparian environment around the river by further expanding the gravel mining operation. Fresno County consistently misses opportunities to enhance the quality of life of its residents by neglecting to create and maintain public spaces for recreation do not turn the river bottom into a desolate polluted and cratered mess.

Response 413-1

The project's potential effects on the visual landscape of the project area are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." The project's potential effects on the San Joaquin River and recreation are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality," and Section 4.16, "Recreation," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. See also Collective Response #25 addressing the potential for seepage to impact river flows. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, this comment is noted for the consideration of the decision-makers.

Letter #414 March 9, 2025, Lori Hawkyard

Comment 414-1

Please stop the Cemex expansion to retain the beauty of the San Joaquin River corridor.

Response 414-1

The project's potential effects on the visual beauty of the project area are discussed in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #415 March 9, 2025, Harris and Pam Hays

Comment 415-1

I am writing to express my deepest condolences about Cemex Rockfield's expansion project in the San Joaquin Riverbed.

I have many concerns, not the least of which is the very lengthy proposed life of this permit for 100 years. This is totally unprecedented and should not be allowed!

Ten years be a far more reasonable time frame. A lot happen during this period. It is best to be cautious and evaluate their performance, in addition, new regulations may be adopted that should be applied to their permit, as well.

Response 415-1

See Collective Response #5 regarding the duration of the proposed use permit. The proposed project would be inspected annually by County staff or a County-retained consultant to ensure that the operation is in compliance with all applicable regulations, permits, and conditions of approval (including mitigation measures) in accordance with the County's Surface Mining Ordinance (Section 834.4.220 of the Fresno County Zoning Code).

Comment 415-2

The other major concern is the depth that they propose to mine, 600 feet deep into the riverbed! That has never been done before and what environmental damage can be done with digging 600 feet deep below the surface. I'm sure they don't, they just assume that they be able to deal with if it happens. We can't trust them. It could be a monument disaster and they just walk away do nothing! There is a very real risk and there will be no accountability on their part. What they want is a blank permit to do their thing and trust they will do the right thing. No way they have a history of failure!

Response 415-2

The potential effects of the proposed project, including the Quarry Site excavation, are evaluated throughout the Draft EIR and, where necessary, mitigation measures are provided to address identified significant impacts. The project would be inspected by County staff or consultants to determine compliance with applicable regulations, permits, and conditions of approval, and any violations would be managed in accordance with the requirements of the County's Surface Mining Ordinance. See Collective Response #4a regarding CEMEX's regulatory history.

Comment 415-3

The mining industry within the San Joaquin River has a poor history of mining responsibly and restoring the land to an environmentally responsible condition. It would be completely appropriate and necessary to require a BOND to assure They comply with all conditions and do not abandon the site when they are completed.

Please give serious consideration to these issues and comments as the San Joaquin River should not be destroyed but preserved.

Response 415-3

See Collective Response #4b regarding liability and funding for unforeseeable damages caused by the project. See also the proposed reclamation plan provided in Draft EIR Appendix B-1, "Surface Mining and Reclamation Plan," and the summary in Draft EIR Section 2.5.7.2, "Quarry Site Reclamation Plans." The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #416 March 9, 2025, Clay Howell

Comment 416-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 416-1

The commenter's concerns regarding the Draft EIR and the project are noted and will be considered by County decision-makers. The commenter's concerns regarding mitigation are also noted. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures. The Draft EIR analyzes the project's potential impacts related to water quality, air quality, recreation, wildlife, and hazards in Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.16, "Recreation," Section 4.4, "Biological Resources," and Section 4.9, "Hazards and Hazardous Materials," respectively. Please see Responses 416-2 through 416-11 below for further discussion of the issues raised in this comment. See also Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 416-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 416-2

See Response 349-2.

Comment 416-3

What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?

Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 416-3

See Collective Response #17. See also Response 329-3.

Comment 416-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 416-4

See Response 403-4 and Collective Response #24, which explain that the Draft EIR groundwater data was collected during low and high flow periods.

Comment 416-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

The DEIR should identify the timeframe and exact location of the trail to be constructed. The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 416-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 416-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 416-6

See Collective Response #19 regarding updates to the Draft EIR's descriptions of parks in the vicinity of the project sites. See also Collective Response #27 regarding the project's potential operational effects on users of nearby parks and trails. The commenter erroneously claims that the Draft EIR does not evaluate noise impacts at adjacent parks. As shown on Draft EIR Figure 4.13-2, "Nearest Sensitive Receptors to Quarry Site," Lost Lake Park is identified as sensitive receptor Q-5 while Sumner Peck Ranch is identified as sensitive receptor Q-15. Table 4.13-17, "Estimated Quarry Site Noise Levels (dBA) at Nearest Receptors," on Draft EIR page 4.13-60 indicates that the applicable noise impact thresholds would not be exceeded at either of these locations with project implementation. Implementation of Mitigation Measure 4.13-3 would further reduce noise effects by requiring a combination of noise-reducing measures to ensure applicable noise thresholds are not exceeded at any of the surrounding sensitive receptor sites.

Comment 416-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

Scenic Degradation: The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock

staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 416-7

Please see Collective Response #8 pertaining to the Draft EIR's visual resource impact analysis and mitigation.

Comment 416-8

Traffic Congestion: Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on how mitigation takes place is just one example of the inadequacy of the DEIR.

Response 416-8

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 416-9

Air Quality: The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 416-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 416-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 416-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, as revised in this Final EIR, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (Draft EIR pages 4.4-49 through 4.4-50).

The Western red bat was not observed on site during the habitat assessment; however, moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). As discussed in Chapter 3, "Draft EIR Errata," the Final EIR provides additional analysis of potential impacts to bats and adds Mitigation Measure 4.4-1d to require pre-construction surveys and measures to avoid or minimize impacts to active bat roosts. With implementation of Mitigation Measure 4.4-1d, potential impacts to bats, including the Western red bat, would be less than significant.

In any event, blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR, as revised in this Final EIR, therefore adequately evaluates potential impacts to the species discussed above.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Section 4.4 of the Draft EIR does not need rewriting or recirculation.

Comment 416-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 416-11

The proposed project would not result in significant impacts to water quality or water resources, wildlife, public safety, or air quality. The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the project's potential environmental impacts and provides mitigation measures where necessary to reduce potential impacts, in accordance with CEQA. As such, recirculation is not required. See also Chapter 3, "Draft EIR Errata," of this Final EIR for further discussion of recirculation.

Letter #417 March 9, 2025, Blue Kalmbach

Comment 417-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project.

Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval. 1. Impacts on the San Joaquin River Watershed. The San Joaquin River Watershed provides a lot of water to crops and people, as well as a space to learn, explore and recreate. The CEMEX Rockfield Expansions Project will impede upon the river and leave lasting damage for futures to come. 2.

Response 417-1

The project's potential effects on the San Joaquin River watershed are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential effects on recreation are discussed in Draft EIR Section 4.16, "Recreation." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 417-2

2. Biological Resource Impacts

The project would damage the waterway and surrounding riparian zones. Not enough analysis has been done on the project's impacts to the Swainson's Hawk.

Response 417-2

The project's potential effects on riparian habitat are evaluated in Draft EIR Section 4.4, "Biological Resources." See Impact 4.4-4, beginning on Draft EIR page 4.4-55, for a discussion of riparian habitat and other sensitive natural communities. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #14 regarding the Draft EIR's analysis of impacts to Swainson's hawk.

Comment 417-3

Great progress has been made on increasing and restoring Chinook Salmon to the river but the project would set that back and increase harm and pollution.

Response 417-3

See Collective Response #12 regarding the project's potential effects on recent river and salmon restoration projects along the San Joaquin River.

Comment 417-4

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected. Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 417-4

See Collective Response #1 regarding the need for additional analysis, enhanced mitigation measures, and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of reasonable alternatives to the proposed project.

Letter #418 March 9, 2025, Pamela Kammen

Comment 418-1

I am writing to express my strong objection to the proposed expansion of CEMEX. Allowing expansion would very likely threaten the river, fish, wildlife, air quality, and the quality of life for the people, including myself, who live close to the CEMEX concrete plant. As a long time Fresno resident I urge (and plead) you to vote no on this project.

Response 418-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The commenter lists numerous potential environmental effects of the proposed project each of which are evaluated in the following Draft EIR sections: Section 4.10, "Hydrology and Water Quality," Section 4.4, "Biological Resources," and Section 4.3, "Air Quality." See Appendix D-4, "Revised Section 4.3, Air Quality," and Chapter 3 "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. Quality of life is not a physical effect on the environment and therefore need not be considered in a CEQA analysis.

Letter #419 March 9, 2025, Cheryl and Terry Kershaw

Comment 419-1

My husband and I are long time residents of Sanger. We respectively have worked for the Community College District and CSU Fresno with expertise in ecology. We oppose the 100 year permit for the CEMEX mining operation particuilarly on grounds of the long term impact of wildlife habitat and community impacts.

Response 419-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential impacts to wildlife habitats and communities are evaluated in Draft EIR Section 4.4, "Biological Resources." See also Draft EIR Section 5.3.4 "Cumulative Impacts," for a discussion of the project's potential cumulative impacts on biological resources. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 419-2

The San Joaquin river is an important recreational resources our Fresno and Madera community. A project of this scale requires a thorough analysis of the long term impact for our community.

Therefore we request that the Planning Department reconsider this permit so that a more thorough EIR is conducted.

Response 419-2

See Collective Response #1 regarding additional analysis and addressing requests for a more thorough EIR. See also Draft EIR Section 4.16, "Recreation," for a discussion of the project's potential effects on recreation. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. The comment is noted for the decision-makers.

Letter #420 March 9, 2025, Ricky Kline

Comment 420-1

I am writing to express my strong opposition to the proposed Cemex company plan to blast a 600-foot deep pit near the San Joaquin River. As a concerned citizen, I am deeply troubled by the potential environmental, social, and economic impacts this project could have on the river and surrounding communities.

Response 420-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 420-2 through 420-6, below that address specific issues raised in this comment letter.

Comment 420-2

The San Joaquin River is a critical waterway that supports local ecosystems, agriculture, and provides vital resources for thousands of residents. Blasting such a large pit near its banks threatens the integrity of this invaluable resource. The resulting disruption to the river's natural flow, along with the risk of contamination, could have long-term consequences on water quality and the health of local wildlife.

Response 420-2

The project's potential impacts to the San Joaquin River are primarily addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #17 regarding riverbank stability and the potential for breach and flooding of the Quarry Site excavation.

Comment 420-3

Additionally, this excavation poses an increased risk of soil erosion and landslides, which would further compromise the land and water surrounding the area.

Response 420-3

The issues of soil erosion and landslides are evaluated in Draft EIR Section 4.7, "Geology and Soils. See Impact 4.7-4, beginning on Draft EIR page 4.7-29, for a discussion of the project's potential to cause soil erosion. See Impact 4.7-3, beginning on Draft EIR page 4.7-28, for a discussion of the limited potential for the project to cause landslides. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.7. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 420-4

Furthermore, the environmental degradation caused by noise, air pollution, and dust from the blasting could negatively affect local communities and the health of residents living near the project site.

Response 420-4

The potential effects of proposed blasting (i.e., dust/air pollution and noise/vibration) are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 420-5

The disruption to the environment would likely impact property values, the livelihoods of those who depend on the river for farming and fishing, and could even harm the local tourism industry that benefits from the river's natural beauty and resources.

Response 420-5

See Collective Response #7 for a discussion of the evaluation of economic impacts under CEQA.

Comment 420-6

I urge you to reconsider this project and explore more sustainable alternatives. It is critical that we prioritize the long-term health of the San Joaquin River and the surrounding communities.

Our collective responsibility is to preserve and protect these natural resources, ensuring they remain accessible and viable for generations to come.

Thank you for considering my concerns. I look forward to your response and hope for a more sustainable solution to the needs of the Cemex company and the well-being of our environment.

Response 420-6

See Draft EIR Chapter 6, "Alternatives," for an evaluation of a reasonable range of alternatives to the proposed project. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Chapter 6. The project would have no direct effect on any existing river access points in the project area. See Collective Response #21 regarding public access to the San Joaquin River (SJR). The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #421 March 9, 2025, Kathleen Klitz

Comment 421-1

I am a 40 yr resident of Woodward Lake who is horrified by the prospect of the expansion of these companies on the river bottom expanding. This is not the area to have blasting that can potentially affect the river environment. I'm very concerned not only of the noise and dust toxins but what this will surely do to the river's water table

Response 421-1

The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, "Noise," as revised in this Final EIR. Potential effects to groundwater levels are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Impacts 4.10-8 through 4.10-13 beginning on Draft EIR page 4.10-102. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. See also Collective Response #25 regarding the potential for seepage to impact river flows. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 421-2

affecting wildlife and flora that we as residents have tried very hard to not disturb as we enjoy the beautiful trails.

Response 421-2

The project's potential effects on wildlife and plant species are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #18 regarding the project's consistency with the San Joaquin River Conservation Master Plan.

Comment 421-3

I see a future of expensive litigation by these communities surrounding the precious river. We hope that future generations can continue to enjoy a healthy lifestyle in nature I disturbed by expansion for profit.

Response 421-3

The comment is noted for the consideration of the decision-makers.

Letter #422 March 9, 2025, Sarah Knight

Comment 422-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all. I am also concerned about the time of this project which goes 100 years into the future. This seems like too long of a time commitment when so many things can change in the next 100 years.

Response 422-1

The commenter's opposition to the project is noted and will be considered by County decision-makers. The commenter's concerns regarding mitigation are also noted. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures. The Draft EIR analyzes the project's potential impacts to water quality, air quality, recreation, wildlife, and hazards in Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality), Section 4.16, "Recreation," Section 4.4, "Biological Resources," and Section 4.9, "Hazards and Hazardous Materials," respectively. See also Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Please see Responses 422-2 through 422-11 below for discussion of the specific issues raised in this comment. Please see Collective Response #5 pertaining to the requested use permit duration.

Comment 422-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 422-2

See Response 349-2.

Comment 422-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 422-3

See Collective Response #17. See also Response 329-3.

Comment 422-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 422-4

See Response 403-4 and Collective Response #26, which explain that the Draft EIR groundwater data was collected during low and high flow periods.

Comment 422-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.

- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access

- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 422-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 422-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The Noise from the rock crushing, blasting, and drilling will carry beyond the recreational areas to suburban housing areas. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 422-6

Please see Collective Response #19 regarding the Draft EIR's evaluation of recreational sites adjacent to the project sites. See also Collective Response #27 pertaining to the project's potential effects on adjacent parklands and recreational use areas.

Comment 422-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA. The view of a 600 foot deep open pit mine will be a blight on the landscape near the proposed project area.

Response 422-7

Please see Collective Response #8 pertaining to the Draft EIR's visual resource impact analysis and mitigation.

Comment 422-8

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on how mitigation takes place is just one example of the inadequacy of the DEIR.

  CEMEX is not being held accountable for the road damage, gravel hitting windshields, and traffic congestion from its current operations before any new projects are added. Friant Road is already a dangerous road without any additional gravel trucks.

Response 422-8

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 422-9

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 422-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 422-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 422-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered. (Draft EIR, page 4.4-51.) With implementation of Mitigation Measures 4.4-1c and 4.4-1a, as revised in the Final EIR, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (Draft EIR, pages 4.4-49 through 4.4-50).

The Western red bat was not observed on site during the habitat assessment; however, moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). As discussed in Chapter 3, "Draft EIR Errata," the Final EIR provides additional analysis of potential impacts to bats and adds Mitigation Measure 4.4-1d to require pre-construction surveys and measures to avoid or minimize impacts to active bat roosts. With implementation of Mitigation Measure 4.4-1d, potential impacts to bats, including the Western red bat, would be less than significant.

In any event, blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR, as revised in this Final EIR, therefore adequately evaluates potential impacts to the species discussed above.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Section 4.4 of the Draft EIR does not need rewriting or recirculation.

Comment 422-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 422-11

The proposed project would not result in significant impacts to water quality or water resources, wildlife, public safety, or air quality. The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the project's potential environmental impacts and provides mitigation measures where necessary to reduce potential impacts, in accordance with CEQA. As such, recirculation is not required. See also Chapter 3, "Draft EIR Errata," of this Final EIR for further discussion of recirculation.

Letter #423 March 9, 2025, Sandra Knudson

Comment 423-1

Please do not approve CEMEX expansion. It will harm the San Joaquin River.

Response 423-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section.

Letter #424 March 9, 2025, Asgy Lame

Comment 424-1

My name is James, I'm a resident of the Central Valley and interested in preserving and caring for it, especially the San Joaquin river. What this CEMEX expansion will do is allow for many more years of mining, affecting not only the youth and people of today, but generations to come. We now and the people to come will see the loss of more natural habitats, in a state where many are already in danger of being lost.

Response 424-1

The effects of the proposed project are evaluated throughout the Draft EIR. See Draft EIR Section 4.4, "Biological Resources," for discussion of potential impacts to natural habitats. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 424-2

It will lead to a 600 ft deep mining pit, nearly double the depth of Millerton Lake. If all of that isn't enough, hard rock blasting will become increasingly more common.

Response 424-2

The commenter is referred to the description of proposed blasting procedures on page 2-42 of the Draft EIR which states that "[b]lasting would occur one to two times per week on weekdays between the hours of 10 a.m. and 2 p.m." The frequency and duration of blasting would not deviate from that described in the project description. Regarding hard rock blasting becoming more common, the Draft EIR responds to and analyzes the potential environmental impact of the proposed project. Speculation regarding further blasting is outside the scope of the EIR.

Comment 424-3

Leading to impacted water quality, as if near yearly droughts aren't enough, and nearby wildlife will be affected as well.

Response 424-3

This comment describes existing conditions along the San Joaquin that are not evaluated as part of the proposed project. The issues of water quality and supply are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential effects on wildlife are evaluated in Draft EIR Section 4.4. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 424-4

Overall, this expansion will only cause harm to local people and the environment. Disallow this expansion, prevent harm to the San Joaquin River and its local people.

Response 424-4

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #425 March 9, 2025, Patricia Libby

Comment 425-1

Thank you for the opportunity to submit comments on the CEMEX Rockfield Expansion Project EIR.

Fresno and Fresno County are at a crossroads and it is critical that we take the right path.

In the last few days I have done quite a bit of study and have learned that:

- Fresno was founded several miles from the San Joaquin River in 1872 by the California Pacific Railroad.

- Cemex, a Mexican multinational company, began mining the San Joaquin in 1913.

- According to online journalist Gregory Weaver, Fresnoland, March 7, 2025, "The San Joaquin River, one of California's most beleaguered waterways, has endured over a century of exploitation. The river's flow reduced by 97%, its salmon runs were erased by dams, its wetlands stripped by decades of mining, and its floodplain in the heart of Freno carved into barren pits."

- Since my birth family moved to Fresno in 1965, Fresno growth has now reached the River, so the negative impact of Cemex on the River and our citizenry is too great for Cemex to continue at all.

- The San Joaquin River is our most precious resource for both nature and people. A DEIR is a distraction from what we really must do - end Cemex's operations on our River!

Response 425-1

No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 425-2

- There are stockpiles from previous mining which will provide aggregate for decades to come.

Response 425-2

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 425-3

For their next 100 years, CEMEX proposes an even more dangerous and destructive type of mining than they have done in their past 112 years - going from mechanical digging of sand and gravel to blasting and crushing hard rock from a pit that goes 600 feet deep (2 football fields stacked vertically).

Response 425-3

The proposed project would at all times fully comply with California state law including the California Surface Mining and Reclamation Act (SMARA) and CEQA, and all applicable County and local rules, ordinances, and regulations. This includes the proposed method of mining.

Comment 425-4

"CEMEX has been fined more than $43 million for 81 separate environmental violations since 2000, according to Good Jobs First, a Washington, D.C.-based nonprofit that tracks corporate and government accountability in economic development," stated Marek Warszawski in an opinion article in the Fresno Bee, February 16, 2025.

Response 425-4

See Collective Response #4a regarding CEMEX's regulatory history.

Comment 425-5

- We should not be committing future generations to another 100 years of River destruction, along with visual, air and noise pollution; harm to wildlife and vegetation; decreased water quality; and, among others, traffic congestion and damage to vehicles from Cemex trucks.

Response 425-5

See Collective Response #5 regarding the duration of the proposed use permit. The comment lists numerous potential environmental effects of the project. These effects are addressed in the following Draft EIR sections: Section 4.10, "Hydrology and Water Quality," Section 4.1, "Aesthetics and Visual Resources," Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.13, "Noise," Section 4.4,

"Biological Resources," and Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 425-6

Over the years, we citizens of Fresno and Fresno County have developed pride in our community. A lot of that pride is connected to the San Joaquin River. Let's take the steps needed to restore the River and adjacent areas. Let's fulfill our dreams for the San Joaquin River Parkway and Conservation Trust. Let's end mining along the river!

Response 425-6

See Collective Response #18 regarding the project's consistency with the San Joaquin River Conservation Master Plan. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #426 March 9, 2025, Alana Little

Comment 426-1

I want to express my strong dislike for the CEMEX Expansion Project. I am a kayaker and small business owner here in Fresno. I take my kids to the waterways in our county and j cannot express to you how meaningful they are to me. I implore you to decline this proposal and keep our river clean!

Response 426-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section.

Letter #427 March 9, 2025, Alycia Mariano

Comment 427-1

I am writing to formally and clearly express my disgust with the proposed 100-year permit for the CEMEX mining operation and to challenge the adequacy of the Draft Environmental Impact Report prepared for this project. The EIR, as currently drafted, does not sufficiently or accurately assess the environmental, ecological,

and community impacts that this long-term operation will have on the San Juaquin Reiver and surrounding areas.

Response 427-1

The commenter's opposition to the project is noted and will be considered by County decision-makers. The Draft EIR sufficiently analyzes the project's potential environmental impacts and provides mitigation measures where necessary to reduce potential impacts, in accordance with CEQA. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR. Please see Responses 427-2 through 427-7 below for further discussion of the commenter's specific concerns.

Comment 427-2

As someone with familiarity with the location, I find that the EIR fails to adequately address the following concerns:

1. **Impacts on wildlife habitat**

Response 427-2

Draft EIR Section 4.4, "Biological Resources," presents a sufficient evaluation of potential biological resources impacts of the proposed project, in accordance with CEQA standards. Please also see Collective Response #13 pertaining to impacts to offsite wildlife, Collective Response #14 pertaining to Swainson's hawk, Collective Response #15 pertaining to non-nesting birds, and Collective Response #16 pertaining to Salmon. The comment does not provide evidence of a deficiency in the EIR's analyses of biological resources that requires additional evaluation.

Comment 427-3

2. **Water quality for the wildlife and humans that enjoy the river's water.**

Response 427-3

Draft EIR Section 4.10, "Hydrology and Water Quality," presents a sufficient evaluation of potential water quality impacts of the project. Draft EIR Section 4.4, "Biological Resources," presents evaluation of potential biological resource impacts of the proposed project. The Draft EIR concluded that all potential impacts related to water quality, water supply, and wildlife would be less than significant with the implementation of mitigation measures. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 427-4

3. **Noise pollution for the wildlife, humans, and surrounding areas**

Response 427-4

Draft EIR Section 4.13, "Noise," provides a sufficient evaluation of potential noise and vibration impacts of the project. Draft EIR Section 4.4 presents evaluation of potential biological resource impacts of the proposed project. The Draft EIR concluded that the project's potential noise impacts would be less than significant. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 427-5

4. **Community health concerns, not just for those of us that enjoy the waters that flow down river but for the wildlife that lives in and around the river.**

Response 427-5

Draft EIR Section 4.10 presents a sufficient evaluation of potential water quality impacts of the project. Draft EIR Section 4.4 presents an evaluation of potential biological resource impacts of the proposed project. The Draft EIR concluded that all potential impacts to water quality, water supply, and wildlife would be less than significant with the implementation of mitigation measures. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 427-6

5. **Future impacts on the next generations that will live and benefit from the great San Juaquin River and surrounding areas.**

Response 427-6

The commenter's concerns regarding future generations and the San Joaquin River are noted and will be considered by County decision-makers. The Draft EIR provides a detailed analysis of potential impacts to hydrologic resources (See Draft EIR Section 4.10) and concludes that the project would not result in significant impacts to water quality or flows of the San Joaquin River.

Comment 427-7

A project of this scale and duration requires a far more comprehensive environmental review that includes thorough scientific analysis, long-term cumulative impact assessmentsm [sic] and meaningful mitigation strategies. The EIR, as it stands,

does not meet these standards, and I strongly urge Fresno County to require revisions that fully account for the longOterm consequences of textending CEMEX's mining operations.

I request that the Planning Department reconsider this permit in light of the inadequacies of the EIR and demand a more thorough environmental review before any decisions are made.

Response 427-7

The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the project's potential environmental impacts and provides mitigation measures where necessary to reduce potential impacts, in accordance with CEQA. As such, recirculation is not required. See also Chapter 3, "Draft EIR Errata," of this Final EIR for further discussion of recirculation.

Letter #428 March 9, 2025, Julie Marlow

Comment 428-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project.

The San Joaquin River Parkway Trust has been working to restore the San Joaquin River for many years. This would take away from that effort.

Given the significant potential environmental and community impacts associated with this project,

I urge you to strongly consider not moving forward with approval.

Response 428-1

See Collective Response #18 regarding the project's consistency with the San Joaquin River Conservation Master Plan and Collective Response #12 regarding the project's potential effects on local salmon restoration efforts. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 428-2

I'm very concerned about the impact of blasting so close to the San Joaquin River Parkway. It appears there will be adverse effects such as noise, air and water quality, and the physical landscape itself.

Response 428-2

See Collective Response #27 regarding the project's operational effects, including blasting, on users of nearby parks and trails. The issues of noise, air quality, and water quality are addressed in Draft EIR Section 4.13, "Noise," Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.10, "Hydrology and Water Quality." Changes to physical landscape are primarily addressed in Draft EIR Section 4.1, "Aesthetics and Visual Resources," and Section 4.7, "Geology and Soils." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 428-3

To avoid the impact on the land, and human and animal residents, is there an alternative site to continue mining? Ideally one that that is not so detrimental to the environment, air quality and the surrounding areas? What has already been researched?

Response 428-3

See Draft EIR Section 6.4.2.1, "Alternative Site Locations," for discussion of the Draft EIR's evaluation of reasonable alternative locations for the project. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Chapter 6, "Alternatives."

Comment 428-4

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments.

Response 428-4

See Collective Response #1 regarding the need for additional analysis, enhanced mitigation measures, and public transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a reasonable range of alternatives to the proposed project. The project's potential impact on the San Joaquin River is addressed in Draft EIR Section 4.10. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Letter #429 March 9, 2025, Janice Marshall

Comment 429-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

First of all, I am greatly concerned about a negative impact on air quality in the region. The DEIR states project emissions may exceed cancer risk thresholds (pg. 4.3-63).

The surrounding public lands are used by outdoor enthusiasts for hiking, canoeing, walking on the many trails adjacent to the River, and by school children on outings to Ball Ranch, Lost Lake, and the Madera side of the River on educational and recreational trips. As I am sure you are aware, Fresno County struggles with air quality for much of the year. The impact of the CEMEX expansion project may shorten the window of opportunity for students to enjoy these outings simply due to the fact the air is not safe to breathe.

Response 429-1

The issue of air quality is addressed in Draft EIR Section 4.3, as updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to this section of the EIR. The commenter identifies the discussion of the project's potential unmitigated health risk impacts summarized in Draft EIR Table 4.3-24, "Unmitigated Project Health Risk Impacts," on page 4.3-63. Table 4.3-25, "Mitigated Project Health Risk Impacts," as updated in this Final EIR, summarizes the reduction in the project's potential health risk impacts with the implementation of Mitigation Measures 4.3-2a and 4.3-2b, which would require the reduction of pollutant emissions from off-road diesel equipment and measures to reduce dust from on-site roads and soil stockpiles. With mitigation, the project would not result in cancer, chronic, or acute health risks. See also Collective Response #9 regarding the project's potential impact on the existing air quality in the region and Collective Response #27 regarding the project's potential operational effects on users of nearby parks and trails. The comment is noted for the consideration of the decision-makers.

Comment 429-2

Secondly, I am having difficulty reconciling the great opportunities for recreation, wine tasting, outdoor events and live music, Respite by the River events with the possibility that

within a distance of less than 2-3 miles CEMEX could simultaneously be blowing a massive pit nearly twice as deep as Millerton Lake. I want to continue to enjoy events at Solitary Cellars, take friends hiking at Ball Ranch, and attend events at the River Center knowing that CEMEX is required to employ enhanced mitigation measures while ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions of this important matter.

Response 429-2

The commenter is referred to the description of proposed blasting procedures on page 2-42 of the Draft EIR, which states that "[b]lasting would occur one to two times per week on weekdays between the hours of 10 a.m. and 2 p.m." See also Collective Response #27 regarding the project's potential operational effects, including blasting, on users of nearby parks and trails. The comment is noted for the consideration of the decision-makers.

Letter #430 March 9, 2025, Ivory Maxwell

Comment 430-1

Hello , my name truly doesn't matter in these battles but one thing is for sure I AM APART OF THE COMMUNITY OF SAN JOAQUIN BORN AND RAISE . I DO NOT AGREE WITH THE PROJECT OF BLOWING A **600ft deep hole pit** , what are you trying to find that deep that's not above? I consistently question the TRUE PURPOSE of using explosives. In physics Explosive =heat+ energy = vibration = motion, binding , bending =creating chaos/pressure to the tonic plates . EVERY ACTION HAS A REACTION THATS LAW! So It's truly upsetting to see 2 male adolescents (CEO's) having horrible imaginations and lazy ideas that potential leave a hazardous situation for the community that devotes time and energy blood sweat and tears for San Joaquin to be . I bet the 2 billionaire ceos don't live in San Joaquin so why would they care about the reaction from their actions ? They leave when disaster hits but natives stay to Rebuild . Last but not least say if the hole is exploded and nothing is to be found 600ft deep . Then what does San Joaquin do with a 600ft deep hole?? I HIGHLY SUSPECT THIS PROJECT HAS A SECRET AGENDA it's to many red flags to not have a concern and the ones who don't have a concern are the ones doing ZERO labor work just pointing fingers and giving quotas . Boo this world sucks :(

Response 430-1

No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the commenter's opposition to the project is noted for the consideration of the decision-makers.

Letter #431 March 9, 2025, Laura Menendez

Comment 431-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

Mining processes release large amounts of dust and particulate matter into the air, which can significantly deteriorate air quality and contribute to respiratory issues for those living in nearby areas.

Response 431-1

The issue of air quality is addressed in Draft EIR Section 4.3, "Air Quality." See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to this Draft EIR section. See also Collective Response #9 regarding the project's potential impact on the existing air quality conditions in the region. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 431-2

Furthermore, mining waste often finds its way into water systems, contaminating drinking water, agricultural land, and aquatic ecosystems. This pollution could result in an increase in diseases and health problems within our community, further straining public health resources.

Response 431-2

The issues of hazardous materials and potential water quality degradation are addressed in Draft EIR Section 4.9, "Hazards and Hazardous Materials," and Section 4.10, "Hydrology and Water Quality." See Impacts 4.10-1 through 4.10-3 for discussion of surface water quality impacts. See also Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 431-3

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Response 431-3

See Collective Response #1 regarding additional analysis, enhanced mitigation measures, and transparency in the planning process. See also Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of reasonable alternatives to the proposed project. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR chapter. The comment is noted for the consideration of the decision-makers.

Letter #432 March 9, 2025, Inga Minton

Comment 432-1

Dear David,

I am a 40 year resident of Clovis, California and I appreciate the opportunity to submit comments on the Draft Environmental Impact Report for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with this project approval.

1) Impacts on the San Joaquin River Watershed

Our residence is reasonably close to the Cemex plant. We have drilled 4 wells on our rural property, chasing an ever declining water table. What will be the impact of continuously pumping water out of a 600' hole near the river? Will all that water pumping further deplete an already impacted water table? An environmental impact statement for CEMEX needs to address impacts to our limited underground water supply.

Response 432-1

The project's potential impacts on groundwater levels are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Impact 4.10-10, beginning on Draft EIR page 4.10-105, for a discussion of potential impacts to groundwater levels at the Quarry Site. Mitigation Measure 4.10-10a would require implementation of an adaptive management program at the Quarry Site including groundwater modeling and implementation of corrective measures if significant impacts to groundwater levels occur. Mitigation

Measure 4.10-10b would provide a funding mechanism for the adaptive management program to ensure its implementation as long as it is necessary. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10. See also Collective Response #24 regarding implementation and funding of the adaptive management program.

Comment 432-2

2) Air quality and dust emissions

Working as an RN in this highly polluted air basin, I have seen first hand the impacts of air pollution. One in 4 children in our county have asthma and numerous studies link proximity to busy streets and freeways with asthma severity. 3 of oir grandchildren growing up in Clovis have asthma. The emissions of diesel trucks and dust contribute enormously to the disease burden of our children. The Cemex plant is a major contributor of these emissions.

Response 432-2

The issue of air quality is addressed in Draft EIR Section 4.3, "Air Quality." See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to this Draft EIR section. See Impact 4.3-3, as revised in the Final EIR, for a discussion of the project's potential health risk impacts related to air emissions. Appendix D-4 confirms that Impact 4.3-3 was determined to be less than significant. Additionally, Mitigation Measures 4.3-2a and 4.3-2b would require the implementation of measures to reduce pollutant emissions from off-road diesel equipment and to reduce dust from on-site roads and soil stockpiles (see Appendix D-4, Table 4.3-25, "Mitigated Project Health Risk Impacts"). See also Collective Response #9 regarding the project's potential impact on existing air quality conditions in the region.

Comment 432-3

3) Biological Resource impacts

Clear cold water is essential to fish habitat, including restoring Salmon to the San Joaquin River. Loss of the fishery impacts the entire riparian ecosystem, including the birds and even river otters that rely on fish. We kayak the San Joaquin river almost weekly and see these beautiful birds including Bald Eagles, Swainson's hawks and Osprey on a regular basis. What a tragedy it would be for these birds to disappear from our area due to noise pollution and water quality degradation.

Response 432-3

The project's potential impacts to fish habitat, riparian habitat, and bird species are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See Collective Response #12 regarding the project's potential effects on local salmon restoration efforts. See Impact 4.4-4 for a discussion of impacts to riparian habitat. See Collective Response #14 regarding analysis of impacts to Swainson's hawk. See also Collective Response #15 regarding impacts to birds beyond those associated with nesting.

Comment 432-4

4) Traffic and noise concerns

We live on Behymer Ave which is a busy and narrow 2 lane road. As Clovis subdivisions are rapidly approaching Behymer, this congestion will increase markedly. I already see numerous CEMEX trucks traveling this road, adding to the noise and congestion. The limited infrastructure in this area does not support expansion of the CEMEX plant.

Response 432-4

The issues of traffic congestion and traffic noise are addressed in Draft EIR Section 4.17, "Transportation," and Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See Impact 4.17-1 and Mitigation Measures 4.17-1a through 4.17-1r requiring various roadway and intersection improvements to address the project's contribution to cumulative transportation impacts. See Section 3.2.5.17. "Errata to Draft EIR Section 4.17, Transportation," of Chapter 3, "Draft EIR Errata," for proposed revisions to Mitigation Measures 4.17-1a through 4.17-1r. See also Collective Response #29 regarding the project's truck trips and road maintenance.

Comment 432-5

5) Cumulative Environmental Effects

In addition to air and noise pollution and impacts to local traffic, there is an even more important reason to not grant CEMEX a 100 year lease extension. This has to do with the limited opportunity for outdoor recreation in Fresno. The San Joaquin River is the only natural green space for our City. Having lived in areas such as Boulder Colorado, with extensive open spaces around the city, I have seen how access to natural areas impacts quality of life as well as improves property values. The Parkway trust should be allowed to expand the only natural area adjacent to our city

for all to enjoy. Hearing the blasts and machinery noise from an expanded CEMEX plant is not compatible with creating a natural area space for all of our area residents to enjoy!

Response 432-5

The project's potential impacts to recreational uses are evaluated in Draft EIR Section 4.16, "Recreation." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See Collective Response #21 regarding river access and Collective Response #27 regarding the project's operational effects, including from blasting, on users of nearby parks and trails. See also Collective Response #5 regarding the duration of the proposed use permit, and Collective Response #7 regarding the project's economic effects. See Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan.

Comment 432-6

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long term health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 432-6

See Collective Response #1 regarding additional analysis, enhanced mitigation measures, and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of reasonable alternatives to the proposed project. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR chapter. The comment is noted for the consideration of the decision-makers.

Letter #433 March 9, 2025, Brooke Nelson

Comment 433-1

I write to you as a resident of North Fresno who frequently travels Friant Road and as someone who values our native fauna and flora in the San Joaquin River floodplain.

I am writing in regard to the DEIR for the Cemex Rockfield proposed expansion. I urge you to deny this project because the applicant has failed to provide answers for mitigating for blasting, noise

and water pollution and habitat destruction on native species, such as the Swanson's hawk, bald eagle and salmon,

Response 433-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The issues of noise and water pollution are addressed in Draft EIR Section 4.13, "Noise," and Section 4.10, "Hydrology and Water Quality," respectively. Mitigation measures are required in both sections to address the project's identified impacts. The project's potential impacts to native habitats and the referenced species are addressed in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. See Collective Response #14 regarding the analysis of impacts to Swainson's hawk in the Draft EIR. See Collective Response #15 for further discussion of potential impacts to bird species beyond those associated with nesting. See also Collective Response #16 for further discussion of potential impacts to salmon populations. The commenter does not provide evidence or reasoning to support the claim that the Draft EIR fails to mitigate any impacts; thus, no further response can be provided.

Comment 433-2

and has failed to provide answers for other impacts, such as increased traffic and potential flooding in the river bottom encroaching into the site.

Response 433-2

The commenter refers to Impact 4.17-1, beginning on Draft EIR page 4.17-27, of Draft EIR Section 4.17, "Transportation," which was determined to be significant and unavoidable. Mitigation Measures 4.17-1a through 4.17-1r require the Operator to pay the project's fair share contribution of the cost to implement various roadway and intersection improvements to address regional traffic increases. It is because implementation of those measures cannot be guaranteed prior to project initiation that the impact is determined to be significant and unavoidable. See Section 3.2.5.17, "Errata to Draft EIR Section 4.17, Transportation," of Chapter 3, "Draft EIR Errata," for proposed revisions to these mitigation measures. The issue of site flooding is addressed in Draft EIR Section 4.10. See Section 4.10.1.5, "Flood Hazards," for relevant descriptions. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. See also Collective Response #17 addressing the potential for breach of the quarry pit wall and flooding. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 433-3

I am still shocked that the county would entertain the thought of an expansion of this dirty, polluting, destructive project. We need to rehabilitate the river for recreational and environmental purposes, not further destroy it.

As a former board member of Tree Fresno and of the local chapter of the California Native Plant Society, I am deeply concerned that yet more quarry activity on the river will further degrade the water quality, air quality and ecology of the surrounding areas.

Response 433-3

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The issues of water quality, air quality, and ecological impacts are addressed in Draft EIR Section 4.10, Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.4. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 433-4

Separately, I have nearly been run off the road by gravel trucks on Friant Road multiple times. A family friend was almost killed last year on Highway 41 in Madera County when a John Lawson Rock and Oil gravel truck failed to stop at a red light, crushing multiple vehicles and killing an elderly man. A few weeks later, another person was killed by one of the same company's semis in the same area. An expansion of the Cemex operation would only worsen this traffic hazard.

Response 433-4

The issue of transportation safety is addressed in Draft EIR Section 4.17. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #30 regarding transportation safety.

Comment 433-5

We have enjoyed orange picking with our child at Sumner Peck Ranch, exploring the interpretive trail at the fish hatchery, the River Center trail and museum, and the Lewis Eaton Trail north of Woodward Park.

Response 433-5

The project's potential impact on the listed recreational facilities are addressed in Draft EIR Section 4.16, "Recreation." See Chapter 3, "Draft EIR Errata," for proposed revisions

to this Draft EIR section. See Collective Response #27 regarding the project's operational effects on users of nearby parks and trails. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Comment 433-6

The river bottom viewshed is already a disgrace, with numerous pits and blasting scars, inadequate tree cover and native plant restoration and few public access points. Handing over more of this precious natural resource to an extractive foreign mining company for 100 years beggars belief.

Response 433-6

The commenter describes existing conditions in the project area that are not evaluated as part of the proposed project. Instead, they form the environmental setting or baseline condition of the project sites. The project sites have been permitted and used for mining activities for the past approximately 100 years. Therefore, mining would not be a new use in the project area. See Collective Response #21 regarding public access to the San Joaquin River. The comment is noted for the consideration of the decision-makers.

Comment 433-7

I have suffered with asthma for many years in a city with nation-leading air pollution scores, and it is clear that a blast pit the depth of a skyscraper will only exacerbate air quality hazards.

Response 433-7

The project's potential air quality impacts are addressed in Draft EIR Section 4.3, as updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to this Draft EIR section. See Collective Response #9 regarding the project's potential impact on the existing poor air quality conditions in the region.

Comment 433-8

Cemex's reporting is lacking in scope, fails to address multiple areas of impact, including soil quality, air quality, wildlife, traffic and noise impacts.

Open-pit blasting should be a relic of the past for a growing city like Fresno, and should be entirely phased out.

Response 433-8

The comment does not provide evidence or reasoning to support the claim that the Draft EIR is inadequate. Soil quality, air quality, wildlife, traffic and noise impacts are all

addressed in Draft EIR Section 4.7, "Geology and Soils," Section 4.3 (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.4, Section 4.17, and Section 4.13, respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. See also Responses 433-1 through 433-7, above. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #434 March 9, 2025, Jesse Nieves

Comment 434-1

My name is Jesse Nieves. I own the home at 461 E. Pebble Beach Dr. in the Woodward Lakes community. I do not support any mining or other activity by CEMEX or any other similar company in area. Please do not allow their plans to go forward. I am sure you want what is best for the health and wellbeing of the community and environment over corporate profits.

Response 434-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #435 March 9, 2025, Carolyn Nolan

Comment 435-1

My husband and I moved to the San Joaquin Valley from San Francisco in May, 1970. We owned and operated Central Coating Co Inc., a licensed contracting business working for wineries in northern California and specializing in industrial coatings, insulation and roofing. We had contracts with Gallo, Constellation Wines and other large wineries in the area. We settled in Madera County and raised two children there. I was the Chief Financial Officer of this business. In addition, I became active in the local community and was elected to the Madera Unified School District Board of Trustees.

We fell in love with the San Joaquin Valley and particularly the San Joaquin River. My husband's hobby was fishing and we spent lots of time on the river in the headwaters of the river as well as canoeing in the area below Millerton Dam. We consider the river to be the soul of the San Joaquin Valley as it is the lifeblood of the region, supporting agriculture, providing water, and shaping the landscape, making it a vital resource for the valley's economy and ecosystem. I served as a board trustee of the San Joaquin River Parkway Trust for 19 years and also represented Madera County on the San Joaquin River Conservancy for a time.

My husband passed away unexpectedly in 2009. I became a resident of Fresno in 2014.

I am writing to express my deep concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 435-1

The commenter's background and concerns regarding potential effects of the project are noted and will be considered by County decision-makers. The commenter's concerns regarding mitigation are also noted. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures and no further response is warranted here. Please see Responses 435-2 through 435-10 below for further discussion of the commenter's specific concerns.

Comment 435-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 435-2

See Response 349-2.

Comment 435-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 435-3

See Collective Response #17 and Response 329-3.

Comment 435-4

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 435-4

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 435-5

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. **The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch,** but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 435-5

Please see Collective Response #19 regarding the Draft EIR's evaluation of recreational sites adjacent to the project sites. See also Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 435-6

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views.

Response 435-6

Draft EIR Section 4.1, "Aesthetics and Visual Resources," provides evaluation of the project's visual impacts including assessment of the project's visibility from scenic view locations. The comment does not address the adequacy of the Draft EIR analysis. Please see Collective Response #8 pertaining to the Draft EIR's visual resource impact analysis and mitigation.

Comment 435-7

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on *how* mitigation takes place is just one example of the inadequacy of the DEIR.

Response 435-7

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 435-8

- **Air Quality:** I am particularly concerned about how this blast mining project with resulting dust will affect our area's air quality. How will the impact of increased dust be mitigated?

Response 435-8

Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR, evaluates the potential air quality impacts of the proposed project including those associated with air pollutant emissions from onsite mining activities and offsite aggregate transport. Mitigation Measure 4.3-2b requires a Fugitive Dust Control Plan, subject to the approval of the SJVAPCD, which would be sufficient to reduce potential impacts associated with fugitive dust and criteria air pollutant emissions to less than significant. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to this Draft EIR section. Please also see Collective Response #9 regarding the project's potential impact on the region's existing air quality.

Comment 435-9

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting

and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 435-9

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (Draft EIR, pages 4.4-49 through 4.4-50).

The Western red bat was not observed on site during the habitat assessment; however, moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). As discussed in Chapter 3, "Draft EIR Errata," the Final EIR provides additional analysis of potential impacts to bats and adds Mitigation Measure 4.4-1d to require pre-construction surveys and measures to avoid or minimize impacts to active bat roosts. With implementation of Mitigation Measure 4.4-1d, potential impacts to bats, including the Western red bat, would be less than significant.

In any event, blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR, as revised in this Final EIR, therefore adequately evaluates potential impacts to the species discussed above.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Section 4.4, "Biological Resources," of the Draft EIR does not need rewriting or recirculation.

Comment 435-10

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 435-10

The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The proposed project would not result in significant impacts to water quality or resources, wildlife, public safety, or air quality. As explained in responses to individual comments above, the Draft EIR sufficiently analyzes the project's potential environmental impacts and provides mitigation measures where necessary to reduce potential impacts, in accordance with CEQA. As such, recirculation is not required.

Letter #436 March 9, 2025, Rebecca Patel

Comment 436-1

I am writing as an active community member of Fresno, asking you to deny the CEMEX proposal for expansion. I have been following the proposal process through news articles over the past few years, and am frankly surprised it has made it this far. The environmental impact to our green spaces would be substantially negative. Why are we considering any project that could so negatively impact our water and air quality, as well as the future of the San Joaquin River? More than ever, it is our duty to be good stewards to the land and to the health and public safety of the residents of Fresno County.

Response 436-1

The issues of water quality and air quality are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality," and Section 4.3, "Air Quality." See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to these Draft EIR sections. See

Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan. The comment is noted for the consideration of the decision-makers.

Comment 436-2

Part of the proposal offers alternatives to their initial request. Most of those alternatives are offering essentially the same plan, with varying depths for their giant hole. My personal opinion is the first alternative is the only appropriate option: No project. Despite arguments to the contrary, this is not a necessary project for our community.

I appreciate the great responsibility you and your team have in determining how to move forward. Please put the health and well-being of our residents and our land first.

Response 436-2

The commenter's support for the No Project Alternative is noted for the consideration of the decision-makers.

Letter #437 March 9, 2025, Keving and Marisa Ploog

Comment 437-1

The proposed CEMEX Rockfield Quarry Modification Project (EIR No. 7763 and Unclassified Conditional Use Permit Application Nos. 3666 and 3667) has raised significant concern among residents of the River View Ranch community and those dependent on the CSA 44c wells.

In 2012, my husband and I purchased our property to build our home in the River View Ranch community. At that time, the existing mining efforts conducted by CEMEX at the Rockfield Quarry were set to expire. We felt comfortable knowing that those operations would be concluded within a short period of time after we built and moved into our new home.

We have many concerns about continued mining, its expansion, and impacts on water, noise, air quality, property values, and community well-being. The DEIR increases our concerns with its vague identification of issues and lack of detailed mitigation recommendations.

Response 437-1

The commenter's background and concerns regarding the project, Draft EIR, project effects, and mitigation are noted and will be considered by County decision-makers. The

comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures and no further response is warranted here. The Draft EIR analyzes the project's potential impacts to water quality and air quality in Section 4.10, "Hydrology and Water Quality," and Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), respectively. Please see Responses 437-2 through 437-14 below for further discussion of the concerns raised in this comment.

Comment 437-2

Relocation of Existing Aggregate Plant Location

The DEIR states that CEMEX plans to relocate its plant to the Rockfield Quarry within 30 years, starting with "Stage 1." Figure 2-8 of the DEIR shows the mining divided into five stages over the proposed contract. Phases one and two are directly in front of the River View Ranch community. If the project lasts 100 years in five phases, Phases one and two would span the next forty years. This means CEMEX would blast, drill, mine, crush, and transport directly across from the River View Ranch community for the next forty years. The proposed relocation of the CEMEX processing activities will have a significant negative impact on the environment of River View Ranch.

The DEIR reveals that CEMEX plans to immediately relocate most of its processing activities to the Rockfield Quarry and use portable and temporary equipment in the first phase of Stage 1. The *current* mining activities by CEMEX have already significantly impacted our daily lives. The noise from excavation and transport equipment alone is so loud that we cannot have a conversation in our backyard without significantly raising our voices. The sound levels drop considerably during the weekends and the days CEMEX is not operational. The proposed modification project will significantly increase noise levels in the surrounding areas. CEMEX projects to more than double its activity from that currently being performed; immediately increasing its activity from 1.4 MT/year to 2.0 MT/year within the first five years and an additional 1 MT/year beginning in year ten. The unavoidable increased noise from blasting, drilling, and the operation of heavy machinery used to transport and crush materials will not only further disturb the peace of the River View Ranch community but also potentially impact the health and well-being of its residents.

Response 437-2

The Draft EIR analyzes the project's potential noise impacts in Section 4.13, "Noise." The noise analysis of the Quarry Site accounts for the establishment of the aggregate

processing plant, asphalt plant, ready-mix plant, and the recycle plant at the Quarry Site (Draft EIR page 4.13-45). See also Appendix H-1, "Environmental Noise and Vibration Assessment," for further analysis of the project's noise impacts.

The Draft EIR provides the following:

> For a conservative assessment of potential noise impacts related to Quarry Site operations, it was assumed that all sources except recycle plant operations could be in operation during nighttime hours (as indicated in Table 2-5, "Proposed Typical Hours and Days of Operation," in Chapter 2, "Project Description," of this Draft EIR, recycle operations would be limited to daytime hours). Furthermore, it was assumed that initial excavation activities would not be shielded from the elevated residences to the west (receptors Q-1 through Q-4 on Figure 4.13-2, "Nearest Sensitive Receptors to Quarry Site"). However, as excavation activities progress deeper into the mining pit, shielding by intervening topography (the pit edge) would reduce excavation-related noise at those receptors. (Draft EIR page 4.13-47.)

See Draft EIR Impact 4.13-3, which analyzes the project's potential to generate a substantial or permanent increase in ambient noise levels from the Quarry Site at Stage 1, Stage 2, and Final Reclamation, in excess of the County's noise standards. With the implementation of Mitigation Measure 4.13-3 this impact would be less than significant.

Comment 437-3

Increased Noise

The DEIR lacks a thorough analysis of how blasting may impact residents, families, and pets. It insufficiently addresses the concern about vibrations and fails to provide adequate monitoring or mitigation measures for neighboring properties and occupants.

Response 437-3

See Response 363-1.

Comment 437-4

Dust, Diesel Fumes, Air Pollution and Other Airborne Particulate Materials

The project is expected to generate substantial amounts of dust and diesel fumes, which will adversely affect the air quality in the vicinity of the quarry. While CEMEX currently tries to reduce the amount of dust generated by ongoing mining and excavation

activities, we experience an unreasonable amount of residual dust released into our community. Currently, we battle high levels of dust and silt that cover interior and exterior surfaces alike. We believe the particulate matter released by CEMEX's current activities presents risks to our respiratory health. We expect that the proposed increased mining activities will exacerbate these issues.

Response 437-4

To address commenters concerns pertaining to potential air quality impacts, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment,* (Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"), and includes additional health risk modeling and a draft Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. As demonstrated in Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," as updated in Appendix D-4, "Revised Section 4.3 Air Quality," the project would result in less dust emissions than in the existing CEQA baseline setting, especially at the Quarry Site, and would therefore not result in significant impacts.

Comment 437-5

- The DEIR says that project emissions may exceed cancer risk thresholds. What analysis has been conducted to determine the risk of cancer-causing exposure to those residing directly across from the quarry site?

- What specific monitoring procedures will be implemented to ensure homeowners are protected from any identifiable increased risk?

- If the risks cannot be mitigated, who will be responsible for the impact on resident health?

Response 437-5

The Draft EIR HRA quantified particulate matter impacts which were determined to be less than significant after mitigation. To address commenters' concerns pertaining to potential air quality impacts, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the "Air Quality, Health Risk and Climate Change Technical Report" (see Appendix D-3), and includes additional health risk modeling and a draft Fugitive Dust Control Plan. The Draft EIR, as updated by this Final EIR, reports on health risk in Table 4.3-24,

"Unmitigated Project Health Risk Impacts," and Table 4.3-25, "Mitigated Project Health Risk Impacts," at locations where applicable guidance requires the maximum risk level to be reported. Chronic cancer and non-cancer risks are reported at structures where an individual or worker could reasonably spend a year or more. Acute risk is reported at the fence line because there is the possibility of public access at that location for a period of one-hour. The mitigation measures proposed would reduce health risks to less than significant levels as shown in Table 4.3-25, "Mitigated Project Health Risk Impacts." See Chapter 3, "Draft EIR Errata," and Appendix D-4.

CEQA Guidelines Section 15126.4(a) requires lead agencies to consider feasible mitigation measures to avoid or substantially reduce a project's significant environmental impacts. When the analysis supports that the proposed project's potential environmental impacts would be less than significant, mitigation measures are not required. When potential impacts are reduced to less than significant levels by mitigation measures, additional mitigation measures are not required. Because, the impacts to air quality mentioned above would be reduced to less than significant with the project's proposed mitigation measures, the further mitigation measures requested in this comment would not be required.

Comment 437-6

Over the years, we have submitted multiple complaints to the San Joaquin Valley Air Pollution Control District (SJVAPCD). Unfortunately, these reports have historically yielded no resolution. We have repeatedly submitted complaints to the San Joaquin Valley Air Pollution Control District (SJVAPCD) without success. Despite providing photos and videos, SJVAPCD requires their representatives to witness the issues firsthand. By the time they arrive, the dust has settled, so no violations are observed. As a result, CEMEX only receives verbal warnings. (A sample of photo's are attached at the end of this letter and videos accompany this email).

- Current dust mitigation efforts are ineffective. What measures will be implemented to address this under the proposed contract?
- Who will be responsible for monitoring? It should not be the public's responsibility to oversee this matter.

[A series of photographs were included as part of Comment 437-6 that are not reproduced here. To view these photographs please see Letter 437 in Final EIR Appendix M, "Draft EIR Comment Letters"]

Response 437-6

The Draft EIR, as updated by this Final EIR, contains mitigation measures and a mitigation measure reporting program that would be enforced by the County (see Appendix D-4, "Revised Section 4.3 Air Quality," Mitigation Measures 4.3-2a and 4.3-2b). The project would be subject to SJVAPCD Regulation VIII and required by Mitigation Measure 4.3-2b to implement a Fugitive Dust Control Plan (see Appendix K of Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"). The Fugitive Dust Control Plan has been prepared and would be submitted to the SJVAPCD for review upon approval of the project. The SJVAPCD is the responsible agency to monitor compliance with and enforce rules and policies related to air quality including the approved plan. Further, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment,* (see Appendix D-3) including preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 437-7

Strong winds in the Friant corridor often raise dust from the quarry site, even without mining activities. The dust and fine silt coat our windows, solar panels and interior areas of our home at an unreasonable level.

- How will dust and other air pollutants from blasting and mining be monitored?
- How will dust and other air pollutants from blasting and mining be mitigated?

Response 437-7

Dust would be monitored by visual observation of opacity as specified in applicable SJVAPCD rules. Mitigation of dust would be as described in the Draft EIR, as updated by this Final EIR (i.e., Mitigation Measures 4.3-2a and 4.3-2b). Further control of dust would be as required by SJVAPCD Regulation VIII including the Fugitive Dust Control Plan required by existing rules within Regulation VIII (see Appendix D-4, page 4.3-29). Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," as updated in Final EIR Appendix D-4, demonstrates that after mitigation the project would result in less PM_{10} and $PM_{2.5}$ than currently being emitted, and thus would not contribute to an exceedance of applicable Ambient Air Quality Standards. The technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment* (see

Appendix D-3), including preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 437-8

Diesel exhaust fumes on some days are overwhelming in the River View Ranch neighborhood across Friant Rd. SJVAPCD has been called out for this and stated that they do not address exhaust fumes coming from "Construction Sites" and do not know who to contact that does.

- What measures will be implemented to monitor the emissions of all equipment used by CEMEX?
- What will be the procedure for reporting air pollution issues?
- What steps will be taken to ensure tractors, scrapers and other equipment have appropriate emission controls?
- How will the levels of diesel exhaust fumes be controlled to avoid interfering with the enjoyment of neighboring residential outdoor environment?

Response 437-8

The Draft EIR includes a number of measures the project would implement to reduce emissions and overall impacts, including the Blue Smoke Control collector, designed for controlling blue smoke that typically comes from in-plant transferring and loading hot mix asphalt and best performance standards for reduced impacts from new continuous mix asphalt dryers (see Impact 4.3-4, as updated in Appendix D-4). Additionally, the project would implement Mitigation Measures 4.3-2a, 4.3-2b, and 4.3-4 for further emission reductions, including off-road engine upgrades to meet Tier 4i Particulate Emissions standards. Procedures for reporting air pollution issues would be made through the SJVAPCD, the responsible agency.

The Draft EIR HRA, as updated in the Final EIR, quantified particulate matter impacts which were determined to be less than significant after mitigation. Further, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3), including preparation of a Fugitive Dust Control Plan. Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," as updated in the Final EIR, demonstrates that after mitigation the project would result in less PM_{10} and $PM_{2.5}$ as compared to existing conditions. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 437-9

Proposed Hours of Operation

CEMEX is proposing to increase the hours of operation at the quarry location. Existing permitted hours of operation for excavation activities at the Quarry site currently run from 7:00 am to 6:00 pm, Monday through Friday. Maintenance of equipment has slightly expanded hours to 8:00 pm, including weekends. CEMEX proposes expanding its excavation operations at the Quarry location by two hours each weekday, starting at 6:00 am and ceasing at 7:00 pm. Further, CEMEX proposes adding recycle processing during that timeframe, which can be expected to increase the level of noise interference. CEMEX also seeks to extend hours of operation for loading and unloading and aggregate trucking, beginning at 4:00 am and extending until 9:00 pm. The proposed introduction of new lighting at the quarry's proposed plant location will destroy the beauty of our evening and nighttime skies. These proposed extended hours and activities virtually eliminate any weekday peace in our neighborhood. CEMEX operates at the limits of the current hours of operation. Although excavation may not commence until 7:00 am, dirt haulers are often positioned and ready as early as 6:30 am.

CEMEX's scrapers emit exhaust fumes while moving soil in the quarry, negatively affecting our neighborhood. Some days, the fumes are so strong that we can't enjoy our backyard until the wind direction changes or the scrapers end their days work.

- WE do not feel sufficient analysis was done to determine the need for effective noise reduction measures.
- We do not believe the impact of increased noise from quarry activities, such as blasting, drilling, crushing, and excavating, on nearby residential neighborhoods was adequately studied and/or mitigated.
- We do not believe the impact of diesel emissions on nearby residential neighborhoods was adequately studied and/or mitigated.

Response 437-9

See Responses 58C-15 and 112-18. See also Responses 363-1, in regard to the impact of blasting on residents, and Response 473-8 in regard to potential project emissions.

Comment 437-10

Risks Associated With Proposed Blasting

The proposed location for the new plant at the CEMEX Rockfield Quarry is in close proximity to the River View Ranch community and the CSA 44c wells. These wells are crucial for supplying water to the residents. The modification project includes plans for increased mining, including blasting and drilling activities, which poses a direct threat to the stability and quality of the water tables and infrastructure that serve CSA 44c.

Blasting and drilling activities are known to cause significant vibrations and disturbances to the surrounding geological formations. We are very concerned that CEMEX's expanded mining activities could negatively impact the water tables and potentially fracture the aquifers.

Furthermore, the proposed drilling activities could introduce pollutants into the water tables, leading to contamination of the water supply. This is particularly concerning given the reliance of our community on these wells for their daily water needs. This would directly impact our community by disrupting the water supply to CSA 44c wells. The DEIR does not adequately addresses these concerns. The DEIR states that monitoring will occur during the blasting cycle and operations will cease if any damage is detected. This means that blasting activities will stop only **after** damage is observed. This is unacceptable.

- How will the quality of our water be assured?
- What measures will be taken to ensure our water remains safe?
- How will CEMEX be held accountable if the wells, pumps or other related infrastructure become compromised as a result of vibrations, disturbances or any other operations.

Response 437-10

Mitigation Measure 4.10-1 requires implementation of the Blasting Protocols, as revised in Appendix H-9, "Revised Blasting Protocols." See Chapter 3, "Draft EIR Errata," for revisions to Section 4.10. The Blasting Protocols include ground vibration measurements at the quarry pit perimeter between the blast location and receptor locations, which include offsite wells such as the CSA 44C wells for the River View Ranch community. The Blasting Protocols also include a Groundwater and Surface Water Contamination Mitigation Plan to prevent the blasting agents and blasting residuals from degrading water quality. In addition, as stated on page 2-36 of the Draft EIR, mining and blasting

into the hard rock would begin in the center of the Quarry Site, away from the river and adjacent wells, to establish safe blast designs and to allow on-going groundwater monitoring during blasting and mining.

CEQA requires the evaluation of potential environmental impacts caused by a project and the adoption of feasible mitigation measures. CEQA does not establish or assign liability for potential damages. However, CEMEX, as the Operator, remains subject to existing local, state, and federal regulations governing mining, blasting, and groundwater protection. If the proposed project is approved it would be required to implement and comply with various mitigation measures and conditions of approval to help minimize project related impacts. Should unanticipated damage occur, blasting operations would cease until corrective actions are implemented in coordination with the applicable regulatory responsible agency under these existing frameworks.

Comment 437-11

Our neighborhood is situated on land with very sandy soil. There is great concern relative to the vibrations caused from blasting and the potential for land shift causing damage to our private roads, residential foundations, driveways and pools.

- We do not feel the DEIR considers the impact on residential neighborhoods adjacent to the Quarry in any meaningful way.
- How will community members be assured that CEMEX will be held financially accountable for any damages resulting from their activities.

Response 437-11

Please refer to the Draft EIR's discussion of Impact 4.13-6, which describes the vibration thresholds that must be maintained to prevent damage to 1) residences or commercial structures, 2) wells, and 3) to prevent destabilization of the San Joaquin River Bank (Draft EIR page 4.13-65). With the implementation of Mitigation Measure 4.10-1, which requires the project to adhere to the Blasting Protocols, as revised in Appendix H-9, the potential for the project to generate substantial groundborne vibrations would be less than significant (Draft EIR page 4.13-67). See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. See Collective Response #4b for discussion of the Operator's financial assurances.

Comment 437-12

Visual Aesthetics and Risk of Property Value Loss

It is clear that the proposed mining expansion will have a significant negative impact on the immediate visual aesthetics of the quarry location. The mitigation outlined in the DEIR are inadequate. Staining the walls of a hole six times deeper than CEMEX's past mining activities over 100+ years will not be sufficient to mitigate the negative impact. This is laughable! We do not feel the DEIR adequately addresses the negative impact of the visual aesthetics of their proposal.

Response 437-12

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation.

Comment 437-13

Increased noise, air quality issues, water contamination, and light pollution will likely lower property values in River View Ranch. Prospective buyers will be put off by these environmental concerns. The neighborhood's amazing views have already been impacted by historical mining. Despite nearing the end of their contract after 100+ years of mining, CEMEX was expected to implement restorative measures. Instead, CEMEX proposes another 100 years of more aggressive mining. This will destroy the natural beauty of the Friant corridor and will likely decrease property demand in the area. This can significantly impact residents' ability to sell their properties at fair market values.

- How will the impact of residential property value loss be mitigated?

We strongly oppose CEMEX's continued mining efforts at the quarry and have concerns relative to many findings and recommended mitigations in the DEIR. While reviewing the DEIR, we found that the mitigation recommendations only appear to move the needle from "Significant" to "Potentially Significant", rather than mitigate issues to a more conservative extent of "Less than Significant" or "No Impact". This indicates that the mitigation recommendations focus on meeting the minimum acceptable range rather than prioritizing the best interests of those directly affected by those activities.

Response 437-13

Please see Collective Response #7 pertaining to economic considerations. The commenter's opposition to continued mining and concerns regarding mitigation are noted. Regarding the efficacy of mitigation measures in the Draft EIR, the Draft EIR identifies mitigation to avoid or reduce significant and potentially significant impacts to levels of less than significant. Under CEQA, impacts that are less than significant do not require mitigation and impacts that are reduced to less than significant through mitigation do not require additional mitigation for further reductions. The comment does not identify a deficiency in the Draft EIR mitigation measures.

Comment 437-14

The opposition to the DEIR for the proposed CEMEX Rockfield Quarry Modification Project is rooted in legitimate concerns about the potential risks and adverse effects on the River View Ranch community and the CSA 44c wells. It is imperative that these issues are thoroughly addressed and mitigated to protect the health, safety, and quality of life of the local residents. We urge the relevant authorities to reconsider the findings in the DEIR and explore more significant mitigation solutions that do not compromise the well-being of the community and the environment.

Response 437-14

The commenter's concerns, requests, and opinions regarding the project are noted and will be considered by County decision-makers. Please see Response 437-10 regarding the project's potential impacts to the CSA 44C wells.

Comment 437-15

[Photos were included as part of Comment 437-15 that are not reproduced here. To view these graphics please see Letter 437 in Final EIR Appendix M, "Draft EIR Comment Letters."]

Response 437-15

Photographs received and filed for the record. The purpose of CEQA is to disclose all environmental impacts and does not require projects and plans to provide additional analysis or additional mitigation of potential environmental impacts that have been established to be less-than-significant based on substantial evidence. Draft EIR Mitigation Measure 4.3-2b requires the project to implement a Fugitive Dust Control Plan which would reduce potential impacts of any criteria pollutant to less than significant. (Draft EIR page 4.3-62.)

Letter #438 March 9, 2025, Georgia Porcella

Comment 438-1

I have several concerns that I urge you to address prior to moving forward with approval.

1. Impacts on the San Joaquin River Watershed

2. Biological Resource

3. Transportation and traffic impact

4. Cumulative Environmental Effects

Response 438-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential impacts to biological resources and transportation are evaluated in Draft EIR Section 4.4, "Biological Resources," and Section 4.17, "Transportation." The project's cumulative effects are evaluated in Draft EIR Chapter 5, "Cumulative Impacts." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 438-2

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected. Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 438-2

See Collective Response #1 regarding additional analysis, enhanced mitigation measures, and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of reasonable alternatives to the proposed project. See also Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR chapter.

Letter #439 March 9, 2025, Carole D. Putnam

Comment 439-1

I am writing to express my concerns re. DEIR No. 773 for the proposed CEMEX Rockfield Expansion Project. It is astonishing to me that this project is even being considered, especially factoring

in the negative impacts it will have on the land and surrounding the area.

Having grown up and lived in Fresno for most of my 50+ years, outdoor space has not always been easily accessible. Yes, I am fortunate to have a car so that I am able to drive to the many beautiful spaces we have along the river. In particular Sumner Peck Ranch, Ball Ranch and Lost Lake (and the nearby fishery) are all gifts to the community and spaces I have enjoyed over the year. It has been encouraging to see this space expand and available for public use. Taking walks, viewing wildlife, and getting away from the "busy" city has been a blessing.

Response 439-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Draft EIR Section 4.16, "Recreation," regarding the project's potential impact on recreational facilities along the San Joaquin River. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #21 regarding public access to the San Joaquin River.

Comment 439-2

Yet I can only imagine what a nightmare the noise will be, along with all of the other negative impacts that will ensue. Threats to wildlife, traffic congestion, air quality issues and impacts on water quality and the San Joaquin River are real concerns. Blasting a 600-foot deep open pit along this area is truly a nightmare. I don't understand how there could be any positive benefits, besides financial aspects. Even the promises of "jobs" is tainted by the cost to our beautiful river and surrounding community. Who is really making the profits from this project?

Because of these concerns, consider rejecting this proposal altogether. At the very least, I urge you to do further research and think about less harmful alternatives.

Response 439-2

The issues of noise, impacts to wildlife, and transportation are addressed in Draft EIR Section 4.13, "Noise," Section 4.4, "and Section 4.17. The issues of air quality and water quality are addressed in Draft EIR Section 4.3, "Air Quality" (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.10. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. See Collective Response #7 regarding evaluation of the project's economic effects. No specific comments related to

the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Letter #440 March 9, 2025, Louise Richardson

Comment 440-1

Please do all you can to keep from letting CEMEX acquire additional aggregate mining rights along the beleaguered San Joaquin River and its environs. More than enough aggregate mining rights have been granted to CEMEX and other companies such at Vulcan Materials to satisfy Fresno County needs.

Response 440-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 440-2

Trucks using County roads to get the aggregate to where needed will greatly contribute to damage of these roads. And who will be responsible for repairing these roads? Why Fresno County, of course, This County does need this added responsibility.

Response 440-2

See Collective Response #30 regarding funding for road maintenance.

Letter #441 March 9, 2025, Donnie Ross

Comment 441-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

The Friant dam was found in violation of California law (CA Fish& Game Code Section 5937) , and a settlement was reached to restore the San Joaquin River. How will this project impact that restoration?

Response 441-1

The project may divert up to 295-acre feet of water from the San Joaquin River (River) per year (Draft EIR, page 4.10-104). As explained in Responses 6-117 and 67-18, the Operator

already holds water rights to draw that water from the River for industrial purposes, and the amount of water drawn is part of the existing baseline and is not increasing (Draft EIR, page 2-16). Therefore, the CEQA baseline of water diverted from the River remains the same under the proposed project and is not required to be analyzed under CEQA (Title 14 CCR Section 15125(a)). The Operator is committed to following all applicable laws and regulations when diverting water from the River.

Furthermore, neither the Operator nor the County is a party to the Settlement in The San Joaquin River Restoration Program, while the Secretary of the Interior is committed to reducing water draws downstream from Friant Dam, they would do so by "[a]quir[ing] water, water rights, or options […] however, such acquisitions shall only be made from willing sellers and not through eminent domain." (*San Joaquin River Restoration Settlement Act*, page 938.) Additionally, "nothing in this [Settlement] shall modify or amend the rights and obligations of the parties to any existing water service." (*Id.* at 942.) In essence, the Operator is not bound by this Settlement, the Operator's water rights are unaffected, and the CEQA baseline is not changed; therefore, the project would not impact the restoration of the San Joaquin River nor the Settlement Agreement.

Comment 441-2

Only 5% of California's riparian habitat is left of what is once was. The river's flow has been reduced by 97%. The proposed sites are adjacent and encroaching on that vital habitat, which will only further its decline. The San Joaquin river is already one of the most polluted rivers in the United States.

Response 441-2

Draft EIR Section 4.4, "Biological Resources," presents an evaluation of potential biological resources impacts of the proposed project including impacts associated with San Joaquin River habitat. The Draft EIR concludes that the project would not result in significant impacts to wildlife or adjacent riparian habitats with implementation of the mitigation measures required in this EIR. Please see Collective Response #12 pertaining to San Joaquin River restoration efforts, see also Collective Response #13 pertaining to offsite impacts to wildlife. Draft EIR Section 4.10, "Hydrology and Water Quality," provides a detailed analysis of the project's potential impacts to water quality and water supply. The commenter does not address the adequacy of the Draft EIR.

Comment 441-3

The residents of Fresno will be left with this mine and it's 600-foot pit forever. When CEMEX moves on, we will be left in the wake. We must protect our natural resources.

Response 441-3

The commenter's request for natural resources protection is noted and will be considered by County decision-makers. The commenter does not address the adequacy of the Draft EIR.

Comment 441-4

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 441-4

The commenter's concerns and request for additional analysis and mitigation are noted and will be considered by County decision-makers. The Draft EIR provides a sufficient analysis of potential environmental impacts and identifies a reasonable range of alternatives, in accordance with CEQA. Please see Collective Response #1 pertaining to the CEQA process and public input opportunities.

Letter #442 March 9, 2025, Anthony and Frances Salafia

Comment 442-1

First off, we would like to thank you for your work and service on the Fresno County Planning Commission. It surely is a demanding job with much to consider.

We moved to Woodward Lake in November of 2020 and absolutely love the area. Having grown up in Fresno (Old Fig Garden area) and leaving for college in 1984, this part of the city was considered "way north of town" the boondocks! Hasn't that all changed. Though only living here for 4 short years, we have seen tremendous growth North and East of Copper and Friant. Because of this, the traffic is terrible and there have been at least 6 fatalities on Friant between Copper and Audubon. One was directly caused by a commercial truck speeding thru a light and killing a young woman. Very sad, and tragic to say the least.

When CEMEX first began their mining practice in the area, the population was smaller . Since that time it has exploded. Which

causes concern for the various impacts a 600 foot mine dug out by explosives would have.

As mentioned: the traffic would obviously increase with more trucks traveling along Friant and other roads.

Response 442-1

Draft EIR Section 4.17, "Transportation," addresses the project's potential impacts related to increased truck trips and operation of the local roadway system. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17. See Collective Response #29 regarding increases in truck traffic and Collective Response #30 regarding transportation safety.

Comment 442-2

How would adjacent neighbors wells be affected by the deep pit? What about the San Joaquin River?

Response 442-2

The project's potential impacts to groundwater levels, neighboring domestic wells, and the San Joaquin River are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Impacts 4.10-8 through 4.10-13 beginning on Draft EIR page 4.10-102. Specifically, Impact 4.10-10, beginning on Draft EIR page 4.10-105, discusses potential impacts to groundwater levels at the Quarry Site. Mitigation Measure 4.10-10a would require implementation of an adaptive management program at the Quarry Site including groundwater modeling and implementation of corrective measures if significant impacts to groundwater levels occur. Mitigation Measure 4.10-10b would provide a funding mechanism for the adaptive management program to ensure its implementation as long as it is necessary. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10. See also Collective Response #24 regarding implementation and funding of the adaptive management program.

Comment 442-3

This area is deemed an environmental reserve.

Response 442-3

See Collective Response #20 addressing any suggestions that the existing Rockfield operation encroaches on an ecological preserve.

Comment 442-4

There is a chemical that is released, when hitting hard rock similar to the microplastics, which can be absorbed thru the bloodstream. The DEIR mentions an increased cancer risk ---NO ONE wants this.

Response 442-4

It is unclear to what chemical the commenter refers. See Draft EIR page 4.3-10 for a discussion of respirable crystalline silica. As described there, "respirable crystalline silica …does not represent a significant health risk to neighbors of mining projects." See Draft EIR page 4.3-11 and 4.3-47 for a discussion of naturally occurring asbestos, which was determined "unlikely to be a concern." Hexavalent chromium was also determined not to be an issue of concern for the project area as discussed in Draft EIR Section 4.10.1.8, "Groundwater Quality," on page 4.10-42. See also Response 593-4. The project's potential to increase the risk of cancer is evaluated in the updated *Air Quality, Health Risk, and Climate Change Impact Assessment* prepared for the project and provided as Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment." As shown in Table 4.3-25, "Mitigated Project Health Risk Impacts," with the implementation of Mitigation Measures 4.3-2a and 4.3-2b, the project would not increase cancer risks. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 442-5

This is not the area to do a deep mine, there are too many people who live in the area , who would be affected by changes in air quality, possible noise issues , aesthetics, etc. Due to the tremendous residential growth in both Madera and Fresno counties, it is time for CEMEX to move operations.

Response 442-5

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Responses 442-1 through 442-4 above. See also Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality") and Section 4.13, "Noise," for a discussion of the project's potential effects on air quality and noise respectively. See Draft EIR Section 4.1, "Aesthetics and Visual Resources," for a discussion of the project's effects on the aesthetics of the project area. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. See also Collective Response #9 regarding the project's potential impact on the existing air quality conditions. No specific comments related to the adequacy of the Draft EIR were made, and no further response can be provided.

Letter #443 March 9, 2025, Ileana Santos-Gonzalez

Comment 443-1

My name is Ileana Santos-Gonzalez and I am a member of our Fresno community. I grew up here in Fresno and returned 5 years ago after moving away for college and work. The San Joaquin River has been a critical part of my childhood memories with family at Lost Lake, as a student with River Camp, and now for peaceful walks and bike rides. As a community member, I have serious concerns about the long term impacts of the CEMEX Rockfield Quarry Modification Project on the San Joaquin River, the water quality, and air quality to name a few.

Response 443-1

The commenter's concerns regarding the project are noted and will be considered by County decision-makers. The comment is introductory and does not address the adequacy of the Draft EIR. Please see Responses 443-2 through 443-7 below for further discussion of the commenter's specific concerns.

Comment 443-2

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

8) The DEIR should identify the timeframe and exact location of the trail to be constructed.

9) The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access

10) The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 443-2

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 443-3

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors

to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 443-3

Please see Collective Response #27 pertaining to the project's potential effects on adjacent parklands and recreational use areas. See also Collective Response #19 regarding the Draft EIR's information pertaining to surrounding recreational areas.

The Draft EIR analyzes the Quarry Site's noise impacts to the nearest Receptors, which are located between approximately 250 feet to over 6,000 feet from the Quarry Site, and includes: (1) five Receptors (Q-5 through Q-9) that are closer to the Quarry Site than Lost Lake Recreation Area; (2) Receptor Q-15 which is Sumner Peck Ranch, Solitary Cellars Winery; (3) Receptor Q-6 which is Ball Ranch; and (4) the San Joaquin River as Receptor Q-C (see Figure 4.13-2, "Nearest Sensitive Receptors to Quarry Site"; see Draft EIR, Section 4.13.1.4, "Quarry Site Ambient Noise Environment," pages 4.13-21 through 4.13-23; Section 4.13.3.3, "Analysis Methodology," pages 4.13-43 through 4.13-44 and 4.13-46 through 4.13-48; Impact 4.13-3, pages 4.13-59 through 4.13-62; Impact 4.13-5, pages 4.13-63 through 4.13-64; and Appendix H-1, "Environmental Noise and Vibration Assessment," Appendices B-19 through B-27). Furthermore, with implementation of Mitigation Measures 4.10-1 and 4.13-3, any potential noise impacts to the nearest Receptors to the Quarry Site are mitigated to less than significant. See Final EIR, Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections and impacts referenced in this response.

Comment 443-4

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 443-4

See Response 349-2, which addresses the concerns noted in this comment regarding San Joaquin River water loss and contamination.

Comment 443-5

11) What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?

12) Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 443-5

See Collective Response #17. See also Response 329-3.

Comment 443-6

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 443-6

See Response 403-4, which explains that the Draft EIR groundwater data was collected during low and high flow periods.

Comment 443-7

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Response 443-7

The proposed project would not result in significant impacts to water quality or resources, wildlife, public safety, or air quality. The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the project's potential environmental impacts and provides mitigation measures where necessary to reduce potential impacts, in accordance with CEQA. As such, recirculation is not required.

Letter #444 March 9, 2025, Joan Schoettler

Comment 444-1

I applaud Fresno County Board of Supervisors for rejecting the CEMEX Jesse Morrow Mountain Proposal and hope they have the same

insight to reject the current CEMEX proposal for the San Joaquin River. Already the mine is an eyesore in the San Joaquin River. The River Conservancy continues to develop the San Joaquin River as a place of recreation, a beautiful waterway, and a place where nature can be enjoyed by all. The people of Fresno deserve to have their river to enjoy.

Response 444-1

The project's potential impacts to visual resources are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #445 March 9, 2025, Michael Smith

Comment 445-1

This project should be rejected. The River is an essential part of Fresno County's environment and future. To establish a 100 year (!) right to continue to damage the environment in this sensitive location is an absurd violation of the public trust and public interest, for generations to come.

I regularly use the River area for recreation and access to nature. It is a vital asset to fresno and Fresno County.

Response 445-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential impacts on the San Joaquin River are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See Collective Response #5 regarding the duration of the proposed use permit. See also Collective Response #21 regarding public access to the river and recreational sites.

Comment 445-2

The noise dust and pollution from gravel mining already has scarred this precious part of our environment, and CEMEX plan to expand and continue the damage must be stopped.

I'll leave the technical details to others, but I can say that the peace quiet and beauty of this river must be preserved!

Response 445-2

The issues of noise and dust are addressed in Draft EIR Section 4.13, "Noise," and Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"). Pollution is a broad topic that is addressed in Draft EIR Section 4.3, Section 4.8, "Greenhouse Gas Emissions," (see Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions") Section 4.9, "Hazards and Hazardous Materials," Section 4.10, Section 4.13, and Section 4.20, "Wildfire." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #446 March 9, 2025, Arl Suda

Comment 446-1

My name is Arl Suda, and I am a concerned citizen who deeply cares about the wildlife and natural environment surrounding the San Joaquin River. I am writing to express my concerns regarding the proposed expansion of the CEMEX-Commerce Group's mining operations near this precious area.

As you know, the San Joaquin River is home to diverse ecosystems and provides vital resources for both wildlife and human communities alike. The health and sustainability of this river system are critical not only for the flora and fauna that depend on it but also for the long-term well-being of our environment.

Response 446-1

The proposed project's potential impacts on the San Joaquin River are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." Impacts to the surrounding flora and fauna are addressed in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. This is an introductory comment that does not directly address the adequacy of the Draft EIR. See Responses 446-2 through 446-4 for further discussion of specific issues raised in this comment letter.

Comment 446-2

I respectfully request that CEMEX be required to conduct and submit a thorough Environmental Impact Report that specifically addresses the potential harm their proposed expansion might have on the San Joaquin River. This report should carefully evaluate, at a minimum, the following aspects:

1. Air Quality: How will the expansion of the mining operations affect the air quality in and around the San Joaquin River area?

Will dust and emissions from machinery and transportation increase, potentially harming both human health and local wildlife?

Response 446-2

The Draft EIR for the proposed project was released for public review by Fresno County in January 2025. The issue of air quality is addressed in Draft EIR Section 4.3, "Air Quality." Potential impacts to wildlife are evaluated in Draft EIR Section 4.4. See Appendix D-4, "Revised Section 4.3, Air Quality," and Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 446-3

2. Water Quality: The mining project should be evaluated for its potential impact on the water quality of the San Joaquin River. Will the expansion contribute to runoff or contaminants that could harm the river's delicate ecosystem and the species that depend on it?

Response 446-3

The issue of water quality is addressed in Draft EIR Section 4.10. See Impacts 4.10-1 through 4.10-3 for discussion of potential impacts to surface water quality. The project's potential impacts to certain fish and wildlife species are addressed in Draft EIR Section 4.4. See Impact 4.4-2 for a discussion of the project's potential effects on special-status wildlife species in the riparian habitat surrounding the project sites. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. See also Collective Response #16 regarding the potential effects of sedimentation on salmon spawning.

Comment 446-4

3. Wildlife: Finally, I urge you to ensure that the report includes an analysis of the impact on local wildlife. This includes both the direct harm that might come from habitat destruction and the indirect consequences of air and water pollution on the health of animals that inhabit the area, including the Swainson's Hawk.

Given the rich biodiversity that relies on the San Joaquin River, it is critical that any development near it be held to the highest environmental standards to ensure that wildlife and the river's ecological balance are not compromised.

Response 446-4

The project's potential direct and indirect effects on local wildlife species are addressed in Draft EIR Section 4.4. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #14 regarding Swainson's hawk.

Comment 446-5

I trust that, as stewards of our city's natural resources, the City of Fresno will prioritize the protection of our environment and ensure that CEMEX provides the necessary data to demonstrate that their operations will not harm the San Joaquin River area that I love.

Response 446-5

The comment contains concluding remarks that do not address the adequacy of the Draft EIR. See Responses 446-2 through 446-4 that address specific issues raised in Comment Letter 446.

Letter #447 March 9, 2025, Lucy Tecorral

Comment 447-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

1. Impacts on the San Joaquin River Watershed

   Do they have a history of beneficial reuse of their former mining sites? What assurance do we have that CEMEX, a foreign corporation will have the resources and commitment to meet proposed restoration efforts at the end of the project?"

Response 447-1

Please see Collective Response #4a pertaining to CEMEX regulatory history. The proposed project would comply with California's Surface Mining and Reclamation Act (SMARA, PRC Section 2710 et seq.) and Fresno County requirements pertaining to reclamation. SMARA requires that mining operations have financial assurances to ensure that reclamation is performed in accordance with the approved reclamation plan.

Comment 447-2

2. Air Quality and Dust Emissions

The DEIR says that project emissions may exceed cancer risk thresholds. DEIR pg. 4.3-63. The DEIR says that because mitigation measures would reduce emissions, the DEIR did not evaluate population-wide cancer burden. DEIR at pg. 4.3-64. CEQA requires that the analysis be performed before taking into account implementation of mitigation measures The central valley has one of the worst air qualities this will affect our health negatively.

Response 447-2

Please see Collective Response #11 pertaining to community cancer risk. See also Collective Response #9 regarding the project's potential impact on the region's existing air quality. Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR provides an evaluation of potential air quality impacts of the project, including consideration of fugitive dust, toxic air contaminants, and health risk at Impact 4.3-3. The impact evaluation quantifies both unmitigated project health risk (Appendix D-4, "Revised Section 4.3, Air Quality," Table 4.3-24, "Unmitigated Project Health Risk Impacts") and mitigated project health risk (Appendix D-4, Table 4.3-25, "Mitigated Project Health Risk Impacts"). Appendix D-4 confirms that Impact 4.3-3 was determined to be less than significant.

As shown in the Tables 4.3-24 and 4.3-25, after mitigation, the cancer risk at the maximally exposed individual receptor (MEIR) decreases from the existing CEQA baseline condition (i.e., cancer risk is a negative value). Accordingly, cancer burden, which represents the cumulative effect across census blocks, would also result in a decrease from existing CEQA baseline conditions and was therefore not calculated in the Draft EIR, as updated in the Final EIR. See Appendix D-4 and Chapter 3, "Draft EIR Errata."

The technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the A*ir Quality, Health Risk and Climate Change Impact Assessment*, (Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"). This updated analysis includes cancer burden modeling and confirms that there are no new impacts and no changes to the findings of the Draft EIR.

Comment 447-3

3. Biological Resource Impacts

Inadequate analysis of the potential effects of the project on the state listed as threatened Swainson's hawk. *With more than four dozen breeding season occurrence records of this species within 2 miles of the project site (eBird 2025) and numerous potential nest trees within 0.5 mile, the project could impact Swainson's hawk. Construction activities such as blasting, excavating, trenching, or using other heavy equipment that disturbs or harms a Swainson's hawk or substantially modifies its habitat could constitute a significant impact. To meet California Department of Fish and Wildlife (CDFW) recommendations for mitigation and protection of this species, protocol surveys would need to be conducted within a 0.5-mile radius around all project activities. If active nesting is identified within the 0.5-mile radius, consultation with that agency would be required.*

Response 447-3

CEQA does not require that protocol-level surveys be conducted in order to analyze potential impacts to species. Based on existing site conditions, the majority of the project area is characterized by active mining operations, which provide only limited foraging opportunities for Swainson's hawks. However, areas adjacent to the mining operations, such as fallow fields and open spaces, may offer potential foraging habitat. The site is located within the known nesting range of Swainson's hawk. Project implementation may result in the conversion or loss of marginal foraging habitat; Mitigation Measure 4.4-1c requires preconstruction clearance surveys for nesting birds, including Swainson's hawks and other raptors, which would reduce potential indirect impacts to Swainson's hawk to less than significant. Please see Response 58-36 and 58-38 for further discussion of the project's potential impacts to Swainson's hawk. As described in Collective Response #14, given that active mining activities are a baseline condition within the project sites, there is a baseline level of disturbance from existing mining, and a 0.25-mile (for blasting) or 500-foot (for other mining activities) default buffer is deemed adequate for this species.

Comment 447-4

4. Traffic and Noise Concerns

Cemex states that they will not mitigate the traffic congestion. That is ludicrous, This very wealthy company needs to mitigate the traffic congestion on Willow to Friant Road. There is precedent in this county for this requirement.

Table Mountain helped finance turning Friant Road into a four lane highway. Vulcan at the Austin quarry on road 145 and 41 has been required to make modifications on Road 145. They are required to finance Highway 41to a four lane road when the county is ready to begin construction. 1) At the Friant Willow junction there should be two left lanes made for turning onto Willow from Friant. The trucks should only be allowed to use one lane. 2) A requirement that the entire Willow Road between Friant and Copper be expanded to 4 lanes. 3) A requirement that the north direction on Willow be expanded to two lanes from International to Copper. 4) There is a concern with increased heavy truck traffic effecting the traffic safety near the schools on International and Willow. If Cemex cannot afford this they have no business mining on the river. What happens if there is a catastrophe at the mining site? Will they say we don't have money to repair? This will make traffic even worse.

Response 447-4

See Responses 111-1, 111-2, and 12-69. Contrary to the commenter's assertion, the Draft EIR provides mitigation measures for traffic impacts in the form of equitable contributions for road improvements. See Draft EIR Section 4.17, "Transportation," for further discussion of the project's potential impacts to traffic. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR section referenced here. See also Collective Response #29 pertaining to project traffic impacts, and Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 447-5

5. Cumulative Environmental Effects

The issue pertains to the public safety hazard that the quarry will represent after the project is complete 100 years or so from now (and maybe before). With the stepped but vertical walls and a surface water elevation more than 400 below the trail elevation, the open quarry will not be suitable for fishing, swimming, boating, kayaking, canoeing, floating or anything else. But it will be ATTRACTIVE, especially to preteens and teenagers. There is not a fence that will keep them out. What will happen if one or more of the public falls into the pit? They won't fall all the way down - just 50 feet. That is a sure death.

Response 447-5

See Response 358-5 regarding public safety at the quarry pit.

Comment 447-6

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected. Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 447-6

The Draft EIR provides a sufficient analysis of the project's potential environmental impacts and describes a reasonable range of alternatives, in accordance with CEQA standards. The commenter's concerns and request for additional analysis and mitigation are noted and will be considered by County decision-makers. Please see Collective Response #1 pertaining to the CEQA process and public input opportunities.

Letter #448 March 9, 2025, Venus Warner

Comment 448-1

This letter is in response to the public comment period relating to the CEMEX Rockfield Quarry:

Rockfield Modification Project (EIR 7763) and Unclassified Conditional Use Permit
Applications Nos. 3666 and 3667
Draft Environmental Impact Report
Volume 1: Executive Summary-Chapter 10
State Clearinghouse No. 2020060123

My name is Venus Warner, I live with my husband, and my mom in the River View Ranch community that is directly across from the CEMEX Quarry site alongside Friant Road, in Fresno County. **We are all absolutely opposed to the proposed 4-year extension of this quarry site and mine, as well as the 100-year extension or what is being called the "CEMEX Rockfield Expansion"!**

When my husband and I bought our home 5 years ago we were told by the old homeowners and our realtor that that all "mining" operations at the Quarry Site would cease in July 2023. We have yet to see this happen! Had we known that such ludicrous proposals by CEMEX and then to be voted on by our Fresno City and County Officials that would allow the Rockfield Quarry a continuation and modification of its current aggregate (rock, sand, and gravel) mining and processing operations that is literally directly across

from our "new home" would be entertained, we would have never bought our home nor in this part of the Fresno City or County area.

Since moving to this community 5 years ago, my family and I as well as our neighborhood friends have repeatedly shared the following concerns regarding the Quarry Site adjacent to our homes via phone calls, emails and Zoom call/meetings when asked to do so, though our chance to respond is always given last minute and the timeframe to respond is very limited, only about a month or so to respond.

Response 448-1

The commenter's background and opposition to the project is noted and will be considered by County decision-makers. The comment does not address the adequacy of the Draft EIR. Please see Responses 448-2 through 448-46 below for responses to specific comments.

Comment 448-2

I'll do my best to address the Quarry Sites Project Objectives as well as so of my own concerns on how deep quarry mining could impact the following:

1. Provide a reliable and sustainable, local source of high-quality aggregate to help meet the current and long-term demand (100yrs) for construction materials in the Fresno region.

    a. Vulcan Materials Company is the nation's largest producer of construction aggregates—primarily crushed stone, sand and gravel—and a major producer of aggregates-based construction materials, including asphalt and ready-mixed concrete. Their coast-to-coast footprint and strategic distribution network align with and serve the nation's growth centers.

Response 448-2

Please see Collective Response #3 pertaining to regional aggregate demand and supply. The commenter's reference to Vulcan Materials Company is not relevant to the Draft EIR's analysis of environmental impacts of the proposed project.

Comment 448-3

2. Continue to utilize known aggregate reserves from existing partially mined properties, including those designated by the state and county as Mineral Resource Zone 2 (MRZ-2) (Mineral

Resource Zone areas where adequate information indicates that significant mineral resources are present, i.e., sand and gravel).

a. Yes, for the next couple of years there will be enough sand and gravel to mine without having to blast and then crushing the rocks that were blasted. I am against the use of explosives/blasting in order for CEMEX to extract the raw material.

Response 448-3

Please see Collective Response #3 pertaining to regional aggregate demand and supply. The commenter's opposition to the use of explosives/blasting is noted. The project proposes blasting at the Quarry Site to extract the hard rock that lies beneath the alluvial reserves. Thus, the project proposes to mine the remaining alluvial reserves by traditional excavation methods and implement blasting to extract the hard rock deposits (Draft EIR page 2-4). The Draft EIR appropriately considers potential environmental impacts associated with the project's proposed mining methods and blasting. Please see Chapter 3, "Draft EIR Errata," page 3-69, for proposed revisions to the Draft EIR section referenced here.

Comment 448-4

3. Continue to utilize high quality aggregate resources that meet the California Department of Transportation's specifications for use in Portland Cement Concrete (PCC) and Asphaltic Concrete (AC), which aggregate is important for quality infrastructure growth and maintenance because of its versatility, value, and relative scarcity.

   a. No one can deny the high quality aggregate resources that come from the Quarry Site, but this raw material can be sourced in other areas that are not so close to a major river and communities of people that rely on well water for their everyday living. The deep mining can put hundreds if not thousands of people at great health risks if the river water or any well waters are contaminated by the work being done by CEMEX at the Quarry Site.

   b. Who will be responsible for the river water quality contamination checks?

   c. How often will the river water quality checks happen, every three months, six months or yearly. I think it should be every three months.

d. Can we request that a third-party company test the river water every three months?

e. Can we request that a third-party company test our well water every three months?

f. If there is water contamination, will we be notified, how quickly. Will work stop at the Quarry Site until everything is resolved.

Response 448-4

Please see Collective Response #3 pertaining to regional aggregate demand and supply. The Draft EIR analyzes impacts to water quality and water supply in Section 4.10, "Hydrology and Water Quality."

The potential for conditions during mining, reclamation, and after all activities at the Quarry Site are completed (i.e., post-reclamation) to violate water quality standards or waste discharge requirements, or to otherwise substantially degrade water quality, for both surface water and groundwater, is evaluated in the Draft EIR as part of Impacts 4.10-1, 4.10-3, 4.10-6, and 4.10-7.

Since there would be no discharges from the Quarry Site to the San Joaquin River, there would be no potential for impacts to water quality to the river. As such, water quality monitoring of the San Joaquin River is outside of the scope of this EIR. Mitigation Measure 4.10-1 would require implementation of Blasting Protocols, which addresses groundwater quality control measures. Once mining is completed, the primary source of water inflow to the Quarry would be from direct rainfall and local stormwater runoff from the reclaimed Quarry high walls and deep groundwater inflow. These water sources would contain no contaminants and, therefore, would not affect groundwater quality. Mitigation Measure 4.10-5a and 4.10-5b, the Plant Site Pond Adaptive Management Program and Funding Mechanism, would also be implemented to ensure that water quality standards are not exceeded at the Plant Site. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here

Comment 448-5

4. Maintain a local source of construction aggregate with enough annual sales capacity (3.0 MT) to encourage a healthy, competitive market.

   a. The blasting should not start, because the aggregate (rock, sand and gravel)can be sourced by Vulcan Materials Company.

Response 448-5

The commenter's preference for no blasting is noted. Please see Collective Response #3 pertaining to regional aggregate demand and supply. Aggregate sources by Vulcan Materials Company does not serve to achieve the project objectives sought by the project applicant, CEMEX.

Comment 448-6

5. Continue to provide aggregate resources with access to an efficient local road network.

    a. The Quarry Site on Friant Road is an efficient local road, but within the last 5 years of living in our home we have noticed the traffic has jumped significantly upwards due to all the homes near Millerton Lake and Table Mountain Casino. Traffic is a huge issue!

Response 448-6

Please see Collective Response #29 pertaining to project traffic, please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 448-7

6. Continue to provide an environmentally sound project that would balance the recovery of the aggregate resource with the protection of other resources including wildlife habitat, groundwater, surface water, and air quality.

    a. Using explosives in quarry mining can pose significant environmental risks, including gas and dust emissions, noise pollution, and the potential for flyrock, which can harm local wildlife and human populations. Look up recent deaths due to flyrock.

    b. What type of explosives will be used to break the rock away from the ground surface.

    c. How often will the explosions happen? Will we be notified before they happen?

    d. If our homes or property are damaged due to the explosions, what is our recourse of action to make our claim against CEMEX?

Response 448-7

The Draft EIR describes and evaluates the project and mining methods including the use of blasting agents. The comment does not discuss the adequacy of the Draft EIR. Please see Collective Response #4b pertaining to liability and funding for potential damages.

The Draft EIR provided a comprehensive environmental analysis of the project in accordance with CEQA Guidelines. See Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality") for discussion of air quality impacts and Section 4.13, "Noise," for discussion of noise impacts. See discussion of Impact 4.9-4 beginning on Draft EIR page 4.9-19 regarding flyrock. Mitigation Measure 4.10-1 requires implementation of the Blasting Protocols, including the Flyrock Mitigation Plan established therein. The Blasting Protocols, as updated April 29, 2026, are provided in Final EIR Appendix H-9. See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR related to the updated Blasting Protocols. Implementation of the revised Blasting Protocols would minimize the risk of substantial groundwater quality degradation from expanded blasting activities at the Quarry Site.

Regarding the commenter's second bullet, blasting agents typically used for mining include both an oxidizer and an accelerant; generally, in the form of nitrate-based compounds and flammable liquids. Regarding the commenter's third bullet, all blasting activities are scheduled for one to two times per week on weekdays and would occur between the hours of 10:00 a.m. and 2:00 p.m., and additional notification would not be required.

With regards to the commenter's concerns about structural damage related to blasting activities, please refer to Section 4.13 of the Draft EIR. The project would maintain groundborne vibration thresholds that are not likely to result in damage to structures (see Impact 4.13-6 beginning on Draft EIR page 4.13-65).

Comment 448-8

7. Continue local quality jobs, while also benefiting local downstream businesses and creating an enhanced tax revenue to the county.

   a. Yes, jobs are created by CEMEX all the while benefiting local downstream businesses which in turn enhances tax revenue to the county, but it could be at great health and safety risks to local residents up and down the area near the Quarry Site.

   b. How will those health and safety risks be abated?

Response 448-8

The commenter does not specify the health and safety risks of which the comment asks about abatement. The comment does not address the adequacy of the Draft EIR.

Comment 448-9

8. Maintain consistency with the San Joaquin River Parkway Master Plan.

    a. In no way will the Quarry Site or the Plant Site ever be able to maintain consistency with the San Joaquin River Parkway Master Plan, that is just a flat out lie of a statement.

Response 448-9

Please see Collective Response #18 pertaining to the project's consistency with San Joaquin River Parkway Master Plan.

Comment 448-10

9. Reclaim both sites to wildlife habitat in a manner similar to the reclaimed mine sites that make up the majority of the San Joaquin River Parkway Properties.

    a. CEMEX hasn't done a good job of reclaiming any of the old mine sites. Any wildlife habitation on those sites is null and void. From north Fresno, take a drive on Friant Road into the town of Friant then turn around and head back the same way you came to look at the awful views of their so-called reclamation for the wildlife habitation.

    b. An actual Landscape Architect and local Environmental Clubs should be hired now to reclaim the old mine sites as well as draw up plans for the Quarry Site when it is no longer in use.

    c. For the current Quarry Site, monies should be put aside now into a safe investment, under the representation of a third party, so when the time comes the monies within those investments can be used to help reclaim the area for wildlife. The starting amount should be $250,000.00. The initial investment should grow at a reasonable rate a year and the monies can only be used for the reclamation of the current Quarry Site.

Response 448-10

The commenter's observations and opinions are noted. The comment does not address the adequacy of the Draft EIR. Note that under the State of California Surface Mining and Reclamation Act (SMARA, PRC Section 2710 et seq.), surface mine operators are required to maintain financial assurances in an amount sufficient to provide for reclamation of the surface mining operation in accordance with the approved reclamation plan. The amount of the financial assurance must be estimated and updated annually and approved by the SMARA lead agency, in this case, Fresno County.

Comment 448-11

10. Provide potential Parkway trail easements.

    a. When will the potential Parkway trail easements come into fruition?

    b. How long will the potential Parkway easements last?

    c. If the easements are given, who will maintain the easement portion of land from the CEMEX area to the Parkway?

Response 448-11

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 448-12

1. We oppose the 4-year extension, due to CEMEX not being able to provide a current EIR.

    1. This vital document, the EIR, should be current and available for us to review before the 4-year extension is passed, so we can know how our quality of life may be affected, due to the drastic eradication CEMEX is proposing for our environment. All work should cease at this site until an EIR is completed!

2. We oppose the 100-year extension, due to CEMEX not being able to provide a current EIR.

    1. All work should cease at this site until an actual EIR is completed!

Response 448-12

The commenter's opposition to a four-year extension is noted. The current mining operations are covered by an EIR certified on July 28, 1987. Please see Collective Response #2 for further discussion of the previous permit extensions. The Draft EIR analyzes the potential impacts associated with the proposed mining project. The commenter's opposition to the 100-year requested permit duration of the proposed project is also noted. Please see Collective Response #5 pertaining to the requested use permit duration.

Comment 448-13

3. **What are Cemex's specific guidelines for Hard Rock Mining for this specific quarry site?**

    1. How can I receive a copy of these guidelines?

    2. When can I receive a copy of these guidelines?

Response 448-13

Draft EIR Chapter 2, "Project Description," provides a detailed explanation of proposed mining and processing that would be performed under the proposed project. Regarding the guidelines for excavation of hard rock mining, blasting protocols are presented in Final EIR Appendix H-9, "Revised Blasting Protocols," in a blasting protocol document that summarizes the monitoring, control and reporting requirements for ground vibrations and air overpressures emitted from blasting at the project sites. Draft EIR Appendix H-9 is referenced and summarized in the Draft EIR (e.g., see Impact 4.9-4 on pages 4.9-19 through 4.9-21; see Impact 4.10-1 on pages 4.10-88 through 4.10-92) and Draft EIR Mitigation Measure 4.10-1 requires that the blasting protocols be implemented and that the protocols be appended to the Mitigation Monitoring and Reporting Program (MMRP) and conditions of project approval. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Blasting Protocols referenced here.

Comment 448-14

4. **Water Quality**

    1. Since my family and I moved to this neighborhood 5 years ago, we have already experienced significant water issues, low pressure to no pressure (no water), significant amounts of sand and tiny pebbles in the water lines. Fresno County is aware of these issues because they are who we are to call when something goes wrong, which it has many many times!

2. There has never been deep quarry mining near any part of the San Joaquin River, per a recent article in The Fresno Bee.

3. How is Cemex going to assure us that the aquifer water levels will not be significantly reduced or depleted altogether for my neighborhood, the surrounding homes and housing developments within a few miles away (Friant, Fresno & Madera), due to quarry dewatering and rock removal at the Quarry site?

    4. **Note:** The only homes that were notified of the possible CUP for the deep quarry mining were only within 1 mile from the quarry site, and only on Fresno County's side, not Madera County. This is appalling, because the homes and agricultural businesses on the Madera County side also rely on water and good water at that!

4. How is Cemex going to assure my neighborhood, the surrounding homes and housing developments within a few miles that our water quality will not be contaminated?

    i. **Note:** See above note.

5. Does Cemex have a plan to provide an alternative water supply to property owners in the surrounding communities (Friant, Fresno and Madera) whose wells will be significantly impacted, due to Cemex blasting a 600-foot deep mine?

Response 448-14

Draft EIR Section 4.10 provides detailed analyses of potential groundwater and water quality effects of the proposed project. The analyses are based on the Hydrology and Water Quality Analysis Report (Draft EIR Appendix G-5, "Hydrology and Water Quality Analysis Report"), which utilizes information from groundwater conditions reports (included as Appendix G-3, "Groundwater Conditions at the Plant Site," and Appendix G-4, "Groundwater Conditions at the Quarry Site," of the Draft EIR). Detailed methodology and findings are provided in Draft EIR Appendix G-5. See also Chapter 3, "Draft EIR Errata," for revisions to Section 4.10 and supporting technical reports provided in Draft EIR Appendix G. As discussed, and presented in Draft EIR Section 4.10, mitigation measures are identified in the Draft EIR that require groundwater quality protection measures and groundwater monitoring and adaptive management (see Mitigation Measure 4.10-1 on Draft EIR page 4.10-92, Mitigation Measures 4.10-5a and

4.10-5b on Draft EIR pages 4.10-96 through 4.10-98, and Mitigation Measures 4.10-10a and 4.10-10b on Draft EIR pages 4.10-108 through 4.10-111).

Additionally, please see Collective Response #25 pertaining to the proposed project's relationship and potential effects associated with surface water and groundwater interconnectivity, please see Collective Response #24 pertaining to groundwater monitoring, and please see Collective Response #23 pertaining to groundwater quality.

The comment does not address the adequacy of the Draft EIR analysis or the efficacy of mitigation measures.

Comment 448-15

6. Does Cemex know if there will be Temperature Changes in the ground water?

   i. How often will Cemex or a third party be monitoring the Temperature Changes in the ground water?

   ii. Has Cemex conducted research (EIR) on the effects of Temperature Changes to the ecosystem and aquatic life in and around the San Joaquin River? Is Cemex prepared financially to continue the use of the thermal impact monitoring at the quarry site after the project ends in 100 years? Will the surrounding communities (Friant, Fresno and Madera) be notified if Temperature Changes occur? Who will be notified if Temperature Changes occur? How will the surrounding communities (Friant, Fresno and Madera) be notified if Temperature Changes do occur?

7. Does Cemex know what the possible affects deep quarry mining might have on the ground-water flow paths for the San Joaquin River. How do they plan to monitor any possible changes in the ground-water flow path? How often will they monitor any possible changes in the ground-water flow path? Will they use Dye Tracing to monitor any changes? Is Dye Tracing safe or unsafe for humans, the ecosystem, aquatic life, and other wildlife such as deer, birds, coyotes, foxes, rabbits, squirrels, lizards, and snakes? Will the surrounding communities (Friant, Fresno and Madera) be notified if Dye Tracing needs to be used to monitor the ground-water flow path? Who will be notified if there are changes to the ground-water flow path? How will the surrounding communities (Friant, Fresno and Madera) be notified?

Response 448-15

As described in Appendix G-4, "Groundwater Conditions at the Quarry Site," and Appendix G-5, "Hydrology and Water Quality Analysis Report," of the Draft EIR, groundwater that is currently removed from the quarry excavation for dewatering is pumped to recharge ditches between the quarry and the San Joaquin River, where it percolates back into the subsurface. Approximately half of the water that is pumped to the recharge ditch is estimated to flow to the river or to groundwater beyond the edge of the project sites (see Draft EIR Appendix G-4, Table 11). The recharge ditches would continue to be used during the active mining phase of the project while the quarry is being dewatered. Thus, pumping of groundwater to the recharge ditches is an existing condition at the site and would not change under the project.

Groundwater in the subsurface is isolated from atmospheric conditions and weather changes. Thus, groundwater temperatures remain relatively constant throughout the year. As the quarry is mined deeper, the groundwater would be pumped to the recharge ditches as it seeps into the mining excavation. Large ponds would not form in the bottom of the quarry while it was being mined and the groundwater would not be subject to appreciable temperature variations. Therefore, deeper mining would not significantly alter the temperature of the water being pumped to the recharge ditches. As a result, any potential effects on the temperature of the water in the recharge ditches, and to the river and off-site groundwater, would be the same under the project as they are under existing conditions at the quarry.

Once mining ceases, dewatering would no longer occur and groundwater would not be pumped to the recharge ditches adjacent to the San Joaquin River. Groundwater would partially fill the quarry excavation after dewatering stops, but the final elevation of the pond that would form in the quarry would be far below the elevation of the river. As a result, there would be no potential for discharge from the reclaimed quarry excavation to the San Joaquin River.

In addition, as shown in the water balance for the Quarry Site (Draft EIR Appendix G-4, Table 11), outflow of groundwater from the reclaimed mining excavation would be only 15 acre-feet per year, compared to a total inflow from rainfall and groundwater seepage of 600 acre-feet per year. Since the groundwater outflow would be only 2.5 percent of the flow into the quarry, any seasonal fluctuations of temperature within the water in the reclaimed quarry would be negligible once the outflow mixes with the rainfall and groundwater inflow.

Based on the above, temperature monitoring of the river or groundwater is unnecessary because the project would not alter existing conditions related to the recharge ditches and there would be no effect after the quarry is reclaimed.

In response to Item #7 of Comment 448-15, the groundwater flow paths at the Quarry Site vary depending on the geologic unit. The alluvium layer at the Quarry Site has been almost completely mined within the quarry boundary and no further mining of the alluvium would occur as part of the project. Therefore, the deeper mining within the quarry would not alter the current groundwater flow paths within the alluvium.

In the weathered rock and hard rock, groundwater flow paths have been identified using two different approaches. On a regional basis, stable isotope methods were used to evaluate water samples collected from wells around the Quarry Site (see Appendix N within Appendix G-4 of the Draft EIR). The stable isotope evaluation indicated that the groundwater within the weathered rock and hard rock geologic units is sourced from high elevation snowmelt in the Sierra Nevada.

On a more local basis, groundwater elevation measurements in wells at and adjacent to the Quarry Site area were used to develop groundwater contour maps, which then define the direction of groundwater flow (see Appendix E within Appendix G-4 of the Draft EIR). The groundwater contour maps indicate that the groundwater within the weathered rock and hard rock geologic units is flowing from north to south, sub-parallel to the river.

Measurement of groundwater elevations would continue during the project as described in Mitigation Measure 4.10-10a. This data can then be used to evaluate the groundwater flow directions over time as mining progresses. The results would be reported to Fresno County in accordance with Mitigation Measure 4.10-10a.

Dye tracing has not and would not be used to assess groundwater flow paths at the project site. The primary reason that dye tracing would not be used is because groundwater flow within the weathered rock and hard rock geologic units occurs within individual fractures. For dye tracing to be effective in fracture flow aquifers, the wells in which the presence of dye was being monitored would need to intersect the same fracture sets into which the dye had been injected. However, there is no way to be sure that the same fracture sets are present at each well location. In addition, as indicated on the groundwater contour maps in Appendix E within Appendix G-4 of the Draft EIR, the groundwater flow direction within the weathered rock and hard rock can vary seasonally and from year to year. Therefore, it would be very uncertain as to whether the dye injected into one of the upgradient wells at the Quarry Site would consistently flow toward any

of the wells farther downgradient. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here

Comment 448-16

8. How is Cemex already handling stagnation on ground water in the "reclaimed ponds"?

   i. Is stagnated ground water good for wildlife because we know it's not for humans?

Response 448-16

The existing setting of the project is described in Draft EIR Section 2.4, "Existing Conditions." Presently, at the Plant Site water diverted from the San Joaquin River (under existing water rights) that is used to wash aggregate is sent to the silt ponds, where silts and fines settle out. The water from the silt ponds is then recycled back to the plant as process water. The silt pond also serves as a source of recharge to groundwater. At the Quarry Site, groundwater and surface water runoff from rainfall accumulates in ponded pits from historic and current mining, and is pumped out to accommodate mining operations. The water is used by water trucks for dust control, and is pumped to the existing groundwater recharge pond or existing recharge trenches. The continuous flow of water through the ponds and basins at the Plant and Quarry sites currently minimizes and would continue to minimize stagnation. Please refer to Draft EIR Section 4.10, which provides baseline water quality data of the water stored in these pre-existing features.

Comment 448-17

9. Blasting at the quarry site could cause increases in turbidity levels. Is Cemex going to monitor the turbidity levels and how often? Will the surrounding communities (Friant, Fresno and Madera) be notified if the turbidity levels increase or decrease? What Turbidity Levels are considered safe by the State and local governments? What Turbidity Levels are considered unsafe by the State and local governments? How will the surrounding communities (Friant, Fresno and Madera) be notified of the safe or unsafe Turbidity Levels?

Response 448-17

Section 4.10, evaluated the project's potential impacts to water resources, including the San Joaquin River and its parkway resources. As discussed in the Draft EIR, both the Quarry Site and Plant Site are designed as zero-discharge facilities with respect to offsite discharges. Therefore, the project would not significantly impact surface water quality.

With regards to the San Joaquin River, water flows by gravity through the ditch from the river to the Plant Site. There is currently no discharge of water from the Plant Site operations to the ditch and there is no proposed future discharge to the ditch as part of the project. Thus, any turbid sediment visible in the ditch at the intersection with Little Dry Creek would not have originated from the Plant Site.

The project would be required to implement Adaptive Management Programs to monitor changes, collect data and submit reports of the findings to the lead agency for their review and record keeping. Adoption of Mitigation Measures 4.10-5a, 4.10-5b, 4.10-10a, and 4.10-10b would reduce impacts on groundwater quality at the Plant and Quarry sites to less than significant. If any thresholds are exceeded, the Lead Agency must be notified within 48 hours. Appendix H-9, "Revised Blasting Protocols," of this Final EIR required to be implemented by Mitigation Measure 4.10-1, specify practices to prevent the contamination of groundwater and surface water as a result of blasting. With implementation of Mitigation Measure 4.10-1, this potential impact would be reduced to a less than significant level. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 448-18

5. Air Quality

1. What are safe and unsafe air quality measurements for Fresno and Madera Counties?

   i. Can we receive information on the safe and unsafe air quality measurements for Fresno and Madera Counties?

2. Good Safe air quality is important no matter who you are or where you live, but especially to those that live with severe respiratory diseases.

3. Nine out of ten people now breathe polluted air, which kills 7 million people every year, per the World Health Organization (WHO)*.

   i. *The health effects of air pollution are serious – one third of deaths from stroke, lung cancer and heart disease are due to air pollution.

4. The winds in our area typically come in on a southwesterly route, so any dust, dirt, or debris will typically be pushed into the path of our neighborhood (homes). How is Cemex going to mitigate the air pollution that could be caused by this quarry site?

Response 448-18

Updated safe and unsafe air quality metrics and monitored data from a nearby station are presented in Final EIR Table 4.3-1, "Ambient Air Quality Standards," and Table 4.3-2, "Ambient Air Quality in the Project Area." Additional information can be found on the SJVAPCD Air Quality Information webpage (https://www.valleyair.org/air-quality-information/air-quality-information/). As the responsible agency, the SJVAPCD is a public health agency whose mission is to improve the health and quality of life for all Valley residents through efficient, effective and entrepreneurial air quality management strategies. The SJVAPCD has information and guidelines related to air quality for public use. One of the core values of the SJVAPCD is the protection of public health through efforts to meet health-based state and federal ambient air-quality standards and using health-risk reduction strategies.

The County agrees that clean air is important especially for those individuals suffering from respiratory disease. WHO does state that 7 million people die from air pollution each year, but that same article goes on to say, "More than 90% of air pollution-related deaths occur in low- and middle-income countries, mainly in Asia and Africa, followed by low- and middle-income countries of the Eastern Mediterranean region, Europe and the Americas."(https://www.who.int/news/item/02-05-2018-9-out-of-10-people-worldwide-breathe-polluted-air-but-more-countries-are-taking-action).

The project would implement Best Performance Standards (BPS) and Mitigation Measures 4.3-2a, 4.3-2b, and 4.3-4 for further emission reductions beyond those required by SJVAPCD Regulation VIII. The mitigation measures proposed already reduce health risks to less than significant levels as shown in Table 4.3-25, "Mitigated Project Health Risk Impacts." Thus, additional mitigation is unwarranted. Further, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, (see Appendix D-3) including preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 448-19

5. Has Cemex completed a neutral study on air quality for this area and the adverse impacts on humans near the proposed quarry and for the type of work they are proposing to do such as; deep mine blasting, an asphalt plant, crushing of large rocks into smaller gravel or pebbles, bringing in reclaimed cement to break it up, and all transportation vehicles and heavy equipment that might be used to bring the material to the surface?

i. If Cemex did complete a neutral study on air quality for this area for the type of work they are proposing, then who reviewed this possible report? What were their findings? Were/will any of the surrounding communities (Friant, Fresno & Madera) be notified of this possible air quality report?

Response 448-19

Draft EIR Section 4.3 as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality") presents an evaluation of potential air quality impacts of the proposed project including those associated with air pollutant emissions from onsite mining activities and offsite aggregate transport. Please see Collective Response #9 pertaining to air quality for additional discussion. The comment does not address the adequacy of the Draft EIR air quality analysis and the commenter's questions do not pertain to the adequacy of the Draft EIR. Please see Draft EIR Chapter 8, "List of Preparers," for a list of consultants and other individuals involved in preparation of the Draft EIR. Please see Draft EIR, Chapter 9, "References and Resources," pages 9-3 through 9-5 for a list of resources used in preparing the Draft EIR air quality section. Please see Collective Response #1 pertaining to the CEQA process and public input opportunities.

Comment 448-20

6. There is a proposed residential Retirement Community for 5,000 residents called Friant Ranch that will be within a mile or two of this proposed quarry site, they are currently being challenged, due to questions of impact to air quality in this area?

   i. Since the proposed Friant Ranch Retirement Community is being challenged due to their possible impacts on this areas air quality, the County of Fresno and Cemex both need to take serious looks at the potential impacts that the deep mining quarry will have on our areas air quality.

Response 448-20

The Friant Ranch Project and associated litigation is not relevant to the Draft EIR's analysis of the proposed project's environmental impacts. The Draft EIR discusses the project's potential air quality impacts in Section 4.3 (see Appendix D-4, "Revised Section 4.3, Air Quality"). The comment does not provide evidence that the Draft EIR's analysis of the project's potential air quality impacts is deficient.

Comment 448-21

7. If health issues do arise for people that live in the surrounding communities(Friant, Fresno & Madera) from the proposed deep mining quarry, then how does Cemex plan to compensate those people and within what time frame?

Response 448-21

The purpose of CEQA is to provide substantial evidence supporting findings of the potential environmental impacts of a project. The Draft EIR HRA quantified particulate matter impacts which were determined to be less than significant after mitigation.

Further, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, (see Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment") including preparation of a Fugitive Dust Control Plan. The analysis demonstrated no new impacts and no changes to any of the findings in the Draft EIR. Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," as updated in this Final EIR (see Appendix D-4, "Revised Section 4.3 Air Quality"), demonstrates that after mitigation the project would result in less PM_{10} and $PM_{2.5}$ than currently being emitted under the CEQA Baseline and, therefore, would not result in significant impacts to air quality.

Comment 448-22

8. Does Cemex have any proposed plans to monitor the air quality that might cause unwanted air pollution from the type of work they are proposing such as deep mine blasting, an asphalt plant, crushing of large rocks into smaller gravel or pebbles, bringing in reclaimed cement to break it up, and all transportation vehicles and heavy equipment that might be used to bring the material to the surface?

9. Does Cemex plan to monitor the air quality at this quarry site and the surrounding communities (Friant, Fresno & Madera)?

    i. How long will Cemex have the air quality monitored for?

    ii. How many proposed monitoring locations will there be?

    iii. Where are the proposed locations for the air quality monitoring?

iv. Will the surrounding communities (Friant, Fresno & Madera) be notified of the air quality monitoring by Cemex or a neutral party, the proposed monitoring locations and how many locations there will possibly be?

Response 448-22

The Draft EIR analyzed air emissions from both on- and off-site sources, and potential impacts would be less than significant with implementation of Mitigation Measures 4.3-2a, 4.3-2b, and 4.3-4. Mobile sources of emissions were also evaluated and determined to result in less than significant impacts. See Section 4.3, as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3 Air Quality"), for detailed information pertaining to the project's potential air quality impacts.

Air quality at the Quarry Site would be monitored through visual observation of opacity and process parameters affecting air emissions, as required by rules and operating permits issued by the San Joaquin Valley Air Pollution Control District (SJVAPCD). In addition, SJVAPCD maintains an air monitoring network designed to characterize exposures and protect communities throughout the Air Basin, including surrounding communities referenced by the commenter.

Mitigation Measure 4.3-2b requires implementation of a Fugitive Dust Control Plan subject to SJVAPCD approval pursuant to Regulation VIII. A Fugitive Dust Control Plan has been prepared for the project, as documented in the *Air Quality, Health Risk and Climate Change Impact Assessment,* (see Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"), and would be implemented to reduce fugitive dust emissions. The project would comply with this plan and all applicable air quality regulations throughout construction and operations.

Further, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in Appendix D-3. This updated analysis, including the prepared Fugitive Dust Control Plan, demonstrates no new impacts and no changes to any of the findings in the Draft EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," for revisions to Draft EIR Section 4.3 and the mitigation measures referenced in this response.

Comment 448-23

10. Has Cemex conducted a study on how air quality might affect and wildlife, either aquatic or on land?

i. If the wildlife, aquatic or on land, is affected by the air quality due to the deep mining quarry, what is Cemex's proposal to help the wildlife that has been affected? And how do they plan to prevent health defects to any live beings in the future?

Response 448-23

The analysis of impacts to biological resources, including both terrestrial and aquatic wildlife, is contained in Draft EIR Section 4.4, "Biological Resources." This section analyzes the project's potential impacts to wildlife based on, among other criteria, whether the project would "have a substantial adverse effect, either directly or through *habitat modifications*, on any species identified as a candidate, sensitive, or special-status species in local or regional plans" (see Draft EIR at page 4.4-47) (Emphasis added). Further, the project sites have already been disturbed by decades of ongoing mining activities, and the continuation of mining activities would not have a significant adverse impact upon wildlife. With regards to the commenter's concerns pertaining to health defects, the Draft EIR analyzes public hazards in Section 4.9, "Hazards and Hazardous Materials." See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR sections referenced in this response.

Comment 448-24

6. Aesthetics

1. There will be significant negative aesthetic to my neighborhood, my home, my neighbor's homes and let us not forget the San Joaquin River if this quarry site is able to dig a 600-foot-deep hole! Talk about a devastating scar that will never go away.

2. Due to a significant number of houses in and around, meaning high on the hills that can already see the proposed quarry site,

3. The terrain, topography, wildlife, vegetation, and ecosystem will all be drastically changed if there is a 600-foot-deep hole in the ground.

Response 448-24

Draft EIR Section 4.1, "Aesthetics and Visual Resources," presents the visual impact analysis for the project. As discussed, in Draft EIR Impacts 4.1-1 and 4.1-3, the analyses conclude that the project would have significant and unavoidable impacts associated with adverse effects on a scenic vista and degradation of the character or quality of public

views. Mitigation Measure 4.1-1 is identified to reduce the severity of the impacts but would not reduce the impacts to less than significant. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.1 and Mitigation Measure 4.1-1. For additional discussion, please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation. The comment does not address the adequacy of the Draft EIR aesthetic impact analyses, nor does the comment provide alternative or additional visual impact mitigation measures for consideration. The commenter's concerns are noted and will be considered by County decision-makers.

Comment 448-25

4. The wind in our area typically impacts come in on a Southwesterly route, so any dust, dirt, or debris will typically be pushed in the path of our neighborhood. How is Cemex going to mitigate the air pollution that could be caused by this quarry site?

Response 448-25

The project would be subject to a Fugitive Dust Control Plan required by existing rules. The San Joaquin Valley Air Pollution Control District (SJVAPCD) would be the responsible agency to monitor compliance with the plan. As discussed in Section 4.3.2.3, "Local," of the Draft EIR, as updated in this Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), the project would comply with fugitive dust prohibitions in SJVAPCD Regulation VIII, which includes requirements that reduce fugitive dust from earthmoving activities (Rule 8021), stockpiles (Rule 8031), and open areas (Rule 8051). Specifically, Rule 8031 requires maintenance of stabilized surfaces on stockpiles when they are inactive using one of several effective control methods. The rules in Regulation VIII were developed in the context of the air basin's nonattainment status and compliance with the rules is sufficient to control fugitive dust without additional restrictions like those listed.

Additionally, the Draft EIR HRA quantified particulate matter impacts which were determined to be less than significant after mitigation. Blasting emissions calculations used AP-42 methodology, and Appendix G (Aggregate Emissions) of the Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment," contains the emissions calculations. Further, Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," demonstrates that after mitigation the project would result in less PM_{10} and $PM_{2.5}$ than currently being emitted. Further, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment* (see

Appendix D-3), which included preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 448-26

5. There is no barrier of large enough trees to stop the view of a possible 600-foot-deep hole.

Response 448-26

Please see Response 448-24 regarding the Draft EIR analyses and conclusions that the project's aesthetic impacts would be significant and unavoidable.

Comment 448-27

7. Property Values

1. How will deep quarry mining impact the surrounding communities (Friant, Fresno & Madera) property values?

2. Is Cemex willing to make the property owners of all the surrounding communities (Friant, Fresno and Madera) whole, if their property values drop below a certain percent in a reasonable Real Estate Market, due to the deep quarry mining?

3. We live in an HOA Community, our home prices are all independent of one another, but they are closely related in upkeep and value, our home prices could significantly drop in value, due to this possible deep quarry mining site.

Response 448-27

Please see Collective Response #7 pertaining to the evaluation of economic issues, including property values, under CEQA.

Comment 448-28

8. Noise Pollution

1. We can hear the dumping of gravel into the large gravel trucks from at least 3 of four bedrooms (Master bedroom, our daughter's room, and our son's room) in our home.

    1. How does Cemex plan to mitigate this noise.

2. We can hear the dumping of gravel into the large gravel trucks from our back yard and our front yard.

1. How does Cemex plan to mitigate this noise.

3. What are the Typical Sound Levels Measured in the Environment and for this type of Industry that will be blasting, transportation of the "materials" from one site or area to the next, idling of trucks before "work actually starts"?

Response 448-28

In addition to the response below, see Responses 60-13 and 363-1.

Virtually every physical process generates noise that contributes to the local ambient noise environment. Whether it be a tractor operating in an agricultural field, a distant aircraft overflight, a power boat on a lake or river, or a garbage truck in a residential neighborhood, to name a few. It is recognized that excavation, processing, and hauling activities associated with project operations at the Plant and Quarry locations would generate sound that is audible within the project vicinity. However, as noted in Response 60-13, CEQA requires that a noise level increase be substantial to result in a finding of a significant noise impact, rather than just audible.

Mitigation measures for reducing noise generated by the project to a state of compliance with the Fresno County noise standards and applicable standards of other jurisdictions were developed and include limitations on excavation and processing operations to daytime hours (6 a.m. to 7 p.m.); limitations on asphalt and ready-mix operations to daytime hours, unless construction contracts specifically require the delivery of materials during nighttime hours; use of sound dampeners, barriers, and quieter equipment; replacement of traditional backup warning devices with less-intrusive models; use of acoustic silencers; etc. (See Draft EIR Mitigation Measures 4.13-2 and 4.13-3.)

Typical sound levels measured in the vicinity of the Plant and Quarry sites are detailed in the noise study prepared for the project found within Draft EIR Appendix H-1, "Environmental Noise and Vibration Assessment." As part of that study, 24-hour ambient noise monitoring was conducted at 9 locations for a total period of 65 days. Those results are documented in Draft EIR Appendix H-1 both in terms of table summaries, hour-by-hour tabulated results, and hour-by-hour graphs for each site and each day.

Comment 448-28 does not address the adequacy of these mitigation measures.

Comment 448-29

4. How load will the blasting be at the quarry site?

Response 448-29

Appendix H-3, "Blast Impact Analysis," of the Draft EIR evaluated the air and vibration impacts from blasting. As detailed in the analysis, the U.S. Bureau of Mine's (USBM's) air borne vibration criteria was utilized to assess impacts associated with air vibrations produced by blasting, which are typically referred to as noise levels. The analysis details that air overpressures from blasting rarely exceed 0.01 psi which equates to an instantaneous noise level of 130 dB. The analysis also details blasting procedures to ensure air pressure (i.e., noise levels) occur with no adverse effect on surrounding structures and residents. Detailing that windowpanes are designed to safely withstand changes of 1.0 psi (170 dB) when properly installed, as such the level of air pressures associated with blasting is about one one-hundredth of the overpressure that a window can safely withstand. Further, the project is required to implement Mitigation Measures 4.13-2, 4.13-3, and 4.10-1. With implementation of these measures, all potential noise impacts would be reduced to a less than significant level.

Comment 448-30

5. How is Cemex going to mitigate the Noise Levels at nighttime, since the quarry site will be in operation 17 hours a day and people react to nighttime noise exposures as though they were twice as loud as daytime exposures.

6. How will Cemex mitigate the noise from blasting, heavy equipment and additional gravel trucks that is being used at the quarry site or coming to and from the quarry site?

Response 448-30

See Responses 58C-15 and 112-18.

Comment 448-31

7. Has Cemex conducted a study on how noise pollution might affect and wildlife, either aquatic or on land?

Response 448-31

The project's potential impacts relating to noise are further analyzed in Draft EIR Section 4.13. Section 4.13 analyzes whether the project would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project that would exceed local standards and concludes that this impact would be less than significant (Draft EIR at page 4.13-31). See also Response 11-27 regarding noise impacts to adjacent habitat. Mitigation Measures 4.13-2, 4.13-3, and 4.10-1, are each designed to reduce impacts from noise to less than significant levels.

The Draft EIR assesses potential impacts on wildlife due to the proposed activities at the project sites, where mining activities have occurred habitually for decades and where no substantial impacts to wildlife are anticipated. The commenter has not provided substantial evidence that additional studies on noise/acoustic impacts are needed to reduce potential impacts to a less than significant level. See also Collective Responses #15 and #16 addressing potential impacts to birds generally and to salmon spawning, respectively.

Comment 448-32

8. Some people are sensitive to Vibration Noise, how will Cemex address this issue for any of the people in the surrounding communities (Friant, Fresno and Madera)?

Response 448-32

See Response 363-1.

Comment 448-33

9. Recreation

1. What types of environmental impacts could this deep quarry mining have on Recreation along the San Joaquin River, Lost Lake, Millerton Lake, and let us not forget the front and back yards of all the surrounding communities (Friant, Fresno and Madera)?

2. Has anyone from Cemex talked to anyone with the San Joaquin River Parkway about Cemex wanting to blast a 600-foot-deep hole next to the river and two lakes?

Response 448-33

Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas. The project sites are located downstream of Friant Dam which forms the Millerton Lake reservoir. Millerton Lake is located over 3 miles northeast of the project sites and no potential for adverse effects on Millerton Lake surface water or shoreline recreation has been identified. The Draft EIR was made available for review and comment by agencies, organizations, and individuals. A complete list of organizations that commented on the Draft EIR is included in the Introduction of Final EIR Chapter 4, "Responses to Comments," and includes the San Joaquin River Parkway & Conservation Trust, Inc.

Comment 448-34

3. Could possible blasting at the quarry site cause any or significant damage to Friant Dam?

4. Will Cemex pay for a third-party inspection of Friant Dam, due to possible blasting?

5. How often will Friant Dam need to be inspected, due to possible blasting?

6. Will the surrounding communities (Friant, Fresno and Madera) be notified of the third-party inspection of Friant Dam?

7. How will the surrounding communities (Friant, Fresno and Madera) be notified of the third-party inspections and how often?

8. What would be considered safe or unsafe damage to Friant Dam, due to possible blasting?

9. What possible impacts could ground-water flow paths have on the San Joaquin River?

10. Could the blasting at the quarry site cause Headward erosion in the San Joaquin River

Response 448-34

See Response 210-8. Responses to the questions posed in this comment are presented by the number indicated preceding the question posed.

3. The distance to Friant Dam from the project sites is considered beyond the engineering influence of the proposed blasting. The Draft EIR is not required to analyze impacts which are speculative in nature or unlikely to occur. See Title 14 CCR Section 15064(d)(3).
4. Third party inspections would not be needed as the proposed project would not adversely impact or cause damage to Friant Dam. CEQA only requires mitigation for significant environmental impacts (PRC Section 21002.1(a)).
5. The proposed project would not impact the structural integrity of Friant Dam. As such, the proposed project does not need to require third-party inspection of the Friant Dam as a result of blasting activities. Friant Dam is owned and operated by the Bureau of Reclamation, a federal agency that implements its own dam safety

procedures, which include periodic facility reviews and comprehensive reviews of federally maintained dams.

6. The County is not required to implement third-party inspections of Friant Dam for this project. As such, notification of surrounding communities of third-party inspections is also not required.
7. No third-party inspections of Friant Dam are necessary. See answer to #6.
8. The Draft EIR provides certain significance thresholds that the project would be required to maintain in order to reduce potential impacts of groundborne vibration due to blasting. For further information, see discussion of Impact 4.13-6 of the Draft EIR on page 4.13-65.) Implementation of Mitigation Measure 4.10-1 would reduce potential groundborne or airborne vibration as a result from blasting to less than significant.
9. The potential effects of the project on flows within the San Joaquin River are discussed in Section 3.2.2 of Appendix G-5, "Hydrology and Water Quality Analysis Report," of the Draft EIR and in Section 4.10.1.9, "Groundwater-Surface Water Interaction at the Quarry Site," within the Draft EIR. As described in Collective Response #25, and Responses 6-12 and 6-14, the California Department of Water Resources criteria for the definition of interconnected surface water are not met at the project site. Nevertheless, the amount of groundwater that would be pumped from the Quarry Site is a very small fraction of the base flows within the San Joaquin River, such that even if there was a connection between groundwater within the deep bedrock units and the river, any effect of flows within the river would be miniscule.
10. Proposed blasting is anticipated to be limited to hard bedrock exposures where conventional earth moving equipment is not effective in removal of aggregate materials for processing. This condition would result in a horizontal buffer consisting of bedrock between the San Joaquin River and the location of blasting.

Comment 448-35

11. If Headward erosion is a possibility for the San Joaquin River, how does Cemex plan to stop this?

Response 448-35

Potential headward erosion of the San Joaquin River is outside the scope of the proposed project. The Draft EIR Hydraulic Analyses (found in Appendix G-1, "Hydraulic Analysis") provides a comprehensive evaluation of the 100-year floodway, floodplain, and flow velocities, and fully complies with CEQA requirements. The analyses concluded that the current activities and proposed project would not encroach within the 100-year

floodplain and, therefore, would not alter the river's flow velocities. Chang Consultants conducted additional hydraulic analyses evaluating the San Joaquin River 200-year flood, a more extreme flooding event, and concluded that the 200-year flood would neither enter the Quarry Site nor the Plant Site (Chang 2026b; see Final EIR Appendix G-8, "200-year Flood Hazard Analysis – Plant Site"). Additionally, there were no signs of significant bank erosion along the project sites. Potential project impacts would be reduced to less than significant with implementation of Mitigation Measures 4.10-1, 4.10-5a, 4.10-5b, 4.10-10a, and 4.10-10b. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10 and the mitigation measures referenced in this response.

Comment 448-36

10. Wildlife Preservation

9. What possible impacts could changes to ground-water flow paths have on the wildlife?

10. Has Cemex conducted a study on how air quality might affect and wildlife, either aquatic or on land?

    1. If the wildlife, aquatic or on land, is affected by the air quality due to the deep mining quarry, what is Cemex's proposal to help the wildlife that has been affected? And how do they plan to prevent health defects to any live beings in the future?

11. Has Cemex conducted a study on how noise pollution might affect and wildlife, either aquatic or on land?

12. He is Cemex already handling stagnation on ground water in the "reclaimed ponds"?

    1. Is stagnated ground water good for wildlife?

Response 448-36

See Responses 448-23 and 448-31. The Draft EIR assesses potential impacts to wildlife due to the proposed activities at the project sites, where mining activities have occurred habitually for decades. The commenter has not provided substantial evidence that a dedicated study on air quality or noise/acoustic impacts is needed to reduce potential impacts to a less than significant level. See also select collective responses addressing incidental impacts, including Collective Response #12 (river and salmon restoration efforts), Collective Response #13 (nesting birds and other wildlife), Collective Response #15 (non-nesting birds and birds outside of nesting season), and Collective Response #16 (salmon restoration).

The issue of stagnated water in project site excavations post-reclamation is discussed in the proposed reclamation plan (see Draft EIR Appendix B-1, "Surface Mining and Reclamation Plan"), which states that the anticipated groundwater exchange is sufficient to prevent stagnation.

The Draft EIR analyzes impacts to groundwater in Section 4.10.4,"Project Impacts and Mitigation Measures," of the Draft EIR. As discussed, there are no known sources of contamination for the groundwater at the project sites (Draft EIR at page 4.10-94). Further, water pumped from the Plant Site for dewatering purposes would primarily be pumped to the recharge trenches along the western and southern perimeters of the site to mitigate the effects of this dewatering on the groundwater table (Draft EIR at page 4.10-102). Thus, there are not expected to be impacts to wildlife resulting from a change in the water table. Further, the project sites are already disturbed by ongoing mining activities, and would not have a significant increase in activity.

Comment 448-37

11. Transportation/Heavy Equipment

1. Has Cemex conducted a study on how air quality might be affected, due to additional transportation and the added heavy equipment used to source the materials.

Response 448-37

Yes, an Air Quality, Health Risk, and Climate Change Impact Assessment was prepared for the proposed project impacts. This Assessment concluded that particulate matter impacts were determined to be less than significant after mitigation. Further, Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," demonstrates that after mitigation the project would result in less PM_{10} and $PM_{2.5}$ emissions than are currently emitted. Further, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment* (Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"), including an updated health risk analysis and preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

The GHG emissions are presented in Table 4.8-8, "Maximum Annual Operation Phase GHG Emissions," and further discussed in Appendix D-5, "Revised Section 4.8, Greenhouse Gas Emissions," at Section 4.8.4.

Regarding the concerns of the possibility of increased transportation on Friant Road resulting in higher levels of diesel particulate exposure, additional modeling was

undertaken and shows that the potential increase in trucks on any road would not expose receptors to significant levels of health risk (see Appendix D-3, Section 3.5.3).

Draft EIR Section 4.3.2.3, "Local," describes each local rule that applies to project sources including Rule 2201 (New and Modified Stationary Source Review) and Rule 4309 (Dryers, Dehydrators, and Ovens). New source review would result in the application of best available control technology (BACT) which is determined by the air district at the time of the permit application. Because the best is constantly subject to change, the process of determining BACT involves review of various sources (commonly called clearinghouses) of new permits approved by air agencies. To the extent that a permit has required a certain control technology and it is achieved in practice, the permit issued by the air district would also include that control technology provided that it is cost-effective in this case.

Comment 448-38

2. How will Cemex mitigate additional gravel truck noises and heavy equipment noises that they will make at the quarry site or bring to and from the quarry site?

Response 448-38

See Response 291-5.

Comment 448-39

3. There will be extra wear and tear on at least a 2 mile stretch of Friant Road from all the additional hauls from the large gravel trucks and private vehicles that will enter this possible quarry site. Will Cemex be responsible for the extra upkeep of Friant Road?

Response 448-39

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to vehicle safety precautions, roadway safety, and road maintenance.

Comment 448-40

4. Since January 2020 there has already been at least 3-4 crashes or gravel spills (gravel and large river rocks) all over Friant Road, due to the large gravel trucks traveling from one site to the next. What is Cemex doing to make sure their drivers are taking every driving safety precaution they can to prevent future crashes or spills?

Response 448-40

Please see Collective Response #30 pertaining to vehicle safety precautions, roadway safety, and road maintenance. Moreover, as discussed in the Draft EIR at Impact 4.17-3, all employees, trucks, and other motor vehicles associated with the proposed project are subject to the California Vehicle Code and local regulations intended to provide an appropriate degree of safety for motorists, bicyclists, and pedestrians.

Comment 448-41

12. Safety Issues and Miscellaneous (Fly Rock Travel, Flooding, Earthquakes)

1. There are a number of homes within a mile or two of the quarry site, since they are planning on blasting, what kinds of proper planning and protection is Cemex willing to put in place so NO property damage or human casualties occur to these surrounding areas, due to Flyrock?

Response 448-41

Blasting protocols are presented in Final EIR Appendix H-9, "Revised Blasting Protocols," in a blasting protocol document that summarizes the monitoring, control and reporting requirements for ground vibrations and air overpressures emitted from blasting at the project sites. In addition, the blasting protocol document provides "Best Practices" for the control and mitigation of flyrock from rock blasting and the mitigation of groundwater and surface water contamination from the use of explosive products. The Blasting Protocols are referenced and summarized in the Draft EIR (e.g., see Impact 4.9-4 on pages 4.9-19 through 4.9-21; see Impact 4.10-1 on pages 4.10-88 through 4.10-92).

Comment 448-42

2. Our neighborhood already has erosion issues for a few homes, if there is blasting at the quarry site, what types of impacts could the blasting have on these erosion issues? If it is found that the blasting caused additional erosion issues, how will Cemex remedy these issues.

Response 448-42

The commenter provides no evidence or explanation of how project-related blasting might contribute to existing erosion issues in the commenter's neighborhood. The Draft EIR analyzes the project's potential impacts on erosion both on-site and off-site and concludes that this impact would be less than significant. See discussion of Impact 4.7-4 on page 4.7-29 of the Draft EIR. For additional information please see Collective Response

#4b pertaining to liability and please see Collective Response #6 pertaining to operational nuisance.

Comment 448-43

3. If there is damage done to Friant Dam, due to the blasting, how fast is Cemex going to take to fix it? Will the surrounding communities (Friant, Fresno and Madera) be notified of any damages to the Friant Dame, due to the blasting? How fast will we be notified? How will we be notified?

4. Will Cemex conduct seismic testing or monitoring, due to possible blasting and being in such close proximity of Friant Dam? How often will Cemex conduct monitoring of the Friant Dam for any damages that might have been caused due to possible blasting?

Response 448-43

Responses to the questions posed in Comment 448-43 are presented by the number indicated preceding the question posed.

3. The proposed project would not impact the Friant Dam due to the distance between the Quarry Site and the location of the dam. See Response 300-4. The Draft EIR is not required to analyze impacts which are speculative in nature or unlikely to occur. See Title 14 CCR Section 15064(d)(3). Further, as discussed in Response 448-34, the Bureau of Reclamation owns Friant Dam and implements its own dam safety procedures, which include comprehensive facility reviews and reviews of federally maintained dams.
4. Mitigation Measure 4.10-1 would require monitoring of ground vibrations to ensure that the project is within the established significance thresholds of noise and vibrations (Draft EIR page 4.13-66). Due to the extremely low likelihood of the project impacting Friant Dam, no additional monitoring of Friant Dam is required.

Comment 448-44

5. Could there be any possible chance of flooding, due to possible blasting at the quarry site?

    1. If a flood is found to be caused by Cemex and their blasting, how do they plan to compensate those flood victims?

Response 448-44

The Friant Dam is over 15,000 feet (about 3 miles) from the closest blasting at the Rockfield quarry. Based upon the blast designs that need to be used to meet vibration limits at nearby structures, wells, and the San Joaquin river embankment the projected ground vibration at the dam would be 0.01 in/sec or less. This level of ground vibration would not damage or compromise the dam (see Draft EIR at page 4.13-39).

Comment 448-45

6. Will there be an impact to the Surface Air Temperature, due to the deep quarry mining?

Response 448-45

No evidence is available to the County that indicates any potential measurable effects, nor any significant impacts related to changes in ambient surface air temperature associated with the project's proposed mining.

Comment 448-46

My family and I are not against CEMEX or the work they do, we are against where they are doing and how they want to continue doing it. All work should be stopped at the Quarry Site along Friant Road until a current EIR is produced and provided to all residents and community members that can and will be affected by the mining being proposed at the site.

Could it be that the destruction and devastation done to the environment would not allow for a good report within the EIR, which in turn could completely halt all work at the Quarry Site.

I respectfully request that you strongly consider my/our concerns before any contract extension/expansion is approved especially since there happens to be a pending EIR. Please understand, my husband and I are not against big business, nor do we want to stand in the way of progress, if progress is in the best interest of all people not just a select few. We are expecting that all state and local offices do the proper due diligence before anything is approved.

Thank you for your time and crucial consideration into the health and wellbeing of human lives, our wildlife, and our environment.

Response 448-46

See Response 448-12 above regarding previous permit extensions and the existing EIR. The Draft EIR sufficiently analyzes the proposed project's potential impacts to the environment. The commenter's concerns and requests regarding the project are noted and will be considered by County decision-makers.

Letter #449 March 9, 2025, Eddie and Claudia West

Comment 449-1

We appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR)

for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have concerns that I urge you to address prior to moving forward with approval.

According to this March 6, 2025 article by Fresnoland - San Joaquin River Officials refuse to debate CEMEX's billion-dollar blast mine mystery - Fresno has a gravel surplus:

"According to the California Geological Survey, the Fresno metro area currently has nearly 200% more gravel than is needed for the next 50 years coming from local mines. The Kings River has roughly 2 billion tons of easily available surface gravel – enough for 500 years at Fresno's current 4 million-ton annual rate."

This alone begs the question of why this project is seen as necessary.

Response 449-1

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 449-2

Additionally, as homeowners in the Copper River area we are seriously concerned about noise, air pollution and other environmental impacts that could very well reduce the quality of life in our neighborhood, and also depress or reduce our home's value.

We hope you will use your authority to help in all ways possible to halt this project.

Thank you for your time and consideration.

Response 449-2

The issues of noise and air pollution are addressed in Draft EIR Section 4.13, "Noise," and Section 4.3, "Air Quality," as updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," and Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See Collective Response #9 for further discussion of the project's potential impacts to air quality. CEQA requires an EIR to evaluate a project's effects on the physical environment. Thus, the topics of quality of life and economic effects are not addressed in the Draft EIR. See also Collective Response #7 regarding the evaluation of economic effects under CEQA.

Letter #450 March 10, 2025, Cathy Aguilera

Comment 450-1

It is my understanding that the proposal to blast a 600-foot deep pit to mine aggregate in the Fresno region is simply not necessary since we have nearly double the projected demand for the next 50 years. Those reserves are owned by a competitor of CEMEX.

Response 450-1

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 450-2

To destroy the area so close to the San Joaquin River by such an archaic method is an example of taking an action with extreme disregard for the ecology of the river and surrounding area, the air quality, noise and traffic congestion ALL IN THE NAME OF MONEY for Cemex and who knows who else.

Response 450-2

The project's potential impacts related to air quality, noise, and traffic congestion are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.13, "Noise," and Section 4.17, "Transportation." The potential impacts to the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 450-3

Look who we are dealing with. CEMEX is totally unreliable. The company shows disregard for the environment having been fined for 81 environmental violations since 2000.

Response 450-3

See Collective Response #4a regarding CEMEX's regulatory history.

Comment 450-4

Potential problems: the wall of earth separating the river and the open pit could collapse, traffic delays, fish and wildlife, people living in the area with dynamite blasts.

Response 450-4

See Collective Response #17 regarding riverbank stability and the potential for breach and flooding. The issue of potential traffic delays is addressed in Draft EIR Section 4.17. See also Collective Response #29 regarding the project's truck trips. The project's potential effects on certain fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." Public hazards associated with the project are discussed in Draft EIR Section 4.9, "Hazards and Hazardous Materials." See Impact 4.9-4 beginning on page 4.9-19 regarding the potential risk of flyrock. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 450-5

It is unbelievable that CEMEX would not even be held accountable financially even though money would not be able to undo the consequences of a 600-foot deep open pit mine.

Response 450-5

See Collective Response #4b regarding liability and funding of corrective actions should the project result in unforeseen damage.

Comment 450-6

I lived in a city with an open-pit copper mine that was a example of the devastation that CEMEX's proposal would have. Mr. Randall, please pay attention to the devastating repercussions as well as the lack of accountability financially and morally this proposal has. Thank you for your close and honest attention to this matter.

Response 450-6

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #451 March 10, 2025, Susan Allred Simpson

Comment 451-1

I am writing to express my concern and displeasure regarding DEIR No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project not only threatens the San Joaquin River, it also threatens our local and San Joaquin Valley environments in ways that will be immediate and long-term.

Response 451-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 451-2 through 451-6 for further discussion of specific issues raised in this comment letter.

Comment 451-2

It is unconscionable to think that any company would be granted a 100-year permit to destroy an ecological preserve as well as an aesthetic environment.

Response 451-2

See Collective Response #20 addressing any suggestion that the proposed project would affect an ecological preserve. The project's potential impacts to the aesthetic environment are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #5 regarding the duration of the use permit for the proposed project.

Comment 451-3

I reviewed a significant portion of DEIR No. 7763, and in its more than one thousand pages I found it woefully lacking in important details. There are a number of issues around traffic, lighting, noise, wildlife preservation, water quality, safety, cultural resources, recreational resources, and esthetics that will be "monitored". Really? Totally unacceptable!

Response 451-3

Although several mitigation measures in the Draft EIR include monitoring as a specific element of mitigation, none of the mitigation measures in the Draft EIR are solely limited to monitoring. For instance, as discussed and presented in Draft EIR Section 4.10, "Hydrology and Water Quality," mitigation measures are identified in the Draft EIR that require groundwater quality protection measures and groundwater monitoring and adaptive management (see Mitigation Measure 4.10-1 on Draft EIR page 4.10-92,

Mitigation Measures 4.10-5a and 4.10-5b on Draft EIR pages 4.10-96 through 4.10-98, and Mitigation Measures 4.10-10a and 4.10-10b on Draft EIR pages 4.10-108 through 4.10-111, each of which include monitoring and adaptive management in response to conditions observed through monitoring). See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10. The comment does not identify any specific mitigation measures in the Draft EIR for which monitoring is a sole component, nor does it specify a particular mitigation measure that is insufficient.

Comment 451-4

CEMEX is a multi-national company that trades on the NYSE. Their net income for 2024 for the US alone was just shy of a trillion dollars. At minimum, CEMEX should be required to mitigate and pay for any and all damage or modification to the site, surroundings, roadways, and intersections if, by some terrible joke played on the Valley's residents, this project is approved. **A generously funded maintenance and restoration plan must be required for the project.**

Response 451-4

Please see Collective Response #4b pertaining to liability and funding for potential damages. The Operator is responsible to reclaim the project sites in accordance with the approved reclamation plan. Both Fresno County and the California Surface Mining and Reclamation Act (SMARA) require that surface mining operators maintain a financial assurance mechanism payable to the SMARA lead agency (here, Fresno County) and to the State of California sufficient to accomplish reclamation as prescribed by the surface mining operation's approved reclamation plan, including conditions of approval and mitigation measures associated with reclamation. The Operator is required to annually prepare and submit for County review and approval a financial assurance cost estimate and evidence of a financial assurance mechanism in an amount at least equal to the cost estimate. Therefore, sufficient funding to ensure reclamation in accordance with the approved reclamation plan would be available in the event of the Operator's failure to reclaim the site in accordance with the approved reclamation plan.

Comment 451-5

I will leave the technical disqualifications of this project to those more qualified to document and comment on why this is a bad idea. However, I reviewed the Aggregate Sustainability in California Geological Survey Report of 2018. Fresno and the surrounding area currently have 182% in reserve of aggregate compared to the next 50-years' demand. That alone should be a disqualifier; **a need for the project is not documented.**

Response 451-5

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 451-6

I found it disturbing, but unfortunately not surprising, that four of the five current members of the Fresno County Board of Supervisors accepted campaign funds from CEMEX (Bredefeld claims to have returned his donation as a potential conflict of interest, unconfirmed).

Supervisors Masig, Mendes, and Pacheco must disqualify themselves from voting on this permit request.

Response 451-6

The comment does not relate to the adequacy of the Draft EIR. The comment is noted for the consideration of the decision-makers.

Comment 451-7

What is the benefit to the San Joaquin River, the San Joaquin Valley, Fresno and Madera for this project? Why would we permit a company to destroy a rich ecological preserve, taint our environment, and create an ugly eyesore? Why would we perpetuate the impression that Fresno is the stepchild to the State of California? **We must do better for future generations.**

Response 451-7

This comment summarizes the previous comments in Letter #451. See Responses 451-2 through 451-6. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #452 March 10, 2025, Mary Barajas

Comment 452-1

My name is Mary Barajas. I'm a resident of Fresno county and I am writing to express my opposition to the cemex expansion project. I strongly believe that it would be detrimental to the environment and to the San Joaquin River and I asked that you consider my written statement to not proceed with this project. We must prioritize thoughtful planning when it comes to our natural resources and delicate ecosystem. Thank you for your time and consideration.

Response 452-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #453 March 10, 2025, Susan Bartel

Comment 453-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 453-1

The commenter's concerns regarding project effects and the Draft EIR and mitigation measures are noted. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR and no further response is warranted here. Please see Responses 453-2 through 453-11 below for further discussion of the concerns raised in this comment letter.

Comment 453-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 453-2

See Response 349-2.

Comment 453-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?

- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 453-3

See Collective Response #17. See also Response 329-3.

Comment 453-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the

document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 453-4

See Response 403-4, which explains that the Draft EIR groundwater data was collected during low and high flow periods.

Comment 453-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 453-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 453-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these

noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts. The San Joaquin River should be a resource for the enjoyment of the Fresno community, not for multinational corporations to exploit and destroy.

Response 453-6

Please see Collective Response #27 pertaining to the project's potential effects on adjacent parklands and recreational use areas. See also Collective Response #19 regarding the Draft EIR's information pertaining to surrounding recreational areas.

Comment 453-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 453-7

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation.

Comment 453-8

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on *how* mitigation takes place is just one example of the inadequacy of the DEIR.

Response 453-8

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 453-9

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-

project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 453-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 453-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 453-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection. (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (Draft EIR, pages 4.4-49 through 4.4-50).

The Western red bat was not observed on site during the habitat assessment; however, moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). As discussed in Chapter 3, "Draft EIR Errata," the Final EIR provides additional analysis of potential impacts to bats and adds Mitigation Measure 4.4-1d to require pre-construction surveys and measures to avoid or minimize impacts to active bat roosts. With implementation of Mitigation Measure 4.4-1d, potential impacts to bats, including the Western red bat, would be less than significant.

In any event, blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR, as revised in this Final EIR, therefore adequately evaluates potential impacts to the species discussed above.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Section 4.4, "Biological Resources," of the Draft EIR does not need rewriting or recirculation.

Comment 453-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Response 453-11

The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the project's potential environmental impacts and provides mitigation measures where necessary to reduce potential impacts, in accordance with CEQA. As such, recirculation is not required. See also Chapter 3, "Draft EIR Errata," of this Final EIR for further discussion of recirculation.

Letter #454 March 10, 2025, Joanne Bazarian

Comment 454-1

After attending the community meeting at the River Parkway Trust on March 6th and hearing all the issues related to the DEIR and to

Cemex's track record and especially their extensive list of violations,

I am now even more passionate about this project NEVER getting approved.

Response 454-1

See Collective Response #4a regarding CEMEX's regulatory history. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 454-2

They don't have a mitigation plan in place,

Response 454-2

Mitigation measures are provided throughout the EIR, where identified as necessary to address a potentially significant impact. See Chapter 3, "Draft EIR Errata," of this Final EIR, to view any proposed revisions to the mitigation measures presented in the Draft EIR.

Comment 454-3

the county has 181% of the amount of cement needed for construction and NO one needs to dig a 600 foot hole. Please make sure this project stops here and never gets close our the beloved river.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 454-3

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #455 March 10, 2025, Caroline Bergren

Comment 455-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all. I live in Madera County and recreate at the San Joaquin River frequently.

While I would like to raise my family in this area, we already face so many air and water quality concerns in Madera and Fresno counties and I can't believe we are considering this project that will contaminate our surroundings. I strongly disagree with this mining project which will worsen the quality of life of ourselves and our children. Please don't be shortsighted in this decision.

Response 455-1

The commenter's opposition to the project and concerns regarding the Draft EIR, potential effects of the project, and the efficacy of mitigation are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures and no further response is warranted here. Please see Responses 455-2 through 455-8 for further discussion of the commenter's concerns.

Comment 455-2

CEMEX is currently encroaching on an Environmental Reserve.

Response 455-2

Please see Collective Response #20 for discussion of the project boundaries.

Comment 455-3

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat.

Response 455-3

See Responses 58-36 and 58-38 regarding the Draft EIR's analysis of impacts to Swainson's hawk. See Response 58-37 and 58-40 regarding the Draft EIR's analysis of impacts to tricolored blackbird. See Response 58-36, 58-38, 58-40, 58-50, 65-6, 65-10 regarding the Draft EIR's analysis of impacts to burrowing owls. See Response 58-37 regarding the Draft EIR's analysis of impacts to the Western red bat.

Comment 455-4

Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Response 455-4

See Collective Response #13. The project's operational effects on wildlife are evaluated in Draft EIR Section 4.4, "Biological Resources." See Impact 4.4-1 beginning on Draft EIR page 4.4-48 related to wildlife on the project sites and Impact 4.4-2 beginning on page 4.4-52 related to wildlife within riparian habitat surrounding the project sites. After reviewing the public comments and potential effects of the project, the Draft EIR was revised to reflect a more stringent survey requirement for nesting birds and other wildlife in the vicinity of the project sites. Surveys for nesting raptors, specifically Swainson's hawk and bald eagle or other large raptors required by Mitigation Measure 4.4-1c, were expanded to a buffer of 0.25 miles prior to a blasting event. Mitigation Measure 4.4-1c was further revised to increase the number of surveys to be conducted before any blasting events from one to three. Expansion of the survey buffer area, and increased rigor of surveying or monitoring would help ensure that effects are minimized to the extent possible given site-specific criteria. See Chapter 3, "Draft EIR Errata," of this Final EIR, to view these proposed revisions to the Draft EIR.

Comment 455-5

Additionally, this project will permanently alter the little scenic landscape we have around Fresno, and their proposed restoration efforts at the end of the project will be too little, too late.

Response 455-5

The commenter's observations are noted and will be considered by County decision-makers. The visual impacts of the project are discussed in Draft EIR Section 4.1, "Aesthetics and Visual Resources."

Comment 455-6

I am extremely concerned about the air and water quality issues this project will have. The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

Response 455-6

Please see Section 4.3, "Air Quality," for discussion of the proposed project's potential impacts to air quality. With the implementation of mitigation measures, the project would have a less than significant impact upon air quality. See Section 4.10, "Hydrology and Water Quality," of the Draft EIR, "Hydrology and Water Quality," for discussion of the project's potential impacts to water quality and hydrologic resources. Please see Response

349-2 for further discussion about the proposed project's impacts to San Joaquin River flows and water quality. See Appendix D-4, "Revised Section 4.3, Air Quality," and Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment," for the updated air quality technical study.

Comment 455-7

The DEIR says that project emissions may exceed cancer risk thresholds. DEIR pg. 4.3-63. The DEIR says that because mitigation measures would reduce emissions, the DEIR did not evaluate population-wide cancer burden. DEIR at pg. 4.3-64. CEQA requires that the analysis be performed before taking into account implementation of mitigation measures.

Response 455-7

Please refer to Collective Response #11 regarding evaluation of cancer burden. After mitigation, the cancer risk at the maximum exposed individual sensitive receptor (MEIR) decreases from the CEQA baseline condition (i.e., cancer risk is a negative value). Thus, the cancer burden, a measure summing effects from each census block, would also decrease from the baseline condition. Therefore, cancer burden was not calculated in the Draft EIR. Nevertheless, to address commenters' concerns pertaining to potential air quality impacts, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment,* (see Appendix D-3). The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 455-8

I understand this project has proposed jobs, but at what cost? As I understand, there are various other local sites that are not on critical habitat and recreational space that can provide more than enough gravel for future needs in the Fresno area. It seems incredibly short sighted and sad that you would even consider using explosives to create a huge mining site right along our San Joaquin River. Please listen to local residents that this project needs to be reconsidered.

Response 455-8

The commenter's concerns, opinions, and requests are noted and will be considered by County decision-makers. With regard to alternative sites, the comment does not provide any alternative sites. Please see Draft EIR Section 6.4.2.1, "Alternative Site Locations," for discussion of the County's rejection of an alternative site as a feasible project alternative.

Please also see Collective Response #3 pertaining to regional aggregate demand and supply.

Letter #456 March 10, 2025, Kathy Bian

Comment 456-1

It is pertinent that this project for the expanse of mining around the San Joaquin River is not approved. This would destroy countless of the very few ecosystems that have withstood human impact on the land. The water quality would be severely threatened, impacting the health and hygiene of all inhabitants around the area. The outcome of this expansion would be, from a regulatory standpoint, another EPA SuperFund site. The San Joaquin River area is currently managing to thrive, providing community and livelihood for various flora, fauna, and all people who visit the area. I truly hope you take the time to listen to this public comment, and reject CEMEX expansion in this area.

Response 456-1

The project's potential impacts to ecosystems and water quality are addressed in Draft EIR Section 4.4, "Biological Resources," and Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #457 March 10, 2025, Tom Biglione

Comment 457-1

I am a property owner or parcel #300-320-12s on Biglione Drive one mile east of the proposed quarry hole.

One of the worst things that can happen to a living river is a breakthrough into an active or abandoned quarry hole.

This project's plans call for a 600-ft deep hole that will exist long after the 100-year projected active phase of the quarry.

Why, in this day of enlightened awareness of the importance of preserving what little we have left of our magnificent state's river flows and corridors would we want to risk any further environmental harm?

Response 457-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #17 regarding river bank stability and the potential for breach at the Quarry Site. The commenter's opposition to the project is noted for the consideration of the decision-makers.

Letter #458 March 10, 2025, Janine Blake-Quisenberry

Comment 458-1

The River Parkway has been working very hard to restore the San Joaquin River bottom so that it can be enjoyed by people of all ages. I enjoy walking down by the river on a weekly basis. It is very peaceful and provides much needed relief from everyday stress.

The CEMEX Project would not only increase pollution to our air, that already already makes it unhealthy for all of us, but especially for those that are asthmatic or have sensitivities.

Response 458-1

The issue of air quality is addressed in Draft EIR Section 4.3, "Air Quality," as updated in this Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). See Impact 4.3-3, as updated in the Final EIR, for a discussion of the potential effect of the project's air emissions on public health, as well as the health risk assessment prepared for the project and provided as Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment." Final EIR Appendix D-4, "Revised Section 4.3 Air Quality," presents the proposed revisions to Draft EIR Section 4.3. See also Collective Response #18 regarding the project's consistency with the San Joaquin River Parkway Master Plan.

Comment 458-2

Fresno County needs to increase our green space and opportunities to spend time outdoors. Fresno County has very few parks and places for families and people of all ages to enjoy the outdoors. Spending time in outdoor spaces like the Parkway is critically important for physical and mental health.

Digging more ugly pits, noisey trucks, increase in air pollution, and a decrease of limited greenspace all for CEMEX profits. CEMEX can find another place for their building materials.

Response 458-2

The project's potential impacts related to air quality, noise, and aesthetic environment are evaluated in Draft EIR Section 4.3, as updated in this Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.13, "Noise," and Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #459 March 10, 2025, Tom Boroujeni

Comment 459-1

Cemex's proposed expansion of its mining operations near the San Joaquin River raises significant concerns about environmental degradation, legal liabilities, and economic burdens on the surrounding communities. As an industrial operation with a well-documented history of regulatory violations, Cemex's intensified mining activities will have far-reaching consequences that extend beyond Fresno County. The expansion poses threats to surface and groundwater resources, transportation infrastructure, and local economies, all while being unnecessary given the existing surplus of gravel in the region. This document examines the key risks associated with Cemex's expansion and why its approval would be a costly mistake for both the environment and the public.

Response 459-1

The commenter's concerns and opinions are noted and will be considered by County decision-makers. Please see Collective Response #4a pertaining to CEMEX regulatory history, and please see Collective Response #3 pertaining to regional aggregate demand and supply. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR and no further response is warranted here. Please see Responses 459-2 through 459-10 below for responses to specific comments.

Comment 459-2

Surface and Groundwater Impacts

Cemex's operations will inevitably introduce pollutants into the San Joaquin River, a shared natural resource that flows through multiple counties before reaching the Sacramento-San Joaquin Delta and ultimately the San Francisco Bay. Given the river's extensive reach— beginning in the Sierra Nevada, feeding into Millerton Lake, and then flowing through Fresno, Madera, Merced, Stanislaus, and San Joaquin Counties—any contamination originating from Cemex's site in Fresno County will not remain localized. Instead,

pollutants will travel downstream, affecting water quality, ecosystems, and public health across a vast region.

Industrial mining operations like Cemex's generate multiple sources of water pollution, including:

1. Sediment runoff from excavation and blasting, which can cloud water, block sunlight, and harm aquatic life.

2. Heavy metals and chemicals from industrial machinery, which can seep into groundwater and surface water supplies.

3. Fuel, oil, and other industrial byproducts that contaminate the river through surface runoff during storms or equipment failures.

Because the San Joaquin River serves as a critical water source for agriculture, drinking water, and wildlife habitats, these pollutants pose a serious risk not just to Fresno and Madera Counties, but also to every downstream community. Farmers in Merced, Stanislaus, and San Joaquin Counties rely on river water for irrigation, and contamination could lead to crop damage, soil degradation, and financial losses. Additionally, the Sacramento-San Joaquin Delta, which provides drinking water to millions of Californians, would be directly affected by upstream pollution.

Response 459-2

As discussed in Section 4.4.16 of the *Modification Project Surface Mining and Reclamation Plan* (Draft EIR Appendix B-1, "Surface Mining and Reclamation Plan"), a range of programs and practices would be employed to prevent pollution of surface water and groundwater from operational practices and polluted sediment. These programs and practices, as detailed in Draft EIR Appendix B-1 and to be incorporated in the Stormwater Pollution Prevention Plan (SWPPP) and the Spill Prevention, Control, and Countermeasure (SPCC) Plan, would prevent degradation of surface water and groundwater quality from the use of chemicals and hazardous materials for equipment operation and maintenance. Accordingly, any potential impacts would be less than significant (see Draft EIR Appendix G-5, "Hydrology and Water Quality Analysis Report").

So, with respect to the potential for increases in concentration levels for constituents associated with mining and aggregates processing, and specifically blasting agents and petroleum products used in the equipment, the project would include spill prevention, controls and countermeasure plans, as well as best management practices, which when implemented would eliminate or reduce water quality impacts to levels that would not

have any adverse effect to the San Joaquin River or groundwater. Further, the project is designed to be a zero-discharge facility with respect to offsite discharges. With continued compliance of the State Industrial General Permit, should there be a discharge to the San Joaquin River or other surface water bodies, there would be no significant impairment since this permit is based on water quality criteria deemed to be protective to aquatic species and habitats. However, to prevent introduction of these constituents into the groundwater, notably increased levels of iron and manganese that could potentially increase through time as processing of the aggregates occurs, or the introduction of nitrate for example, in the event of residual blasting agents, the project would require an adaptive management strategy to mitigate such impacts to levels that are less than significant. See Mitigation Measure 4.10-1 beginning on Draft EIR page 4.10-92 and Mitigation Measures 4.10-5a and 4.10-5b beginning on Draft EIR page 4.10-96. See also Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10, "Hydrology and Water Quality."

Comment 459-3

Beyond the ethical concerns of polluting neighboring counties, Cemex also exposes itself to significant legal liabilities. There is legal precedent for intrastate lawsuits over water pollution and usage, where counties, cities, or state agencies sue upstream polluters for damages.

Several key cases demonstrate this risk:

1. Missouri v. Illinois (1906) – Missouri sued Illinois over sewage pollution in the Mississippi River, showing early precedent for downstream entities taking legal action.

2. City of Chicago v. City of Milwaukee (1972) – Chicago sued Milwaukee for discharging pollutants into Lake Michigan, emphasizing the legal consequences of upstream pollution affecting downstream communities.

3. Los Angeles County Flood Control District v. Natural Resources Defense Council (2013) – Environmental groups successfully sued L.A. County over stormwater pollution, reinforcing the idea that local governments and industries are liable for water contamination.

Even if such lawsuits do not result in a ruling against Cemex, they can drag on for years, leading to excessive legal fees, regulatory scrutiny, and reputational damage. In some cases, companies settle out of court, costing millions in environmental mitigation measures, cleanup efforts, and penalties.

This is a preventable liability. Cemex's decision to intensify mining operations near the San Joaquin River is not just an environmental issue—it is a legal and financial risk that extends far beyond Fresno and Madera Counties. By polluting a critical, shared waterway, the company could face lawsuits from downstream counties, environmental organizations, and even the State of California.

Rather than inviting costly litigation and burdening taxpayers with the consequences of industrial pollution, Cemex should be required to implement stringent pollution controls, invest in sustainable water management practices, and take financial responsibility for potential environmental harm. Failing to do so could result in legal battles, economic damages, and irreparable harm to one of California's most vital waterways.

Response 459-3

The comment incorrectly alleges that the Operator is subjecting themselves to lawsuits over water pollution discharges. As provided in Impact 4.10-1, the existing surface water quality at the Plant and Quarry sites generally meets water quality standards, and the project does not propose to discharge water to the San Joaquin River (Draft EIR, Impact 4.10-1, page 4.10-88).

Additionally, as provided in Response 65-20, the Draft EIR describes the regulatory requirements that the mine is already subject to, such as the site's current waste discharge requirements No. 90-083 (WDR), its Industrial stormwater pollution prevention plan (SWPPP), its hazardous materials business plan (HMBP) and its spill prevention and countermeasure plan (SPCC), among others. (Draft EIR, pages 4.10-66 through 4.10-74; see also Draft EIR Impact 4.10-1, pages 4.10-88 through 4.10-92.) Impact 4.10-1 further discusses these in the context of the proposed project. For example, the Draft EIR at page 4.7-29, and 4.10-89 notes that the SWPPP and WDR would need to be updated to reflect the proposed project, while the Draft EIR at page 4.10-90 notes that the HMBP and SPCC would need to be updated. The Draft EIR at 4.10-90 also notes that the Blasting Protocols (see Appendix H-9, "Revised Blasting Protocols," of the Draft EIR) "specify practices to prevent the contamination of groundwater and surface water as a result of blasting." In addition, the SWPPP provides that both the Plant and Quarry Site are surrounded by berms/levees that separate onsite drainage from offsite drainage (Draft EIR, page 4.10-68). Upon completion of reclamation, all stormwater would flow into the Plant Site or Quarry Site (Draft EIR at 4.7-29).

In addition, see Response 65-37, which provides substantial support that the adaptive approaches in Mitigation Measures 4.7-6, 4.7-7a, 4.7-7b, 4.7-7c, and 4.10-1, which

adequately address the potential of pit failure and its impacts on groundwater quality and flow. Furthermore, see Responses 12-76, B-97, and B-100, which provide the requirements of Mitigation Measure 4.10-5a that are supported by substantial evidence that Mitigation Measure 4.10-5a would be effective and commits to a detailed plan for monitoring groundwater quality by sampling every six months until manganese levels have fallen to within the following threshold for a five-year period, and commits the Operator to complying with regulations relating to groundwater quality thresholds which may change (see Draft EIR at pages ES-34 through ES-35 and pages 4.10-95 through 4.10-96; see also CEQA Guidelines Section 15384(b)).

Finally, the Draft EIR adequately assures financial responsibility for potential environmental impacts, which are provided as Reclamation Plan financial assurances pursuant to California Surface Mining and Reclamation Act (Draft EIR, pages 4.10-76, 4.11-9), Mitigation Measure 4.10-10b's funding mechanism for Mitigation Measure 4.10-10a (Draft EIR, page 4.10-111), and Mitigation Measure 4.10-5b's funding mechanism for Mitigation Measure 4.10-5a (Draft EIR, page 4.10-98).

Comment 459-3 fails to acknowledge or analyze why these water quality requirements, mitigation measures, and financial assurances are deficient.

Comment 459-4

Furthermore, if Cemex is allowed to move forward with its expansion plans, the company's planned increased reliance on groundwater and its impact on local infrastructure have sparked serious concerns. In an article published by Stanford University's *Stanford Report*, researchers found that the San Joaquin Valley has been sinking at an average rate of nearly an inch per year between 2006 and 2022. This phenomenon, known as land subsidence, is largely attributed to excessive groundwater extraction, particularly for industrial and agricultural purposes. Given this context, Cemex's proposal to rely more heavily on groundwater rather than surface water from the river during their expansion raises serious environmental and economic concerns.

One of the primary reasons groundwater depletions is so concerning is that once the land sinks due to excessive water withdrawal, the underground aquifers lose their capacity to store water efficiently. Unlike surface water sources that can be replenished more predictably through seasonal rainfall or managed reservoirs, groundwater recharge is a slow process that takes decades, if not centuries, to restore aquifers to their original levels. When the ground compacts due to over-extraction, the structural integrity of the aquifers is permanently altered, reducing their ability to

hold water in the future. This means that even if groundwater extraction were later reduced, the damage to the system would already be irreversible, leading to long-term water scarcity issues for the region.

Additionally, the uneven nature of land subsidence exacerbates the problem by causing differential settlement, where some areas sink at a faster rate than others. This inconsistency places immense strain on infrastructure, resulting in costly damage to roads, bridges, pipelines, and buildings. According to the same *Stanford Report* article, millions of dollars have already been spent repairing these damages, and continued over-extraction of groundwater would only worsen the situation. Cracked roadways, misaligned bridges, and damaged water conveyance systems create significant safety hazards for communities and disrupt essential services.

Considering these consequences, Cemex's increased reliance on groundwater for expansion is highly problematic. Not only does it accelerate subsidence, but it also places an additional financial burden on local governments, businesses, and residents who must pay for infrastructure repairs. Furthermore, as groundwater becomes more difficult to access due to depletion, future water costs are likely to rise, putting economic strain on industries and agricultural operations that depend on it.

Response 459-4

See Collective Response #28 pertaining to groundwater pumping and land subsidence as well as Response 65-35.

Section 4.7.1.2 of the Draft EIR has a subsection titled "Subsidence" on page 4.7-11 of the Draft EIR. This subsection on subsidence describes the causes and potential effects of subsidence and concludes that "[b]elow the groundwater level, the subsurface soils at the Plant Site and Quarry Site generally consist of dense to very dense alluvial sands and gravels underlain by sedimentary and/or granitic rock, which have low potential for subsidence."

In addition, Section 3.2.6 of the 2025 Update to the North Kings Groundwater Sustainability Plan states that "the compression of clay as a result of groundwater extraction from confined aquifers is the cause of the vast majority of subsidence documented in the San Joaquin Valley. Most of the permanent subsidence in the San Joaquin Valley has historically been correlated to overdraft in the confined aquifer below the Corcoran Clay."

Dewatering at the Plant Site would be temporary and would occur in an unconfined aquifer zone. Specifically, there are no clay layers that overlay the alluvial aggregate deposits to be mined at the Plant Site, such that a confined aquifer is not present within the depths to be dewatered and mined. As noted on page 3-75 of the 2025 Update to the North Kings Groundwater Sustainability Plan, the Corcoran Clay is only present near the western edge of the groundwater subbasin, more than 25 miles from the project area, and there has been only minimal subsidence within the North Kings GSA boundary.

Granitic bedrock formations such as the weathered rock and hard rock at the Quarry Site are not subject to subsidence due to the extraction of groundwater because such formation do not contain compressible clays and the groundwater occurs within individual fracture zones within the massive rock.

Comment 459-5

Lowering groundwater levels in Fresno County will have severe consequences for local residents who rely on wells for their water supply. As aquifers are depleted, water tables drop, forcing homeowners, farmers, and businesses to drill deeper wells in search of reliable water sources. This process is not only expensive but also unsustainable in the long run. The cost of drilling new wells increases significantly with depth, often ranging from tens to hundreds of thousands of dollars per well. Many residents, especially those in rural areas who depend on private wells, may struggle to afford these high costs, leading to water insecurity and financial hardship.

Furthermore, deeper wells require more powerful pumps to extract water, which increases electricity costs for well owners. The deeper the well, the more energy is needed to lift water to the surface, placing an additional economic burden on households and agricultural operations. Small-scale farmers who rely on groundwater for irrigation may be disproportionately affected, as they must either invest in costly infrastructure upgrades or face reduced crop yields due to water shortages. This, in turn, can impact local food production and prices, creating ripple effects throughout the region.

Additionally, drilling deeper wells comes with the risk of tapping into lower-quality water sources. Deeper aquifers often contain higher levels of contaminants such as arsenic, nitrates, and other naturally occurring heavy metals, which pose serious health risks if not properly treated. Water treatment systems to remove these contaminants are expensive and not always feasible for all residents. Those who cannot afford such systems may be exposed to

unsafe drinking water, exacerbating public health concerns in Fresno County.

As groundwater levels continue to decline, well failures will become more common, leaving some residents with no immediate access to water. In past drought years, many homeowners and farmers in the Central Valley reported dry wells, forcing them to rely on costly emergency water deliveries or move to areas with more stable water supplies. If Cemex and other industries increase their reliance on groundwater, the problem will only worsen, accelerating depletion and making it even harder for residents to secure affordable and clean water. Given these challenges, local and state take action to regulate groundwater usage more effectively and encourage sustainable water management practices. Without intervention, Fresno County residents will face mounting financial, environmental, and public health crises in the years to come.

Response 459-5

With respect to groundwater depletion at the Plant Site, the use of the recharge trenches would limit the amount of drawdown of the water table in the unconfined alluvial aquifer to six to eight feet at a distance of 500 feet from the excavation (KDSA 2021). There are no supply wells within 500 feet of the excavation. As discussed in the Draft EIR, the level of drawdown is not an appreciable portion of the available water column in the existing wells in surrounding areas, representing no more than five percent of the total available water column in any of the wells. The project would therefore not result in a substantial depletion of water supplies that could impede the use of groundwater in the basin.

At the Quarry Site, the recharge operations would result in drawdown levels that would be approximately one-half of those which would occur without any recharge operations (KDSA 2021). The Draft EIR acknowledges reductions in the available groundwater column would occur in the Fresno County CSA 44C wells. The estimated decrease in the static water column would range from 30 to 60 feet depending on the recharge operations. Due to the larger distance to the domestic wells along North Friant Road, the effects on the available water column in these wells are relatively small. On a percentage basis, the reduction in the water column would be approximately three percent with recharge. If water production volumes from the CSA 44C wells decline to the point where current water demand cannot be met, this would result in a significant impact. Accordingly, Mitigation Measure 4.10-10a is provided as an Adaptive Management Program for Quarry Site Groundwater (Draft EIR, pages 4.10-108 through 4.10-111). As part of the Adaptive Management Program, potential effects on the CSA 44C wells would be assessed through the monitoring of nested wells between the Northeast Pond and the

CSA44C wells, and the CSA 44C wells themselves. Additionally, if access can reasonably be gained to any of the five private wells in Table 4.10-9, "Estimated Drawdown of Groundwater Levels in Wells Near the Quarry Site," located to the west of the Quarry Site from the private owners, then those wells should also become part of the monitoring program as well. Annual mitigation monitoring reports would be submitted to Fresno County annually.

If the monitoring data indicate that groundwater levels drop such that the available water column decreases by more than 15 percent, a potential impact would have occurred. If the data and assessment confirm a decrease in water levels greater than 15 percent is exclusively attributable to mine dewatering, then CEMEX would implement corrective measures.

The initial corrective measure would be to divert additional water from the excavation into the Northeast Pond or to a recharge trench to enhance groundwater recharge. If all available water is being pumped to the Northeast Pond or recharge trench, and the water level remains 15 percent or more below baseline levels, then mining would not progress to greater depths at the quarry (Draft EIR, pages 4.10-108 through 4.10-111).

Further, the water budget developed for the site and discussed in the EMKO Environmental Inc. Reports consider the rate of groundwater use for the project. CEMEX would continue to use a combination of surface water, recycled water, water from ponded pits, and groundwater from the supply wells. The Draft EIR determined there would be a less than significant impact related to the decrease in groundwater supplies that may impede sustainable groundwater management of the basin (see Draft EIR, Impacts 4.10-11 and 4.10-13, pages 4.10-112 through 4.10-115). The increase in groundwater consumption of 20 acre-feet per year during project operation and post-reclamation increase in net consumption of groundwater and in lieu supplies of 110 acre-feet per year are several orders of magnitude smaller than fluctuations in the water balance of the North Kings Groundwater Sustainability Agency (GSA). See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 459-6

Cemex's plan to depend more heavily on groundwater poses a severe threat to both the environment and the economy of the region. Given the challenges of replenishing aquifers and the substantial costs associated with land subsidence, a more sustainable water management approach is essential. Rather than exacerbating groundwater depletion, Cemex should be required to implement water conservation strategies, explore alternative sources, or invest in infrastructure that mitigates its impact on subsidence. Failing to

do so will only contribute to the ongoing crisis, making long-term recovery increasingly difficult and expensive.

Response 459-6

In addition to the response below, see Response 459-5.

The water budget developed for the site and discussed in the EMKO Environmental Inc. Reports consider the rate of groundwater use for the project. CEMEX would continue to use a combination of surface water, recycled water, water from ponded pits, and groundwater from the supply wells.

The Draft EIR determined there would be a less than significant impact related to the decrease in groundwater supplies that may impede sustainable groundwater management of the basin (see Draft EIR, Impacts 4.10-11 and 4.10-13, pages 4.10-112 through 4.10-115). The increase in groundwater consumption of 20 acre-feet per year during project operation and post-reclamation increase in net consumption of groundwater and in lieu supplies of 110 acre-feet per year are several orders of magnitude smaller than fluctuations in the water balance of the North Kings Groundwater Sustainability Agency (GSA).

Additionally, in regard to subsidence, per the Draft EIR, the subsurface soils at the Plant Site and Quarry Site generally consist of dense to very dense alluvial sands and gravels underlain by sedimentary and/or granitic rock, which have low potential for subsidence (see Draft EIR Section 4.7.1.2, "Soils, Geologic, and Seismic Hazards").

Comment 459-7

Transportation Infrastructure Impacts.

Cemex's expansion also creates a burden on the transportation infrastructure. Cemex has explicitly acknowledged in their Draft Environmental Impact Report (DEIR) that the proposed increase in mining operations will significantly heighten traffic congestion in the area surrounding the quarry. Furthermore, they have conceded that they have no intention of mitigating the effects of their transportation equipment on the local roads. This stance is entirely unacceptable.

Heavy commercial vehicles, particularly the large trucks used for hauling mined materials, impose a disproportionate burden on public infrastructure compared to personal vehicles. These trucks exert far greater stress on roads, leading to accelerated deterioration, increased maintenance costs, and a shortened lifespan for existing transportation infrastructure. Despite this,

Cemex appears unwilling to take financial or logistical responsibility for the damage their fleet will inevitably cause. This means taxpayers and local government funds will ultimately bear the brunt of these expenses—a burden that should, in fairness, fall on Cemex as the direct contributor to the problem.

Beyond infrastructure degradation, Cemex's expanded operations will introduce significant safety risks. Increased truck traffic, especially from heavily loaded semi-trailers, poses substantial hazards in an area already congested with commuters, local businesses, and pedestrians. These vehicles have long stopping distances, making them particularly dangerous in unexpected traffic slowdowns or emergency situations. This risk is especially concerning given that the proposed expansion will take place adjacent to Fresno's largest public park, an area frequented by families, cyclists, and pedestrians. The presence of massive gravel-hauling trucks navigating such a densely traveled corridor raises serious concerns about public safety that Cemex has not adequately addressed.

It is both irresponsible and negligent for Fresno County to allow this project to proceed without mandating that Cemex implement measures to mitigate these negative impacts. At a minimum, Cemex should be required to contribute to road maintenance funds, implement traffic management solutions, and ensure that their operations do not create disproportionate risks for the local community. Ignoring these consequences in favor of corporate convenience would set a dangerous precedent, prioritizing private profit over public well-being. The county must hold Cemex accountable for the real-world effects of their operations and require meaningful action to minimize harm to infrastructure, traffic flow, and public safety.

Response 459-7

The effects of project trips on the transportation infrastructure and traffic congestion were analyzed in the Draft EIR and the significant transportation impacts were disclosed. See Section 4.17, "Transportation," of the Draft EIR. The City of Fresno identifies Friant Road as a truck route, including the part of the road adjacent to Woodward Park, capable of accommodating the types of trucks accessing the project. The project would be required to mitigate its equitable share of the impacts and would contribute funds for transportation improvements. See discussion of Impact 4.17-1 on pages 4.17-27 through 4.17-40 of the Draft EIR. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.17. See also Collective Response #29 pertaining to project traffic, and Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 459-8

Fresno Already has Sufficient Gravel

Cemex's push for a massive new mining expansion along the San Joaquin River is entirely unnecessary given the overwhelming surplus of gravel already available in Fresno County. The company claims that additional mining is crucial to sustain the region's construction industry, but state geological records prove otherwise.

According an article by Gregory Weaver in *Fresnoland*, Fresno County currently has nearly 200% more gravel than it needs for the next 50 years. Additionally, the Kings River alone contains 2 billion tons of surface gravel, a volume that could meet regional demand for the next 500 years without requiring any further mining expansions.

These figures make it abundantly clear: the demand for gravel has already been met many times over. There is no legitimate economic or infrastructural need for additional gravel extraction along the San Joaquin River. If local demand is already secured for centuries, what purpose does Cemex's expansion actually serve? I argue that the only entity that stands to gain from this project is Cemex itself. Unlike projects that meet clear public needs—such as infrastructure development, job creation, or economic stimulus—this expansion would have no meaningful impact on Fresno's construction industry, housing market, or workforce. The availability of gravel is not a limiting factor for development in the region, making this expansion redundant.

Rather than benefiting the public, Cemex's expansion would oversaturate the market with gravel that is not needed, creating a scenario where mining operations continue without purpose. If this project is approved, it won't make construction materials more accessible or improve infrastructure—it will only extend Cemex's corporate control over an already oversupplied resource, ensuring continued profits at the community's expense.

If Fresno were facing a severe shortage of gravel, this project might at least warrant discussion. But given the massive surplus, allowing Cemex to further exploit the region's resources would amount to needless environmental destruction. Expanding mining operations near Lost Lake Park would cause permanent damage to an already fragile ecosystem, harming air and water quality while further polluting one of the most degraded rivers in the country.

The San Joaquin River has already endured decades of environmental abuse due to mining, agriculture, and industrial pollution. Given that Fresno's construction industry does not need additional gravel, there is no rational argument for continuing to sacrifice the river's health for Cemex's bottom line.

Response 459-8

Please see Collective Response #3 pertaining to regional aggregate demand and supply. The Draft EIR impacts to water quality and water resources in Section 4.10. The proposed project would not result in significant impacts to the San Joaquin River.

Comment 459-9

Cemex is a Known Bad Actor

Cemex has a well-documented history of violating regulations, suggesting a persistent pattern of noncompliance that raises serious concerns about its ability or willingness to adhere to regulatory agreements in the future. According to data from violationtracker.goodjobsfirst.org, Cemex has committed 667 violations, accumulating a total of $52,384,115 in penalties. These infractions span multiple areas, including environmental regulations, workplace safety, and employment practices, demonstrating a broad and systemic disregard for legal and ethical standards.

A closer examination of these violations highlights the extent of the issue:

- Environmental Violations: Cemex has been penalized 81 times, paying $43,564,276 in fines for environmental infractions. These violations likely include breaches of air and water quality regulations, hazardous waste management failures, and other environmentally destructive practices. The sheer scale of these penalties suggests that environmental harm is not an occasional oversight but a recurring consequence of Cemex's operations.

- Workplace Safety Violations: The company has been cited 577 times, resulting in $6,356,849 in fines. Such a high number of safety violations indicates a consistent failure to maintain proper workplace conditions, putting employees at risk. This raises further concerns about Cemex's operational priorities—if worker safety is compromised despite repeated penalties, it stands to reason that environmental and regulatory commitments may also be neglected.

- Employment-Related Violations: Cemex has faced 9 employment-related penalties, totaling $2,462,990. These infractions likely involve labor law violations such as wage theft, discrimination, or failure to comply with fair labor standards. While this category has fewer recorded violations, it adds to the overall picture of a corporation that struggles—or refuses—to operate within legal boundaries.

These statistics are not isolated incidents; rather, they indicate a consistent, long-term pattern of noncompliance across multiple regulatory domains. A company with such an extensive record of violations has demonstrated, time and again, that it prioritizes its business interests over regulatory compliance, often opting to pay fines rather than invest in meaningful reforms. This pattern should not be dismissed as a series of unfortunate mistakes but rather recognized as a systemic issue within the company's corporate culture and operational framework.

Given this track record, it is entirely reasonable to be skeptical of Cemex's assurances regarding the expansion of its Rockfield quarry, even if it promises to implement mitigation practices. Regulatory agreements rely on trust—that is, trust that the company will uphold the stipulated conditions and not engage in future violations. However, Cemex's history suggests that even when faced with financial penalties, it continues to disregard regulations rather than alter its practices meaningfully.

If Cemex is granted permission to expand the Rockfield quarry, there is little reason to believe it will adhere strictly to mitigation requirements. Past behavior is often the best predictor of future actions, and Cemex's history suggests that it may either fail to implement the required safeguards or cut corners to maximize profitability, potentially causing environmental degradation and safety hazards.

Response 459-9

See Collective Response #4a pertaining to CEMEX's regulatory history. The majority of the comment is not germane to the Draft EIR, or the analysis or impact determinations found therein. The Draft EIR provides a detailed evaluation of potential project impacts associated with environmental issues related to air quality, water quality, health and safety, etc.

Comment 459-10

Conclusion

Cemex's proposed expansion serves no public purpose, offers no economic benefits to Fresno's residents, and directly contradicts existing geological data. With ample gravel supplies available for centuries to come, the only party that stands to benefit from this expansion is Cemex itself—at the cost of environmental degradation, community interests, and long-term sustainability. If this project moves forward, it will not be because Fresno needs more gravel—it will be because corporate interests have been allowed to dictate land use policy at the public's expense. Instead of permitting unnecessary destruction, local authorities should reject this expansion outright and prioritize environmental conservation and responsible resource management.

Response 459-10

The commenter's concerns, opinions, and recommendation that the project be denied are noted and will be considered by County decision-makers. Please see Responses 459-2 through 459-9 above for responses to specific issues raised in the comment letter. The commenter included a list of references appended to the end of his comment letter, these have been included with the rest of the comment letter in Final EIR Appendix M, "Draft EIR Comment Letters."

Letter #460 March 10, 2025, Karen Bosch Cobb

Comment 460-1

I am writing to express my strong opposition to the proposed CEMEX Rockfield Expansion Project. As a resident of Fresno County for 53 years, I am deeply concerned about the potential environmental and community impacts of this project, particularly its proximity to the San Joaquin River, Fresno, and the Friant community.

Response 460-1

The commenter's opposition to the project is noted and will be considered by County decision-makers. The comment does not address the adequacy of the Draft EIR and no further response is warranted here. Please see Responses 460-2 through 460-10 below for responses to specific comments.

Comment 460-2

Environmental Concerns

The plan to excavate a 600-foot deep pit along the San Joaquin River raises significant environmental issues. This extensive excavation could disrupt local ecosystems, affect water quality, and pose risks to wildlife habitats. When mining rights were first granted in 1913, and the area in question was miles from urban areas, gravel mining was appropriate. Mining rights expired in 2013. During that 100+ years the Friant Dam was built, and the need to preserve the San Joaquin River as an oasis for residents of Fresno and Madera County arose. Lost Lake is a beautiful area for swimming, camping, and birding. There are wonderful birds all along the San Joaquin River. The Ball Ranch Nature Preserve is popular with fishers and birders. The San Joaquin River Parkway Beck Ranch Nature Preserve is situated between the existing gravel mining and the proposed "pit."

Response 460-2

The commenter's discussion of background and quality of the project area is noted. Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas. The commenter incorrectly suggests that "mining rights expired in 2013." For discussion of the existing conditional use permits at the project sites, see Draft EIR Table 2-4, "Summary of Conditional Use Permits," on page 2-27. See also Collective Response #2 for discussion of the permit extensions at the project site. The comment does not address the adequacy of the Draft EIR, and no further response is warranted here.

Comment 460-3

Furthermore, as the crow flies this site is very close to the Austin Quarry owned by Vulcan Materials in Madera County (Hwys 41 and 145). Why do we need yet another hard rock site especially along Friant Road which is already has housing and commerce in Friant, and which in the next 100 years will be fully urbanized as Millerton New Town, Clovis, and Friant grow?

Response 460-3

Please see Collective Response #3 pertaining to regional aggregate demand and supply.

Comment 460-4

Community Impact

The expansion is expected to increase truck traffic on Friant Road, which could lead to congestion, safety hazards, and diminished quality of life for existing and future residents.

Response 460-4

The effects of project trips on the transportation infrastructure and traffic congestion were analyzed in the Draft EIR, and the significant transportation impacts were disclosed. See discussion of Impact 4.17-1 on pages 4.17-27 through 4.17-40 of the Draft EIR. The project would be required to mitigate its equitable share of the impacts and would contribute funds for transportation improvements. See Collective Response #29 pertaining to project traffic, and Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 460-5

Additionally, the project's proximity to the San Joaquin River will affect recreational areas and public access to the river.

Response 460-5

Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 460-6

The EIR sites traffic concerns at the intersection of Willow and Friant Road, but it does not delve enough into additional impacts which include

1. Ramp ways which will have to be built to accommodate trucks arriving and leaving the sites, which incidentally lead to rocks damaging windshields.

Response 460-6

Friant Road is a designated truck route; the geometry of intersections and driveways is designed to accommodate heavy vehicles, including consideration of the design vehicle by way of application of truck turning templates. Please see Collective Response #30 in regard to rocks damaging windshields.

Comment 460-7

2. As a person who drove Friant Road nearly daily for 46 years, I can attest to the changes I saw on Friant Road as it changed from a 2 line road, to a 4 lane road. This is a major

thoroughfare to recreation at Millerton Lake, Table Mountain, and into the Sierra Foothill and Mountains. Friant Road is only going to get busier, and mining will be even less compatible.

Response 460-7

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 460-8

3. There is also no mention of traffic for the residents of Friant, and more critically for gravel/rock trucks driving through Friant, and turning on North Fork Road to connect to Highway 145 (Ironically going right past the Austin Quarry at Highways 145 and 41) and out to Highway 99.

Response 460-8

Section 4.17, *Transportation*, of the Draft EIR analyzes the traffic impacts from the proposed project. Friant Road is designated as an expressway adjacent to the project sites. The Traffic Impact Study indicates that all of the study intersections in the project vicinity are currently operating at acceptable Levels of Service and no deficiencies were identified. Measures to reduce traffic congestion effects are implemented through Mitigation Measures 4.17-1a through 4.17-1r and primarily consist of the payment of equitable share of costs of future roadway improvements in the County.

Comment 460-9

4. Hard Rock mining which includes drilling and blasting beneath an alluvial deposit is likely to impact residents with sound, possible changes in their well levels, and of course the unsightliness of the site for the next **100 years.**

Response 460-9

Draft EIR Section 4.13, "Noise," evaluates potential noise and vibration impacts of the project. Draft EIR Section 4.10, "Hydrology and Water Quality," evaluates potential water quality impacts of the project. Draft EIR Section 4.1, "Aesthetics," evaluates potential visual resources impacts of the project. Please also see Collective Response #24 pertaining to groundwater monitoring, Collective Response #25 pertaining to the proposed project's relationship and potential effects associated with surface water and groundwater interconnectivity, and Collective Response #8 pertaining to the visual resource impact analysis and mitigation. The comment does not address the adequacy of the Draft EIR's

evaluation of these issues nor does the comment provide evidence of impacts not already discussed in the Draft EIR.

Comment 460-10

Regulatory and Procedural Concerns

The Draft Environmental Impact Report (EIR) for this project has been extended for public review until March 10, 2025. I urge the County to thoroughly consider all public comments and ensure that the EIR adequately addresses all potential environmental and community impacts.

Conclusion

Given the significant environmental and community concerns associated with the CEMEX Rockfield Expansion Project, I respectfully request that the County of Fresno deny approval for this project. Protecting our natural resources and ensuring the well- being of local communities for the next 100 years should remain a top priority.

Thank you for considering my concerns.

Response 460-10

The County has thoroughly considered all public comments on the Draft EIR. The commenter's concerns and request for denial of the project are noted and will be considered by County decision-makers.

Letter #461 March 10, 2025, Elizabeth Brewer Lichty

Comment 461-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Let me begin by sharing a personal experience relevant to the area in which CEMEX is planning the expansion project. My daughter attended the outdoor preschool program (Young Explorers Enrichment Program), offered through the San Joaquin River Parkway and Conservation Trust, before her kindergarten year, and it was a very enriching, engaging, and thoughtfully formed environment with local nature woven throughout the daily experiences. She had many

wonderful experiences with the river and surrounding areas, and visited Lost Lake at least twice each season, right near where the CEMEX site is planned. Among quality developmentally appropriate early childhood activities and interactions, the children were also exposed to stewardship, responsibility and respect for nature and its inhabitants.

I cannot imagine what the quality of her experiences would have deteriorated to if she were constantly surrounded by the potential noise/air/river pollution from the deep mining for which CEMEX has plans.

The DEIR is lacking research and detailed data on water quality of the San Joaquin River, the impacts of the river parkway and recreation, the effects of potential visual, auditory, air quality and traffic pollution from the project, and the threat to wildlife in the area— we need to do whatever we can to protect these creatures and the land we all share.

Response 461-1

The commenter's concerns regarding the Draft EIR and mitigation are noted. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures and no further response is warranted here. Please see below Responses 461-2, 461-3, and 461-4 for discussion of the project's impacts to water quality and the San Joaquin River. See below Responses 461-5 and 461-6 regarding the project's potential impacts to the San Joaquin River Parkway and recreation. See below Responses 461-7, 461-8, and 461-9 regarding the project's potential visual, noise, air quality, and traffic impacts. See below Response 461-10 regarding the project's potential impacts to wildlife.

Comment 461-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 461-2

See Response 349-2.

Comment 461-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 461-3

See Collective Response #17. See also Response 329-3.

Comment 461-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 461-4

See Response 403-4, which explains that the Draft EIR groundwater data was collected during low and high flow periods.

Comment 461-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 461-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 461-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 461-6

Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas. See also Collective Response #19 regarding the Draft EIR's information pertaining to surrounding recreational areas.

Comment 461-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 461-7

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation.

Comment 461-8

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on *how* mitigation takes place is just one example of the inadequacy of the DEIR.

Response 461-8

Please see Collective Response #29 pertaining to project traffic, please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 461-9

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 461-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 461-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 461-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (see Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored

blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (see Draft EIR, pages 4.4-49 through 4.4-50).

The Western red bat was not observed on site during the habitat assessment; however, moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). As discussed in Chapter 3, "Draft EIR Errata," the Final EIR provides additional analysis of potential impacts to bats and adds Mitigation Measure 4.4-1d to require pre-construction surveys and measures to avoid or minimize impacts to active bat roosts. With implementation of Mitigation Measure 4.4-1d, potential impacts to bats, including the Western red bat, would be less than significant.

In any event, blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR, as revised in this Final EIR, therefore adequately evaluates potential impacts to the species discussed above.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Section 4.4, "Biological Resources," of the Draft EIR does not need rewriting or recirculation.

Comment 461-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 461-11

The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The Draft EIR adequately analyzes the potential environmental impacts of the proposed project and provides mitigation measures where necessary to minimize the impacts to less than significant, where feasible. As discussed in Chapter 3, "Draft EIR Errata," of this Final EIR, the County has determined that recirculation of the Draft EIR is not required.

Letter #462 March 10, 2025, Sirley Carballo

Comment 462-1

I wanted to reach out to express my heartfelt concerns regarding the CEMEX Rockfield Expansion Project and its potential impact on the environment and surrounding communities. After reviewing the Draft Environmental Impact Report (DEIR), I believe there are several critical issues that need to be addressed before moving forward with any approvals.

Response 462-1

The commenter's concerns are noted and will be considered by County decision-makers. The comment is introductory and does not address the adequacy of the Draft EIR and no further response is warranted here. Please see Responses 462-2 through 462-5 below for responses to specific comments.

Comment 462-2

According to the California Geological Survey, the Fresno metro area already has nearly 200% more gravel than needed for the next 50 years from local mines. Despite claims that the region would suffer from a lack of locally sourced gravel, CEMEX has declined to provide further clarification, raising concerns about transparency and intent. Additionally, the company has a history of pursuing controversial mining projects, including a past attempt to mine Jesse Morrow Mountain—a sacred Native American burial site—despite viable alternatives nearby.

Response 462-2

Please see Collective Response #3 pertaining to regional aggregate demand and supply.

Comment 462-3

The DEIR itself acknowledges significant risks. It states that emissions from the project may exceed cancer risk thresholds but does not evaluate the broader population-wide cancer burden, citing the presence of mitigation measures (DEIR pg. 4.3-63).

Response 462-3

Please see Collective Response #11 for further discussion pertaining to the evaluation of cancer risk. After mitigation, the cancer risk at the maximum exposed individual sensitive receptor (MEIR) decreases from the CEQA baseline conditions (i.e., cancer risk is a negative value). Thus, the cancer burden, a measure summing effects from each census block, would also show a decrease from the CEQA baseline. Therefore, cancer burden

was not calculated in the Draft EIR. Nevertheless, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment,* (see Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"). The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 462-4

Moreover, with over four dozen recorded breeding season occurrences of the Swainson's hawk within two miles of the project site, and numerous potential nesting trees within half a mile, the project could significantly impact this already vulnerable species.

Response 462-4

As described in Section 4.4, "Biological Resources," of the Draft EIR, based on site conditions, the majority of the project area is characterized by active mining operations, which provide limited foraging opportunities for Swainson's hawks. However, areas adjacent to the mining operations, such as fallow fields and open spaces, may offer potential foraging habitat. The Draft EIR recognizes that the site is located within the known nesting range of Swainson's hawk therefore, *Mitigation Measure 4.4-1C: Nesting Birds* has been incorporated as necessary to reduce potential indirect impacts to Swainson's hawk foraging in accordance with CDFW guidance.

Comment 462-5

Given these concerns, I urge the agency to require CEMEX to conduct additional environmental analysis, strengthen mitigation measures, and explore less harmful alternatives. Transparency and accountability in this process are essential to protecting the long-term health of the San Joaquin River watershed and the surrounding communities.

I appreciate your time and consideration of these concerns, and I look forward to your thoughts on this matter.

Response 462-5

The commenter's concerns, requests, and opinions regarding the project are noted and will be considered by County decision-makers. The comment does not provide specific recommendations for strengthening mitigation measures or alternatives not already discussed and evaluated in the Draft EIR, and no further response is warranted.

Letter #463 March 10, 2025, Lisa Castaneda-Perez

Comment 463-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 463-1

The commenter's concerns are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures, and no further response is warranted here. Please see Responses 463-2 through 463-11 for further discussion of the issues raised in this letter.

Comment 463-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 463-2

See Response 349-2.

Comment 463-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 463-3

See Collective Response #17. See also Response 329-3.

Comment 463-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 463-4

See Response 403-4, which explains that the Draft EIR groundwater data was collected during low and high flow periods.

Comment 463-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 463-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 463-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 463-6

Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas. See also Collective Response #19 regarding the Draft EIR's information pertaining to surrounding recreational areas.

Comment 463-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 463-7

Please see Collective Response #8 pertaining to the Draft EIR's visual resource impact analysis and Mitigation Measure 4.1-1.

Comment 463-8

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on how mitigation takes place is just one example of the inadequacy of the DEIR. The docu [sic]

Response 463-8

See Collective Response #29 pertaining to the project's potential traffic impacts, and see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 463-9

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 463-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 463-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 463-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered. (Draft EIR, page 4.4-51.) With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (Draft EIR pages 4.4-49 through 4.4-50).

The Western red bat was not observed on site during the habitat assessment; however, moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). As discussed in Chapter 3, "Draft EIR Errata," the Final EIR provides additional

analysis of potential impacts to bats and adds Mitigation Measure 4.4-1d to require pre-construction surveys and measures to avoid or minimize impacts to active bat roosts. With implementation of Mitigation Measure 4.4-1d, potential impacts to bats, including the Western red bat, would be less than significant.

In any event, blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR, as revised in this Final EIR, therefore adequately evaluates potential impacts to the species discussed above.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Section 4.4, "Biological Resources," of the Draft EIR does not need rewriting or recirculation.

Comment 463-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 463-11

The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the potential environmental impacts of the proposed project, in accordance with CEQA. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required.

Letter #464 March 10, 2025, Karen Cawthorne

Comment 464-1

My husband and I have raised our family in Fresno County over the past 35 years. We have enjoyed canoeing on the San Joaquin River and camping at Lost Lake Park. It has been gratifying to see more areas of the river protected over the years and to see wildlife at the river including bobcat, deer and eagles. The San Joaquin River

is a habitat for wildlife and an important nearby natural resource for the community to enjoy.

I am opposed to the CEMEX Rockfield Expansion Project and have the following comments on the Draft Environmental Impact Report:

Response 464-1

The commenter's background and opposition to the project is noted and will be considered by County decision-makers. The comment does not address the adequacy of the Draft EIR, and no further response is warranted here. Please see Responses 464-2 through 464-5 below for responses to specific comments.

Comment 464-2

1) Potential impacts of blasting on wildlife. There are examples cited of habituation of wildlife to mining operations, but these examples for habituation are for surface mining, not the deep rock blasting proposed by CEMEX. The DEIR does not really analyze potential impacts of blasting on wildlife.

Response 464-2

For discussion of blasting impacts to wildlife, please refer to Responses 58-37, 58-38, 58-40, 58-41, 58-42, 65-8, 65-12, 65-16, and 65-17. Blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and would not significantly impact wildlife adjacent to the project sites. The project sites are already disturbed by decades of ongoing mining operations and the continuation of mining activities, such as drilling and excavating, would not result in significant impacts to wildlife (see Draft EIR page 4.4-52).

Comment 464-3

2) Impacts on air quality and dust emissions. The DEIR indicates project emissions may exceed cancer risk thresholds. There is mention of mitigation to reduce emissions, but the DEIR did not evaluate cancer burden of the population. Analysis of project emissions impact was also not performed before taking into account implementation of mitigation efforts.

Response 464-3

Please see Collective Response #11 for further discussion pertaining to the evaluation of cancer risk. After mitigation, the cancer risk at the maximum exposed individual sensitive receptor (MEIR) decreases from the CEQA baseline conditions. Accordingly, other locations would have even less cancer risk. Therefore, cancer burden was not calculated in the Draft EIR. The technical analysis for air quality impacts was updated to amplify

and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, (see Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"). The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 464-4

3) Noise and traffic concerns. Noise along area roadways used by truck traffic exceeds the usually acceptable standard in residential areas. The threshold used in the DEIR doesn't make sense in an area where residents are already exposed to high levels of noise. Impacts to area residents are potentially significant and as well as impacts to users of the adjacent park. Mitigation measures for noise impacts should be more specifically required. There should be an analysis in the DEIR of how much each noise reduction strategy would impact noise levels.

Response 464-4

Transportation is discussed in Section 4.17, "Transportation," of the Draft EIR. Section 4.13, "Noise," of the Draft EIR provides a comprehensive analysis of potential noise impacts from the proposed project. The Fresno County General Plan Health and Safety Element establishes the thresholds allowed for noise exceedance levels factoring in the time of day. Draft EIR Table 4.13-1, "Typical Noise Levels Associated with Common Activities," displays typical noise levels associated with common activities and heavy traffic at 300 feet away has a noise level of 60 dBA.

The Draft EIR includes a traffic noise assessment. The Federal Highway Administration Highway Traffic Noise Prediction Model was used in the Traffic Impact Study to describe existing noise levels due to project traffic (see Draft EIR Appendix I-1, "Traffic Impact Study") (Draft EIR page 4.13-44). Impact 4.13-1 addresses the project's potential to generate increases in ambient noise levels from project-generated traffic in excess of noise standards set forth in the County General Plan or noise ordinance (Draft EIR page 4.13-49). The Draft EIR concludes that this impact would be less than significant (Draft EIR page 4.13-57).

Finally, with the implementation of Mitigation Measures 4.13-2, 4.13-3, and 4.10-1, all potential noise and vibration related impacts at the site boundaries and nearby receptors would be reduced to a less than significant level. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 464-5

I have listed some of my deep concerns about the proposed CEMEX hard rock blasting. I am also quite concerned about granting approval for 100 years.

I would ask that Fresno County at least require CEMEX to provide more analysis, further mitigation efforts, and most importantly, explore less harmful alternatives.

Thank you for your time and for your consideration.

Response 464-5

The commenter's concerns and requests are noted and will be considered by County decision-makers. Please see Collective Response #5 pertaining to the requested use permit duration. The comment does not provide specific recommendations for more analysis, further mitigation, or alternatives not already discussed and evaluated in the Draft EIR.

Letter #465 March 10, 2025, Vicki Cheney

Comment 465-1

Thank you for the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project that I have learned about at meetings with the River Parkway Trust and with homeowners and environmentalists, and as a long-time resident of Fresno who has visited Lost Lake Park with my children and grandchildren, who became familiar with and who still enjoys visiting the fish hatchery and hopes the new salmon hatchery will soon open as well as the trail from there to Lost Lake, and who has been a cyclist since the 1980s cycling the Friant Road corridor from Woodward Park to Friant for 40 years, I have several concerns that I urge you to address prior to moving forward with approval. I am writing also on behalf of my mother and an old friend who I wish were here to write instead of me as they are much better and more informed advocates. But Selma Layne and Glenn Kottcamp, this is the best I can do.

Response 465-1

The commenter's background and concerns regarding the project are noted and will be considered by County decision-makers. The comment does not address the adequacy of the Draft EIR. Please see Responses 465-2 through 465-14 for further discussion of the commenter's specific concerns.

Comment 465-2

1. Impacts on the San Joaquin River Watershed

How can drilling 600 feet deep so close to the river, not to mention access to the river for the mining operation not impact the watershed? What happens if there is a breach? There is nothing that seems to suggest a plan to avoid mishaps but only "we'll worry about it if something happens." Too late.

Response 465-2

In addition to the response below, see Collective Response #25 and Responses 6-12, 6-14, and 6-56.

Due to the very low permeabilities of the weathered rock and hard rock at the Quarry Site, the volume and rate of groundwater flow is very low compared to the volume and rate of the flows in the river. For example, the average releases from Friant Dam in August 2025 were 250 cfs (https://www.restoresjr.net/restoration-flows/flow-schedule/), which is near the minimum reported release for January through August 2025. In contrast, the estimated dewatering rate for the Quarry at maximum depth is approximately 165 acre-feet per year, or 0.22 cfs (see Appendix G-4, "Groundwater Conditions at the Quarry Site," of the Draft EIR). Thus, the Quarry dewatering rate is less than 0.09 percent of the recent base flow rate on the San Joaquin River and less than 0.009 percent of the Stage 1 SJRRP flow scenarios (see Response 6-12). The 165 acre-feet per year estimated dewatering rate is only 0.04 percent of the projected SJRRP annual releases from Friant Dam during average normal year conditions (i.e., release of 400,300 acre-feet per year) and only 0.14 percent of the projected releases under critical dry year low conditions (i.e., release of 116,866 acre-feet per year), as shown in Table 2 of the SJRRP Restoration Flows Guidelines, Version 2.1 (https://www.restoresjr.net/?wpfb_dl=3114). The dewatering volume and flow rate associated with the Quarry dewatering are miniscule compared to the current actual and projected future flows on the San Joaquin River below Friant Dam. Thus, the project would not impact the watershed.

Furthermore, as discussed in Section 4.10, "Hydrology and Water Quality," of the Draft EIR, a detailed Hydraulic Analysis was prepared by Chang Consultants (see Draft EIR Appendix G-1, "Hydraulic Analysis") which evaluated the 100-year flood conditions along the San Joaquin River. As detailed in the analysis, the berm separating the river from the Quarry Site is higher than the 100-year water surface with freeboard and would therefore resist breaching. Further, the Quarry Site is located outside of the San Joaquin River floodway (behind the river bank) and mining activities would not impact the floodplain nor flow velocities. In consideration of commenters' concerns pertaining to severe flooding events and in light of County Policy HS-C.12, Chang Consultants

evaluated the potential for the 200-year flood to enter the Quarry Site and Plant Site. Upon an initial evaluation, the modeled 200-year floodplain entered the quarry pit at stations 16, 19, and 20 by approximately two feet. To proactively prevent the possibility of a 200-year flood event from entering the quarry pit, CEMEX raised the northerly portion of the berms separating the San Joaquin River and Quarry Site up to approximately 4 feet with compacted fill. A topographic mapping was prepared to display the locations where the berms were raised and is included in the 200-year hydraulic analysis for the Quarry Site. Please see Collective Response #17 for further discussion of the 200-year flood analysis conducted for the Quarry Site, and see Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10 and Section 4.11, "Land Use."

Comment 465-3

2. Air Quality and Dust Emissions

I have serious concerns about the air quality and exposure to toxic elements from the mining and transportation of materials. We live in an area with serious illnesses from poor air quality and anything that adds to that is a real negative. I hope there is a serious look at the toxins that will be in an area where people are living and recreating, including a very important access road for the large cycling community in the area.

Response 465-3

Please see Collective Response #11 pertaining to community cancer risk. See also Collective Response #9 regarding the project's potential air quality impacts. Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), provides evaluation of potential air quality impacts of the project, including consideration of potential effects associated with fugitive dust and toxic air contaminants and health risk at Impact 4.3-3. The comment does not provide evidence of a deficiency in the Draft EIR.

Comment 465-4

3. Biological Resource Impacts

I am concerned about impacts on sensitive bird habitats…

Response 465-4

Please see Draft EIR Section 4.4, "Biological Resources," for discussion and analysis of the project's impacts to biological resources, including bird habitats and the San Joaquin River. See also Response 65-15 for discussion of the adequacy of the mitigation measures

for the raptors, including Swainson's hawks and bald eagles. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.4.

Comment 465-5

…and on the hopes for getting salmon back on the river. From what I read, hard rock mining can negatively impact salmon and their habitats from release of toxic heavy metals, sediments and acid mine drainage, which can disrupt spawning grounds, reduce water quality and harm fish populations.

Response 465-5

Water Quality impacts are discussed and analyzed in detail in Section 4.10, "Hydrology and Water Quality," of the Draft EIR. No impacts to water quality of the San Joaquin River are expected, and thus is not likely to result in significant impacts to salmon. See Response 65-13 for further discussion of the project's potential impacts to salmon. See also Collective Response #12 for additional discussion of salmon restoration efforts in the San Joaquin River. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10.

Comment 465-6

I understand as well that the mitigation to protect the Swainson's Hawk and the bald eagle are inadequate.

Response 465-6

See Response 65-15 for discussion of the adequacy of the mitigation measures for the raptors, including Swainson's hawks and bald eagles.

Based on existing site conditions, the majority of the project area is characterized by active mining operations, which provide limited foraging opportunities for Swainson's hawks (Draft EIR at page 4.4-49). However, areas adjacent to the mining operations, such as fallow fields and open spaces, may offer potential foraging habitat. The project sites are located within the known nesting range of Swainson's hawk. Project implementation may result in the conversion or loss of marginal foraging habitat; therefore, avoidance, minimization, and Mitigation Measure 4.4-1c would be incorporated as necessary to reduce potential indirect impacts to Swainson's hawk foraging in accordance with CDFW guidance.

Comment 465-7

I don't know whether there are native grinding holes in any of the locations near the mining.

Once things like this are gone, I fear they won't come back.

Response 465-7

Draft EIR Section 4.5, "Cultural Resources," and Draft EIR Section 4.18, "Tribal Cultural Resources," discuss the cultural (prehistoric and historic) setting of the project sites and evaluate potential effects of the project on cultural resources. With regard to the commenter's uncertainty of the presence of "grinding holes," Draft EIR Table 4.5-1, "Cultural Resources Within the Project Sites," (on pages 4.5-19 and 4.5-20) identifies that a palm-sized shallow bowl mortar shaped from a fine-grained granitic stone was identified within the project disturbance area. As discussed in the table, the high degree of disturbance and lack of association with other resources suggest that the artifact was found in a secondary, or possibly tertiary, context, and the evaluation determined that the artifact is not eligible for listing in the California Register of Historical Resources (CRHR). The comment does not address the adequacy of the Draft EIR, and no further response is warranted.

Comment 465-8

Lost Lake as I used to know it is not even accessible any more as that part of the park and area are locked to public access. I wonder how it impacts the nature trail from the south end of Lost Lake Park.

Response 465-8

Please see Collective Response #21 pertaining to public access to the San Joaquin River, and please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 465-9

4. Traffic and Noise Concerns

Today as I rode my recumbent trike from home to Millerton Lake, I saw minimum 25 trucks related to mining operations on Friant Road. Sometimes I saw as many as 5 or 6 at the same time, or within minutes of each other. The mine traffic has increased. I understand CEMEX has no plan to pay for road conditions or access or improvements.

Response 465-9

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to roadway safety and road maintenance. The Draft EIR discusses the proposed increases in traffic with the expansion of proposed project activities and displayed in Table 4.17-1, "Existing Annual Trip Generation at Plant and Quarry Sites," Table 4.17-2, "Project Annual Trip Generation—Stage 1 (2.0 MT Per Year)," Table 4.17-3, "Project Annual Trip Generation—Stage 1 (3.0 MT Per Year)," and Table 4.17-4, "Project Annual Trip Generation—Stage 2 (3.0 MT Per Year)." Draft EIR Table 4.17-11, "Estimated Annual Average Daily Trip Generation at Plant Site and Quarry Site," indicates Stages 1 and 2 project operations would increase annual daily vehicle trips by 5 to 201 trips per day, which is below the VMT significance threshold. Section 4.17, "Transportation," of the Draft EIR, presents Mitigation Measures 4.17-1a through 4.17-1n to provide equitable share contributions to area roadway widening and signalization improvements required with project approval. For these reasons, the Draft EIR analysis was sufficient in addressing roadway conditions and maintenance.

Comment 465-10

The sand and gravel on the shoulders increases hazards for cyclists.

Response 465-10

Please see Collective Response #30 pertaining to roadway safety and road maintenance. As discussed under Draft EIR Impact 4.17-1, Project Stages 1 and 2 operations and reclamation activities would not conflict with any regional transportation plans, including transit, roadway, bicycle and pedestrian facilities. The project does not propose any changes to the existing roadways or Class I and Class II bicycle lanes located within the project traffic study areas. Draft EIR Impact 4.17-3 assesses the project's contribution to local hazards or incompatible uses on roadways and determined the impact to be less than significant. Further, A Fugitive Dust Control Plan has been developed consistent with Mitigation Measure 4.3-2b, including controls for unpaved roads and stockpiles with chemical dust suppressants and best management practices for cleaning sites and roadways of debris and other aggregate materials. For these reasons, the project's contribution to roadway hazards was found to be less than significant and the Draft EIR analysis was sufficient, and no further response is required.

Comment 465-11

There is already a lot of traffic on Friant and it will only increase with more residential areas nearby. What might have worked 100 years ago doesn't work now and won't work for the next 100 years.

Response 465-11

Please see Collective Response #29 pertaining to project traffic. The Draft EIR discusses the proposed increases in traffic with the expansion of proposed project activities as displayed in Table 4.17-1, "Existing Annual Trip Generation at Plant and Quarry Sites," Table 4.17-2, "Project Annual Trip Generation—Stage 1 (2.0 MT Per Year)," Table 4.17-3, "Project Annual Trip Generation—Stage 1 (3.0 MT Per Year)," and Table 4.17-4, "Project Annual Trip Generation—Stage 2 (3.0 MT Per Year)." Draft EIR Table 4.17-11, "Estimated Annual Average Daily Trip Generation at Plant Site and Quarry Site," indicate Stages 1 and 2 project operations would increase annual daily vehicle trips below the VMT significance threshold. Draft EIR Mitigation Measures 4.17-1a through 4.17-1n require the Operator to provide equitable share contributions to area roadway widening and signalization improvements required with project approval. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.17. For these reasons, the Draft EIR analysis was sufficient in addressing impacts related to project traffic.

Comment 465-12

5. Cumulative Environmental Effects 4.1.1.4

The portion of North Friant Road adjacent to both the Plant and Quarry sites is also a County-designated scenic highway (Fresno County 2024). Specifically, Fresno County has designated Friant Road from the City of Fresno to Lost Lake Road a County designated scenic roadway as it "traverse[s] land with unique or outstanding scenic quality or provide[s] access to regionally significant scenic and recreational areas." How does this additional mining work in this area going forward? Maybe it did 100 years ago but not now.

Response 465-12

The portion of North Friant Road adjacent to the Plant and Quarry sites is a County-designated scenic highway, as noted by the commenter and described on page 4.1-4 of the Draft EIR, where it is identified as traversing areas of scenic quality and providing access to regionally significant scenic and recreational resources. The Draft EIR evaluates the project setting, including the sites' proximity to and visibility from North Friant Road, in its visual resources analysis. Please see Draft EIR Impact 4.1-1 (pages 4.1-51 through 4.1-61) and Impact 4.1-3 (pages 4.1-61 through 4.1-62) for a detailed discussion of visual impacts. As concluded in the Draft EIR, the project would not result in significant impacts to public views from this roadway (Draft EIR page 4.11-35).

Comment 465-13

The Sumner Hill residential development west of the San Joaquin River and within Madera County has views of the Quarry Site. Some large lot residences and private residential communities east of the project sites along North Friant Road and Bluff View Avenue have views of the Plant Site and Quarry Site. Some of these people bought property because they thought the mining was done. What a shock it was to find out the CUP was extended and extended and now this proposal.

Ball Ranch and Ledger Island are, in fact, open and improved. There has been significant improvement to the Ball Ranch area that opened up. Is that mining operation an "attractive nuisance" to young (and maybe old) recreational users in those areas? Are there buffers in place so that safe trails for hiking and biking can continue to be developed as so many of us have dreamed of for decades? The Plant Site and Quarry Site are visible from publicly accessible areas, areas that may become publicly accessible during the lifetime of the proposed project, and from private residential communities surrounding the project sites. The continuation of mining would generate new stockpiles on the Plant Site and Quarry Site; would deepen the mining excavations on both sites to depths of approximately 85 feet bgs at the Plant Site and 600 feet bgs at the Quarry Site; and would add aggregate processing and production facilities to the Quarry Site. Each of these changes has the potential to adversely affect scenic vistas visible from potentially sensitive viewpoints. This includes homes in the area that never anticipated having this "view" from their homes. Some of the homes in this community will be significantly impacted even with mitigation.

CEMEX admits that the 600 foot pit can never be brought back to what it was before the blasting. During Stage 2 operations, the expanded quarry pit would be a clearly visible project feature and the added ready-mix concrete plant and hot mix asphalt plant would also be visible in the ROCKFIELD MODIFICATION PROJECT DRAFT EIR 4.1—Aesthetics and Visual Resources December | 2024 4.1-59 background.

Response 465-13

The Plant and Quarry sites would maintain existing minimum setback distances from the San Joaquin River, North Friant Road, and other property boundaries, as described on pages 2-15 through 2-18 of the Draft EIR. The Draft EIR evaluates the project's visual impacts in detail, including potential effects on scenic vistas and views from surrounding areas. As discussed in Impact 4.1-1, impacts at two locations (Locations #12 and #13)

would be significant and unavoidable. Mitigation Measure 4.1-1, as modified in Chapter 3, "Draft EIR Errata," requires rock staining to reduce visual contrast from the project sites and adjacent viewpoints; however, these impacts would remain significant and unavoidable. The quarry pit would remain visible post-reclamation, although revegetation and reclamation would improve overall visual quality compared to operational conditions.

The Draft EIR also considers potential effects on adjacent parklands and recreational use areas, including views from potential future trail easements along the western boundary of the Quarry Site, which may be developed subject to coordination between the Operator and Fresno County. As discussed in the Draft EIR, such trails would have clear, unobstructed views of portions of Quarry Site operations.

Please see Response 465-12 regarding the Draft EIR's visual impact analysis, Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas, and Collective Response #7 regarding socioeconomic impacts. The commenter does not provide evidence of a deficiency in the Draft EIR; however, the commenter's concerns are noted and will be considered by County decision-makers.

Comment 465-14

The quarry pit would remain clearly visible post-reclamation. The quarry pit's engineered and linear benches would present a significant contrast to existing and Stage 1 conditions resulting in visual quality that is discordant and promotes strong disharmony with the surrounding open space environment. Therefore, this modification represents a significant change compared to existing conditions. The benches are located in hard rock, which is not supportive of the growth of a plant canopy and would therefore not be revegetated under the proposed reclamation plan. The potential future trail easement proposed along the western boundary of the Quarry Site would also be visible but would be similar to the existing access road along that area. As with the other viewpoints assessed, once operations have ceased, the equipment removed, and the Quarry Site is revegetated/reclaimed, the overall visual quality of the reclaimed Quarry Site would slightly improve relative to the operational stages, but the hard rock benches of the quarry pit would remain clearly visible. Mitigation Measure 4.1-1 is proposed to lessen this impact to the greatest extent feasible; however, because the quarry pit would remain visible during Stage 2 operations and post-reclamation (as shown on Figure 4.1-15), the visual impacts at Location #12 are considered significant and unavoidable.

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected. Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter going forward.

Response 465-14

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation as relates to the proposed Quarry Site mine pit. The commenter's concerns and requests are noted and will be considered by County decision-makers. The comment does not provide specific recommendations for more analysis, further mitigation, or alternatives not already discussed and evaluated in the Draft EIR, and no further response to these issues is warranted.

Letter #466 March 10, 2025, Michael Chernekoff

Comment 466-1

I am strongly opposed to the cemex rock field expansion project. Its effect on traffic congestion, noise, groundwater quality, and its proximity to rapidly expanding housing will have a negative impact on the existing communities and those to come.

Response 466-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The issues of traffic congestion and noise are addressed in Draft EIR Section 4.17, "Transportation," and Section 4.13, "Noise." The issue of groundwater quality is addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential effects on nearby residences are evaluated primarily in Draft EIR Section 4.1 "Aesthetics and Visual Resources," and Section 4.13. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 466-2

I am strongly opposed to the cemex rock field expansion project. Its effect on traffic congestion, noise, groundwater quality, and its proximity to rapidly expanding housing will have a negative impact on the existing communities and those to come.

Response 466-2

Comment 466-2 appears to be a repeat of Comment 466-1. See Response 466-1.

Letter #467 March 10, 2025, Clayton Dahlen

Comment 467-1

I am writing to formally express my opposition to the proposed 100-year permit for the CEMEX mining operation and to challenge the adequacy of the Draft Environmental Impact Report (EIR) prepared for this project. The EIR, as currently drafted, does not sufficiently or accurately assess the environmental, ecological, and community impacts that this long-term operation will have on the San Joaquin River and surrounding areas.

Response 467-1

The commenter's opposition to the project and concerns regarding the Draft EIR are noted and will be considered by County decision-makers.

Comment 467-2

As someone with experience in [Forest Service EIRs, and familiarity with the location], I find that the EIR fails to adequately address the following concerns: Impacts on wildlife habitat, water quality, air pollution, noise pollution, groundwater depletion, cumulative environmental impacts, or community health concerns.

Response 467-2

The general resource subjects listed in the comment are each addressed in the Draft EIR. The comment does not explain specific concerns or address adequacy of the Draft EIR with regard to these resource topics.

Comment 467-3

A project of this scale and duration requires a far more comprehensive environmental review that includes thorough scientific analysis, long-term cumulative impact assessments, and meaningful mitigation strategies. The EIR, as it stands, does not meet these standards, and I urge Fresno County to require revisions that fully account for the long-term consequences of extending CEMEX's mining operations.

I request that the Planning Department reconsider this permit in light of the inadequacies of the EIR and demand a more thorough environmental review before any decisions are made.

Response 467-3

The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The comment does not provide specific

recommendations for more analysis, further mitigation, or alternatives not already discussed and evaluated in the Draft EIR, and no further response to these issues is warranted.

Letter #468 March 10, 2025, Rose Cordero-Gonzales

Comment 468-1

I appreciate the chance to give feedback on the CEMEX Rockfield Expansion Project's DEIR. I am a resident living about six miles from the site. I'm compelled to speak up—not just for myself but for my neighbors, my community, and the future generations who will inherit this land.

Growing up in this area, I remember visiting the San Joaquin River with my family. It wasn't just a body of water; it was a place where we could breathe deeply, take in the beauty of nature, and find moments of peace. My parents would tell stories about the land, about how it had always provided—clean water, shade from towering trees, and a home for countless animals. It's hard to imagine that same place choked with dust, the sounds of birds drowned out by the roar of trucks. We must protect the environment to prevent this from happening because of industrial growth.

Response 468-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 468-2 through 468-7 below that address specific issues raised in this comment letter.

Comment 468-2

1. **Impacts on the San Joaquin River Watershed**

The beautiful San Joaquin River is one of the last remaining natural spaces in our region. Mining expansion threatens water quality, increases erosion, and upsets the ecological balance. Once the damage is done, it will be almost impossible to reverse.

Response 468-2

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See also Draft EIR Section 4.1, "Aesthetics and Visual Resources," and Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 468-3

2. **Air Quality and Dust Emissions**

The Fresno area has grown over the past five years, with new homes and families moving in. That means more children playing outside, and more people relying on clean air. But air pollution doesn't just affect statistics on a report—it affects real people. It's the child who develops asthma, the elderly neighbor who struggles to breathe on bad air days, and the parents who worry about the longterm effects on their kids. The Valley already battles some of the worst air quality in the nation. Adding more dust and emissions from this project will only make it worse.

Response 468-3

The project's potential effects on air quality are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR. See Impact 4.3-3 for a discussion of the potential effects of the project's air emissions on public health and Mitigation Measure 4.3-2b regarding the project's Fugitive Dust Control Plan. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to Draft EIR Section 4.3. See also Collective Response #9 regarding the project's potential impact on the existing air quality conditions in the region.

Comment 468-4

3. **Biological Resource Impacts**

The area surrounding the project is home to countless species of wildlife. As Pedro Hernandez, a public lands advocate with Green Latinos, put it: "Most of the environmental projects that are happening that disseminate our natural area happen in Latino communities. So, it's so important to protect one of the few natural areas that we have left." For too long, Latino communities have been disproportionately affected by environmental decisions that prioritize industry over people. Our families deserve to grow up with clean water, fresh air, and green spaces—just like any other community.

Response 468-4

The project's potential effects on wildlife are addressed in Draft EIR Section 4.4. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. The topic of environmental justice is not required to be evaluated under CEQA; however, the comment is noted for the consideration of the decision-makers.

Comment 468-5

4. **Traffic and Noise Concerns**

Friant Road and other roads near the proposed expansion are already congested, especially with the increase in traffic from the nearby casino. Adding large industrial trucks to the mix will create safety hazards, noise pollution, and wear and tear on roads that aren't designed for heavy transport at this scale. Our community's infrastructure is struggling to keep up with growth, and this project will only add to the problem.

Response 468-5

The issue of traffic congestion is addressed in Draft EIR Section 4.17, "Transportation." See also Draft EIR Chapter 5, "Cumulative Impacts," for a discussion of the project's potential contribution to cumulative transportation impacts. The issue of noise pollution is addressed in Draft EIR Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. See also Collective Response #30 regarding transportation safety and Collective Response #29 regarding needed roadway improvements and funding for road maintenance.

Comment 468-6

5. **Cumulative Environmental Effects & Long-Term Concerns**

This project is supposed to last for 100 years. But let's be honest—we won't be around to see if anyone fulfills those pledges of environmental restoration. As Sharon Weaver from the San Joaquin River Parkway and Conservation Trust inquired, "If this project goes on for 100 years, not even children or grandchildren are going to see that happen, and what assurance do we have that it will actually happen?" Once this land is gone, it's gone. We can't afford to gamble with our community's future.

Response 468-6

See Collective Response #5 regarding the duration of the proposed use permit. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 468-7

I urge the agency to make CEMEX provide better analysis, stronger safeguards, and safer options. But more importantly, I ask you to listen to the voices of the people who live here. We are not just names on a public comment list. We are the families who breathe this air, drink this water, and walk this land.

Thank you for your time and consideration. I look forward to your response and further discussions on this critical issue.

Response 468-7

See Collective Response #1 regarding the need for additional analysis in the EIR process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of reasonable alternatives to the proposed project. As the commenter does not suggest any specific additional analysis or stronger safeguards that would be required under CEQA, The comment is noted for the consideration of the decision-makers.

Letter #469 March 10, 2025, Phil Daubenspeck

Comment 469-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 469-1

The commenter's concerns regarding the Draft EIR are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures and no further response is warranted here. Please see below Responses 469-2 through 469-15 for further discussion of the commenter's specific concerns.

Comment 469-2

This area of the river, just below Millerton Lake, is beautiful and does not need this mine to be expanded. It would negatively impact the traffic in the area as more trucks come onto the road and cause significant damage with each trip. Traffic is already terrible in the areas where these trucks would be entering and departing the highway. Unless hundreds of millions and potentially billions of dollars in upgrades to the traffic infrastructure in that area are done, at the expense of this company that is going to single-handedly ruin our roads based on the numbers shared, this by itself should be enough opposition to deny the permit!

Response 469-2

Please see Collective Response #29 pertaining to project traffic and Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 469-3

While some mining in these areas is to be expected (and has taken place) with the significant amount of gravel created over thousands of years, the need to BLAST this deep into the ground is a shocking request. Shockingly, it is next to a river with many issues already caused by the effects of mining projects over the years.

As someone who frequents the area for its beauty & river access, it would be devastating to see a large operation of this magnitude interrupt what many thousands of locals see as they enter into the area around Millerton. While many houses have been built near this area, they do not have nearly the negative impact a mine like this would create.

Response 469-3

The commenter's concerns regarding project blasting and proximity to the San Joaquin River are noted. The project's potential impact on the San Joaquin River is discussed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Collective Response #27 regarding the project's potential impact on adjacent parklands and recreational use areas. The EIR evaluates potential environmental effects of the project, including proposed blasting, and the comment does not provide evidence of a deficiency in the EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10.

Comment 469-4

In addition, there IS NO NEED for this! We have plenty of gravel as noted in several studies. One such done by the Department of conservation located here:

https://www.conservation.ca.gov/cgs/Documents/Publications/Map-Sheets/MS_052_California_Aggregates_Report_201807.pdf

Response 469-4

Please see Collective Response #3 pertaining to regional aggregate demand and supply.

Comment 469-5

In addition, the company cannot be trusted as was mentioned they unsuccessfully tried to gain another permit on the Morrow Mountain proposal. It came out after the county rejected that while they mentioned gravel as the desired extraction, other valuable materials were in fact what they were after. I suspect that the same is true in this instance. They have something and they want to extract it with absolutely zero regard for the surrounding communities. All they want to do is take from our community. It

can no longer be true that we allow these extractions to take place. You must hear the voices of the citizens and stop this!

Response 469-5

The commenter's concerns, opinions, and request to stop the project are noted and will be considered by County decision-makers. Draft EIR Section 2.3, "Project Purpose and Objectives," on pages 2-6 and 2-7 enumerates the objectives of the proposed project. The comment does not address the adequacy of the Draft EIR, and no further response is warranted.

Comment 469-6

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 469-6

See Response 349-2.

Comment 469-7

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 469-7

See Collective Response #17 regarding bank stability and flooding. See also Response 329-3.

Comment 469-8

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 469-8

See Response 403-4, which explains that the Draft EIR groundwater data was collected during low and high flow periods.

Comment 469-9

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project. Including providing funding for this in perpetuity to ensure this community benefit will last for generations, just as this mine will. It will NEVER go back to the way it is now!
- The DEIR should require CEMEX to fully fund other mitigation projects in the region. Potentially conserving at a 5 to 1 acre or 10 to 1 acre rate to compensate the region for devastating such a prime piece of nature and public lands.

Response 469-9

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River. Regarding the commenter's suggestion for CEMEX to fully fund other mitigation projects, mitigation measures are required only where impacts are determined to be potentially significant. Additional mitigation not related to the potentially significant environmental impacts of the proposed project are outside the scope of the analysis required under CEQA. The commenter's suggestion is noted for the consideration of the decision-makers.

Comment 469-10

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze

these impacts and identify appropriate mitigation measures for the impacts.

Response 469-10

Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas. See also Collective Response #19 regarding the Draft EIR's information pertaining to surrounding recreational areas.

Comment 469-11

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 469-11

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation.

Comment 469-12

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on *how* mitigation takes place is just one example of the inadequacy of the DEIR.

Response 469-12

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 469-13

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 469-13

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 469-14

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 469-14

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection. (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (Draft EIR, pages 4.4-49 through 4.4-50).

The Western red bat was not observed on site during the habitat assessment; however, moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). As discussed in Chapter 3, "Draft EIR Errata," the Final EIR provides additional

analysis of potential impacts to bats and adds Mitigation Measure 4.4-1d to require pre-construction surveys and measures to avoid or minimize impacts to active bat roosts. With implementation of Mitigation Measure 4.4-1d, potential impacts to bats, including the Western red bat, would be less than significant.

In any event, blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR, as revised in this Final EIR, therefore adequately evaluates potential impacts to the species discussed above.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Section 4.4, "Biological Resources," of the Draft EIR does not need rewriting or recirculation.

Comment 469-15

Conclusion

Given the significant impacts to the river, wildlife, public safety, air quality, traffic, and the perpetual impacts to the region the County should require additional analysis, MUCH stronger mitigation measures, and GREATER financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

This should be a long process with MUCH outreach to people in the region, especially people in disadvantaged communities and those who are afraid, unaware, or unable to speak up against this environmental atrocity.

Thank you for your time and consideration.

Response 469-15

The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the environmental impacts of the proposed project in accordance with CEQA. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required.

Letter #470 March 10, 2025, Clay Davis

Comment 470-1

I am writing to you today in regard to the proposed CEMEX mining pit expansion that is currently seeking entitlement approvals and for which the county is seeking public comments.

I live at 10672 N. Lanes Rd., Fresno, CA on the San Joaquin River, approximately 7 miles downstream of the proposed mining pit. My wife and I have been at this location for 33 years. While our preference is that the County reject their entitlement application, should you decide to approve it, we have a few concerns that I would like to have the county address in their Conditions of Approval (COA's).

Response 470-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See Responses 470-2 through 470-7 below that address specific issues raised in this commenter letter.

Comment 470-2

We have 2 wells on our property. Both wells have a fairly high ground water level (20-30 feet) and have historically never varied much over the years we've lived on the river bottom. We've also enjoyed a great water quality in both wells with no issues with contaminants . We suspect that the ground water in our area remains high due to natural ground seepage due to the influence of the river.

My concerns are as follows:

- If the county approves CEMEX's entitlement application, what mitigation measures will the county impose upon CEMEX to ensure the deepening of their mining pit will not adversely impact surrounding domestic water wells?

Response 470-2

See Collective Response #24, which further describes testing, monitoring, and compliance measures that would reduce potential impacts to a less than significant level. See also Response 49-2.

Comment 470-3

- I recommend at a minimum; the following measures be a part of the COA's:

- Require a series of monitoring wells around the pit site
- Require CEMEX to regularly test the wells, both from a water level as well as water quality
- Require the testing be performed by a fully independent third-party testing lab (Krazan, Kleinfelder, etc)
- Require CEMEX to publicly post the results on their website
- Require periodic testing of private domestic wells surrounding the mining pit
- If the ground water drops in the testing wells or the quality is adversely impacted, require CEMEX to immediately cease operations

Response 470-3

See Response 49-3.

Comment 470-4

- Should issues arise with neighboring domestic wells due to CEMEX mining activities, how does the county plan to mitigate those issues in their COA's? Would the only recourse of the impacted property owners be to sue CEMEX? To avoid unreasonable legal costs by owners of impacted wells, I would recommend the following:
    - As part of the COA's, require CEMEX to post a bond to pay for any domestic wells adversely impacted by their activities, including the cost for drilling new wells and/or the installation of water treatment systems to remove any contaminants.

Response 470-4

See Response 49-4.

Comment 470-5

- Friant Rd. is already heavily burdened by heavy gravel trucks and the increased vehicular traffic from new housing developments. This main collector road cannot handle the additional gravel trucks that are projected in the EIR report without additional widening. If the county approves the application, mitigation measures should be required to address traffic impacts.

Response 470-5

Draft EIR Section 4.17, "Transportation," presents a comprehensive analysis of roadway impacts. The Draft EIR discusses the potential increases in traffic with the expansion of proposed project activities as displayed in Table 4.17-1, "Existing Annual Trip Generation at Plant and Quarry Sites," Table 4.17-2, "Project Annual Trip Generation—Stage 1 (2.0 MT Per Year)," Table 4.17-3, "Project Annual Trip Generation—Stage 1 (3.0 MT Per Year)," and Table 4.17-4, "Project Annual Trip Generation—Stage 2 (3.0 MT Per Year)." Draft EIR Table 4.17-11, "Estimated Annual Average Daily Trip Generation at Plant Site and Quarry Site," indicate Stages 1 and 2 project operations would increase annual daily vehicle trips below the VMT significance threshold. Mitigation Measures 4.17-1a through 4.17-1n would require the Operator to provide equitable share contributions to local roadway widening and signalization improvements, which would reduce potential impacts. Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 470-6

We understand that digging a pit that deep may release natural mineral contaminants, some cancer causing, that could adversely impact water wells.

Response 470-6

The project area is located within the San Joaquin River basin, characterized by alluvial basin fill that overlies older igneous rocks (Draft EIR Section 4.7.1.1, "Geologic Conditions"). More specifically, in the project sites, the surficial geology comprises alluvial sediments, which are derived principally from Sierran granite and granodioritic rocks. These rock types are mapped within the immediate vicinity of the sites and are the primary resource that would be mined and processed to produce aggregate products. Because the alluvial basin fill is compositionally derived principally from these plutonic rocks, the mineralogic assemblage of the underlying crystalline rock and the alluvium is compositionally similar and thus can be expected to exhibit common geochemical characteristics, though minor differences in mineral assemblages may be present in the weathered plutonic bedrock. When these types of plutonic rocks weather and undergo alteration, the resultant mineral assemblage is typically iron-rich and aluminosilicate clays and quartz, which are generally considered to be geochemically stable in subsurface hydrogeologic environments under typical pH and alkalinity levels.

Therefore, the project proposes mining bedrock that is geochemically and mineralogically similar to the alluvial materials presently harvested at the site. Given the mineralogical similarities, the excavation at deeper levels is not expected to expose or

encounter geologic materials that would be geochemically different, and which could, therefore, present a new source of constituents of concern.

For discussion of the project's potential impacts to groundwater quality at the Quarry Site, please see the Draft EIR's discussion of Impact 4.10-6. The proposed project's impacts would be less than significant after the implementation of Mitigation Measure 4.10-1. For discussion of the project's potential impacts to groundwater quality at the Plant Site, see Impact 4.10-5 on page 4.10-95. With the implementation of Mitigation Measures 4.10-5a and 4.10-5b, potential impacts would be reduced to less than significant (see Draft EIR at page 4.10-98). See also Collective Response #24 regarding implementation and funding of the adaptive management program.

Comment 470-7

Based upon CEMEX's history of environmental violations (81 violations since 2000 according to the Fresno Bee), I would encourage you to disapprove their entitlement application.

Response 470-7

See Collective Response #4a regarding the Operator 's regulatory history. The purpose of CEQA is to provide substantial evidence supporting findings of the potential environmental impacts of a project. Consideration of past violations is not germane to the Draft EIR, or the analysis or impact determinations found therein. The Draft EIR provides a detailed evaluation of potential project impacts associated with the required CEQA environmental issues, and proposed the implementation of mitigation measures to reduce potential environmental impacts to less than significant levels, or to the extent feasible. The commenter's opposition is noted for the decision-makers.

Letter #471 March 10, 2025, Bryna De Fede

Comment 471-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I urge careful reconsideration of several critical concerns before moving forward.

Noise Impact from Blasting on Wildlife and Recreation

The transition from standard mining operations to blasting will have profound effects on both wildlife and community recreation. Currently, the sounds of mining are audible from adjacent properties such as Ball Ranch, Sumner Peck Ranch, and Lost Lake,

all of which are open daily for public enjoyment. Introducing blasting will amplify these disturbances, potentially scaring wildlife from their natural habitats and discouraging community use of these valuable public spaces.

- Has a scheduled blasting plan been developed to minimize disruptions? While scheduling may assist community planning, it will not mitigate the displacement of wildlife.

- What could Fresno County require as a mitigation for this issue?

Response 471-1

For discussion of blasting impacts to wildlife, please refer to Responses 58-37, 58-38, 58-40, 58-41, 58-42, 65-8, 65-12, 65-16, and 65-17. Blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and would not result in significant impacts to wildlife. Mitigation Measure 4.10-1 requires implementation of Blasting Protocols, which is also designed to reduce impacts from blasting at the project site. Please see Response 11-27 for further discussion of noise impacts to adjacent properties stated in Comment 471-1.

Comment 471-2

Impacts on the San Joaquin River Watershed

The San Joaquin River is a treasured natural resource with historical, cultural, and ecological significance. Over the years, numerous conservation efforts have sought to protect and preserve it. Allowing a mining company to conduct blasting operations near the river is a direct affront to these efforts.

- The proposed mitigation plans are insufficient compared to other mining companies, who have demonstrated a commitment to site rehabilitation.

    - How will CEMEX ensure meaningful restoration and community benefit post-mining operations - even though restoration will be delayed for 100 years.

- The risks to the river's ecosystem, including pollution, habitat destruction, and long-term degradation, far outweigh any potential economic benefits of the project. The proposed mitigation consists only of monitoring, with no actual action plan in place if the mining wall and the river were to intersect in the future.

- What is the plan if there is major flooding, like the one in 1997?

Response 471-2

The project sites would be reclaimed in accordance with the California Surface Mining and Reclamation Act (SMARA). Reclamation would begin upon the completion of mining at the Plant Site within 30 years. Reclamation would begin upon the completion of mining at the Quarry Site within 100 years. The proposed reclamation plan is provided as Appendix B-1, "Surface Mining and Reclamation Plan," to the Draft EIR. The Draft EIR analyzes the potential impacts of the post-reclamation conditions as compared to the existing conditions at the project sites.

The mitigation measures provided in the Draft EIR require monitoring in certain instances, to ensure that the project is not exceeding certain thresholds of significance. However, no mitigation measure in the Draft EIR consists only of monitoring.

See Draft EIR Impacts 4.10-15, 4.10-16, and 4.10-17 regarding discussion of flood-related impacts at the Plant and Quarry sites. Please also see Collective Response #17 and Response 329-3 for further discussion of major flooding at the project sites.

Comment 471-3

Hazards of a Trail Easements and Parkway Master Plan Compliance

CEMEX's claim of partnership with Parkway-focused organizations is questionable, as there is little to no evidence of their engagement in community discussions. The DEIR states that CEMEX will offer a potential trail easement along the Friant Road frontage and an additional three miles along the river near/on the quarry site.

- This contradicts the Parkway Master Plan, which requires a 300-foot buffer for trails.
    - Why does the proposed plan fail to align with established guidelines?

Response 471-3

See Collective Response #18 regarding the project's consistency with San Joaquin River Parkway Master Plan. The quarry has been in operation since 1924, which predates the 1997 San Joaquin River Parkway Master Plan. Policy LU-C.8 of the Fresno County General Plan requires the County to administer land use regulations in the San Joaquin River Corridor Overlay to preserve and protect identified wildlife corridors along the San Joaquin River (SJR) in consultation with the San Joaquin River Conservancy (SJRC). As

evaluated in the Draft EIR, the proposed project was found to be consistent with all applicable land use regulations. The SJRP Master Plan envisions a multi-use trail planned to extend along the northwest boundary of the Quarry Site and the northwest and southwest boundaries of the Plant Site and notes the actual location of the trail and other Parkway facilities would vary depending on obtaining easements and/or privately owned land. The proposed project operational activity is subject to a 200-foot minimum setback from the SJR to minimize impacts to the river and associated habitat, in compliance with County policies and regulations; the project is not subject to a 300-foot minimum buffer as the commenter suggests. The 300-foot setback required per the SJRP Master Plan would not be feasible given the existing footprint of the Quarry Site. As described in Draft EIR Section 2.5.8, "Trail Easements," the Operator has been in discussions with the SJRC about providing easements on the Plant and Quarry sites (private property) for the future trail system.

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 471-4

- Previous discussions regarding trail easements occurred under past leadership at the San Joaquin River Conservancy.
    - Has CEMEX made any effort to engage with current leadership or update agreements accordingly?

Response 471-4

See Responses 12-26 and 48-16. The Operator has been working with, and will continue to work with, the San Joaquin River Conservancy.

Comment 471-5

- In any case, a trail easement on an active quarry site is incredibly dangerous. An example of good management is the quarry site off of Old Friant Road. That site is NO LONGER ACTIVE and is transitioning to mitigation. The site still can be dangerous so more fencing and security has been added to keep the public safe. That is an example of "if he wanted to he would". CEMEX has not demonstrated the same level of responsibility or sense of community.

Response 471-5

The comment raises concerns regarding potential operational effects of the project on users of nearby parks, trails, and recreational facilities, including potential dangers and

disturbances associated with blasting and other mining activities. These issues are addressed in Collective Response #27.

As discussed therein, the Draft EIR evaluates potential operational effects, including noise, vibration, and safety considerations associated with blasting, at nearby recreational receptors such as the Lost Lake Recreation Area. The analyses conclude that project operations would not result in significant impacts to recreational users.

To the extent the comment references conditions or post-reclamation practices at other mining sites, the Draft EIR evaluates the site-specific conditions and operational characteristics of the proposed project. project activities and site conditions at other locations may differ based on site layout, geology, operational methods, and surrounding land uses, and therefore do not necessarily apply to the proposed project and do not affect the adequacy of the Draft EIR's analysis.

Comment 471-6

- Additionally, Friant Road is known for frequent accidents, making it dangerous for pedestrians and cyclists. The goal should be to create trails that provide safe, off-road alternatives for people rather than forcing them to navigate a hazardous roadway.

  - How does CEMEX plan to address these hazards? The DEIR should include specifics on how and when CEMEX will provide trail easements and contribute to trail construction.

Response 471-6

Please see Collective Response #30 pertaining to roadway safety and road maintenance. Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 471-7

Aesthetic Mitigation

Other mining sites have employed native plantings to reduce visual impact. The DEIR suggests painting exposed rock surfaces, an ineffective and environmentally questionable solution.

- Painting rocks does not constitute mitigation; it is a cosmetic attempt to disguise their reversible and ugly damage that this project will cause.

- CEMEX should consider proven ecological restoration techniques instead and describe them in the DEIR.

Response 471-7

Please see Collective Response #8 pertaining to the Draft EIR's visual resource impact analysis and mitigation.

Comment 471-8

Biological Resource Mitigation – Burrowing Owl Protection

The mitigation plan for burrowing owls is vague and reactionary. The DEIR states that if an owl is found on-site within 14 days of mining, a plan will be devised in coordination with CDFW. This suggests a lack of proactive conservation planning. There is no reason to allow this destruction of burrowing owl habitats. The project should be rejected outright to protect this species and others.

- What ACTUAL concrete steps will be taken to protect burrowing owls and other wildlife habitats before excavation begins?
- Isn't the purpose of this DEIR to outline mitigation strategies before the project starts, rather than taking a "figure it out later" approach? Fresno County should require appropriate mitigation measures that truly mitigate the environmental impacts of the project.

Response 471-8

While burrow exclusion used to be a standard practice requiring no additional permitting or approvals, since drafting of the original Draft EIR, burrowing owl has become a state candidate species for listing by California. This change in status means that burrowing owls are now given the same protection as a fully listed species by the California Department of Fish and Wildlife (CDFW). Exclusion of burrowing owls from burrows can no longer occur unless an Incidental Take Permit is issued by the CDFW. Considering this status change, Mitigation Measure 4.4-1a is revised in Chapter 3, "Draft EIR Errata," to reflect the species' new status and address the commenters' points.

Comment 471-9

Transportation and Traffic Mitigation

Table 4.17-11 of the DEIR indicates that Stage Two of the project will introduce 266 additional trucks to daily traffic. Friant Road is already a high-risk corridor, with increasing fatalities and congestion.

- I think this document has underestimated the speed of development in North Fresno, traffic and safety concerns will only escalate in the next few years.

    - How will CEMEX address transportation safety and efficiency concerns, in the next 2-3 years?

Response 471-9

Table 7.1, "Pending Projects—Five Year Projections," presented in the Traffic Impact Study included in the Draft EIR as Appendix I, "Transportation," identifies the specific projects that were included in the five-year traffic volumes forecasts to appropriately address the speed of development in North Fresno, Fresno County, and Madera County. The state of the practice to forecast 20-year traffic volumes in Fresno County is to utilize the Fresno County travel model and to consider other pending projects. The Draft EIR further considered the Friant Ranch project. The project would address transportation impacts with the implementation of the mitigation measures identified in the Draft EIR.

Comment 471-10

- The statement, "This impact is considered significant and unavoidable because it is uncertain when the assumed improvements will be constructed," is concerning.

    - This is admitting that CEMEX trucks will have a major impact on traffic but there will only be mitigation on the county's dime?

    - Isn't the purpose of this document to outline how THEY will reduce THEIR negative impact on the community?

Response 471-10

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 471-11

Conclusion

The CEMEX Rockfield Expansion Project is fundamentally flawed and should not proceed under any circumstances. It poses severe risks to wildlife, the San Joaquin River, public recreation, and transportation safety. The mitigation measures proposed are insufficient, and the long-term consequences of this project will be irreversible. I urge decision-makers to reject this project in its entirety. They have been mining for so many years, it's time to move on.

Thank you for your time and consideration. I look forward to your response.

Response 471-11

The Draft EIR sufficiently analyzes the project's potential environmental impacts, including those listed in this comment. The commenter's concerns and opposition to the project are noted and will be considered by County decision-makers.

Letter #472 March 10, 2025, Myrcille DeBenedetto

Comment 472-1

I am writing to you to register my "No" vote on the proposed expansion of CEMEX and their impact on the local environment. The residential areas on and around Friant Road have grown immensely in the past 37 years since I have lived here. The traffic they generate impacts travel on Friant Road,

Response 472-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's contribution to increasing vehicle miles traveled and traffic congestion in the region is discussed in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section.

Comment 472-2

but most concerning to me is the hard rock blasting that could impact water quality. Water has always been a concern and any endeavor that would threaten the water supply should be the concern to Fresno County Public Works & Planning Department as well.

Thank you for your time and please vote no on this proposal.

Response 472-2

The issue of water quality is addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Impact 4.10-1 beginning on Draft EIR page 4.10-88. Mitigation Measure 4.10-1 requires implementation of Blasting Protocols, as revised in Appendix H-9, "Revised Blasting Protocol," and specify practices to prevent the contamination of groundwater and surface water as a result of blasting. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10 and Appendix H-9. The commenter's opposition to the project is noted for the consideration of the decision-makers.

Letter #473 March 10, 2025, Michelle DeLaBarre

Comment 473-1

After reading the proposed expansion plan I believe the environmental damages to the San Joaquin river will far outweigh any economic gains. There are already approved mines for gravel extraction in our area that will provide construction needs for decades to come. Unfortunately Cemex doesn't seem to have an interest in these other mines so that is driving their expansion request. I see a conflict of interest between campaign contributions to our Board of Supervisors and this expansion request. Please don't approve this expansion. Please stand up for our local river and the health of our county's families.

Response 473-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Letter #474 March 10, 2025, Celeste DeMonte

Comment 474-1

With many of the proposed mitigation measures being inadequate or entirely lacking, there are considerable concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety.

Response 474-1

The commenter's concerns are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures and no further response is warranted here. Please see Responses 474-2 through 474-9 below for responses to specific comments.

Comment 474-2

Impacts on Water Quality and the San Joaquin River

The DEIR must identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events, and unequivocally state who it is that will have the responsibility for cleanup and long-term damage if the pit becomes part of the river system. Since 2000, CEMEX has been cited 667 times and fined $52.4 million for environmental, safety, and

employment related offenses. This does not indicate a trustworthy "partnership."

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows without providing clear solutions, and…

Response 474-2

See Response 349-2 regarding the project's impacts on water quality and the San Joaquin River. See Collective Response #17 and Response 329-3 regarding bank stability and flooding. See also Collective Response #4a regarding CEMEX's regulatory history.

Comment 474-3

…the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 474-3

Refer to Collective Response #26, and Response 403-4.

As described in Collective Response #26, the data used in the Draft EIR was collected over a period that included both low and high flows. As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the area of the project sites. Collective Response #25 further demonstrates that Department of Water Resources criteria for interconnected surface water are not met at the project site.

Comment 474-4

Impacts on the San Joaquin River Parkway and Recreation

The DEIR uses out of date information when identifying recreational sites proximate to the quarry. The noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Some of the table sources (Table 4.16-1 Recreation Facilities Near the Project Sites) are dated to 2021. Ball Ranch and Ledger Island

were not formally open to the public at that time. These properties are now operated by the San Joaquin River Parkway and Conservation Trust under a contract with the San Joaquin River Conservancy. There is more public use of the sites under current conditions that the project should analyze.

Response 474-4

Please see Collective Response #19 pertaining to public accessibility to parks, and please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 474-5

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts:

- Scenic Degradation: In an inappropriate deferral of mitigation not allowed under CEQA, the project will harm scenic views with proposed mitigation occurring only after harm has occurred.

Response 474-5

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation.

Comment 474-6

- Air Quality: Unacceptably, the DEIR underestimates the project's air quality impact by comparing emissions to current operations rather than a no-project scenario.

Response 474-6

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 474-7

- Traffic Congestion: While significant traffic impacts are expected, there is no guaranteed funding or timeline for necessary road improvements. The lack of detail on how mitigation takes place is only one example of the inadequacy of the DEIR.

Response 474-7

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 474-8

Threats to Wildlife

Proposed mitigation measures in the DEIR do not comply with existing regulations for the protection of wildlife. Drilling, blasting, and excavation disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Inappropriately, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines.

The biology section of the DEIR does not fulfill the CEQA requirements to fully evaluate and disclose impacts and propose mitigation measures to reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 474-8

The Draft EIR analyzes the project's potential impacts to biological resources in Section 4.4, "Biological Resources." The Draft EIR minimizes and reduces potential impacts to biological resources, in accordance with CEQA standards. Please see Response 58-38 for discussion of Swainson's hawk. See Response 58-37 and 58-40 for discussion of tricolored blackbird. See Responses 58-36, 58-38, 58-40, and 58-50 for discussion of burrowing owl. See Response 58-37 for further discussion of the Western red bat. Please see Response 65-13 and Collective Response #16 for further discussion of the usage of Alaskan Blasting Standards for analyzing potential impacts to fish and salmon. See also Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.4.

The biological resources section, as strengthened and amplified in the Final EIR, does not need to be recirculated, as it complies with CEQA requirements.

Comment 474-9

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information needs to be drafted and

recirculated for public review before finalizing the environmental impact report for the project.

Response 474-9

The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. Please see responses above regarding specific issues raised in the comment letter. Pursuant to CEQA Guideline Section 15088.5, 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 but before certification. As discussed in Chapter 3 of this Final EIR, the County has determined that recirculation of the Draft EIR is not required.

Letter #475 March 10, 2025, Judith Dickison

Comment 475-1

I am writing of my concerns about the CEMEX Project, as I am a resident of Woodward Lake since 2001. I am very concerned about the multi-faceted impact on our neighborhood and daily lives that would result from this project. Not only the dust, noise, and increased traffic from trucks that would be needed

Response 475-1

The issues of dust, noise, and potential increase to truck traffic are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.13, "Noise," and Section 4.17, "Transportation," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 475-2

(I have personally observed CEMEX trucks run the red light at a high rate of speed at Champlain and Friant; with the numbers of people of all ages crossing the street to go to and from Woodward Park being endangered by these trucks).

Response 475-2

See Collective Response #30 regarding transportation safety.

Comment 475-3

Also, the use of explosives to dig this immense hole would send tremendous amounts of dust into our homes…..And LUNGS.

Response 475-3

The issue of dust is addressed in Draft EIR Section 4.3, a as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). See Impact 4.3-3, as updated in the Final EIR, for a discussion of the potential effects of project air emissions on public health, as well as Mitigation Measure 4.3-2b regarding the project's Fugitive Dust Control Plan. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to Draft EIR Section 4.3.

Comment 475-4

Why there is a need for a 600 ft gravel pit amidst the rapidly increasing population of the Woodward Park and Friant area is beyond me…. Sounds more like they are mining for gold.

I strongly object to this proposal.

Response 475-4

One of the key objectives of the proposed project is to provide local construction materials for the Fresno region, which would support the infrastructural needs of a growing population (Draft EIR page 6-3). The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #476 March 10, 2025, Allegra Dittmann

Comment 476-1

Hi my name is Allegra Dittmann and I am a high schooler at Clovis North and an environmental advocate.

I've lived in fresno for about 3 years and i moved from LA. i strongly oppose this project with moving forward. Due to Fresnos awful air quality, I get sick on a regular basis already. If this project went forward, so many people including myself would continue to struggle with respiratory issues because of it. I ask, how will you make sure citizens will not be breathing in the Particulate matter that will inevitably come from this project? This project is a step in the wrong direction.

Response 476-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential effects on air quality are evaluated in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR. See Final EIR Impact 4.3-3 for a discussion of the potential effects of project air emissions on public health. Mitigation Measures 4.3-2a and 4.3-2b would require implementation of steps to reduce pollutant

emissions from off-road diesel equipment and to reduce dust from on-site roads and soil stockpiles. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to Draft EIR Section 4.3.

Comment 476-2

I and many others value the biodiversity of the river and the ecosystem surrounding it: plants, animals, the river itself would all face awful consequences as a result of this project! So many including myself have made large strides in rehabilitating the river habitat, and this would destroy the progress.

Response 476-2

The project's potential effects on plant and animal species are evaluated in Draft EIR Section 4.4, "Biological Resources." The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #12 regarding the project's potential effects on river restoration efforts.

Comment 476-3

Also, the river and quarry site you all have proposed is a valued area of recreation for the citizens of the san joaquin valley that would be affected greatly. I oppose this plan.

Response 476-3

The project's potential impacts on surrounding recreation uses are evaluated in Draft EIR Section 4.16, "Recreation." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See Collective Response #27 regarding the project's potential operational effects on users of nearby parks and trails. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #477 March 10, 2025, Ryan and Elena Donaghy

Comment 477-1

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Cemex Rockfield Quarry Modification Project (Project). We and several other members of the Donaghy family own residences located immediately south of the property referenced in the DEIR as the "Plant Property."

In the abstract, we do not oppose continued operations on the Plant Property in a manner generally consistent with its existing use.

We are concerned, however, about any effort to expand or intensify operations on the Plant Property.

Response 477-1

The commenter's concern with regard to expansion or intensification of use at the Plant Site portion of the project is noted and will be considered by County decision-makers. The comment does not address the adequacy of the Draft EIR, and no further response is warranted here. Please see Responses 477-2 through 477-7 below for responses to specific issues raised in this comment letter.

Comment 477-2

We did not receive notice of the Project or the DEIR, despite our proximity to the Plant Property. In fact, we did not learn about the Project until reading a February 16, 2025, Op.Ed. piece in the Fresno Bee-well after the January 16, 2025, public information meeting that was conducted solely via the Zoom platform.

Response 477-2

The County distributed a Notice of Preparation for the EIR in June 2020 and distributed a Notice of Availability for the Draft EIR in December 2024. These notices were mailed to owners of property within 1 mile of the project sites. The commenter's address is on the County's distribution lists used for mailing these notices. Additionally, the notices were posted on the CEQAnet online database maintained by the State Clearinghouse. These notices, the Draft EIR and all supporting technical documents and reference documents were made available for public review at the Fresno County Development Services Division located at 2220 Tulare Street, 6th Floor, Fresno, the Woodward Park Regional Library at 944 E Perrin Ave, Fresno, the Fresno County Main Library at 2420 Mariposa Street, Fresno, and on the Fresno County website at: https://www.fresnocountyca.gov/cemex. The County's noticing of the project and availability of the Draft EIR thus complied with CEQA's public noticing requirements.

Comment 477-3

Given that our residences are located a short distance from the Plant Property, it is our hope and expectation that the applicant will communicate with us to discuss the Project and to allay our concerns regarding the Project's impacts on nearby residences. In light of our proximity, we hope to establish a line of communication with the applicant regarding our concerns, and hope to meet with the County and/or the applicant at the applicant's earliest convenience.

We have several questions regarding the Project, as well as some specific comments. However, because we were only recently informed about the Project's existence, please note that we intend to submit additional comments at such time as this matter it presented to the Planning Commission and the Board of Supervisors, to the extent our concerns are not resolved prior to that point.

Response 477-3

The commenter's request for the Operator to engage in discussions is noted, and the comment has been provided to CEMEX representatives for consideration. The commenter's intent to submit additional comments for consideration by County decision-makers is also noted.

The County prepared an Environmental Impact Report (EIR) to evaluate the potential environmental impacts of the proposed project, including those to neighboring properties and residences. The Draft EIR was circulated for a 45-day public review period, with materials made available both online and at Fresno County offices, to provide transparency regarding the proposed project. The County and Operator would continue to communicate with neighboring property owners throughout the life of the project to address potential concerns as they arise.

Comment 477-4

Given the proximity of our homes to the Plant Property, we are concerned about noise and vibration impacts associated with the Project. For example, daytime and evening blasting has the potential to disrupt the enjoyment of the property and endanger structures. The Project Description, however, is ambiguous because there is no indication what level of blasting-if any-will occur on the Plant Property. It is unclear whether this is because (i) there will be no further blasting at the Plant Property, (ii) there will be continued blasting, but at the same level as existing operations, or (iii) there will be additional blasting at the Site. We also attempted to review the thousands of pages of technical appendices to find an answer to this question, but the acoustic/vibration analyses do not clearly disclose whether blasting will occur on the Plant Property. Rather, the vibration analyses only concern the Quarry Property. At a minimum, we would like to better understand the true scope of the Project, which should likewise be reflected in edits to the Project Description. And if there will be no blasting at the Plant Property, this should be confirmed and affirmatively stated in the Project Description.

Response 477-4

Draft EIR Section 2.5.2.1, "Plant Site Mine Plans," describes activities which would occur at the Plant Site during both Phase 1 and 2 operations. In the first full paragraph on Draft EIR Page 2-30, it is noted that "[a]ggregate would be excavated using conventional mining equipment such as front-end loaders, scrapers, graders, excavators/front end loaders, and bulldozers, and then loaded onto haul trucks for transport to the processing plant. Water trucks would be used to minimize dust." Blasting is not proposed at the Plant Site.

Comment 477-5

We are also concerned with the Project's noise impacts. Although the DEIR is thousands of pages long, the document does not answer several important questions regarding the scope of the Project and its potential to create adverse noise impacts. For example, the DEIR states the Project's Stage 1 activities include the development of a "modern asphalt plant" on the plant site to replace the "outdated" asphalt plant that was active until 2009. (See DEIR at 2-3.) It also appears Stage 1 includes an increase in intensity of a crushing plant at the Plant Site to include the "import of concrete debris to recycle into crushed miscellaneous base ... and asphalt debris [into] asphalt product." (DEIR at 2-3.) However, we were unable to locate any information in the Project Description (or the DEIR generally) about the size, estimated throughput, or location of these facilities. To ascertain the noise impacts associated with these facilities, it is important that the DEIR include basic information regarding their scope and scale.

Additionally, Page 36 of Appendix H-1 states there will be no "appreciable change in on-site noise generation" at the Plant Property as a result of the Project. However, as explained above, because it is unclear what specific additional activities will be performed at the Plant Property-including the size, location, or throughput of the new plants-there is no way to confirm or verify how the technical consultant reached this conclusion, nor it is clear what evidence (if any) is being relied upon to support this conclusion. This is of particular concern because the additional operations at the Plant Property will exceed impact thresholds for daytime noise levels for the nearest residential receptors (P-4 and P-5), which are adjacent to our family's properties.

Further, while the technical study refers to several "Noise Mitigation Options" that "could" "be implemented," the technical report does not specifically recommend any of the Noise Mitigation Options. (See generally Appendix H-1, p. 43.) Nor is there any

analysis in the technical report to show the actual reduction any of those noise reduction measures would result in. *(Id.)* The DEIR and the technical report should be modified to actually clarify what mitigation is going to be required, and quantify how those mitigation measures are expected to reduce acoustic impacts to a less than significant level.

For similar reasons, we are concerned about Mitigation Measure 4.13".'-2. This is merely a menu of "one or more" options without (i) analysis of the actual amount of noise reduction, (ii) a firm commitment to any specific mitigation, or (iii) a requirement in terms if ***when*** the mitigation must be implemented. While there appears to be some requirement to monitor noise levels following the implementation of mitigation, Mitigation Measure 4.13-2 appears to allow the Project to exceed the threshold ***indefinitely*** so Long as the applicant is preparing Quarterly Reports: "Quarterly reports of noise monitoring and reduction efforts shall be developed and submitted to the County ***until*** noise monitoring shows that Plant noise levels ***have been reduced to below the applicable thresholds."*** Because the mitigation measure on its face suggests the mitigation may be insufficient to reduce noise levels below the proposed thresholds for a Lengthy period, and in fact contemplates noise Levels will remain above those thresholds for an indefinite period, noise impacts will remain potentially significant notwithstanding the proposed mitigation. Because there is plainly feasible mitigation available, specific mitigation effective to reduce the Project's impacts to a less than significant level should be ***mandated prior to*** Project implementation to ensure the Project's impacts will be less than significant.

Response 477-5

As noted on Page 2-30 of the Draft EIR, "For the Plant Site, the locations of processing and storage areas, including locations of equipment, structures, and facilities would remain the same as under existing conditions." Figure 2-6, "Proposed Plant Site Plan," shows the location of the existing aggregate processing plant and concrete batch plant. Figure 2-7, "Proposed Plant Site Mining Plan," shows the location of the asphalt plant in the northwest portion of the project site. The recycle plant consists of smaller, mobile (portable) crushing/screening equipment that can be relocated onsite as needed to accommodate various production needs. The portable recycling plant is considerably smaller and quieter than the aggregate processing plant.

As noted on page 36 of the project noise study (Draft EIR Appendix H-1, "Environmental Noise and Vibration Assessment"), "No appreciable change in on-site noise generation

will initially occur at the Plant Site. However, as processing operations shift to the Quarry Site the noise generation of the Plant Site would decrease. Within approximately 30 years, all operations at the Plant Site will cease."

Page 41 of the project noise analysis (Draft EIR Appendix H-1) specifically describes the noise generation of the Plant Site at the nearest receptors. That section notes that, to quantify the noise generation of the existing Plant Site operations, reference noise level data was collected at the existing Plant Site in June of 2018 and were utilized.

Because the asphalt and recycle plants were not in operation during that timeframe, noise level data collected for similar equipment operating at the CEMEX Elliot Plant Site in Pleasanton on January 25, 2018, and BAC file data for similar equipment were utilized. Backup warning devices were used on all mobile equipment operating during the reference noise surveys. As a result, noise generated by backup warning devices was included in the reference noise surveys. Draft EIR Table 4.13-16, "Estimated Plant Site Noise Levels (dBA) at Nearest Receptors," indicates that the project standards of significance could be exceeded at two of the 5 nearest existing residences surrounding the Plant Site. Although the identified exceedances were small (2 dB), a potentially significant noise impact was identified, and appropriate noise mitigation measures were recommended (Draft EIR, page 4.13-58). Noise monitoring to confirm the effectiveness of the selected noise control measures in reducing this impact to a level of insignificance is included in Mitigation Measure 4.13-2. Satisfaction with the project standards of significance is not optional, and the required noise monitoring program would ensure the project's noise emissions are satisfactory relative to Fresno County noise standards.

The noise control options provided in Mitigation Measure 4.13-2 have been used extensively at aggregate operations in California and have been proven to be effective. Because aggregate facilities frequently replace older equipment with more modern technology, the noise emissions of greatest concern and which most significantly influence compliance with the applicable noise standards can change over time. Through the requirement that noise monitoring be conducted to ensure compliance with Fresno County noise standards, any equipment found to be responsible for exceedance of the County's noise standards would be treated as appropriate for that type of equipment.

Comment 477-6

The technical study also appears to include some errors that may affect the analysis. Specifically, the discussion of baseline ambient noise at the Plant Property in the technical report references the Quarry Property, including "sensitive receptors to the Quarry Site," with only some discussion therein to the Plant Property. (See Appendix H, p. 24.) It is unclear whether this is

a typographical error, or whether the consultant intended to assess the impact of plant operations on sensitive receptors adjacent to the Quarry Site. Either way, this should be clarified.

Response 477-6

Comment 477-6 is correct in that, on page 24 of the noise study (Draft EIR Appendix H-1), the word "Quarry" was inadvertently inserted where it should have read "Plant". This was a typographical error, and was not intended to imply that impacts of Plant Site operations were assessed at Quarry Site receptors. The typographical error did not affect the calculations of Plant Site noise levels at the nearest sensitive receptors, findings of potentially significant noise impacts, or recommended noise mitigation measures.

Comment 477-7

Finally, the DEIR and its Project Description are unclear on the location of the 12.9-acres owned by CDFW. While Page 2-7 of the DEIR identifies the APNs of the 12.9 acres owned by CDFW, Figure 2-1 (the Plant Site Aerial) is unclear, difficult to read, and the various APNs that may be owned by CDFW are in different locations without clearly delineated boundaries. It is difficult if not impossible to fully comment on the DEIR without being able to understand the full scope of the Project. Understanding the specific location of this portion of the Plant Property is important, especially if those portions of the Plant Property are undeveloped and/or on the periphery of the project area. Indeed, although unclear, some portion of the 43ST appears to be undeveloped land located closest to the residential uses (including our residences) to the south.

Response 477-7

Please see Figure 2-1, "Plant Site Aerial," where the area owned by the CDFW is indicated as the area between the dashed line indicative of the CEMEX property boundary and the solid red line indicative of the existing CUP boundary. Please also see Collective Response #20 pertaining to the relationship between CEMEX-owned properties and properties managed by CDFW as well as the errata pertaining to the typographical error indicating the total area owned by the CDFW is 12.9 acres instead of 11.9 acres.

Letter #478 March 10, 2025, Cherith Drescher Merson

Comment 478-1

Enough is enough. The birds, bees, fish and those of us on two feet and four all enjoy the life brought to us by the San Joaquin River. Few values can justify impairment of that. The devastation caused by the Friant Dam was justified to support agriculture.

The farmlands of California are unique in the world due to their climate. Agriculture is only possible in a narrow range of climate and more broadly limited by geography. Mining is limited narrowly by geography and more broadly by climate.

Response 478-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See Response 478-2 for further discussion of specific issues raised in Comment Letter 478.

Comment 478-2

The effects of the extensive mining proposed by the CHEMEX expansion in the can Joaquin Riverbed cannot be justified.

CHEMEX mining can no doubt be done in other areas on the earth less vital to the survival and enjoyment of the life forms nearby.

The proposed activity is too close to both populated areas and wildlife areas. The devastating effects will be felt much too deeply and too wildly to justify imposition. The destruction starts with the extinction of species and moves up to annihilation of the spiritual and aesthetic enjoyment of the place. The operation sould move somewhere else.

Response 478-2

See Draft EIR Section 6.4.2.1, "Alternative Site Locations," for discussion of the Draft EIR's evaluation of reasonable alternative locations for the project. The project's potential impacts to certain fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." Potential effects on traditional spiritual sites and aesthetics are evaluated in Draft EIR Section 4.18, "Tribal Cultural Resources," and Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #479 March 10, 2025, James Driscoll

Comment 479-1

I am resident of Woodward Lake just a couple of miles down from the CEMEX mine, I am extremely opposed to CEMEX expanding its mining operations to include explosive mining. The San Joaquin has experience enough and we have more gravel than we know what to do with. I understand Fresno economy is based on natural resources and farming but this a bridge too far. Oppose to this expansion now!

Response 479-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Letter #480 March 10, 2025, Laura Duncan

Comment 480-1

I am writing about my concerns regarding the planned expansion of the scope of work at the Cemex plants. I am not a scientist nor a geologist. I just have common sense.

Allowing explosives so close to residential areas is unfair to those residents. It is grossly unfair to the natural residents who have called the river home long before the quarry started mining. The noise, dust, and vibrations will certainly have a negative impact. The damage done to the area will be irreparable.

Response 480-1

The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3, "Air Quality," and Section 4.13, "Noise," as updated in the Final EIR. Additionally, the issue of flyrock hazards is addressed in Draft EIR Section 4.9, "Hazards and Hazardous Materials." See Appendix D-4, "Revised Section 4.3, Air Quality," and Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See Collective Response #9 regarding the project's potential air quality impacts upon the region, including impacts related to blasting. See also Collective Response #13 regarding the project's potential operational effects, including blasting, on wildlife in the habitat surrounding the project sites.

Comment 480-2

There is also the issue of Cemex's long history of violations regarding safety.

Response 480-2

See Collective Response #4a regarding CEMEX's regulatory history.

Comment 480-3

Toxic dust could be thrust into the air, traveling long distances.

Response 480-3

The issue of potential toxic air emissions is addressed in Draft EIR Section 4.3, as updated in the Final EIR. See Impact 4.3-3 regarding the potential effects of the project's air emissions on public health. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to this Draft EIR section.

Comment 480-4

There is no solid plan in place to secure the walls of the pit.

Response 480-4

The issue of pit wall stability is addressed in Draft EIR Section 4.7, "Geology and Soils." See Impact 4.7-7 beginning on Draft EIR page 4.7-32 for an analysis of the limited potential of slope instability at the Quarry Site. The analysis of slope stability in this section is based on the project's proposed Surface Mining and Reclamation Plan provided as Draft EIR Appendix B-1, "Surface Mining and Reclamation Plan," and the Geological and Geotechnical Assessment Report prepared for the Quarry Site and provided as Draft EIR Appendix F-2, "Quarry Site Geotechnical Report." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 480-5

Contamination of the river is also not adequately mitigated.

Response 480-5

The issue of potential surface water quality degradation is addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Impacts 4.10-1 through 4.10-3 beginning on Draft EIR page 4.10-88. Mitigation Measure 4.10-1 requires implementation of Blasting Protocols, as revised in Appendix H-9, "Revised Blasting Protocol," and specify practices to prevent the contamination of groundwater and surface water as a result of blasting. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10.

Comment 480-6

The DEIR does not thoroughly assess the impact of this proposed operation nor provide concrete ways to mitigate the effects, including time frames or funds for mitigation. Overall, it appears to be either a very sloppy report, or altered to meet Cemex's expectations.

Response 480-6

The potential environmental impacts of the proposed project are adequately disclosed and evaluated in the Draft EIR in accordance with the requirements of CEQA. The

mitigation measures presented in the EIR describe the required timing and funding of implementation as appropriate. For instance, Mitigation Measure 4.10-5a describes when groundwater monitoring at the Plant Site would be initiated and its duration, and Mitigation Measure 4.10-5b provides a funding mechanism to ensure continuity of implementation of the monitoring and adaptive management program. The commenter does not specify what impacts have not been thoroughly assessed, nor which impacts are not adequately mitigated. The comment is noted for the consideration of the decision-makers.

Comment 480-7

The river is a natural resource that needs to be protected and cherished. There are plenty of gravel operations that are not endangering an irreplaceable habitat. We do not need the increase in gravel production from this site.

Response 480-7

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Letter #481 March 10, 2025, James Durando (Letter #1)

Comment 481-1

Biological DEIR omission

No invertebrates were noted in the Biological survey of the Plant or Quarry sites in the DEIR. Below find the species of mosquitoes collected at those site by the Consolidated Mosquito Abatement District over the time period of 1/1/2006 to 3/10/25. Attached find supporting evidence.

On and near the Plant site and Quarry site the following Species of mosquitoes have been trapped and identified

Anopheles sp.

Culex sp.

Culiseta sp.

Aedes sp.

These species have been known to transmit the following diseases.

Dog and Cat heartworm

West Nile Virus

St. Louis Encephalitis

Dengue

The above only includes trapping data for mosquitoes. No information was available in the DEIR for any invertebrates terrestrial or aquatic.

Response 481-1

The commenter inaccurately alleges "[n]o information was available in the Draft EIR for any invertebrates terrestrial or aquatic." Invertebrates were included in Table 4.4-1, "Special-Status Wildlife Species," of the Draft EIR for assessment; examples include vernal pool fairy shrimp (*Branchinecta lynchi*), and valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). The revised Draft EIR also includes additional species of invertebrates for evaluation such as Crotch's bumble bee (*Bombus crotchii*) and midvalley fairy shrimp (*Branchinecta mesovallensis*). No species of mosquito listed by the commenter are designated as Species of Special Concern (SSC), or special-status invertebrates on CDFW's special-status invertebrates list. Therefore, none of the mosquito species noted by the commenter are of conservation status sufficient to include in the Draft EIR.

Regionally occurring species without a specific federal or state listing, or Species of Special Concern designation, were cross-referenced against CDFW's special-status invertebrates list. Species appearing on that list were included in Table 4.4-1, "Special-Status Wildlife Species." Species appearing in the CNDDB (CDFW 2025a) but were not on the special-status invertebrates list (CDFW 2025b) were not included.

Letter #482 March 10, 2025, James Durando (Letter #2)

Comment 482-1

How Do the Cemex Rockfield Friant DEIR and CEQA Compliance Requirements Compare

Introduction: The Cemex Rockfield Friant project, as outlined in the Draft Environmental Impact Report (DEIR), has raised questions regarding its compliance with the California Environmental Quality Act (CEQA). This report analyzes how the project aligns with and fulfills CEQA requirements, identifies areas where the DEIR may fall short, and examines potential social, economic, and environmental impacts.

1. **Alignment with CEQA Requirements:** The DEIR seeks to address various environmental impacts as required by CEQA, including air quality, water resources, biological resources, cultural impacts, and traffic. Several mitigation measures are proposed to lessen negative outcomes, such as restoring habitats, enhancing air quality controls, and road modifications to accommodate increased traffic.

Response 482-1

Please see Draft EIR Section 1.1, "Purpose of and Environmental Impact Report," for an explanation of the purpose of the Draft EIR. The comment does not address the adequacy of the Draft EIR or provide evidence of a deficiency in the Draft EIR and no further response is warranted.

Comment 482-2

2. **Areas Where the DEIR Does Not Meet CEQA Standards:**

- **Vague Mitigation Measures:**

13) **Example:** The DEIR includes mitigation for air quality issues but lacks specificity on implementation timelines, emission reduction targets, or the technology to be employed. For example, the mitigation measure for dust control simply says, "implement best management practices," which is too vague and lacks enforceable action.

Response 482-2

Contrary to the commenter's assertion, Mitigation Measure 4.3-2 on Draft EIR page 4.3-62 describes the project requirement to prepare and obtain San Joaquin Valley Air Pollution Control District (SJVAPCD) approval prior to project implementation. The measure includes three specific requirements (including specific performance standards for off-road engine emissions and for dust suppression efficacy) and may include others as deemed necessary through SJVAPCD review (Draft EIR, page 4.3-62). Contrary to the comment's assertion, the mitigation measure does not state "implement best management practices" nor is the mitigation measure limited to best management practices.

Comment 482-3

14) **Lack of Specificity Regarding Biological Surveys:**

a. The biological surveys conducted were not comprehensive in their assessment of the full range

of species in the area. For example, species that are known to inhabit the region were not adequately surveyed, which raises concerns about the accuracy of the conclusions in the DEIR.

Response 482-3

Several biological studies were conducted on the project sites and peer reviewed by County-retained technical experts to ensure they are adequate to use in the preparation of the project's biological analysis. Please refer to Draft EIR Appendix E-1, "Plant Site Habitat Assessment," and Appendix E-2, "Quarry Site Habitat Assessment," which contain detailed information regarding the surveys conducted for the Draft EIR. See also Response 65-5 and 65-6 for further discussion of the biological field surveys conducted for the project.

Comment 482-4

- **Traffic Impacts:**

15) While the DEIR acknowledges potential traffic issues, it fails to identify exact road modifications and doesn't adequately model future traffic conditions during peak hours. Additionally, the DEIR fails to commit to a timeline for any necessary infrastructure upgrades.

Response 482-4

Please see Collective Response #29 for discussion of the timing of the equitable contributions to roadway improvements. The Draft EIR indicates that the Operator would provide equitable contributions for the following road improvement measures, at intersections specified in Section 4.17, "Transportation," of the Draft EIR: signalization improvements, road widening, and pavement improvements. For further information for the analysis of traffic impacts, please refer to Draft EIR Appendix I-1, "Traffic Impact Study." The Traffic Impact Study analyzes the existing peak-hour trip generation at the Plant and Quarry sites, peak-hour trip generation at the maximum production of 2.0 million tons (MT) per year (Stage 1), and peak-hour trip generation at the maximum production of 3.0 MT per year (Stage 1), and peak-hour trip generation at the maximum production of 3.0 MT per year (Stage 2) (Draft EIR Appendix I-1, pages 9 through 23).

Comment 482-5

3. **Need for the Project:** There is a stated need for aggregate to supply construction materials to the region. However, the DEIR does not provide clear evidence that local demand for aggregate justifies the scale of the project. Data on regional

aggregate shortages or growth projections could strengthen the argument for this project's necessity.

Response 482-5

Please see Collective Response #3 pertaining to regional aggregate demand and supply.

Comment 482-6

4. **Employment Impact:** The DEIR mentions that the project will create jobs, but it does not provide a detailed analysis of whether these jobs will be filled locally or whether they will offer sustainable income levels for surrounding communities. The DEIR fails to address long-term job stability or potential for workforce displacement.

Response 482-6

Draft EIR Impact 4.14-1 on page 4.14-4 discusses that approval of the project would result in an estimated 5 additional full-time on-site employees and that the project would not substantially induce population growth. Further, Draft EIR Impact 4.14-1 states that the five new jobs would likely be filled from the existing county workforce. The comment does not provide evidence of any potential that five additional employees associated with the project would contribute to environmental effects required for analysis under CEQA, nor does the comment explain how five additional employees might affect long-term job stability or workforce displacement. Please see Collective Response #7 pertaining to socioeconomic issues.

Comment 482-7

5. **Residents' Concerns:** The DEIR downplays the significance of potential negative out comes for residents in the surrounding areas. In several places, the DEIR dismisses concerns regarding noise, air quality, and visual impacts by stating that they are either temporary or insignificant. Residents are often referred to as "insignificant" in the broader context of regional environmental planning, which is a concerning perspective from a community relations standpoint.

Response 482-7

As an initial matter, there are no instances in the Draft EIR in which residents are either expressly or implicitly referred to as *insignificant*. The Draft EIR evaluates potential noise, air quality, and visual impacts of the project, clearly discussing the project elements associated with impacts and the time period(s) within which impacts would occur. Please also see Collective Response #6 pertaining to operational nuisance. The comment does

not provide any evidence of dismissive or deficient analysis in the Draft EIR and no further response is warranted.

Comment 482-8

6. **Biological Surveys and Their Validity:** Biological surveys were conducted to assess impacts on local fauna and flora. However, the surveys appear to have been conducted with limited scope and did not account for seasonal variations or detailed habitat assessments. For example, certain key migratory species were not surveyed in critical seasonal periods, undermining the validity of the biological findings.

Response 482-8

Please see Responses 65-5 and 65-6 for discussion of the biological field surveys conducted for the project. The 2019 field survey was conducted on April 30, 2019. The 2021 field survey was conducted on June 14, 2021. The April – June time period is when many, if not most, impacted species have the highest likelihood of being present and observable on the project sites. It should be noted that CEQA does not require technical perfection or that all possible surveys be conducted in order to analyze environmental impacts. The surveys conducted, in conjunction with the literature reviews, were sufficient to identify the presence of species on or adjacent to the project sites and possible impacts to such species.

Comment 482-9

7. **Presentation of Data:** The DEIR includes an excess of tables and photos, many of which show pristine landscapes. These images do not represent the ongoing mining and industrial operations that are the subject of the report. The failure to include photos of the current environmental degradation or working project areas creates a skewed representation of the site.

Response 482-9

The comment does not reference any specific tables or photographs in the Draft EIR. Figures 4.1-2 through 4.1-16 include a series of photographs and simulated images. Captions are provided for each photograph in the upper left corner indicating that the photograph is of the "Existing/Baseline View." In some photographs development and existing mine areas are readily visible and in other photographs development and existing mine areas are not visible which is the case when such development or existing mine areas are not within the viewshed of the photograph. Contrary to the comment's assertion, the photographs representing the "existing/baseline view" from each

viewpoint are not skewed and represent the actual view at the time the photographs were taken.

Comment 482-10

8. **Cemex's Environmental Violations:** Cemex's history in California, including the cement issues in Davenport, highlights a lack of timely remediation of environmental violations. The DEIR does not adequately address the corporation's past environmental issues or the steps they've taken to ensure compliance with state and federal regulations.

Response 482-10

Please see Collective Response #4a pertaining to CEMEX regulatory history.

Comment 482-11

9. **Conclusion:** While the Cemex Rockfield Friant DEIR acknowledges various environmental and social impacts, it fails to provide sufficient detail in key areas such as mitigation measures, biological surveys, and traffic impact analysis. The project's need for aggregate is not fully substantiated, and the employment benefits for local communities are not clearly outlined. Additionally, there are concerns over the corporation's past environmental record and the adequacy of the proposed mitigation.

Summary of Report:

The Cemex Rockfield Friant project's DEIR does not fully comply with CEQA requirements. While it addresses some environmental impacts, many mitigation measures are vague, and the DEIR lacks specificity regarding key areas such as biological surveys, traffic impacts, and employment benefits. Residents' concerns are dismissed, and the project's necessity is not sufficiently substantiated. Past environmental violations by Cemex are not adequately considered. Further details and a more transparent approach are needed for full CEQA compliance

Response 482-11

Please see Collective Response #3 pertaining to regional aggregate demand and supply. Appendix E, "Biological Resources," includes biological surveys that were conducted as part of the Draft EIR, and Appendix I, "Transportation," includes traffic impact analyses that were conducted as part of the Draft EIR. See also Responses 482-1 through 482-10 above regarding specific issues raised in the comment letter. Notwithstanding the

commenter's assertions of vague mitigation and lack of specificity in the Draft EIR, the comment does not explain or provide evidence of any specific deficiency in the Draft EIR and no further response is warranted.

Letter #483 March 10, 2025, Terry Easley

Comment 483-1

Kindly stop this project. It will be an eyesore, an environmental disaster, an air quality nightmare for the beleaguered citizens of the central San Joaquin Valley, a further blight on the hardest-working river water in our country, and a repugnant signature Mountain Most of gateway to our High Sierra.

Response 483-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential visual impacts are addressed in Draft EIR Section 4.1, "Aesthetics and Visual Resources." Potential impacts to air quality are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality") as updated in the Final EIR. The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 483-2

We have been through this battle before when we defeated the dystopian plans of Cemex to blow up the sacred Mountain of the Choinumni Tribe, Jesse Morrow (Wahallich) Mountain for its aggregate, most of which would have be sent to China. We also don't need any more of our nationally treasured farmland to be paved over by unbridled developers.

Whatever meager benefits (few jobs, small revenue for other valley infrastructure projects, etc) would pale in comparison to the destructive consequences of this myopic project.

Please consider these negative repercussions that will undoubtedly impact the quality of life in our region for generations to come.

Response 483-2

The comment does not relate to the adequacy of the Draft EIR. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #484 March 10, 2025, Joan Eaton

Comment 484-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. My family has lived in Fresno for 5 generations, starting in 1874. Each generation has cared deeply for this region and especially for the San Joaquin River, as a treasured natural resource, a recreation opportunity for families, and a source of natural beauty

After reviewing the DEIR, I am deeply concerned about how poorly it recognizes critical dangers to the San Joaquin River and the State owned San Joaquin Conservancy lands that surround the project. More specifically the mitigation proposals inadequately address the negative health effects this project will cause over the next 100 years. My mother was one of the early pediatricians at Valley Children's Hospital and my daughter (her granddaughter and also a pediatrician) have lamented how childhood health has suffered increasingly as environmental factors have deteriorated over the decades. An additional 100 year mining project will exacerbate these poor health factors, for adults as well as children.

The conservation and restoration of the San Joaquin River, its flows, its habitat, and its use by the public have been supported by taxpayers for nearly 40 years. For decades, public use of the land has been exponentially increasing, as the population increased. A project that will greatly impact the River and surrounding land use for the next 100 years must carefully detail the mitigation measures necessary to protect hundreds of thousands of citizens visiting their public lands each year. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 484-1

The commenter's background and concerns are noted and will be considered by County decision-makers. The commenter's concerns regarding mitigation are also noted. Please see Collective Response #12 pertaining to San Joaquin River restoration efforts. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures and no further response is warranted here. Please see Responses 484-2 through 484-13 below for responses to specific issues raised in the comment letter.

Comment 484-2

Lack of Mitigation for Rapidly Increasing Public Visitation, Visual, Traffic, and Air Quality Impacts

The DEIR identifies many unavoidable negative impacts, including:

- **Contradictions to Master Plan for the San Joaquin River Parkway:** The DEIR does not address the harm the project will cause to public access to the San Joaquin River. The Master Plan for the San Joaquin River Parkway calls for dramatic increase in the public access points to the River. The DEIR does not address increased public use of areas surrounding the project. Currently, public visitation to State owned Conservancy lands is increasing by the thousands every year. A 100 year project in the middle of one of the State's fastest growing regions needs to consider that visitors to the River Parkway will likely be in excess of 1 million people per year in the near future.

Response 484-2

Please see Collective Response #18 pertaining to the project's consistency with San Joaquin River Parkway Master Plan, and please see Collective Response #21 pertaining to public access to the San Joaquin River.

Comment 484-3

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 484-3

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation.

Comment 484-4

- **Traffic Congestion:** Significant traffic impacts are expected, but there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on *how* mitigation takes place is just one example of the inadequacy of the DEIR.

Response 484-4

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 484-5

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining? In the region with some of the nation's highest rates of child asthma, it is imperative that CEMEX's current operations be seen as a contributor to current health outcomes. The public has a right to see the project's emissions as compared to a no-project scenario.

Response 484-5

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 484-6

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 484-6

See Response 349-2.

Please see Collective Response #26 regarding the baseline groundwater data used in the Draft EIR analyses.

The water pumped from the excavation area would be primarily pumped to groundwater recharge trenches and ponds along the perimeter of the Quarry Site that faces the San Joaquin River (see Draft EIR at page 4.10-102). The use of recharge trenches would limit the amount of drawdown of the water table to a less than significant level (see Draft EIR at page 4.10-102).

Further, the ponds and water conveyance channels are artificial wetlands constructed and maintained for active surface mining and dewatering of the deeper geologic units and would not affect the water levels in the river. Due to the very low permeabilities of the weathered rock and hard rock at the Quarry Site, the volume and rate of groundwater flow is very low compared to the volume and rate of flows in the river. Implementation of several Draft EIR Mitigation Measures (such as Mitigation Measure 4.10-5a, 4.10-1, and 4.10-10a) would reduce impacts on the quantity of water in the river, and no further analysis is required.

Comment 484-7

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?

- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 484-7

See Collective Response #17. See also Response 329-3.

Comment 484-8

- The San Joaquin River Conservancy has spent millions of dollars fixing breached quarry ponds downstream from the project. More public funds have been spent on the restoration of habitat and water flow by the San Joaquin Salmon Restoration project. The DEIR should identify impacts to these projects.

Response 484-8

Please see Collective Response #12 pertaining to San Joaquin River restoration efforts. See also Response 12-69.

Comment 484-9

- Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 484-9

See Response 403-4, which explains that the Draft EIR groundwater data was collected during low and high flow periods. Refer to Collective Response #26 and Response 484-6.

As described in Collective Response #26, the data used in the Draft EIR was collected over a period that included both low and high flows.

As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the project area. Collective Response #25 further demonstrates that Department of Water Resources criteria for interconnected surface water are not met at the project site.

Comment 484-10

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 484-10

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 484-11

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts. If this project is allowed to go forward without adequate mitigation measures, it will cause excelerating deterioratioin of air quality, diminishing recreation opportunities for the region's citizens, and the end result for our region will be an unsightly and dangerous pit.

Response 484-11

Please see Collective Response #19 pertaining to public accessibility to parks, and please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas. Draft EIR Section 4.13, "Noise," provides a comprehensive analysis of potential noise impacts from the proposed project. Figure 4.13-1, "Nearest Sensitive Receptors to Plant Site," provides the locations of the nearest sensitive receptors to the Plant Site. (Draft EIR page 4.13-13.) Figure 4.13-2, "Nearest Sensitive Receptors to Quarry Site," provides locations of the nearest sensitive receptors to the Quarry Site. (Draft EIR page 4.13-15.) With implementation of Mitigation Measure 4.13-2, 4.13-3, and 4.10-1, all potential noise and vibration related impacts at the site boundaries and nearby receptors, including receptors adjacent to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, would be reduced to a less than significant level.

The Draft EIR describes numerous mitigation measures which would be required to mitigate the proposed project's potential environmental impacts.

Comment 484-12

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 484-12

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures

are described in detail regarding actions to be taken upon observation of these species for their protection. (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (see Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (Draft EIR, pages 4.4-49 through 4.4-50).

The Western red bat was not observed on site during the habitat assessment; however, moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). As discussed in Chapter 3, "Draft EIR Errata," the Final EIR provides additional analysis of potential impacts to bats and adds Mitigation Measure 4.4-1d to require pre-construction surveys and measures to avoid or minimize impacts to active bat roosts. With implementation of Mitigation Measure 4.4-1d, potential impacts to bats, including the Western red bat, would be less than significant.

In any event, blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR, as revised in this Final EIR, therefore adequately evaluates potential impacts to the species discussed above.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Section 4.4, "Biological Resources," of the Draft EIR does not need rewriting or recirculation.

Comment 484-13

Conclusion

Given the significant impacts to the river, wildlife, public safety, public health, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 484-13

The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. Please see Responses 484-1 through 484-12 above regarding specific issues raised in the comment letter. Pursuant to CEQA Guidelines Section 15088.5, 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 but before certification. As discussed in Chapter 3, "Draft EIR Errata," of this Final EIR, the County has determined that recirculation of the Draft EIR is not required.

Letter #485 March 10, 2025, David Erickson

I am writing to express my opposition to the DEIR submitted for the CEMEX deep pit mining project along the San Joaquin River. As a resident of northeast Fresno, I do not believe the DEIR accurately reflects the impact this project will have on the traffic, pollution and noise in my neighborhood and the surrounding neighborhoods.

Response 485-1

The issues of traffic and noise are addressed in Draft EIR Section 4.17, "Transportation," and Section 4.13, "Noise." Potential pollution is a broad topic that is addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality") Section 4.8, "Greenhouse Gas Emissions," Section 4.9, "Hazards and Hazardous Materials," Section 4.10, "Hydrology and Water Quality," Section 4.13, and Section 4.20, "Wildfire." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. The commenter does not specify which impacts are inaccurately evaluated in the Draft EIR. However, the commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 485-2

I also feel that the negative impact on one of the Central Valley's few (and most important) natural resources will be irreparable, and is unjustified considering the already satisfactory availability of aggregate products needed for the Central Valley for foreseeable future.

Response 485-2

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section.

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 485-3

For the current and future citizens of Fresno County, I strongly believe this DEIR should be rejected.

Response 485-3

The commenter does not specify in this or previous comments how the Draft EIR is inadequate or provide evidence or reasoning to support the assertion that it should not be certified. However, the commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #486 March 10, 2025, Kirsten Field

Comment 486-1

Please let this letter serve as a negative vote for extending/expanding the CEMEX contract for work near the San Joaquin River.

The plan seems: excessive for the industry already in the area; dangerous considering the proximity to town, the river and community wildlife areas; and just downright unpleasant.

Response 486-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Responses 486-2 through 486-4 for further discussion of specific issues addressed in Letter 486.

Comment 486-2

The Draft Environmental Impact Report does not have plans or procedures in place to account for emergency situations due to the inevitable collapse of the mine

Response 486-2

The issues of ground and slope stability are addressed in Draft EIR Section 4.7, "Geology and Soils." Mitigation Measures 4.7-6, 4.7-7a, and 4.7-7b require monitoring of slopes at the Plant Site and Quarry Site, respectively, and implementation of adaptive measures by a qualified geologist, as necessary, to ensure stability of all slopes. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.7. See also Collective Response #17 regarding river bank stability and the limited potential for breach and flooding of the Quarry Site excavation.

Comment 486-3

and the damage to the quality of the water beyond their employees monitoring the situation.

Response 486-3

The issue of water quality is addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." Mitigation Measures 4.10-5a and 4.10-10a require implementation of water quality monitoring and adaptive management programs at the Plant Site and Quarry Site, respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10. The commenter does not provide evidence or reasoning to support the claim that these water quality monitoring programs would be inadequate.

Comment 486-4

My family and I enjoy recreation in the Millerton area, the San Joaquin River, Lost Lake Park, Ledger Island, Ball Ranch, Tesoro Viejo, Sycamore Island to name a few. Friant Road is a frequent connecting roadway for us. We hope this review process by the county is met with a formal disapproval of the CEMEX proposals.

Please forward this information to the qualified personnel who are responsible for rejecting the proposals regarding the continued and expanded work by the CEMEX company and its mining operations.

Response 486-4

The project's potential impacts to recreational facilities and transportation are addressed in Draft EIR Section 4.16, "Recreation," and Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #19 regarding public accessibility of parks adjacent to the proposed project sites. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #487 March 10, 2025, Carolyn Flores

Comment 487-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project.

As a long time resident of Fresno, who enjoys using the richness of our outdoor spaces we call home. I'm writing to you to express my concern for the ability our children will have to enjoy this natural resource. My children and I often use the trails by the river. My children have participated in River Camp learning more

about this space and how to protect it. This project is in direct opposition to making our waterways accessible to all. How are we to create a thriving Fresno with our outdoor spaces being threatened in this manner? Air-quality, and local water are always on the top of everyone's minds. I want Fresno to be a destination and place to live of choice. That comes with keeping out outdoor spaces free of the harmful effects we know about. We know that blasting into the ground right by the river.

A quote from my 10 year old son, "It would make me really sad to not see animals happy by the river. We need them. Why would people be okay with messing with their home?"

A quote from my 7 year old daughter, "Why would people mess with the San Joaquin River? It makes me mad that the animals would be left without a home that is safe."

These are our future residences. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all. There is no amount of mitigation that would support what they are doing to our natural resources since there are major parts of our community that depend on the river.

Response 487-1

The commenter's background and concerns are noted and will be considered by County decision-makers. The commenter's concerns regarding mitigation are also noted. Please see Collective Response #12 pertaining to San Joaquin River restoration efforts. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures and no further response is warranted here. Please see Responses 487-2 through 487-11 below for responses to specific issues raised in the comment letter.

Comment 487-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 487-2

See Response 349-2.

Comment 487-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 487-3

See Collective Response #17 pertaining to bank stability and flooding. See also Response 329-3. As discussed in the Draft EIR, the project sites are located within FEMA Zone A and AE floodplains and regulatory floodways. The project sites are located downstream of Friant Dam, a concrete dam that forms the Millerton Lake reservoir. During unforeseen events, the release of water into the San Joaquin River at rates that could exceed the river channel capacity could be required (Fresno County 2018a). However, the resulting inundation due to the unforeseen events would occur far outside the actual flood hazard zones and thus would not be covered by this impact. In addition, the unforeseen event of the release of water from the Friant Dam or Millerton Lake Reservoir is not required to be addressed under CEQA since the releases are not "reasonably foreseeable." The enlarged mining excavation could help contain and minimize downstream flooding; therefore, potential impacts related to flooding were found to be less than significant.

The Regional Water Quality Control Board is responsible for implementing the Water Quality Control Plan for the Sacramento River Basin and San Joaquin River Basin Plan which regulates and establishes limits for water quality discharged into the SJR below the Friant Dam. In the unlikely and unforeseeable event that the Quarry Site is "captured" by the SJR as the commenter suggests, the Operator would work with several local, state, and potentially federal agencies for any necessary remediation activities.

Comment 487-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 487-4

See Response 403-4, which explains that the Draft EIR groundwater data was collected during low and high flow periods.

Refer to Collective Response #26.

As described in Collective Response #26, the data used in the Draft EIR was collected over a period that included both low and high flows.

As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the area of the project sites. Collective Response #25 further demonstrates that Department of Water Resources criteria for interconnected surface water are not met at the project site.

Comment 487-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 487-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 487-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze

these impacts and identify appropriate mitigation measures for the impacts.

Response 487-6

Please see Collective Response #19 pertaining to public accessibility to parks, and please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 487-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts
The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 487-7

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation.

Comment 487-8

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on *how* mitigation takes place is just one example of the inadequacy of the DEIR.

Response 487-8

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 487-9

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 487-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 487-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 487-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (see Draft EIR, pages 4.4-49 through 4.4-50).

The Western red bat was not observed on site during the habitat assessment; however, moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). As discussed in Chapter 3, "Draft EIR Errata," the Final EIR provides additional

analysis of potential impacts to bats and adds Mitigation Measure 4.4-1d to require pre-construction surveys and measures to avoid or minimize impacts to active bat roosts. With implementation of Mitigation Measure 4.4-1d, potential impacts to bats, including the Western red bat, would be less than significant.

In any event, blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR, as revised in this Final EIR, therefore adequately evaluates potential impacts to the species discussed above.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Section 4.4, "Biological Resources," of the Draft EIR does not need rewriting or recirculation.

Comment 487-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 487-11

The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. Please see Responses 478-1 through 478-10 above regarding specific issues raised in the comment letter. Pursuant to CEQA Guidelines Section 15088.5, 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 but before certification. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required.

Letter #488 March 10, 2025, Linda Foster

Comment 488-1

Dear Mr. Randall,

I am a 30-year resident of Fresno. For half of those years, I have been involved with the San Joaquin River and how people and wildlife interact with it and around it.

People love The River. They love the open spaces around the river where they can enjoy peace and quiet, relax, and investigate the natural world.

They enjoy watching the birds and other critters that live out there. It is peaceful, quiet, calming, and soothing.

Response 488-1

This is an introductory comment that does not directly address the adequacy of the Draft EIR. See Responses 488-2 and 488-3 for further discussion of specific issues raised in Comment Letter 488.

Comment 488-2

To destroy all that peace and quiet and natural beauty with continuous blasting, dust, dirt, caravans of huge earth movers, huge trucks on Friant Road, again, is a desecration of this special place.

Response 488-2

The project's potential effects on noise and aesthetics are addressed in Draft EIR Section 4.13, "Noise," and Section 4.1, "Aesthetics and Visual Resources." The potential impact on traffic is addressed in Draft EIR Section 4.17, "Transportation." Air quality impacts are discussed in Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

See the description of proposed blasting procedures on page 2-42 of the Draft EIR, which states, "Blasting would occur one to two times per week on weekdays between the hours of 10 a.m. and 2 p.m." Furthermore, the project sites have been subject to continuous mining and processing activities for more than 100 years and the proposed project would not extend beyond the operation's existing disturbance areas.

Comment 488-3

The people of Fresno and Clovis and other surrounding areas need, want, and deserve their little slice of nature to be as natural and wild and peaceful as humanly possible.

This blasting of huge, 600 plus feet deep, holes near the San Joaquin River is plain old abusive to the River and to all the birds and critters who live in the area, raise their young there, and depend on it for survival. And abusive to the little kids who love it, and all the big adult people who find peace and comfort in The River and the surrounding countryside.

This is a reckless idea, an insult to all living things that depend on The River and the surrounding area. Whether, for their survival, or for their connection to nature.

Please reconsider this project. It is the absolutely wrong direction to move in for The River and the surrounding area.

Response 488-3

The project's potential impacts to wildlife and the San Joaquin River are evaluated in Draft EIR Section 4.4, "Biological Resources," and Draft EIR Section 4.10 "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #489 March 10, 2025, Laurie Frye

Comment 489-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval. 1. Impacts on the San Joaquin River Watershed - this is a local gem that has been under attack for years! Take a look at the river parkway in Sacramento to understand the benefit to a community - economically and environmentally.

Response 489-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section.

Comment 489-2

2. Air Quality and Dust Emission - Fresno is a basin, that already has challenges with pollution, it doesn't need more sources.

Response 489-2

The project's potential effects on air quality are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to this Draft EIR section. See also Collective Response #9 regarding the project's potential impact on the existing air quality of the region.

Comment 489-3

3. Biological Resource Impacts - toxins need to be reduced, not increased.

Response 489-3

See Draft EIR Section 4.4, "Biological Resources," for a discussion of the project's potential effects to biological resources. Toxins is a broad topic that is discussed in Draft EIR Section 4.3, "Air Quality" in terms of potential toxic air contaminants, Section 4.9, "Hazards and Hazardous Materials" in terms of potential toxic substances and wastes, and Section 4.10 in terms of potential impacts to surface and ground water quality. See Appendix D-4, "Revised Section 4.3, Air Quality," and Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 489-4

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected. Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 489-4

See Collective Response #1 regarding the need for additional analysis and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of reasonable alternatives to the proposed project.

Letter #490 March 10, 2025, Carlos Garcia

Comment 490-1

Please consider the following comments:

- The 2012 national standard for annual PM2.5 of 12.0 µg/m listed in the DEIR is outdated. The EPA revised the national air quality standards in February 2024 from 12.0 µg/m to 9.0 µg/m. The San Joaquin Valley has been designated as nonattainment for the 2024 PM2.5 standard. The revised PM2.5 standard will be much harder for the San Joaquin Valley to meet, which will further impact the health and quality of life for valley residents. Meeting the new standard requires more stringent emission standards for new or modified sources, especially the proposed CEMEX project due to its proximity to residents. Additionally, the valley is designated as nonattainment for the 1997 PM2.5 standard, nonattainment for the 2006 PM2.5 standard, and nonattainment for the 2012 PM2.5 standard.

Response 490-1

Regarding the significance of impacts presented in Table 4.3-20, "Net Increase in Unmitigated Daily Emissions and Model Screening Level Comparison," there are detailed calculations and analysis providing the substantial evidence to support the determination that after mitigation the impacts are less than significant. The commenter has not provided evidence that the calculations are outdated; additionally, the project and its Draft EIR assessment must comply with current standards. There is no requirement in CEQA guidelines or case law to further mitigate the project impacts which are already shown to be less than significant. As Table 4.3-21 "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," demonstrates, the project with mitigation measures would result in less PM_{10} and $PM_{2.5}$ than existing baseline conditions. Further, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"), including preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 490-2

- The criteria air pollutant amounts are summarily listed in table format throughout the document. However, the descriptions and calculations of the individual air emission points could not be found. Without the documentation for

these, one cannot review or comment on the validity of air emissions referenced in the DEIR's tables.

Response 490-2

The technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3), including preparation of additional models and a draft Fugitive Dust Control Plan. Moreover, electronic modeling files are available from the County upon request. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 490-3

- The portable plant would process come-back concrete, imported concrete, and imported asphalt debris. What amounts for each, including maximum capacities, are to be processed, and how often would this process take place? Is this process included in VMT? As described in the DEIR, it appears that the portable equipment is part of regular operations and would be a part of their stationary source.

Response 490-3

As stated in the Draft EIR, a portable plant is brought in periodically to recycle come-back concrete (unused concrete in mixer upon return to plant) into crushed miscellaneous base. The amounts of each material is of no consequence because the emissions factors are the same regardless of the material being crushed as demonstrated by the SJVAPCD default factors for this activity (https://www.valleyair.org/media/zafesxpo/recycled-asphalt-and-road-concrete-wc.xls). Production rate of the recycle plant is described in Table 1 of Appendix D-3. Recycled material trips are included in the VMT as shown in tables within Draft EIR Section 4.17, "Transportation." Under the definition of stationary source in the Portable Equipment Registration Program (PERP) regulations (https://ww2.arb.ca.gov/sites/default/files/2020-03/PERP_Reg_12.5.18R.pdf), the portable equipment would be part of the stationary source if the following are true:

(1) are under the same ownership or operation, or which are owned or operated by entities which are under common control;

(2) belong to the same industrial grouping either by virtue of falling within the same two-digit standard industrial classification code or by virtue of being part of a common industrial process, manufacturing process, or connected process involving a common raw material; and

(3) are located on one or more contiguous or adjacent properties. part of a common process.

Conditions 1) and 3) are likely true. If materials being fed to the recycle plant originated from a plant on-site or material produced by the recycle plant is then fed to a plant on-site, the recycle plant would be considered part of the stationary source. In addition, the APCD would consider the plant stationary (though possibly a separate stationary source from the remainder of the site) if it would not meet the definition of portable that is provided below.

> "**Portable**" means designed and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform. For the purposes of this regulation, dredge engines on a boat or barge are considered portable. The engine or equipment unit is not portable if any of the following are true:
>
> (1) the engine or equipment unit or its replacement is attached to a foundation, or if not so attached, will reside at the same location for more than 12 consecutive months. The period during which the engine or equipment unit is maintained at a storage facility shall be excluded from the residency time determination. Any engine or equipment unit such as back-up or stand-by engines or equipment units, that replace engine(s) or equipment unit(s) at a location, and is intended to perform the same or similar function as the engine(s) or equipment unit(s) being replaced, will be included in calculating the consecutive time period. In that case, the cumulative time of all engine(s) or equipment unit(s), including the time between the removal of the original engine(s) or equipment unit(s) and installation of the replacement engine(s) or equipment unit(s), will be counted toward the consecutive time period; or
>
> (2) the engine or equipment unit remains or will reside at a location for less than 12 consecutive months if the engine or equipment unit is located at a seasonal source and operates during the full annual operating period of the seasonal source, where a seasonal source is a stationary source that remains in a single location on a permanent basis (at least two years) and that operates at that single location at least three months each year; or

(3) the engine or equipment unit is moved from one location to another in an attempt to circumvent the portable residence time requirements.

It is noteworthy that the definition of "location" used by APCD is different from the definition in PERP regulation which reads, "**Location**" means any single site at a building, structure, facility, or installation. Instead, APCD would define location as the entire facility rather than a single site at the facility. By APCD's interpretation, the portable equipment would require a stationary source permit within 12-months after the equipment is first brought on-site.

Regardless of whether the portable plant would require a stationary source permit, the emissions from the plant and activities related to its operation were appropriately included in the Draft EIR which demonstrates the impact on air quality from the whole of the project would be less than significant.

Comment 490-4

- The general 20% opacity limits in SJVAPCD Regulation VIII are very high. CEMEX needs to commit to limiting opacity/particulate matter to below 5% opacity.

Response 490-4

The SJVAPCD's purpose of Regulation VIII (Fugitive PM_{10} Prohibitions) is to reduce ambient concentrations of fine particulate matter (PM_{10}) by requiring actions to prevent, reduce or mitigate anthropogenic fugitive dust emissions. The commenter states the current limits defined by the SJVAPCD are "very high" and requests a lower limit without providing evidence for the allowable limit being too high. The commenter omits the condition that the 20 percent may only be exceeded up to three minutes in any hour (Draft EIR at page 4.3-26). While 20 percent may seem high, it would occur only infrequently and the remainder of the time opacity would be less and typically around 5 percent, if at all. Moreover, the stationary source equipment would be subject to more stringent opacity standards that would be applied through the stationary source permit conditions that enforce New Source Performance Standard OOO for the aggregates processing equipment which is discussed beginning on Draft EIR Page 4.3-16.

As discussed on page 4.3-27 of the Draft EIR, the project would comply with fugitive dust prohibitions in SJVAPCD Regulation VIII which includes requirements that reduce fugitive dust (particulate matter) from earthmoving activities (Rule 8021), stockpiles (Rule 8031) and open areas (Rule 8051). As provided in the Final EIR, Mitigation Measure 4.3-2b also requires the implementation of a Fugitive Dust Control Plan, subject to the approval of the SJVAPCD prior to project implementation.

Comment 490-5

- All fuel combustion equipment, including diesel use, should be electrified. CEMEX needs to reduce the toxic air emission in any manner. Instead of a VERA agreement, CEMEX should be required to electrify all combustion equipment, including motors, heaters, and vehicles. It may not be cheap to electrify, but neither is our health.

Response 490-5

Where on- or off-road equipment is available and feasible, CEMEX can make use of these new mobile source technologies, including electric vehicles and equipment. Given CARB's mobile source rules in California, project implementation would include use of electric equipment and vehicles as required by state regulation. It is important to note that the mobile source emissions evaluated in the Draft EIR during the initial project year and throughout the project lifetime are less than the baseline year, and therefore less than significant (Draft EIR at Table 4.3-4, "Air Quality Significance Thresholds—Criteria Pollutants").

CEQA Guidelines Section 15126.4 (a) requires lead agencies to consider feasible mitigation measures to avoid or substantially reduce a project's significant environmental impacts. When the analysis supports that the proposed project's potential environmental impacts would be less than significant, mitigation measures are not required. When potential impacts are reduced to less than significant levels, additional mitigation measures are additionally not required.

Further, electric heavy-duty trucks are in an early development stage and can only operate for about four hours between charges. Given that operations at the Quarry and Plant sites would be active for eight to twelve hours per day, this would lead to a fleet twice the size of the fleet currently anticipated to ensure the fleet is always charged and in operation. This is not reasonable for an operation of this intensity. As electric trucks are limited for a major operation and there is no significant mobile source impact to mitigate, no further action is required. Fresno County will consider these suggestions as part of its deliberations.

Comment 490-6

- Since the valley has failed to meet the 1997, 2006, 2012 and now the 2024 PM2.5 standards, all options to not only curtail, but to reduce the amount of pollution in the valley is paramount for the health of Fresno County residents.

Response 490-6

Tables 4.3-18 and 4.3-19, as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), present the proposed project construction and operation emissions compared to significance criteria and $PM_{2.5}$ was below the threshold for both construction and operation criteria pollutant annual emissions. There is no reason to further mitigate the project impacts which are already shown to be less than significant. Further, Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," as updated in this Final EIR, demonstrates that after mitigation the project would result in less PM_{10} and $PM_{2.5}$ emissions than existing baseline conditions. The technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment* (Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"), including preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 490-7

Therefore, I am against the proposed CEMEX Rockfield Expansion Project.

Response 490-7

The commenter's opposition to the project is noted and will be considered by County decision-makers.

Letter #491 March 10, 2025, Victoria Garcia

Comment 491-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

Response 491-1

The commenter's concerns are noted and will be considered by County decision-makers. Please see Responses 491-2 through 491-5 below for responses to specific issues raised in the comment letter.

Comment 491-2

1. Tribal consultation: I am a member of the Native community, and my ancestors have used the San Joaquin River since time immemorial.

I do not believe that all proper consultation was completed, as the Dumna tribe was never reached out to finalize steps moving forward. Furthermore there are tribes, such as North Fork Rancheria, and Big Sandy Rancheria (Mono) located further up the stream whose cultural items may have traveled through to this site. I believe that these tribes should have the chance to have insight and consultation.

Response 491-2

Draft EIR Impact 4.18-1 on 4.18-8 under the heading "AB 52 Consultation" discusses the County's outreach to Native American tribal representatives in accordance with PRC 21080.3.1. As discussed there, in 2019 after receiving and deeming complete the application for the proposed project, the Fresno County Planning Department notified by letter the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notification of projects, including the Dumna Wo-Wah Tribal Government, Table Mountain Rancheria, and Picayune Rancheria of the Chukchansi Indians. The notification letters were mailed via certified mail on December 9, 2019 (Draft EIR Appendix J, "AB 52 Tribal Notification Letters"). Big Sandy Rancheria of Western Mono Indians is discussed in the Draft EIR at page 4.18-3, but have not requested to be notified for projects within the project area under PRC 21080.3.1. No tribe requested consultation as a result of the tribal notification letters and no responses were received during the project's scoping period. Note that Table Mountain Rancheria representatives subsequently provided comments on the Draft EIR, and those comments and the County's responses are provided at Comment Letters 50 and 52 of Final EIR Chapter 4, "Responses to Comments."

Comment 491-3

2. Environmental impact: Looking through this DEIR I have a lot of questions that simply were not answered. Species outside of the mining site WILL be impacted and should be considered. Especially with this 100 year request- the damage will be irreparable

Response 491-3

Impacts to wildlife adjacent to the project area are sufficiently analyzed under Draft EIR Impact 4.4-2. For discussion of blasting impacts to wildlife, please refer to Responses 58-37, 58-38, 58-40, 58-41, 58-42, 65-8, 65-12, 65-16, and 65-17.

Comment 491-4

3. Expansion size: The size of this site should be reconsidered, as the depth will certainly impact the area around and ultimately

all of Fresno in some way or another. CEMEX does not have a good track record in owning up to the damage they cause.

Response 491-4

Draft EIR Chapter 6, "Alternatives," describes and evaluates several alternatives defined with reduced depths of mining as compared to the proposed project, and the alternatives considered represent a reasonable range of alternatives in accordance with CEQA. The commenter's request for reconsideration of the size of the project is noted. Please see Collective Response #4a pertaining to the Operator 's past regulatory compliance history.

Comment 491-5

Please hear out our communities, and at the very least extend the public comment period so that we may hear back about these concerns. The San Joaquin River is one of our most important waterways here, and without its protection, all life around it is threatened. We have more than enough aggregate, but we do not have more than enough of fresh water and land, and the animals they keep in cycle with our Mother Earth.

Response 491-5

The commenter's concerns and requests are noted and will be considered by County decision-makers. Please see Collective Response #1 pertaining to the CEQA review process and opportunities for public input. Please see Collective Response #3 pertaining to regional aggregate demand and supply.

Letter #492 March 10, 2025, Sherri Geer

Comment 492-1

It seems excessive to give a permit to last 100 years to anyone.

Response 492-1

See Collective Response #5 regarding the duration of the proposed use permit.

Comment 492-2

If we base the decision

on our past experience with CEMEX with our plans for the future, it might be wise to deny the permit.

CEMEX has previously violated environmental laws in our state to such an extent that as part of the settlement they were required to sell 400 acres of coastal property to "a non-profit or governmental entity or consortium that commits to hold and manage

the property primarily for conservation purposes, with the only other allowable uses being for low-impact, passive recreation purposes or activities, public access, public education, removal activities, activities to restore native habitat, and activities consistent with existing easements" per the California State Lands Commission Press release August 17, 2017 (City of Marina, CA)

According to the Violation Tracker Global, CEMEX has accrued $36,322,381 in penalties since 2010 in the United States, total number of records involved: 474. (For the period between 2000 and 2010, $16,061,734 in penalties, with 193 records) Seems good reason to deny them this permit.

CEMEX is a member of the Global Cement & Concrete Association, and as such has committed to net zero Carbon emissions by 2050. There is a big "but" though; GCCA has a seven point "roadmap" to carbon neutrality, with one of the points being public policy and its encouraging the use of low carbon products by changes in construction regulations & policies and in government purchases. As CEMEX is a business, their first priority is profit, which would be affected by more restrictive policies & requirements (which their lobbyists can discourage).

Response 492-2

See Collective Response #4a regarding CEMEX's regulatory history. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 492-3

As they are only planning for the next 100 years, they are not looking for sustainability, this is a fixed term and when its over, they only want to return a small portion of the property to its "original" condition, which is not original, but the condition somewhat based on where it is after the first 100 years of mining, and nowhere near the elevation it is now at. (Seriously, mining down 600 feet and then only filling back a fraction of that? How long is the thin wall between their mining area and the river supposed to last? Rivers constantly erode their banks and with climate change, it will be difficult to predict what will happen.)

Response 492-3

The proposed reclamation plan for the project sites, provided as Draft EIR Appendix B-1, "Surface Mining and Reclamation Plan," meets the requirements of the Surface Mining and Reclamation Act. See Collective Response #17 regarding riverbank stability and the potential for breach and flooding of the Quarry Site excavation to occur.

Comment 492-4

The people you are negotiating with will not be the people dealing with the property in 100 years; the company has already said they have no money for additional lanes to deal with the increased traffic by their vehicles. Why then would we trust them to have the money to repair any damages to the property? At the very least, they should be required to have funds set aside as the damage is done to ensure that repair can be made when the permit expires, the company pulls out, goes bankrupt, or whatever else happens.

Response 492-4

The comment is inaccurate regarding the funding of proposed roadway improvements described in Draft EIR Section 4.17, "Transportation." See Impact 4.17-1 beginning on Draft EIR page 4.17-27. Mitigation Measures 4.17-1a through 4.17-1g each requires the Operator to pay the project's fair share contribution of the cost of a roadway improvement. These improvements have been determined necessary to address cumulative growth and associated traffic in the area. See also Chapter 3, "Draft EIR Errata." See Collective Response #4b regarding liability and funding of corrective actions needed for unforeseen damages caused by the project.

Comment 492-5

Some damage may not be able to be undone, such as if the wall breaks or there are cracks and the river becomes polluted, animals die &/or become changed genetically.

Response 492-5

See Draft EIR Section 7.3, "Significant Irreversible Environmental Changes that Would Be Caused by the project Should it Be Implemented," for a discussion of the project's potential impacts that could be irreversible. See Collective Response #17 addressing riverbank stability. See Impact 4.4-1 beginning on Draft EIR page 4.4-48 for a discussion of potential direct impacts on certain wildlife species. The commenter does not provide any evidence or reasoning to support the claim that the project could cause genetic changes in animals.

Comment 492-6

The noise due to the blasting may cause some of the neighbors to be mentally & physically stressed and make living there untenable.

Response 492-6

The project's potential noise effects on surrounding sensitive receptors are evaluated in Draft EIR Section 4.13, "Noise." Proposed blasting would not be continuous. See the

description of proposed blasting procedures on page 2-42 of the Draft EIR, which states "[b]lasting would occur one to two times per week on weekdays between the hours of 10 a.m. and 2 p.m." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 492-7

The increased traffic at the intersection of Copper & Friant will be especially dangerous considering a high school is at one corner. Some kids ride their bikes to school; my son was hit leaving City College next to the high school; traffic was a lot more limited then, increased congestion will not make it any safer.

Response 492-7

It is unclear to what location the commenter refers. There are no schools located near the intersection of E. Copper Avenue and N. Friant Road. The issues of traffic congestion and safety are addressed in Draft EIR Section 4.17, "Transportation." Haul trucks and other vehicles associated with the project would continue to be subject to the California Vehicle Code and other local regulations intended to provide an appropriate degree of safety for motorists, bicyclists, and pedestrians. See discussion of Impact 4.17-3 on page 4.17-41 of the Draft EIR addressing potential traffic impacts of the project. See also Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17.

Comment 492-8

CEMEX will still make their money if concrete and associated materials become scarce (supply vs demand); they don't need a 600' deep pit for recycling plants; concrete is being reconfigured and now can contain slag &/or other materials which may actually make it stronger and more environmentally safe. AI is beginning to make changes in how we see and solve our problems. It might be best to kick the can (or the decision on the permit) down the road again. If nothing else, CEMEX needs to provide a realistic amount of responsibility towards their request rather than just lowballing us with denials of money and impact which they know we will reject, implying that they are making concessions when they are not. There is a cost of doing business, but it should be the responsibility of CEMEX, and not fall upon us and our environment.

Response 492-8

In accordance with CEQA, the Draft EIR evaluates the project as proposed by the Operator. The comment describes concrete recycling and is noted for the consideration of the decision-makers.

Letter #493 March 10, 2025, Kimberly Gibson

Comment 493-1

I am writing to express my deep concerns regarding the Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. My connection to the San Joaquin River is both personal and professional. During the summer of 2010, I worked as a naturalist at the San Joaquin River Parkway and Conservation Trust's River Camp at Owl Hollow (about a mile from the site of this proposed Project), where I helped young people develop an appreciation for the river's ecology, biodiversity, and role in sustaining local communities. That experience shaped my path as a scientist, leading me to become a docent at Stanford's Jasper Ridge Biological Reserve and later pursue a PhD in Plant Science at the University of California, Davis. Today, as a researcher at the University of California, Merced, my work focuses on sustainability and economic inclusion. I know from my research and personal experience that the San Joaquin River is one of the Central Valley's most important natural resources, yet this project threatens its air quality, water quality, wildlife, and public access. The DEIR fails to fully account for these risks, and many of its proposed mitigation measures are inadequate or absent.

Response 493-1

The commenter's background and concerns are noted and will be considered by County decision-makers. The commenter's concerns regarding mitigation are also noted. Please see Collective Response #12 pertaining to San Joaquin River restoration efforts. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures and no further response is warranted here. Please see Responses 493-2 through 493-14 below for responses to specific issues raised in the comment letter.

Comment 493-2

The San Joaquin River has been the focus of decades of taxpayer-supported restoration efforts. As a result of this investment, public engagement with the river has grown exponentially. This project risks undoing that progress.

Response 493-2

Please see Collective Response #12 for discussion of the San Joaquin River Restoration Program.

Comment 493-3

- The excavation depth and proximity to the river raise serious concerns about groundwater depletion. The DEIR acknowledges potential groundwater depletion and contamination risks but fails to provide a sufficient mitigation plan.

Response 493-3

As discussed in the EMKO Environmental, Inc. report (included as Appendix G-5, "Hydrology and Water Quality Analysis Report," of the Draft EIR), surface runoff from rainfall and groundwater that accumulates in the excavations would be pumped from the excavation for use in the aggregate plant as wash water and for dust control. At the Quarry Site, water would also be pumped and piped to either the Northeast Pond or to recharge trenches along the west side of the excavation for groundwater recharge. Approximately half of the water from the excavation would recharge the local water-bearing units (Draft EIR page 4.10-107).

At the Plant Site, the use of the recharge trenches would limit the amount of drawdown of the water table in the unconfined alluvial aquifer to a depth of eight feet at a distance of 500 feet from the excavation (KDSA 2021). There are no supply wells within 500 feet of the excavation. As discussed in the Draft EIR, the level of drawdown is not an appreciable portion of the available water column in the existing wells located in surrounding areas, representing no more than five percent of the total available water column in any of the wells. Therefore, the project would not result in a substantial depletion of water supplies with implementation of mitigation measures, such that groundwater use in the basin would be adversely affected.

At the Quarry Site, the use of the recharge trenches would limit the drawdown of the water table in the unconfined alluvial. The recharge operations would result in drawdown levels that would be approximately one-half of those which would occur without any recharge operations (KDSA 2021). The Draft EIR acknowledges reductions in the available groundwater column would occur in the Beck Ranch and Fresno County CSA 44C wells. The estimated decrease in the static water column would range from 30 to 60 feet depending on the recharge operations. If water production volumes from the CSA 44C wells decline to the point where current water demand cannot be met, this would result in a significant impact. Accordingly, Mitigation Measure 4.10-10a is provided as an Adaptive Management Program for Quarry Site Groundwater. As part of the Adaptive Management Program, potential effects on the CSA 44C wells would be assessed through the monitoring of nested wells between the Northeast Pond and the CSA44C wells, and the CSA 44C wells themselves. Mitigation monitoring reports would be submitted to Fresno County annually. If monitoring data indicate groundwater levels

in any of the monitored wells drop such that the available water column decreases by more than 15 percent, corrective measures would be implemented (Draft EIR page 4.10-108). As clarified in Chapter 3, "Draft EIR Errata," Mitigation Measure 4.10-10a has been refined to further specify monitoring, reporting, and adaptive management actions to ensure timely identification and correction of groundwater level changes.

For discussion of the project's potential impacts to groundwater quality at the Quarry Site, please see the Draft EIR's discussion of Impact 4.10-6. The proposed project's impacts would be less than significant after the implementation of Mitigation Measure 4.10-1, as refined in Chapter 3, "Draft EIR Errata." See also Response 65-28 for further discussion of groundwater quality at the Quarry Site. For discussion of the project's potential impacts to groundwater quality at the Plant Site, see Impact 4.10-5 on page 4.10-95. With the implementation of Mitigation Measures 4.10-5a and 4.10-5b, potential impacts would be reduced to less than significant (Draft EIR page 4.10-98).

Comment 493-4

> Additionally, climate change will likely increase flooding events over the lifespan of this project. How have considerations of our changing climate been incorporated into your consideration? Has the County required a hydrological study that evaluates long-term impacts on groundwater and river flow under projected climate change scenarios for the lifetime of the project? What legally binding commitments will CEMEX make to prevent mining-related pollutants from entering the river?

Response 493-4

With regards to the water quality of the San Joaquin River, please see Draft EIR Section 4.10, "Hydrology and Water Quality," for discussion of the proposed project's impacts on hydrologic resources. The Draft EIR concluded that the proposed project would not significantly impact the water quality of the San Joaquin River. The Operator would be required to comply with applicable regulations such as the Stormwater Pollution Prevention Plan (SWPPP) and the Spill Prevention, Control, and Countermeasure (SPCC) plan (Draft EIR page 2-45). See also Draft EIR Impacts 4.10-4, 4.10-5, 4.10-6, 4.10-7, 4.10-8, 4.10-9, 4.10-10, 4.10-11, 4.10-12, and 4.10-13 regarding analysis of the project's potential impacts on groundwater and Mitigation Measures 4.10-1, 4.10-5a, 4.10-5b, 4.10-10a, and 4.10-10b, for measures required to limit the project's impacts on groundwater.

Additionally, regarding the project's potential impacts on the flow of the San Joaquin River, there is limited hydraulic connectivity between the San Joaquin River and the hard rock underlying the Quarry Site, which limits the potential of the proposed project to

decrease the volumes of water in the San Joaquin River (Draft EIR page 4.10-114). Water levels in the alluvium and the hard rock would be maintained by recharge trenches and the Northeast Pond during mining (Draft EIR page 4.10-114).

Comment 493-5

- Millions of dollars have been spent restoring breached quarry ponds downstream from this project. How will this project ensure it does not create similar long-term damage? How will the county ensure that the cost of future restoration needs falls on the company rather than on taxpayers? What financial assurances or bonds will CEMEX provide to fund restoration in case of environmental damage, similar to the San Joaquin River Conservancy's past restoration efforts?

Response 493-5

Please see Collective Response #4b pertaining to liability. Additionally, note that under the State of California Surface Mining and Reclamation Act (SMARA), surface mine operators are required to maintain financial assurances in an amount sufficient to provide for reclamation of the surface mining operation in accordance with the approved reclamation plan. The amount of the financial assurance must be estimated and updated annually and approved by the SMARA lead agency, in this case, Fresno County.

Comment 493-6

The project site is home to sensitive species, including Swainson's hawk, Tricolored blackbird, and Western red bat, yet the DEIR's biological assessment is inadequate. The proposed mitigation measures are vague and fail to comply with existing regulations for species protection.

Response 493-6

The Draft EIR analyzes the project's potential impacts to biological resources in Section 4.4, "Biological Resources." The Draft EIR minimizes and reduces potential impacts to biological resources, in accordance with CEQA standards. Please see Response 58-38 for discussion of Swainson's hawk. See Response 58-37 and 58-40 for discussion of tricolored blackbird. See Response 58-36, 58-38, 58-40, and 58-50 of discussion of burrowing owl. See Response 58-37 for further discussion of the Western red bat.

Comment 493-7

- Blasting, excavation, and increased noise levels could disrupt wildlife nesting and migration patterns. The DEIR does not adequately assess blasting and excavation impacts on species. Has a comprehensive wildlife impact study been

conducted? Will the County require independent, third-party ecological monitoring throughout the project's lifespan to assess ongoing impacts on wildlife?

Response 493-7

Analysis of impacts to biological resources are located in Section 4.4.4, "Project Impacts and Mitigation Measures," of the Draft EIR. The biological resources analysis is also located in Draft EIR Appendices E-1, "Plant Site Habitat Assessment," and Appendix E-2, "Quarry Site Habitat Assessment." The Draft EIR specifically analyzes blasting impacts on wildlife in Impact 4.4-2 and 4.4-6. Blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and would not result in significant impacts to wildlife. Please see Responses 58-37, 58-38, 58-40, 58-41, and 58-42 for further discussion of blasting impacts upon wildlife. Third-party ecological monitoring would not be necessary to reduce potential impacts to less than significant. CEQA does not require that all possible studies be conducted for the purpose of analyzing environmental impacts (Title 14 CCR Sections 15151, 15204(a)).

Comment 493-8

- The DEIR uses outdated Alaska-based standards to assess fish protection rather than California-specific guidelines. Why hasn't the County required a site-specific assessment for the San Joaquin River's Chinook salmon population?

Response 493-8

Please see Response 65-13 and Collective Response #16 for discussion of the usage of the Alaskan Blasting Standards for analyzing blasting impacts to fish in the San Joaquin River. A site-specific assessment is not necessary to determine the project's potential impacts to salmon in the San Joaquin River, as the Alaskan Blasting Standards provide numeric thresholds for ground vibrations and overpressures.

Comment 493-9

- What legally binding measures will be in place to ensure CEMEX restores the site if operations extend beyond the proposed timeline or the company ceases operations early?

Response 493-9

Surface mining operators are required to submit an annual surface mining report to the Department of Conservation (DOC) and to the County, and the County is required to conduct or cause an inspection of the surface mining operation annually to ensure the surface mining operation is in compliance with the approved conditional use permit, approved mining and reclamation plan, approved financial assurances, and state

regulations pertaining to mining. Please see Response 493-5 regarding liability and financial assurance.

Comment 493-10

As a Fresno-born, life-long Valley resident who has personally suffered from asthma, I am particularly alarmed by the air pollution this project will generate. The Central Valley already suffers from some of the worst air pollution in the country, and the DEIR acknowledges that project emissions may exceed cancer risk thresholds (DEIR pg. 4.3-63) yet dismisses the need to evaluate population-wide cancer burden (DEIR pg. 4.3-64). This is unacceptable.

Response 493-10

The commenter likely references Table 4.3-24, "Unmitigated Project Health Risk Impacts," which identifies the "Unmitigated Project Health Risk Impacts." However, mitigation measures would reduce health impacts to those shown in Table 4.3-25, "Mitigated Project Health Risk Impacts." After mitigation, the cancer risk at the maximum exposed individual sensitive receptor (MEIR) decreases from the Baseline condition (i.e., cancer risk is a negative value demonstrating that the project would be a benefit). Accordingly, other locations would have even less cancer risk, demonstrating an even larger benefit in these other locations. Thus, the cancer burden, a measure summing effects from each census block, would show a benefit. Therefore, cancer burden was not calculated in the Draft EIR. Nevertheless, in response to air comments on the Draft EIR, the technical analysis was reviewed, and the analysis was updated with new information described in the *Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"). The analysis includes cancer burden modeling and demonstrates no new impacts and no changes to any of the findings in the Draft EIR. See Collective Response #11 regarding cancer risks.

Comment 493-11

- The DEIR does not evaluate project emissions against a no-project scenario. Will the County require a reassessment of emissions using baseline air quality conditions rather than current operations?

Response 493-11

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project, and Collective Response #9 regarding the project's impact on existing air quality conditions. CEQA is about the environment and

how it would change with the project. Thus, CEQA defines the existing physical setting as the baseline from which project related impacts occur. The no-project scenario is an alternative to the project and not a baseline against which to evaluate the project effects.

Comment 493-12

- What independent air quality monitoring and enforcement mechanisms will be put in place to protect public health? What legally binding commitments will CEMEX make to ensure air quality impacts do not exceed the expected unacceptably high levels?

Response 493-12

SJVAPCD is the independent agency responsible for air quality monitoring and enforcement to protect public health within the San Joaquin Air Basin. The determination that the project impacts are less than significant is supported by calculations and analysis. As a result, additional mitigation measures are not necessary, given that the impacts have already been reduced to less than significant levels. Further, Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," demonstrates that after mitigation the project would result in less PM_{10} and $PM_{2.5}$ than currently are emitted. The project would implement the required mitigation measures identified in the Draft EIR to further reduce impacts. The technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment" of the Final EIR), including preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. See also Collective Response #9 regarding the project's impact on existing air quality conditions.

Comment 493-13

- Given the region's already high asthma rates and respiratory disease rates, what additional mitigation measures will be required to minimize dust and diesel emissions?

Response 493-13

The Health Risk Assessment (HRA) concluded that particulate matter impacts were determined to be less than significant after mitigation. Risk factors used in the HRA, and ambient air quality standards are set at levels that are protective of sensitive populations like those suffering from asthma. Section 3.2.3 in Draft EIR Appendix D-1, "Air Quality, Health Risk, and Climate Change Impact Assessment," now updated in the Final EIR as Appendix D-3, discusses the health effects setting and how sensitive populations are

considered in establishing risk factors. Thus, additional measures are unnecessary to protect those individuals about which the commenter is concerned provided that the Draft EIR demonstrates that air quality impacts are less than significant. Draft EIR Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," demonstrates that after mitigation the project would result in less PM_{10} and $PM_{2.5}$ than are currently emitted. The project would also be subject to a Fugitive Dust Control Plan required by SJVAPCD Regulation VIII. The technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Revised Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3), including preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR, as updated in the Final EIR.

Comment 493-14

I urge the County to require additional studies, stronger mitigation measures, and legally enforceable commitments from CEMEX. The public has a right to see a full assessment of the project's long-term impacts before any decision is made.

Response 493-14

The commenter's request for additional analysis and stronger mitigation is noted. The comment does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures. Please see Responses 493-1 through 493-13 above for responses to specific issues raised in the comment letter.

Letter #494 March 10, 2025, Gary Gilmore

Comment 494-1

I am writing to express my concerns regarding the Draft Environmental Impact Report (EIR) for the CEMEX Rockfield Quarry Proposed Expansion. As a Fresno County resident for 50 years and a professional with four decades of experience in Engineering and Estimating for PG&E, I have a strong understanding of large-scale infrastructure projects and their potential environmental impacts. I also suffer from asthma, and I am deeply concerned about the air quality implications of this expansion.

Air Quality & Health Concerns

The EIR (Section 4.3, Air Quality) acknowledges that the project will generate particulate emissions, but it does not adequately account for the long-term, cumulative effects on public health. Given that the San Joaquin Valley already experiences some of the

worst air pollution in the country, the lack of a more detailed long-term impact assessment is troubling.

- Cumulative Exposure: The EIR discusses dust control measures, but it does not fully evaluate how the expansion will contribute to worsening regional air quality over time.
- Health Risks: The valley's high asthma rates make it imperative that all new industrial activity be assessed with the strictest air quality standards in mind. The report's reliance on standard mitigation measures does not go far enough in ensuring protection for nearby residents.

Response 494-1

The Draft EIR, as updated by the Final EIR, does adequately account for the long-term, cumulative effects on public health. The commenter is correct in observing that many air pollution problems are cumulative effects of many sources. However, the SJVAPCD significance thresholds used in the Draft EIR take the cumulative nature of air quality problems into account either by adding in background concentrations when comparing concentrations to ambient air quality standards or by being set at the quantity that is cumulatively considerable. The cumulative nature of thresholds used in each air quality impact determined in the Draft EIR, as updated by the Final EIR, is discussed below.

- Impact 4.3-1 describes how the project would be consistent with applicable air quality plans. Addressing cumulative air quality conditions is the primary role of air quality plans. Therefore, consistency with air quality plans is a cumulative analysis.
- Impact 4.3-2 is discussed in Section 7.14 of the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) (SJVAPCD, 2015) which describes the thresholds as levels that would "Result in a Cumulatively Considerable Net Increase of any Criteria Pollutant."
- Impact 4.3-3 is discussed in Section 8.5.2 of the GAMAQI which describes how health risk assessment thresholds that were used to evaluate Impact 4.3-3 are meant to exclude background levels from their application. As such, these levels are the amounts that are cumulatively considerable.
- Impact 4.3-4 involves odor. If it would be the case that other odorous sources around the project exist, then cumulative odor may need to be assessed but that is not the circumstance in this case.

The Draft EIR, as updated by this Final EIR, does fully evaluate how the expansion would contribute to regional air quality over time. In fact, the cancer risk analysis shows the long-term health effects from the project are less than significant after mitigation.

The Draft EIR, as updated by this Final EIR, uses the strictest air quality standards and goes beyond standard control measures by offering mitigation measures to the project that reduce impacts to less than significant levels, even for sensitive populations.

Further, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as updated by the Final EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment," of the Final EIR), including preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR.

Comment 494-2

Water Quality & Proximity to the San Joaquin River

The EIR (Section 4.9, Hydrology and Water Quality) states that the project will not significantly impact water resources, yet it does not fully assess risks related to sediment runoff, groundwater depletion, or potential contamination of the San Joaquin River.

- Runoff & Sediment Transport: While the report notes that erosion control measures will be implemented, it does not thoroughly analyze how increased runoff could affect water quality downstream.

Response 494-2

The Draft EIR analyzes the Project's potential impacts related to erosion or siltation on or off the Site in Impact 4.10-14 on page 4.10-116. As described in the Surface Runoff and Drainage Plan, contained in Appendix G-2, "Surface Runoff and Drainage Plan," of the Draft EIR, stormwater runoff would be contained within each project site by existing berms (Draft EIR page 4.10-116). Furthermore, the proposed project would not alter drainage patterns on either the Plant Site or Quarry Site in a manner that could result in substantial erosion or siltation offsite (Draft EIR page 4.10-116). As such, the proposed project would not impact downstream water quality as a result of erosion.

Regarding the potential for increases in concentration levels for constituents associated with mining and aggregates processing, and specifically blasting agents and petroleum products used in the equipment, the project includes spill prevention, controls and countermeasure plans, as well as best management practices, which when implemented

would eliminate or reduce water quality impacts to levels that would not have any adverse effect to the San Joaquin River or groundwater. Further, the project is designed to be a zero-discharge facility with respect to offsite discharges, and thus would not discharge into the San Joaquin River. Additionally, the proposed project would continue to comply with the State Industrial General Permit which would protect aquatic species and habitats.

Please see Response 65-38 for further discussion of the proposed project's impacts to groundwater levels.

Comment 494-3

- Groundwater Impact: Expanded operations could contribute to long-term declines in the water table, which may have consequences for both agricultural users and natural habitats. A more detailed hydrological study is needed to evaluate these risks.

Response 494-3

Refer to Collective Response #26, and Response 484-6.

Detailed hydrogeological studies are provided in Appendix G-3, "Groundwater Conditions at the Plant Site," Appendix G-4, "Groundwater Conditions at the Quarry Site," and Appendix G-5, "Hydrology and Water Quality Analysis Report," of the Draft EIR. The geological formations at the Quarry Site do not provide water to agricultural users. As discussed in Collective Response #25, interconnected surface water and groundwater dependent ecosystems are not present in the project vicinity.

The ponds and water conveyance channels are artificial wetlands constructed and maintained for active surface mining and dewatering of the deeper geologic units and would not affect the water levels in the river. Due to the very low permeabilities of the weathered rock and hard rock at the Quarry Site, the volume and rate of groundwater flow is very low compared to the volume and rate of flows in the river. Implementation of several Draft EIR Mitigation Measures (such as Mitigation Measure 4.10-5a, 4.10-1, and 4.10-10a) would reduce impacts on water flow in the river, and no further analysis is required.

Comment 494-4

Wildlife & Habitat Disruption

The EIR (Section 4.4, Biological Resources) focuses primarily on nesting birds but does not sufficiently address potential impacts

on migratory species or broader habitat disruptions caused by dust, noise, and long-term land alteration.

Response 494-4

The Draft EIR analyzes potential impacts to migratory corridors in Impact 4.4-6. Due to the existing conditions at the Plant Site, i.e. the baseline, the project is not expected to result in significant impacts to migratory fish or wildlife species (Draft EIR page 4.4-62). For further discussion of impacts to migratory fish and wildlife species, please refer to Response 65-16. See Response 58-40 for discussion of the project's potential impacts on vegetation and wildlife as a result of from blasting and fugitive dust emissions. See Response 58-42 for discussion of the project's potential noise impacts upon wildlife. See also Collective Response #15 regarding the project's potential impacts to non-nesting birds and birds outside of nesting season.

Comment 494-5

Given these gaps in the environmental review, I strongly urge Fresno County to require a more rigorous and comprehensive EIR before approving this expansion. A more detailed analysis is necessary to fully understand and mitigate the potential long-term impacts on air quality, water resources, and local wildlife.

Response 494-5

Please see Responses 494-1 through 494-4 above for responses to specific issues raised in the comment letter. The commenter's concerns and opinions are noted and will be considered by County decision-makers.

Letter #495 March 10, 2025, Carol Goibur

Comment 495-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all. **To be clear, I am opposed to such a project.**

Response 495-1

The commenter's concerns regarding the Draft EIR and mitigation measures, and the commenter's opposition to the project, are noted. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation

measures and no further response is warranted here. Please see Responses 495-2 through 495-12 below for responses to specific issues raised in the comment letter.

Comment 495-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 495-2

See Response 349-2.

Comment 495-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 495-3

See Collective Response #17. See also Response 329-3.

Comment 495-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 495-4

Refer to Collective Response #26, and Response 484-6. As described in Collective Response #26, the data used in the Draft EIR was collected over a period that included both low and high flows.

As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the area

of the project sites. Collective Response #25 further demonstrates that Department of Water Resources criteria for interconnected surface water are not met at the project site.

Comment 495-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 495-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 495-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 495-6

Please see Collective Response #19 pertaining to public accessibility to parks, and please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 495-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 495-7

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation.

Comment 495-8

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on *how* mitigation takes place is just one example of the inadequacy of the DEIR.

Response 495-8

Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 495-9

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 495-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project. See also Collective Response #9 regarding the project's impact on existing air quality conditions.

Comment 495-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 495-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (see Draft EIR, pages 4.4-49 through 4.4-50).

The Western red bat was not observed on site during the habitat assessment; however, moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). As discussed in Chapter 3, "Draft EIR Errata," the Final EIR provides additional analysis of potential impacts to bats and adds Mitigation Measure 4.4-1d to require pre-construction surveys and measures to avoid or minimize impacts to active bat roosts. With implementation of Mitigation Measure 4.4-1d, potential impacts to bats, including the Western red bat, would be less than significant.

In any event, blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR, as revised in this Final EIR, therefore adequately evaluates potential impacts to the species discussed above.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Section 4.4, "Biological Resources," of the Draft EIR does not need rewriting or recirculation.

Comment 495-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 495-11

The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. Please see Responses 495-1 through 495-10 above regarding specific issues raised in the comment letter. Pursuant to CEQA Guidelines Section 15088.5, 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 but before certification. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required.

Comment 495-12

P.S. It seems to me that you've not watched Jurassic Park or recall you ancient Greek mythology to see that your are about to release the Kraken. Nothing an no one could stop that monster except one thing: Medusa's head. Have you that? I think not and to seemingly disregard the quality of life for an entire city in favor of one company so it can make billions is not the mark of stellar leadership and stewardship, yet here you are, the county, ill-prepared for the potential catastrophes in the making should you renew Cemex for another hundred years. For all our sakes as well as the flora, fauna, air and river, do not release the Kraken! Your 'electric fences' will not keep the T-Rex contained!!

Response 495-12

See Collective Response #5 regarding the duration of the proposed use permit. This comment does not provide substantial evidence of deficiency in the adequacy of the Draft EIR or mitigation measures, and no further response is warranted.

Letter #496 March 10, 2025, Tracie Goodwin

Comment 496-1

I appreciate the opportunity to submit my comments on the Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, wildlife, local air and water quality, public recreation, and public safety. The DEIR's proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 496-1

The commenter's concerns with the Draft EIR and mitigation measures are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures and no further response is warranted here. Please see Responses 496-2 through 496-14 below for responses to specific issues raised in the comment letter.

Comment 496-2

There is No Need for Project

Before even addressing the adequacy of the DEIR, the question is what is the need for the project? Fresno and the surrounding areas have plenty of aggregate gravel, sand and crushed stone. It is estimated that the area will require 305 million tons of aggregate for the next 50 years' worth of construction. There are currently 556 million tons of permitted aggregate reserves – nearly double the projected demand.

(https://www.conservation.ca.gov/cgs/Documents/Publications/MapSheets/MS_052_California_Aggregates_Report_201807.pdf.)

There is no compelling evidence of a need to mine aggregate from along the San Joaquin River particularly using much more destructive mining methods than those used since these 1920s. As the Aggregate Sustainability in California Report shows, there is plenty of aggregate available from other sources for many years to come.

There is no explanation why CEMEX needs a 100-year extension to mine aggregate along the San Joaquin River that is not even needed except to make a profit for CEMEX.

Response 496-2

Please see Collective Response #3 pertaining to regional aggregate demand and supply. Please see Collective Response #5 pertaining to the requested use permit duration.

Comment 496-3

Impact on Wildlife

The DEIR fails to adequately analyze impacts of blasting on wildlife. The examples in the DEIR of habituation of wildlife to mining operations are for surface mining and not the proposed deep rock mining proposed by CEMEX.

Fresno is part of the Pacific Flyway, a major bird migration route. According to *Birdcast*, 134,400 birds crossed Fresno County on March 9 to March 10, 2025. (https://dashboard.birdcast.info/region/US-CA-019.)

The DEIR does not adequately analyze the impact on birds such as the Tri-colored blackbird, the Swainson's hawk, and the Western Burrowing Owl. It should be noted that the Western Burrowing Owl is currently under consideration to be listed as protected by the California Endangered Species Act with an estimated 1,400 in the Central Valley. (https://www.facebook.com/CaliforniaDFW/posts/the-western-burrowing-owl-athene-cunicularia-hypugaea-a-species-currently-under-/883164983992113/.)

There are also more than four dozen breeding season occurrence records of the Swainson's hawk within two miles of the project (eBird 2025) and numerous potential nesting trees within .5 miles of the project.

The DEIR fails to identify or evaluate the disruptive impacts of drilling, blasting and excavation on the migrating and native birds' habitats, nesting and migration patterns including the Swainson's hawk and California Burrowing Owl. To meet California Department of Fish and Wildlife recommendations for mitigation and protection of the Swainson hawk, protocol surveys would need to be conducted within a .5-mile radius around all project activities. If active nesting is identified within a .5 mile radius, consultation with the CDFW would be required. The DEIR also failed to consider the guidelines regarding the California Burrowing Owl and other bird species the CDFW has published. The proposed mitigation measures fail to comply with existing regulations for wildlife protection.

Response 496-3

The Draft EIR analyzes the project's potential impacts to biological resources in Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. The Draft EIR minimizes and reduces potential impacts to biological resources, in accordance with CEQA standards. Please see Responses 58-38 and 65-15 for discussion of Swainson's hawk. See Response 58-37 and 58-40 for discussion of tricolored blackbird. See Responses 58-36, 58-38, 58-40, 58-50, 65-6, and 65-10 of discussion of burrowing owl.

For discussion of impacts to migratory fish and wildlife species, please refer to Response 65-16. For discussion of blasting impacts to wildlife, please refer to Responses 58-37, 58-38, 58-40, 58-41, 58-42, 65-8, 65-12, 65-16, and 65-17.

Protocol surveys for special status species do not need to be conducted for the Draft EIR under CEQA (*Save North Petaluma River & Wetlands v. City of Petaluma* (2022) 86 Cal.App.5th 207, 221-226). For further information regarding protocol surveys, see Response 65-5.

Comment 496-4

The DEIR also uses Alaska-based standards to evaluate fish protection rather than California-specific guidelines. The Alaska-based standards are not appropriate for the protection of the spring run Chinook salmon in the San Joaquin River.

Response 496-4

Please see Response 65-13 and Collective Response #16 for discussion of the usage and the sufficiency of the Alaskan Blasting Standards for analyzing blasting impacts to fish in the San Joaquin River.

Comment 496-5

The DEIR failed to follow the industry standard for EIR-level assessments of special-status species, which is a nine-quadrangle search radius. Here, only four quadrangles were searched for the DEIR. Therefore, some special-status species that could occur on or near the project site may not have been considered.

Response 496-5

Please see Response 65-4 for discussion of the scope of the California Natural Diversity Database (CNDDB) search radius. See Chapter 3, "Draft EIR Errata," of this Final EIR for the purpose of amplifying and clarifying information pertaining to baseline conditions of the project's biological resources.

Comment 496-6

The Biology section of the DEIR fails to comply with CEQA requirements to fully identify, disclose and fully evaluate impacts on wildlife, and propose mitigation measures to reduce the impacts.

Response 496-6

The comment provides a general assertion without evidence of a deficiency in the adequacy of the Draft EIR or its mitigation measures. Draft EIR Section 4.4, complies with CEQA requirements, adequately analyzes potential impacts to wildlife, and identifies mitigation measures where necessary to reduce impacts to less than significant levels. Please see Responses 496-3 through 496-5 above pertaining to comments regarding biological resources issues.

Comment 496-7

Impact on Air Quality

The DEIR states that the project's emissions may exceed cancer risk thresholds. It also states that because the mitigation measures would reduce emissions, the DEIR does not evaluate the population-wide cancer. This fails to comply with CEQA, which requires that the analysis be performed before consideration of mitigation measures.

The DEIR also underestimates the project's impact by comparing emissions to current operations rather than under a no-project scenario. This approach fails to analyze and evaluate the full environmental impact of continued mining.

Response 496-7

See Collective Response #11 regarding cancer risks. After mitigation, the cancer risk at the maximum exposed individual sensitive receptor (MEIR) decreases from the Baseline condition (i.e., cancer risk is a negative value demonstrating that the project would be a benefit). Accordingly, other locations would have even less cancer risk, demonstrating an even larger benefit in these other locations. Thus, the cancer burden, a measure summing effects from each census block, would show a benefit. Therefore, cancer burden was not calculated in the Draft EIR. Nevertheless, in response to air comments on the Draft EIR, the technical analysis was reviewed, and the analysis was updated with new information described in the *Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"). The analysis includes cancer burden modeling and demonstrates no new

impacts and no changes to any of the findings in the Draft EIR, as updated by this Final EIR.

CEQA is about the environment and how it would change with the project. Thus, CEQA defines the existing physical setting as the baseline from which project related impacts occur. The no-project scenario is an alternative to the project and not a baseline against which to evaluate the project effects.

Comment 496-8

Impact on Traffic Congestion

The DEIR indicates there will be significant traffic impacts but there is no indication of any guaranteed funding or timeline for the necessary road improvements. With the expected increase in traffic from the project, it is clear there will be a significant increase in road damage, truck debris, and safety hazards. Yet, there is no detail on how mitigation for the expected traffic impacts will occur.

Why is CEMEX not being required to mitigate the traffic congestion on Willow to Friant Road? Particularly, when other large companies have been required to finance mitigation measures. Table Mountain helped finance turning Friant Road into a four-lane highway. At Vulcan's rock quarry at Highway 41 and Road 45, Vulcan was required to make modifications on Road 145 and will be required to help finance the construction of Highway 41 to a four-lane road.

Why is CEMEX, a foreign corporation, being treated differently? CEMEX should contribute its fair share to mitigating the significant traffic impacts its increase in mining operations will cause.

Response 496-8

Please see Collective Response #29 pertaining to project traffic. Please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 496-9

Impact on Water Quality & the San Joaquin River

The DEIR acknowledges that mining could reduce river flows, yet fails to provide any clear solutions.

Response 496-9

See Response 349-2.

Comment 496-10

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the DEIR identifies the fact that there is groundwater/surface water interaction at both sites.

Response 496-10

Refer to Collective Response #26 and Response 484-6. As described in Collective Response #26, the data used in the Draft EIR was collected over a period that included both low and high flows.

As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the area of the project sites. Collective Response #25 further demonstrates that Department of Water Resources criteria for interconnected surface water are not met at the project site.

Comment 496-11

Impact on the San Joaquin Parkway and Recreation

The DEIR uses out of date information when identifying sites in close proximity to the quarry. Some of the table sources go back to 2021. Ball Ranch and Ledger Island were not open to the public at that time. Also, the description of the San Joaquin Fish Hatchery fails to adequately describe the recreational facilities available including FINS and the Parkway Trail from the hatchery to Lost Lake Park.

Response 496-11

Please see Collective Response #19 pertaining to public accessibility to parks.

Comment 496-12

The noise from rock crushing, blasting and drilling will negatively impact visitors to Ball Ranch, Lost Lake Park, Ledger Island and Sumner Peck Ranch but these noise impacts are not evaluated or addressed in the DEIR. The DEIR should fully analyze these impacts and set forth adequate mitigation measures for the impacts.

Response 496-12

Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 496-13

The DEIR mentions potential trail easements for public use but it lacks any clear commitment or timeline. The DEIR should identify the time frame and exact location of the trail to be constructed, and make clear that CEMEX would be responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 496-13

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 496-14

Conclusion

Due to the significant impacts to the San Joaquin River, wildlife, public safety, traffic, and air and water quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The County and CEMEX should also explore less harmful alternatives. Public transparency and accountability in the review process is critical to ensure that the long-term health of the San Joaquin River and surrounding communities is protected.

Thank you for your time and consideration of these comments.

Response 496-14

The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The comment does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures. Please see Responses 496-1 through 496-13 above regarding specific issues raised in the comment letter. Draft EIR Chapter 6, "Alternatives," describes a range of project alternatives and compares the associated potential environmental impacts to those of the proposed project, and the comment does not identify any additional alternatives for consideration.

Letter #497 March 10, 2025, Eva Green

Comment 497-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with

approval. I worry about many of the horrible impacts on the San Joaquin River Watershed.

Response 497-1

The project's potential effects on the San Joaquin River watershed are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section.

Comment 497-2

As well as how it will negatively impact the air quality with all of the exhaust and dust. Endless hours of vehicle emissions from shipping and employees commuting. It will also effect the biological resource that is the San Joaquin River. As stated before there are many traffic and noise concerns with moving of resources and commuting employees making the nearby roads crowded.

Response 497-2

The project's potential effects related to air quality and biological resources are addressed in Draft EIR Section 4.3, "Air Quality" (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.4, "Biological Resources," respectively, as updated by this Final EIR. The issues of traffic and noise are addressed in Draft EIR Section 4.17, "Transportation," and Section 4.13, "Noise," as updated by this Final EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 497-3

Everything adding up to a large cumulative environmental impact that will negatively impact residents of all of Fresno County.

Response 497-3

The project's potential cumulative effects are described in Draft EIR Chapter 5, "Cumulative Impacts." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR chapter.

Comment 497-4

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected. Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 497-4

See Collective Response #1 regarding the need for additional analysis and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a reasonable range of alternatives to the proposed project.

Letter #498 March 10, 2025, Reid Gromis

Comment 498-1

I'm writing to you in regards to the proposed Cemex plan for the large 100 year mining site in Fresno county.

I don't think this is a good idea. I ride my bike with my kids across and along Friant Road often and I believe that an increase in mining activity will dramatically increase the traffic on our route and expand the danger for all pedestrians and cyclists who visit Woodward park. I didn't see any specific mentions of traffic impact on increased pedestrian and cyclists who visit accidents with the expected increase in large vehicle transports.

Response 498-1

The commenter's concerns are noted and will be considered by County decision-makers. Please see Collective Response #29 pertaining to project traffic. Please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 498-2

Wouldn't there be a better location for a large scale operation that doesn't impact the best regional park in our county. Maybe west of 99 or along the kings river where much of Fresno county's growth is being forecast. Or even better, an investment to reclaim and recycle materials from long gone projects.

Response 498-2

The Draft EIR provides an extensive discussion of the feasibility of offsite locations as an alternative to the proposed project and the ability of offsite locations to achieve the project objectives. As discussed in Draft EIR Section 6.4.2.1, "Alternative Site Locations," on pages 6-5 through 6-7, "[n]o specific location with the attributes necessary to accomplish the project objectives is known in enough detail to be identified as a specific alternative site to feasibly meet the project objective of developing a known high-quality aggregate deposit" and "relocating the proposed operation to another site in the region would introduce new impacts to a site with no previous aggregate mining activity." For these and other reasons detailed in the Draft EIR, an alternative location was properly rejected

from further evaluation. The commenter inquires as to better locations, but the comment does not provide evidence of the availability or feasibility of other potential sites.

Comment 498-3

I also believe the additional traffic and the blast mine itself will contribute to the degraded air quality of Fresno county and hinder the long term health of the most vulnerable residents here for generations to come.

Response 498-3

An Air Quality, Health Risk, and Climate Change Impact Assessment was prepared for the proposed project impacts based on risk factors and air quality standards that account for sensitive populations as discussed in Section 3.2.3 of Draft EIR Appendix D-1, "Air Quality, Health Risk and Climate Change Impact Assessment," as updated by this Final EIR (see Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"). This Assessment concluded that particulate matter impacts were determined to be less than significant after mitigation. Further, Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," demonstrates that after mitigation the project would result in less PM_{10} and $PM_{2.5}$ than are currently emitted. The project would also be subject to a Fugitive Dust Control Plan required by SJVAPCD Regulation VIII. The technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3), including preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR, as updated by this Final EIR.

As discussed above, the VMT from on-road trucks was used to calculate associated emissions. Regarding the concerns of the possibility of increased transportation on Friant Road resulting in higher levels of diesel particulate exposure, additional modeling was undertaken and shows that the potential increase in trucks on any road would not expose receptors to significant levels of health risk.

Comment 498-4

It seems that there is a plethora of available materials for our community when it comes to building but very little investment in improving the environmental conditions for us to live and breathe.

The owners of the plant won't have to live with these impacts. And the idea of committing to a century of more intense industrial activity in one of the worst air basins in the country is not the right step for future Fresnans.

I have also recently been discovering more and more access points to hike, bike, and explore along the San Joaquin River. After a century of this space being mined, I believe it's time to give it back to the public and nature. The serenity of open green spaces is hard to economically quantify but I know that I need places to go to connect to our planet and myself. My kids loved the peaceful canoe trip down the river without having to put up with the noise pollution of heavy machinery.

I hope that this project is not approved by the county as there are so many negative aspects, both discussed and unforeseen.

Thank you for considering my thoughts on the matter and be well.

Response 498-4

Please see Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project. See also Collective Response #21 pertaining to public access to the San Joaquin River, and Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River. The comment does not address the adequacy of the Draft EIR. The commenter's use of areas along the San Joaquin River, interests, and concerns are noted and will be considered by County decision-makers.

Letter #499 March 10, 2025, Amanda Grossman

Comment 499-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion

Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval. 1. Impacts on the San Joaquin River Watershed I grew up on the Riverbottom, where my family has lived for generations. The San Joaquin River is more than just a body of water—it is a lifeline for the land, wildlife, and communities that depend on it. This expansion threatens to disrupt the delicate balance of the watershed, leading to increased sedimentation, water contamination, and long-term ecological damage. Our river has already endured enough, and further degradation would be an irreversible loss for future generations, including my children and their children.

Response 499-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See also Draft EIR Section 4.4, "Biological Resources" for discussion of the project's potential direct and indirect effects on certain fish and wildlife species. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. The commenter's concern regarding the proposed project is noted for the consideration of the decision-makers.

Comment 499-2

2. Air Quality

and Dust Emissions The dust and pollutants generated by this expansion will have a lasting impact on the health of those who call this area home. My parents still live in the Riverbottom, and I worry about their exposure to airborne particles that can cause respiratory issues and other long-term health complications.

Additionally, the increased industrial activity will contribute to already worsening air quality, affecting not only current residents but also future generations who deserve clean air to breathe.

Response 499-2

The project's potential effects related to air quality is addressed in Draft EIR Section 4.3, "Air Quality," as updated by the Final EIR. See Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to this Draft EIR section. See also Collective Response #9 regarding the project's potential impact on existing air quality conditions in the region.

Comment 499-3

3. Biological Resource Impacts The Riverbottom

is home to a diverse range of wildlife, some of which are already struggling to survive due to habitat loss. Further expansion of CEMEX's operations will disrupt these ecosystems, endangering plant and animal species that have thrived in this area for centuries. Once these habitats are destroyed, they cannot be easily restored, leaving a permanent scar on the environment.

Response 499-3

The project's potential impacts to biological resources are evaluated in Draft EIR Section 4.4. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section.

Comment 499-4

4. Traffic and Noise

Concerns The increased truck traffic and industrial noise will not only disrupt the peaceful nature of our community but will also pose safety risks for families who live nearby. Roads that were once quiet and safe will become dangerous due to heavy machinery and increased transportation of materials. This is not the future I want for my children or for any family that calls this place home.

Response 499-4

The issues of traffic and noise are addressed in Draft EIR Section 4.17, "Transportation," and Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 499-5

5. Cumulative Environmental Effects This project does not exist in isolation. It is part of a larger pattern of environmental degradation that, if left unchecked, will lead to long-term consequences for our community. The cumulative impact of water pollution, air contamination, habitat destruction, and noise pollution will forever alter the landscape of the Riverbottom, stripping it of the natural beauty and resources that have sustained families like mine for generations.

Response 499-5

The project's potential cumulative effects are described in Draft EIR Chapter 5, "Cumulative Impacts." The project's potential visual impacts are addressed in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Comment 499-6

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected. Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 499-6

See Collective Response #1 regarding the need for additional analysis and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a reasonable range of alternatives to the proposed project.

Letter #500 March 10, 2025, David Grubbs

Comment 500-1

I oppose the extension of the CEMEX aggregate mining permit, and especially the expansion to hard rock mining at the Quarry Site on the San Joaquin River.

Response 500-1

The commenter's opposition to the project is noted and will be considered by County decision-makers. The comment does not address the adequacy of the Draft EIR, and no further response is warranted here. Please see responses below to specific comments.

Comment 500-2

First, do we need to mine it at all, especially this way? Studies show we have more than adequate aggregate for at least fifty years.

Response 500-2

Please see Collective Response #3 pertaining to regional aggregate demand and supply.

Comment 500-3

In summary, the San Joaquin River is one of our most valuable assets for improving the quality of life in the region. If mining is to continue, it should be limited to a reasonable time frame and performed using conventional aggregate mining methodology. Ideally locations outside the floodplain should be sought. The same sheet of granite to be blasted into gravel at the CEMEX Quarry Site extends across the valley. Mining land fallowed because of excessive groundwater extraction for example, would have less impact and might help restore the value of land now out of service.

Response 500-3

Please see Collective Response #5 pertaining to the duration of the proposed use permit.

The Draft EIR provides an extensive discussion of the feasibility of offsite locations as an alternative to the proposed project and the ability of offsite locations to achieve the project objectives. As discussed in Draft EIR Section 6.4.2.1, "Alternative Site Locations," on pages 6-5 through 6-7, "[n]o specific location with the attributes necessary to accomplish

the project objectives is known in enough detail to be identified as a specific alternative site to feasibly meet the project objective of developing a known high-quality aggregate deposit" and "relocating the proposed operation to another site in the region would introduce new impacts to a site with no previous aggregate mining activity." For these and other reasons detailed in the Draft EIR, an alternative location was properly rejected from further evaluation. Although the comment urges consideration of other locations, the comment does not provide evidence of the availability or feasibility of other potential sites.

Comment 500-4

Below I have addressed several issues that were not addressed or considered adequately, in the DEIR.

1. **The affected population** – The magnitude of many of the impacts of this project are dependent on the population of the area. There are 1,100 homes at Woodward Lakes and many more at Copper River and New Town. Development has accelerated. The 2020 Decennial Census tracts 55.03 and 55.15 boast 8,300 residents in 3,200 households. The construction and expansion of Table Mountain Casino, Millerton New Town and adjacent tracts in the Willow/Shepard gap are now part of the picture.

   The certainty of population growth requires more complete and longer term traffic analysis. The number of people affected by traffic safety and gravel damage to vehicles for example, is destined to rise considerably in the decades that follow. This growth is not accounted for in the DEIR. Growth also assures increasing demand for recreational and open space. And more people impact water quality issues. A hundred year permit is far too long given the paucity of population analysis.

Response 500-4

The state of the practice with respect to traffic analyses is to forecast 20-year traffic volumes in Fresno County. County of Fresno, City of Fresno, and City of Clovis policies require new developments to perform traffic analyses to identify the effect of the new development on intersection and roadway levels of service. As regional growth continues beyond the 20-year horizon, new developments would be required to construct improvements to mitigate their own impacts.

Comment 500-5

2. **Ponds and fluctuating water features.** These invite eutrophication in the warm Central Valley and cyanobacteria blooms and neurotoxins affect wildlife and human health. There is no consideration of this risk in the DEIR. There has been no measurement of, nor plans for monitoring, phosphorus/phosphate, a major trigger for such blooms. The growth and death of these organisms have disastrous impacts on wildlife. Note too that population growth (item 1) exacerbates the risk of these blooms.

Response 500-5

The project does not propose changing the management of the Northeast Pond located at the Quarry Site, and would thus not change the existing water quality of the pond (Draft EIR page 4.20-89). The ponding of water in the quarry pit would also not accumulate concentrations of constituents that would violate water quality standards or otherwise degrade water quality (Draft EIR page 4.10-101).

The Plant Site Pond would be monitored for water quality, as required by Mitigation Measures 4.10-5a and 4.10-5b. Although phosphate is not on the list of parameters to be monitored, the parameters subject to monitoring do include pH, conductivity, temperature, dissolved oxygen, and oxidation-reduction potential. These parameters are general indicators of water quality. If iron/manganese levels are higher than their respective water quality standards for 5 consecutive years, then aeration or mechanical circulation of the water would be required (Draft EIR page 4.10-98). By monitoring the aforementioned parameters, the risk of eutrophic conditions developing at the Plant Site Pond would be minimized.

Comment 500-6

3. **Salmon restoration.** Among the causes of salmon extinction in the San Joaquin river is levee/berm collapse. The river then flows through adjacent ponds. Those river connected ponds are colonized by predators which prey on fry and prevent the recovery of endangered salmon. A 600 foot deep pit two hundred feet from the river edge surely poses this risk. Prevention and restoration if this occurs deserves more assurance than "monitoring" and "advice" from qualified experts.

Response 500-6

Please see Collective Response #17 regarding levee/berm collapse and potential flooding of the project sites. An extreme flooding event is not likely to occur and is speculative,

which does not require further analysis under CEQA. Please see Collective Response #12 for further discussion of the San Joaquin River Restoration Program. The proposed project would not conflict with the goals and ongoing salmon restoration efforts in the San Joaquin River.

Comment 500-7

4. **Riparian ecosystem protection.** Ninety percent of the Quarry Site "has been disturbed by mining operations." Google Earth images reveal "disturbed" to actually be "bare earth."

   After thirty plus years of mining, the only significant native vegetation to survive is the narrow riparian ecosystem. A dozen or so oaks are present and thick riverside vegetation survives. Most all of it is within 200 feet of the river's edge. While this was surveyed to assure there are no "special-status species" of concern, monitoring and protection of the existing riparian habitat should be assured in the permitting process. Dewatering on the site may not be as innocuous as presumed.

   The wildlife evaluation is hard to judge. That the vast majority of animal species expected on a Central California floodplain are not present is no surprise given the decades of industrial disturbance. There was evidence or observations of one hundred and seventy nine vertebrate species in a wildlife survey on similar property downstream. Only thirty or so species were observed or presumed present on the Quarry Site now. Mitigation that would assure species recovery should be required.

Response 500-7

CEQA does not require a project to ensure the continued existence of species within a particular location. Rather, CEQA requires evaluation of whether a project may result in significant impacts upon the environment. Upon the completion of each mining phase, reclamation would occur onsite and would include certain performance standards for ensuring revegetation growth. It should be noted that reclamation activities also do not need to ensure species recovery. The Draft EIR adequately addresses all aspects concerning reclamation and wildlife as raised in the comment under CEQA.

Comment 500-8

5. **Access to navigable waterways.** California does not assure the public's right to cross private property to access navigable waterways. It does however prohibit owners of lands adjacent to navigable waters from interfering with the

public's right to use such waters. The permitting process could protect this right by requiring access, at very least on foot, to the river's edge.

Response 500-8

Please see Collective Response #21 pertaining to public access to the San Joaquin River.

Comment 500-9

6. **Quality of life issues - San Joaquin River Parkway and the Central Valley.**

Fresno, with more than half a million people, ranks year after year as one of the "worst cities" in America for green space, outdoor recreational opportunities and quality of life. Outside.com points out that we "lack green space, have poor access to parks, and made little investment in recreation." We rank fifth from the bottom in America.

The Trust for Public Land notes that only 2% of Fresno is park space and that we have only one playground for every 10,000 people.

The Fresno Bee reported just last month that "Fresno is one of the worst spots for an active lifestyle." Fresno is one of the "least outdoor-friendly cities" according to rv.travel.com.

The San Joaquin River Parkway and Conservation Trust (a nonprofit) and the San Joaquin River Conservancy (a state agency) have, over more than thirty years, brought thousands of acres of the floodplain into public hands, built miles of multipurpose trails, and restored riverside ecosystems. They've provided tours and education programs for years and have recently opened several major SJR Parkway properties to the public. The Parkway, and public transportation to and from it, can address our quality of life issue much better than a 600 foot deep hole owned and operated by a foreign multinational corporation.

The CEMEX site, because of its scope and its location, will have a major impact on the Parkway. The CEMEX Quarry site completely fills the space between Friant Road and the river edge. If it is to be mined at all, provisions should be made to assure public passage through the CEMEX site from Lost Lake and the public facilities at the hatcheries to the Parkway properties downstream.

I have been tolerant, if not outright supportive, of aggregate mining in the San Joaquin river floodplain. After all, California leads the world in the loss of its wetlands. When we dig a hole in

a floodplain, it eventually fills with water and we can get a wetland back.

But not this hole. This 58 story deep pit promises to be an unmitagable [sic] environmental disaster. It does not help that CEMEX has a history of air, water, and labor violations and a reputation for minimal restoration at best. CEMEX was cited and fined in the UK, cited in Victorville, Monterey, and sites in Colorado and Michigan.

It would be wise to require CEMEX to purchase bonds or otherwise provide funds to cover damage to neighbors and to assure their commitment to restore the floodplain property to high standards.

Response 500-9

Please see Collective Response #7 pertaining to socioeconomic issues. Please see Collective Response #12 pertaining to San Joaquin River restoration efforts. Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas. Please see Collective Response #4a pertaining to CEMEX regulatory history. Please see Collective Response #4b pertaining to liability. The commenter's concerns, opinions, and recommendations are noted and will be considered by County decision-makers. The comment does not provide evidence of a deficiency in the Draft EIR and no further response is warranted here.

Letter #501 March 10, 2025, Alyssa Gurney

Comment 501-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have concerns that I urge you to address prior to moving forward with approval. I am concerned about air quality and dust emissions caused by this project. Air quality in this region continues to be a challenge which prompts many negative health outcomes.

Response 501-1

The commenter's concerns are noted and will be considered by County decision-makers. Please see Collective Response #9 for additional discussion pertaining to potential effects on air quality.

Comment 501-2

According to the DEIR:

4.3.4 Project Impacts and Mitigation Measures

"- The DEIR says that project emissions may exceed cancer risk thresholds. DEIR pg. 4.3-63. The DEIR says that because mitigation measures would reduce emissions, the DEIR did not evaluate population-wide cancer burden. DEIR at pg. 4.3-64. CEQA requires that the analysis be performed before taking into account implementation of mitigation measures"

This This is extremely concerning to me that there may be an increase is emissions that may exceed cancer risk thresholds.

Response 501-2

Please see Collective Response #11 pertaining to community cancer risk. Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), provides an evaluation of potential air quality impacts of the project, including consideration of fugitive dust, toxic air contaminants, and health risk at Impact 4.3-3. The impact evaluation quantifies both unmitigated project health risk (Draft EIR Table 4.3-24, "Unmitigated Project Health Risk Impacts") and mitigated project health risk (Draft EIR Table 4.3-25, "Mitigated Project Health Risk Impacts").

As shown in these tables, after mitigation, the cancer risk at the maximally exposed individual sensitive receptor (MEIR) decreases from the baseline condition (i.e., cancer risk is a negative value demonstrating that the project would be a benefit). Accordingly, cancer burden, which represents the cumulative effect across census blocks, would also reflect a net benefit and was therefore not calculated in the Draft EIR.

In response to comments on the Draft EIR, the air quality technical analysis was reviewed and updated to amplify and clarify the information presented, as documented in the *Revised Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3). This updated analysis includes cancer burden modeling and demonstrates no new impacts and no changes to any of the findings in the Draft EIR. See also Tables 4.3-24 and 4.3-25 as they have been updated in the Final EIR at Appendix D-4, "Revised Section 4.3, Air Quality." The comment does not provide evidence of a deficiency in the Draft EIR.

Comment 501-3

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in

this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected. Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 501-3

The comment does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures. Please see above for responses to specific comments. Please see Collective Response #1 pertaining to the CEQA review process and opportunities for public input.

Letter #502 March 10, 2025, Sheila Hakimipour

Comment 502-1

I would like to submit my comments to you and Supervisor Bredefeld regarding CEMEX Rockfield Expansion Project DEIR. Below please see my concerns:

1. **Impacts on the San Joaquin River Parkway Access:**

   I have worked as a subconsultant on multiple river access and activation projects for SJR Western Reaches, River West and Circle V projects. Our county is blessed to share a 22 miles border with the San Joaquin River Parkway. With so much potentials, Fresno County residents have very limited access to the River. Further expansion of the CEMEX mining operation will impact the access furthermore.

Response 502-1

Please see Collective Response #21 pertaining to public access to the San Joaquin River.

Comment 502-2

On 4.17 Transportation chapter of the DEIR/San Joaquin River Parkway Master Plan Update, the document says, *"The multi-Use trail would also extends along the northwest boundary of the Plant Site, just outside the site, and extends along the Southwest Boundary of the Plant Site,* ***just inside the site.***" The SJR trail inside a heavy mining site will be extremely unattractive, unsafe, subject to noise and air pollution due to explosives, thus not used by the Fresno County public, compromising access and Parkway vision.

Response 502-2

As shown on Figure 2-7, "Proposed Plant Site Mining Plan," Figure 2-8, "Proposed Quarry Site Mining Plan," Figure 2-9, "Plant Site Final Reclaimed Conditions," and Figure 2-10, "Quarry Site Final Reclaimed Conditions," the proposed trail easement would not travel "inside a heavy mining site," but would be located along the northwest boundary of the Plant Site, outside of active mining areas. The parcel on which the Quarry Site is located abuts the San Joaquin River, and the project includes the dedication of easements within the parcel to Fresno County to allow for future construction of multi-use trail improvements in this vicinity. While portions of the future planned multi-use trail may be located within the broader project site, the trail would be designed with appropriate buffers and measures to minimize potential conflicts with mining operations. The Operator would continue to coordinate with Fresno County as plans for the future multi-use trail are developed.

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River and Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 502-3

> Additionally, the document reference the Fresno County Regional Transportation Plan in multiple places. The county is in the process of updating the RTP, and the new policies are not reflected in the DEIR.
>
> Supervisor Bredefeld, please be a champion for the River and for the public access to River.

Response 502-3

The Draft EIR is revised in this Final EIR through errata presented in Chapter 3, "Draft EIR Errata," to include a description of the ongoing update process for the Fresno County Regional Transportation Plan. However, until an updated plan is adopted, the 2022 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) remains the applicable plan for purposes of the Draft EIR's consistency analysis. The added discussion regarding the RTP update process is provided for informational purposes only.

Comment 502-4

> **2. Impact on Youth Physical and Mental Health:**
>
> I have worked with youth volunteers and Scouts on the river cleanup for four years. I have witnessed firsthand how our

youth enjoy and care for the river and how being outdoor helps them to be off the screen, stay above, bond with each other and bond with nature. I encourage you to set up a town hall meeting with Fresno County youth volunteers who have worked on the river and hear from them what their vision is for their River.

Supervisor Bredefled, please be a champion for our youth and put their health and interest before the big pocket of a multi million dollar non-local (non-US) company.

Response 502-4

The comment does not address the adequacy of the Draft EIR, and no further response is warranted here. The commenter's request will be considered by County decision-makers.

Comment 502-5

3. **Impact on Traffic Safety on Friant and Safe Access to Woodward Park:**

In September 2020, shortly a□er Angel Hernandez was fatally hit by a car at the intersection of Friant and Fort Washington, a group of Audubon Bluff neighbors and Woodward Park users (runners, walkers, etc.) invited you to a walk audit along Audubon and Friant Rd. As you remember, during our walk we tested different crosswalks that lead to Woodward Park on Friant Road. We discussed the traffic safety situation that high volume traffic is causing on Friant Road and its incompatibility with so many pedestrians and bicyclists walking to and from Woodward Park. My Daughter runs with a local high school cross country and track team and she and many high school students who cross Friant to go to the Woodward Park for their practices, are constantly subject to one of worse traffic safety risks in the county using the cross walks on Frint Rd. That day, you promised to help.

Unfortunately, the traffic safety on Friant Rd has gotten worse since then. More fatal accidents like Paul Moore on Friant and Audubon, and Amaya Chenot on Shepard and Friant are proof of that terrible reality. The number of memorials that are erected at every intersection on Friant Road is a testimony to the systematic and chronic traffic safety issues on the roadways near Woodward Park. I speak for many mothers and fathers that must live in fear knowing their sones and daughters are constantly subject

to fatal accidents walking the crosswalks into the park. The CEMEX expansion will increase truck traffic from 250,000 to 400,000 a year and will directly makes Friant Road more dangerous to cross, bike and drive.

Supervisor Bredefled, please be a champion for our young runners and Safe Access to Woodward Park. Please encourage your colleagues on the board to put the health and safety of residents of your district before the wealth of another mega non-local (non-US) company and say NO to CEMEX request to extend the opera□on permit to 100 more years and to a scale so big that it will match the biggest mining operation in California.

Response 502-5

Friant Road, Copper Avenue, and Willow Avenue are identified as truck routes by the City of Fresno. The project would not be responsible for the regional growth that contributed to observed increases in traffic volumes or any potential corresponding systematic and chronic safety issues. The agencies having jurisdiction over intersections with high crash rates may consider alternatives for improving traffic safety. It should be noted that, as traffic volume and congestion increase, the corresponding speed and speed limits on those roadways tends to decrease. The suggestion that an increase in traffic volumes necessarily correlates to an increase in safety issues is not supported by analyses nor substantial evidence.

Letter #503 March 10, 2025, Jeffrey Hallock and Deborah Symes

Comment 503-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

1. Impacts on the San Joaquin River Watershed

4.10.1.5 Flood Hazards: The flood hazard analysis is limited to the FEMA 100-year floodway and floodplain and states the "the floodplain does not encroach into the Quarry Site" as shown on Figure 4.10-1. The continued development of the berm between the river channel and the Quarry Site will constrain the river and will create a choke point especially at the north end of the Quarry Site where the easterly bank of the river is more vertical. According to the 100-Year Hydraulic Results found in the Hydraulic

Analysis in Appendix G-1, the flood water surface elevation between Stations 20 and 21averages out to 313.27 feet. Without a constraining bank between Stations 20 and 21on the east side of the river additional water flow will likely push to the east across the north side of the Quarry Site. Further, the Executive Summary includes the following caveat: "The Bureau of Reclamation owns and manages the dam, and, during unforeseen events, may be required to release water into the San Joaquin River at rates that could exceed the river channel capacity (Fresno County 2018a)," a foreseeable hazard not adequately addressed in the DEIR.

Response 503-1

The San Joaquin River 100-year floodplain does not enter the Quarry Site from stations 20 to 21 (Draft EIR Appendix G-1, "Hydraulic Analysis," Appendix A, Figure 2). Friant Dam releases are not controlled by the project.

The Draft EIR is not required to analyze scenarios that are speculative or not reasonably foreseeable (14 CCR Section 15145). As discussed in Draft EIR Impact 4.10-17, sudden releases from Friant Dam are not reasonably foreseeable, and are thus not required to be analyzed under CEQA. Please note that the excerpt from the Executive Summary is consistent with the analysis provided in Draft EIR Impact 4.10-17, as it states the Bureau of Reclamation may require releases of water that exceed the San Joaquin River's channel capacity in the case of an "unforeseen event." The hydraulic analysis incorporated flood flow rates higher than the 1997 flood. The 1997 flood flow rate of 60,300 cfs is lower than the 100-year flow rate of 71,000 cfs studied for the project. The Draft EIR analyzed the proposed project's potential to release pollutants in a flood hazard, tsunami, or seiche zones due to project inundation and concluded that this impact would be less than significant (see Draft EIR discussion of Impact 4.10-17 on page 4.10-118).

Comment 503-2

2. Air Quality and Dust Emissions

The status of the San Joaquin Valley air basin as one of the very worst in the nation is well known, a problem that has created serious health problems for our family and many of our friends. We are not confident that this corporation has the skills or the resources to contain the fine particulates that will inevitably be raised by their proposed uses of the site without excessive water use, the water itself being a scarce and valuable resource.

Response 503-2

The Health Risk Assessment concluded that particulate matter impacts were determined to be less than significant after mitigation. Further, Table 4.3-21, "Mitigated Operation Phase Criteria Air Pollutant Annual Emissions," demonstrates that after mitigation the project would result in less PM_{10} and $PM_{2.5}$ than currently being emitted, resulting in an overall net benefit to the environment. The project would also be subject to a Fugitive Dust Control Plan required by SJVAPCD Regulation VIII. Further, in response to air quality comments on the Draft EIR, the technical analysis was updated to clarify and amplify the information presented, as described in Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment," including preparation of a Fugitive Dust Control Plan. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. See also Table 4.3-24, "Unmitigated Project Health Risk Impacts," and Table 4.3-25, "Mitigated Project Health Risk Impacts," as they have been updated in the Final EIR at Appendix D-4, "Revised Section 4.3, Air Quality."

Comment 503-3

4.19.1.10 CSA 44C Wells and Quarry Site Interactions: Impact on water tables for domestic residential wells. The possibility of dropping water tables on the extensive dig is a huge concern for residents.

1. Cemex should install at every residential well a constant water level monitor. This should be monitored monthly by an independent contractor paid for by Cemex.

2. Cemex must provide a bond to protect every residence of this community. If the wells fail or have greatly reduced water production and the homes are no longer realistically habitable, protection for the homeowners must be in place before operations begin. Cemex must be liable and purchase the properties at high market value. There must be a penalty in place to be paid to the resident to cover costs of moving through no fault of their own.

Response 503-3

In addition to the response below, see Collective Response #25. As discussed in the Draft EIR, the use of the recharge trenches would limit the drawdown of the water table in the unconfined alluvial. Additionally, as noted in Response 58-27, recharge trenches and ponds for groundwater recharge have been used for decades at the Quarry Site. The recharge operations would result in drawdown levels that would be approximately one-half of those which would occur without any recharge operations (KDSA 2021). The Draft EIR acknowledges reductions in the available groundwater column would occur in the

Fresno County CSA 44C wells (see Draft EIR page 4.10-107). The estimated decrease in the static water column would range from 30 to 60 feet depending on the recharge operations. If water production volumes from the CSA 44C wells decline to the point where current water demand cannot be met, this would result in a significant impact. Accordingly, Mitigation Measure 4.10-10a is provided as an Adaptive Management Program for Quarry Site Groundwater (Draft EIR, pages 4.10-108 through 4.10-111). As part of the Adaptive Management Program, potential effects on the CSA 44C wells would be assessed through the monitoring of nested wells between the Northeast Pond and the CSA 44C wells, and the CSA 44C wells themselves. Additionally, if access can reasonably be gained to any of the five private wells in Draft EIR Table 4.10-9, "Estimated Drawdown of Groundwater Levels in Wells Near the Quarry Site," located to the west of the Quarry Site from the private owners, then those wells should also become part of the monitoring program as well. Annual mitigation monitoring reports prepared by a Professional Hydrologist/Certified Hydrogeologist would be submitted to Fresno County annually. If monitoring data indicate groundwater levels in any of the monitored wells drop such that the available water column decreases by more than 15 percent, a significant impact will have occurred. At that point, corrective measures would be implemented.

Corrective measures include diverting additional water to the recharge trenches and constructing an additional recharge basin on the northeastern side of the Quarry to increase recharge rates (Draft EIR, pages 4.10-108 through 4.10-111). To ensure funding and implementation of the adaptive management program, Mitigation Measure 4.10-10b requires the establishment of an endowment dedicated to the perpetual implementation of the adaptive management program and implementation of corrective actions (Draft EIR, page 4.10-111).

The initial corrective measure would be to divert additional water from the excavation to the Northeast Pond or an additional recharge trench. If upon pumping all available water and the water levels remain 15 percent or more below baseline elevations, mining would not progress to greater depths.

To ensure funding and implementation of the adaptive management program, Mitigation Measure 4.10-10b requires the establishment of an endowment dedicated to the perpetual implementation of the adaptive management program and implementation of corrective actions.

The comment does not provide substantial evidence that the implementation of Mitigation Measures 4.10-10a and 4.10-10b are inadequate to address impacts to the water table caused by the dewatering activities. Additionally, the Operator would not be

responsible for purchasing properties at "high market rate" as the mitigation measures in place reduce any potential impacts to a less than significant level.

Comment 503-4

3. Biological Resource Impacts

4.4.1.4 Wildlife: The DEIR does not adequately analyze potential impacts of blasting on wildlife. The examples of habituation of wildlife to mining operations are for surface mining, not the deep rock mining proposed here.

Response 503-4

Blasting activities would be brief (one to two seconds) and would not significantly impact wildlife (Draft EIR page 4.4-53). Please see Responses 58-37, 58-38, 58-40, 58-41, 58-42, 65-8, 65-12, 65-16, and 65-17 for further discussion of blasting impacts to wildlife.

Comment 503-5

4.4.1.9 Critical Habitat: Mischaracterization of a regulated habitat. The Waste Wash Conveyance Ditch at the Plant Site likely qualifies as a stream, and diverting or obstructing its natural flow, altering its bed, channel, or bank, or depositing any material into this feature would be subject to provisions of California Fish and Game Code Section 1600 et seq.

Response 503-5

See Response 58-33 regarding the waste wash conveyance ditch at the Plant Site. The water conveyance ditch was a man made/created feature in the uplands and is not subject to California Fish & Game Code Section 1600 et seq.

Comment 503-6

4. Traffic and Noise Concerns

The impact of blasting, mining operations, and heavy transportation will inevitably spill over to nearby public parks and recreation areas. This is a cost to the public (and to our own well being) that is not adequately mitigated in the DEIR.

Response 503-6

Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 503-7

5. Cumulative Environmental Effects

4.3.4 Project Impacts and Mitigation Measures: The DEIR says that project emissions may exceed cancer risk thresholds (DEIR pg. 4.3-63). The DEIR says that because mitigation measures would reduce emissions, the DEIR did not evaluate population-wide cancer burden (DEIR at pg. 4.3-64). CEQA requires that the analysis be performed before taking into account implementation of mitigation measures.

Response 503-7

Please see Collective Response #11 pertaining to community cancer risk. Draft EIR Section 4.3, as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), provides an evaluation of potential air quality impacts of the project, including consideration of fugitive dust, toxic air contaminants, and health risk at Impact 4.3-3. The impact evaluation quantifies both unmitigated project health risk (Draft EIR Table 4.3-24, "Unmitigated Project Health Risk Impacts") and mitigated project health risk (Draft EIR Table 4.3-25, "Mitigated Project Health Risk Impacts").

As shown in these tables, after mitigation, the cancer risk at the maximally exposed individual sensitive receptor (MEIR) decreases from the baseline condition (i.e., cancer risk is a negative value demonstrating that the project would be a benefit). Accordingly, cancer burden, which represents the cumulative effect across census blocks, would also reflect a net benefit and was therefore not calculated in the Draft EIR.

In response to comments on the Draft EIR, the air quality technical analysis was reviewed and updated to clarify the information presented, as described in Appendix D-3, *Revised Air Quality, Health Risk and Climate Change Impact Assessment*. This updated analysis includes cancer burden modeling and demonstrates no new impacts and no changes to any of the findings in the Draft EIR. See also Tables 4.3-24 and 4.3-25 as they have been updated in the Final EIR at Appendix D-4, "Revised Section 4.3, Air Quality." The comment does not provide evidence of a deficiency in the Draft EIR.

Comment 503-8

Given these concerns and many other concerns, we urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments. We look forward to your response and further discussions on this important matter.

Response 503-8

The commenter's request for additional analysis, enhanced mitigation, and additional alternatives is noted. The comment does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures, and the comment does not recommend specific additional alternatives for consideration. Please see above for responses to specific comments, and please see Collective Response #1 pertaining to the CEQA review process and opportunities for public input.

Letter #504 March 10, 2025, Bryan Harley

Comment 504-1

I am writing to express my strong opposition to the proposed CEMEX Rockfield Expansion Project along the San Joaquin River. This project poses an unacceptable threat to our environment, community health, and the long-term integrity of the San Joaquin River ecosystem.

Research indicates that the Fresno area currently has nearly a 200% surplus of locally sourced gravel—a resource that will comfortably meet regional needs for decades to come. Approving this project, which aims to extract additional material through blasting techniques, is economically unjustifiable and would serve only corporate interests rather than the needs of our community.

Response 504-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #3 regarding aggregate demand and the need for the proposed project.

Comment 504-2

The proposed blasting and deep-mining operations (extending 600 feet below ground surface) would permanently scar the river bottom, further degrading an already over-extracted and polluted waterway. The San Joaquin River has suffered greatly from decades of mining, with its wetlands, salmon runs, and natural floodplains already in jeopardy. Expanding mining operations at this critical juncture would irreparably harm local ecosystems and disrupt the delicate balance of our natural resources.

Response 504-2

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential impacts to the ecosystems on the project sites and surrounding areas, including potential impacts to wetlands, riparian floodplains, and salmon are evaluated in Draft EIR Section 4.4, "Biological Resources." The Draft EIR concludes that the project's potential impacts to water resources and biological resources would be less than significant with the implementation of mitigation measures. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 504-3

Beyond environmental impacts, the project threatens to dramatically increase truck traffic—potentially adding the equivalent of billions of car trips annually—to our local roads, exacerbating wear on infrastructure and increasing risks to public safety.

Response 504-3

The project's potential impacts related to truck traffic, road maintenance, and transportation safety are evaluated in Draft EIR Section 4.17, "Transportation." The commenter overstates the number of vehicle trips that would be generated by the proposed project. See Draft EIR Table 4.17-1, "Existing Annual Trip Generation at Plant and Quarry Sites ," Table 4.17-2, "Project Annual Trip Generation—Stage 1 (2.0 MT Per Year)," Table 4.17-3, "Project Annual Trip Generation—Stage 1 (3.0 MT Per Year)," and Table 4.17-4, "Project Annual Trip Generation—Stage 2 (3.0 MT Per Year)," regarding the project's expected annual trip generation at each stage. (Draft EIR pages 4.17-15 through 4.17-18.) See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17. See also Collective Response #29 regarding increased truck trips and road maintenance, and Collective Response #30 regarding transportation safety.

Comment 504-4

The disruption to recreational spaces and the loss of riverfront greenspace will diminish quality of life and limit access to natural areas that many community members depend on for leisure and well-being.

Response 504-4

See Collective Response #27 regarding potential impacts to users of nearby parks and trails from project operations including blasting. The project sites have been previously disturbed by mining projects for at least 30 years, so the project would not result in any

new disturbance to greenspace. Furthermore, the project sites would be reclaimed as mining phases are completed in accordance with the proposed reclamation plan (see Draft EIR Appendix B-1, "Surface Mining and Reclamation Plan"). The project would have no effect on access to existing parks or natural areas. See Collective Response #21 regarding public access to the San Joaquin River.

Comment 504-5

Community stakeholders deserve to be heard, and elected officials and state agencies charged with protecting our natural resources must prioritize public health over corporate profits. The inaction by some agencies and the controversial track record of CEMEX in Fresno County underscore the need for a more cautious and community-centered approach.

For these reasons, I urge the County to reject the proposed expansion of CEMEX's mining operations. Instead, we should focus on sustainable and responsible use of the local gravel surplus while preserving our river's health, securing recreational spaces, and safeguarding the well-being of current and future residents.

Thank you for considering my comments.

Response 504-5

Final EIR Section 2.2, "Public Review Period and Notifications," describes the public and agency review period for the Draft EIR and the opportunities provided for public input. The project has complied with CEQA requirements for public participation. See also Collective Response #4a pertaining to CEMEX regulatory history. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #505 March 10, 2025, John Hayes

Comment 505-1

I am writing to comment on the DIER for the Cemex Rockfield Quarry Project.

This is a project which is not needed for this area.

1. The mining operation as proposed is for hard rock mining which will create a 600 foot hole in the ground not 200 feet from the San Joaquin River and adjacent Conservatory trust area. This hole will be equal in depth to the height of the Statue of liberty with base and torch. Blasting a hole this size in our areas is not acceptable. Further a number of California State and local Plans such as the Surface Mining and Reclamation Act of 1975(SAMRA),

require responsible mineral extraction. Further the Act ensures that adverse environmental impacts from mining are minimized and that mined lands are reclaimed to usable condition. There is no way possible that the proposed operation will ever be reclaimed, 100 years from now. We and the company will all be dead!

Response 505-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The proposed Surface Mining and Reclamation Plan (see Draft EIR Appendix B-1, "Surface Mining and Reclamation Plan") was prepared in compliance with the requirements of Surface Mining and Reclamation Act (SMARA). The project's potential environmental impacts are disclosed throughout the Draft EIR and are minimized and mitigated as necessary. The project sites would be reclaimed concurrently with proposed mining and enforced by Fresno County and the state. See Collective Response #5 regarding the duration of the proposed use permit.

Comment 505-2

2. This company has had over the years and in other states, such as Colorado not been a good corporate partner for the cities/areas it is located in.

Response 505-2

See Collective Response #4a regarding CEMEX's regulatory history.

Comment 505-3

3. The DIER does mitigate the adverse environmental impacts in other areas such as air pollution, noise abatement, road destruction, personal property destruction, river destruction, etc. Mitigation in the report only includes monitoring and not management of the situations.

Response 505-3

See Response 112-11.

Comment 505-4

4. There is no way a company should get a 100year lease in our county/city.

Response 505-4

See Collective Response #5 regarding the duration of the proposed use permit.

Letter #506 March 10, 2025, Jean Hays Gunn

Comment 506-1

The CEMEX Company's application to modify, expand and extend operations of the Rockfield Quarry, occupying two sites on the west side of North Friant Road should NOT be allowed to happen. The company wants to continue this proposed expansion of operations in aggregate mining and processing, which includes rock, sand and gravel. It would be disastrous to people, wildlife, the environment and to the Earth, where we all live. CEMEX wants to extend its operations for another 100 years, as well.

Response 506-1

The commenter's opposition to the project is noted and will be considered by County decision-makers. Please see Collective Response #5 pertaining to the requested use permit duration. The comment does not address the adequacy of the Draft EIR, and no further response is warranted here. See also Response 506-2 through 506-7 below for responses to the commenter's specific concerns.

Comment 506-2

Interestingly enough, Mexico, CEMEX's home country, has banned this kind of excavation. Fresno County can learn from Mexico!

Response 506-2

The comment is not germane to the Draft EIR, or the analysis or impact determinations found therein. This comment does not raise environmental issues, and does not require a response.

Comment 506-3

Among other environmentally-related impacts apparently overlooked are these:

Many drivers along Friant Road have already experienced broken windshields due to gravel escaping from CEMEX truck traffic. With expanded drilling and blasting, that truck traffic would increase.(See DEIR), and so would numbers of broken windshields. Impact on wildlife, including birds, would be huge, to say nothing of the human impact!

Response 506-3

Please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 506-4

There are so many disturbing issues that come to mind while reading the DEIR. I am sure other letters you received will name them, so I will skip those details, while supporting those letters of opposition. Here are some of the things that haunt me because of the serious consequences of approval:

Air Quality: The DEIR says project emissions may exceed cancer risk thresholds and did not evaluate populations-wide cancer burdens. Does ignoring this make it go away?? NO!

Response 506-4

Please see Collective Response #11 pertaining to community cancer risk. Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), provides an evaluation of potential air quality impacts of the project, including consideration of fugitive dust, toxic air contaminants, and health risk at Impact 4.3-3. The impact evaluation quantifies both unmitigated project health risk (Draft EIR Table 4.3-24, "Unmitigated Project Health Risk Impacts") and mitigated project health risk (Draft EIR Table 4.3-25, "Mitigated Project Health Risk Impacts").

The commenter appears to reference Table 4.3-24, which identifies unmitigated project health risk impacts; however, mitigation measures would reduce health risks to those shown in Table 4.3-25. As shown in the mitigated results, the cancer risk at the maximally exposed individual sensitive receptor (MEIR) decreases from the baseline condition (i.e., cancer risk is a negative value demonstrating that the project would be a benefit). Accordingly, cancer burden, which represents the cumulative effect across census blocks, would also reflect a net benefit and was therefore not calculated in the Draft EIR.

In response to comments on the Draft EIR, the air quality technical analysis was reviewed and updated with additional information, as described in Appendix D-3, *Revised Air Quality, Health Risk and Climate Change Impact Assessment*. This updated analysis includes cancer burden modeling and demonstrates no new impacts and no changes to any of the findings in the Draft EIR. See also Tables 4.3-24 and 4.3-25 as they have been updated in the Final EIR at Appendix D-4, "Revised Section 4.3, Air Quality." The comment does not provide evidence of a deficiency in the Draft EIR.

Comment 506-5

Impacts from Blasting: CEMEX is now digging gravel. Now they want to blast for gravel! Among the impacts, those to area residents have the potential to be very significantly noisy and could happen once or twice daily. This noise would damage structures and wells and destabilize the San Joaquin River embankment. While this is

addressed in the DEIR, it does not evaluate impacts of blasting to users of the adjacent park (Lost Lake Park), and it barely mentions disturbances to residents of the area!

There is the potential for damage to nearby groundwater wells as well. Keep this in mind as we approach World Water Day on March 22!

The potential for environmental accidents is great with blasting happening at a 600 ft. deep level so close to the San Joaquin River, to say nothing of the giant hole next to the SJ River which would have both aesthetic and environmental impacts on the river and surrounding area. CEMEX has said it would stain the walls of the great pit with earth colors. That doesn't mitigate the potential for a crack in the wall, thus allowing the San Joaquin River to spill into the pit, thus contaminating the river and the surrounding area!

Response 506-5

Comment 506-5 misstates the quantity of blasting, which would occur up to two times per week between the hours of 10 a.m. and 2 p.m., not two times every day (Draft EIR page 4.13-47).

The Draft EIR analyzes the proposed project's impacts upon noise in Section 4.13, "Noise." The noise and vibration impacts related to blasting are analyzed in Impact 4.13-6 on page 4.13-65 of the Draft EIR. With implementation of Mitigation Measure 4.10-1, which would require implementation of the "Blasting Protocols," the potential impacts would be reduced to less than significant (Draft EIR page 4.13-66).

The comment asserts without factual basis that the noise from the proposed project would damage structures, wells, and the San Joaquin River embankment. The proposed project would "[maintain a] vibration residential/commercial structure threshold of 0.75 in/sec PPV" which is substantially lower than the 2.0 in/sec PPV threshold to prevent damage to wells. (Draft EIR page 4.13-65.) As such, measures taken to maintain vibration below the residential/commercial structure threshold would also be protective of any wells associated with the structure. (Draft EIR page 4.13-65.) With regards to the stability of the San Joaquin River embankment, the Draft EIR concludes that implementation of Mitigation Measure 4.10-1 would reduce potential impacts to less than significant. Mitigation Measure 4.7-7 implements other measures to address slope stability. Please see Response 65-37 regarding the structural stability of the quarry pit and the San Joaquin River embankment.

Comment 506-6

More on Noise: Mitigation measures for noise impacts need to be more specifically required in the DEIR rather than a laundry list for the applicant (CEMEX) to choose from.

The DEIR should have analyzed how much noise reduction each would result in and required particular combinations of measures to ensure noise is adequately reduced, especially nighttime noise from the operation.

Response 506-6

See Responses 58C-15, 112-18, and 363-3.

Comment 506-7

I would sincerely hope that, when reviewing this CEMEX proposal, Fresno County would consider the environmental consequences to be the most important criteria for its ruling. The area around the San Joaquin River, especially around the Lost Lake area is a thing of beauty. The San Joaquin River Parkway & Conservation Trust has worked tirelessly to help preserve this beauty. In a time when our Earth environment is in trouble, it is up to US to help preserve and defend it. We live here; our plants and wildlife live here!! To be able to go out to a place nearby to unwind and enjoy the beauty and serenity of the natural environment of which we are a part, is one of the most important aspects of our journey here on Earth.

PLEASE do not allow CEMEX to go on with it's 100-year plan to destroy a part of Mother Earth, and to do so just to make money!! We have more than enough sand and gravel here now to take care of our construction needs!

Response 506-7

The commenter's opposition to the project is noted and will be considered by County decision-makers. Please see Collective Response #12 pertaining to San Joaquin River restoration efforts; and Collective Response #3 pertaining to regional aggregate demand and supply. See also Collective Response #5 pertaining to the duration of the proposed use permit.

Letter #507 March 10, 2025, Frank Helling (Handwritten)

Comment 507-1

My name is Frank Helling, I am a retired teacher and former seasonal ranger, naturalist in King Canyon National Park. I am writing in concern for Cemex Corporation in scene to extend their permit for 100 years to blast a 600 foot hole adjacent to the San Joaquin River. In short this is a bad idea.

Response 507-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #5 regarding the duration of the proposed use permit.

Comment 507-2

The impact on the environment, wildlife and nearly residents would be devasting. The project several impact air quality, water quality, fish and wildlife, cultural resources and visual aesthetics.

Response 507-2

The issues of air quality and water quality are addressed in Draft EIR Section 4.3, "Air Quality," and Section 4.10, "Hydrology and Water Quality," respectively. The project's potential impacts on cultural and visual resources are addressed in Draft EIR Section 4.5, "Cultural Resources," and Section 4.1, "Aesthetics and Visual Resources," respectively. The project's potential impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." Potential effects to nearby residents are discussed throughout the Draft EIR most notably in Section 4.1 and 4.3 (both referenced above), and Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here and Appendix D-4, "Revised Section 4.3, Air Quality." The comment is noted for the decision-makers.

Comment 507-3

The California Geological Survey updated in 2018 indicates we already have nearly double the aggregate we need for the next 50 years so supply is not a problem.

Response 507-3

See Collective Response #3 pertaining to aggregate demand and the need for the proposed project.

Comment 507-4

The San Joaquin River Parkway has been working tirelessly to protect what remains of the river's natural beauty. This project would set back their efforts irreparably.

Response 507-4

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See Collective Response #12 regarding the project's potential interaction with the work of the San Joaquin River Restoration Project (SJRRP).

Comment 507-5

Cemex is already encroaching on a wildlife preserve and this would result on even more damage. The river is home to endangered and threatened wildlife such as Swainson hawk, burrowing owl and tri-colored blackbird. Fish and Game has been working to restore chinook salmon to the river. Prior to the constriction of Friant Dam old timers reported that the salmon were so numerous during spawning season you could walk across the river on their backs (and the river was a mile wide.) We are not the only ones who live here. We must share our home with our fellow creatures.

Response 507-5

See Collective Response #20 regarding the suggestion that the existing Rockfield operation encroaches on an ecological preserve. The project's potential impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4. See Impact 4.4-1 beginning on Draft EIR page 4.4-48 for an evaluation of potential impacts to Swainson's hawk, burrowing owl, and tricolored blackbird among other species. Specifically, Mitigation Measures 4.4-1a and 4.4-1c beginning on Draft EIR page 4.4-50 address mitigating potential impacts to burrowing owls and other nesting bird species (including Swainson's hawk and tri-colored blackbird), respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.4. See Collective Response #14 for further discussion of impacts to Swainson's hawk and Collective Response #15 for further discussion of impacts to bird species aside from nesting disruptions. See also Collective Response #12 regarding chinook salmon restoration efforts in the region.

Comment 507-6

The Iroquois people speak of a mythical beast called the Windigo which represents greed. No matter how much it gets, it wants more, Cemex is a Windigo.

Their safety and environmental records a abominable. They have been fined more than 43 million dollars for 81 separate environmental violations since the year 2000. What makes us think this will improve.

Cemex is like the guest who doesn't know its time to leave. They say, "Thank you," and make their exit. Cemex its time to go.

Response 507-6

See Collective Response #4a regarding CEMEX's regulatory history. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #508 March 10, 2025, Pedro Hernandez

Comment 508-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval. Many of the proposed mitigation measures are simply inadequate and some impacts lack any mitigation at all.

Response 508-1

The commenter's concerns regarding the project are noted and will be considered by County decision-makers. The commenter's concerns regarding project impacts and mitigation measures are also noted. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures and no further response is warranted here. Please see below for responses to specific comments.

Comment 508-2

Impacts on the San Joaquin River Watershed

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination, The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events. Additionally, the groundwater data used for htDEIA was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since

the document identifies the fact that there is groundwater / surface water interaction at both sites.

Response 508-2

See Response 349-2.

Comment 508-3

Given the length of the permit, the draft environmental impact report should outline steps to ensure that potential risks are mitigated, as well as which parties are responsible should long-term impacts to the San Joaquin River occur. The following are some questions that should be posed and followed through to ensure that solutions for these scenarios are robust:

- What is CEMEX's plan if major foodding, like the 1997 flood, breaches the levee and captures the quarry pit?

- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 508-3

See Collective Response #17 for discussion of potential impacts related to flooding. See also Response 329-3.

Comment 508-4

Impacts on the San Joaquin River Parkway & Recreation

CEMX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments of a timeline:

- The DEIR should identify the timeframe and exact location of the trail to be constructed.

- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway's Master Plan requirement for a 300-foot buffer between mining operations and public access.

- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trial is used as a community benefit of the project.

Response 508-4

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 508-5

The DEIR uses outdated information when identifying recreation sites in close proximity to the quarry, including/such as…. Furthermore, this outdated information will result in the noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, as these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 508-5

Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 508-6

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- *Scenic Designation:* The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases). This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 508-6

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation.

Comment 508-7

- *Traffic Congestion*: Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on how mitigation takes place is just one example of the inadequacy of the DEIR.

Response 508-7

Please see Collective Response #29 pertaining to project traffic. Please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 508-8

- *Air Quality*: The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

These impacts will be felt by surrounding communities in terms of the already high levels of asthma and climate impacts such as extreme heat and drought from increased diesel emissions.

Response 508-8

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 508-9

Threats to Wildlife

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts or propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

For example, the DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat that are local to the region and play critical ecological roles. Drilling, blasting, and excavation could disrupt nesting and migration patterns but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations or protections.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River? The DEIR should use state-specific standards to ensure that these fish are protected. CEQA requirements were developed to ensure that impacts to wildlife were properly assessed. The DEIR has failed to adequately capture the biodiversity of the San Joaquin River Basin through inadequate analysis and standard implementation. In order to address these concerns, it is highly recommended that the section go through major revisions and have the public commentary available.

Response 508-9

The Draft EIR analyzes the project's potential impacts to biological resources in Section 4.4, "Biological Resources." The Draft EIR minimizes and reduces potential impacts to biological resources, in accordance with CEQA standards. Please see Response 58-38 and 65-15 for discussion of Swainson's hawk. See Response 58-37 and 58-40 for discussion of tricolored blackbird. See Responses 58-36, 58-38, 58-40, 58-50, 65-6, and 65-10 of discussion of burrowing owl.

For discussion of impacts to migratory fish and wildlife species, please refer to Response 65-16. For discussion of blasting impacts to wildlife, please refer to Responses 58-37, 58-38, 58-40, 58-41, 58-42, 65-8, 65-12, 65-16, and 65-17. For discussion of the usage and sufficiency of the Alaskan Blasting Standards for analyzing impacts to fish in the San Joaquin River, refer to Response 65-13.

Blasting activities would be brief and would not significantly impact wildlife adjacent to the project sites (see Draft EIR page 4.4-53). A typical blasting event would occur for approximately one to two seconds. The project sites are already disturbed by decades of ongoing mining operations.

Comment 508-10

Conclusion

Given the significant impacts on the river, wildlife, public safety, and air quality, the County should require CEMEX to provide additional analysis, stronger mitigation measures, and financial guarantees. This information must be drafted and recirculated for public review before finalizing the environmental impact report. Ensuring public transparency and accountability in this process is crucial to protecting the long-term health of the San Joaquin River watershed and surrounding communities.

Thank you for your time and consideration.

Response 508-10

The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. Please see responses above regarding specific issues raised in the comment letter. Pursuant to CEQA Guidelines Section 15088.5, 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 but before certification. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required.

Letter #509 March 10, 2025, Lenore Hiebert

Comment 509-1

I am writing to lodge a protest against the idea of allowing Cemex to expand or continue their operations at the San Joaquin River.

16) The river is a unique-truly a one-of-a-kind-asset and defining feature of our region. Spending time at Ball Ranch, the Riverview Ranch House, or Sycamore Island is so inspiring. The river is a MAJOR wildlife corridor and all kinds of folks and entire families are out there walking, biking, fishing, bird-watching and more. And there is so much to see! Our first sight on one recent Sunday was a bald eagle soaring by!

17) In addition, we're learning that the more plant life there is in our landscape the more carbon is sequestered in their roots-the bare, dusty, ripped-up, wheel-tracked landscape and truck traffic created by this business isn't doing anything to help our air quality or our warming atmosphere!

18) It is so short-sighted to do ANYTHING to harm the river and the river habitat that is so vital to wildlife survival and human flourishing. We've learned from the past and from such works as Rachel Carson's *Silent Spring* that wildlife health is human health.

Response 509-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." The project's potential effects on the nearby visual and aesthetic setting are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Collective Response #27 pertaining to effects on users of nearby parks and trails from project operations, including blasting. See also Draft EIR Section 4.8, "Greenhouse Gas Emissions," for discussion of climate change and Collective Response #9 regarding worsening existing air quality conditions. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 509-2

19) NIMBY has a bad reputation, but it makes sense that harmful-impact activities like deep pit mining with hard rock blasting shouldn't happen near a popular recreation area and an important wildlife corridor. This should not be done anywhere close to our city at all.

Response 509-2

The project's potential impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See Collective Response #27 pertaining to effects on users of nearby parks and trails from project operations, including blasting. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 509-3

5) And floating the idea of 100-year lease is an extreme move. That is a century! Things can change radically in that amount of time and that makes an agreement like this a very bad move. A huge company can seem like a formidable opponent, but Fresno County's people should have their health and safety put first over this big commercial interest.

Please do all you can to make sure these concerns are clearly reflected in the Draft Environmental Impact Report. Thank you!

Response 509-3

See Collective Response #5 regarding the duration of the proposed use permit.

Letter #510 March 10, 2025, Leslie Hoyt

Comment 510-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. Along with so many other Fresno County residents, I believe the San Joaquin River is a treasure that has been severely abused, neglected, and underutilized partly because of the impact already caused by mining operations. When I visit greenbelts along many other beautiful rivers in our nation, I notice how little we have been able to do in Fresno to make our river the heart of the community. The CEMEX proposal appears to suggest that we will witness further degradation of this valuable resource and its surrounding environment rather than making progress toward developing a ecologically respectful community asset that is available to all

I have reviewed the DEIR and believe that this project threatens the San Joaquin River (a local treasure that mining operations have already impacted in an extremely negative manner), local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 510-1

The commenter's interests in the San Joaquin River and concerns regarding the project are noted and will be considered by County decision-makers. The commenter's concerns regarding project impacts and mitigation measures are also noted. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures and no further response is warranted here. Please see below for responses to specific comments.

Comment 510-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 510-2

See Response 349-2.

Comment 510-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 510-3

See Collective Response #17. See also Response 329-3.

Comment 510-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 510-4

Refer to Collective Response #26 and Response 484-6. As described in Collective Response #26, the data used in the Draft EIR was collected over a period that included both low and high flows. As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the project area. Collective Response #25 further demonstrates that Department of Water Resources criteria for interconnected surface water are not met at the project site.

Comment 510-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments, financial or otherwise, or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for funding, constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 510-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 510-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 510-6

Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 510-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** Is there any example of rock staining sufficiently mitigating the harm created to the scenic views? The proposal constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 510-7

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation.

Comment 510-8

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on *how* mitigation takes place is just one example of the inadequacy of the DEIR.

Response 510-8

Please see Collective Response #29 pertaining to project traffic. Please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 510-9

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining? Since we know that CEMEX Lyons is the #1 polluter in towns like Boulder County, Colorado, emitting 357,000 tons of CO2 per year, what kind of monitoring will be done to ensure that Fresno County is not similarly impacted?

Response 510-9

Please see Collective Response #10 pertaining to the baseline used to evaluate potential air quality impacts of the project.

The reference to emissions from another CEMEX facility in Colorado does not affect the analysis of the Rockfield Modification Project, which is based on project-specific emissions modeling and evaluated against applicable CEQA significance thresholds and San Joaquin Valley Air Pollution Control District (SJVAPCD) requirements. Operation of the project would remain subject to all applicable SJVAPCD permitting and regulatory requirements. See Draft EIR Section 4.3, "Air Quality," as revised in Appendix D-4, "Revised Section 4.3, Air Quality."

Please also see Collective Response #9 and Response 12-50 and Response 13-16 regarding the updated air quality analysis, implementation of Best Available Control Technology and the Fugitive Dust Control Plan, and applicable SJVAPCD permitting requirements.

Comment 510-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated.

The proposed mitigation measures do not comply with existing regulations for protection and do not supply sufficient information on mitigation measures being proposed to mitigate the effects of blasting activities on migratory birds and species at risk. More information is needed on the overpressure and vibration monitoring program including best management practices being considered to reduce noise and vibration emissions. Standards need to be included in the report that are appropriate to assess fish protection of the species found in this specific river, rather than using standards based on conditions found in Alask.

Response 510-10

The Draft EIR analyzes the project's potential impacts to biological resources in Section 4.4, "Biological Resources." The Draft EIR includes mitigation measures which would minimize and reduce potential impacts to biological resources, in accordance with CEQA standards. Please see Response 58-38 and 65-15 for discussion of Swainson's hawk. See Response 58-37 and 58-40 for discussion of tricolored blackbird. See Responses 58-36, 58-

38, 58-40, 58-50, 65-6, and 65-10 of discussion of burrowing owl. See Response 58-37 for further discussion of the Western red bat.

For discussion of impacts to migratory fish and wildlife species, please refer to Response 65-16. For discussion of blasting impacts to wildlife, please refer to Responses 58-37, 58-38, 58-40, 58-41, 58-42, 65-8, 65-12, 65-16, and 65-17. For discussion of the usage and sufficiency of the Alaskan Blasting Standards for analyzing impacts to fish in the San Joaquin River, refer to Response 65-13.

Blasting activities would be brief and would not significantly impact wildlife adjacent to the project sites (Draft EIR page 4.4-53). A typical blasting event would occur for approximately one to two seconds. The project sites are already disturbed by decades of ongoing mining operations.

Comment 510-11

Conclusion

The impacts of this project on the community, the wildlife, the river, safety and air quality are not sufficiently addressed in this DEIR. Additional and more appropriate analysis should be required, and financial guarantees from CEMEX regarding mitigation measures need to be obtained. rafted and recirculated for public review before the finalizing the environmental impact report for the project. When obtained, this information needs to be readily available for the general public to review.

Response 510-11

The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. Please see responses above regarding specific issues raised in the comment letter. Pursuant to CEQA Guidelines Section 15088.5, 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 but before certification. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required. Please see Collective Response #1 pertaining to the CEQA review process and opportunities for public input.

Letter #511 March 10, 2025, Kay Hutmacher

Comment 511-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several

concerns that I urge you to address prior to moving forward with approval.

The San Joaquin River is an important resource for the residents of Fresno County and for those in counties nearby. The impact of this project has significant repercussions on both the environment of the river and the adjacent areas…

Response 511-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential impacts to the ecosystems of the project sites and surrounding areas are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The comment is noted for the consideration of the decision-makers.

Comment 511-2

…and also on the aesthetic and recreational uses of the river corridor. My family is seriously concerned that these impacts will have immediate and long-lasting impacts that will severely compromise our quality of life in the Central Valley.

Response 511-2

The issues of aesthetics and recreational uses of the river corridor are addressed in Draft EIR Section 4.1, "Aesthetics and Visual Resources," and Section 4.16, "Recreation," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. The comment is noted for the consideration of the decision-makers.

Comment 511-3

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Response 511-3

See Collective Response #1 regarding additional analysis, enhanced mitigation measures, and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of alternatives to the proposed project. See Chapter 2, "CEQA Public Review Process," of this Final EIR, for a summary of the public outreach and involvement conducted for the proposed project. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections.

Letter #512 March 10, 2025, Carolyn Johnson

Comment 512-1

Having recently read information and attended a meeting that addressed the expansion project, I am writing to convey my thoughts about the plan. Several of my fellow citizens have done exhaustive research and are much more knowledgeable about the details than I. So, I will record here a simple benefit/risk assessment as this plan relates to those of my Fresno neighbors.

I have lived in the Woodward Lake area for 28 years, am a home owner and retired public servant, having retired from Fresno Unified. I moved here when there was little development save for Woodward Lake.

The river is within walking distance and I frequently use the Eaton bike trail. it is beautiful, especially this time of year. Now, on to the risks/benefits:

Response 512-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See responses below that address specific issues raised in this comment letter.

Comment 512-2

Air pollution from the blasting and dramatic increase of truck traffic/exhaust fumes

Response 512-2

The issues of air pollution and dust from blasting and increased truck trips are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"),and Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #9 regarding worsening of existing air quality.

Comment 512-3

Noise pollution from blasting and 16 hours per day of truck traffic

Response 512-3

Noise resulting from blasting and truck traffic are addressed in Draft EIR Section 4.13, "Noise." See Impact 4.13-1 beginning on Draft EIR page 4.13-49 pertaining to traffic noise and Impact 4.13-3 beginning on Draft EIR page 4.13-59 pertaining to operational noise, including blasting, at the Quarry Site. These impacts were determined to be less than

significant with the incorporation of the mitigation measures required in those sections of the Draft EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.13.

Comment 512-4

Water pollution due in part to the close proximity to the river, especially troubling for those home owners who live close and have wells that supply water to their homes

Response 512-4

The issue of water pollution and impacts to domestic wells are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Impacts 4.10-1 through 4.10-7 pertaining to surface and groundwater quality and Impacts 4.10-8 through 4.10-11 pertaining to groundwater levels. These impacts were determined to be less than significant with the incorporation of the mitigation measures required in those sections of the Draft EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10.

Comment 512-5

Light pollution because of the light necessary at the site to operate long hours

Response 512-5

The issue of light pollution is addressed in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Impact 4.1-4 beginning on Draft EIR page 4.1-62 pertaining to new sources of light and glare. This impact was determined to be less than significant. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.1.

Comment 512-6

Danger to wildlife from blasting, air and water pollution

Response 512-6

Potential project impacts to wildlife are addressed in Draft EIR Section 4.4, "Biological Resources." The issues of air pollution and dust from blasting are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). The project's potential effects on water quality are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 512-7

Decrease in property values of those homes near the site

Response 512-7

See Collective Response #7 pertaining to economic impacts.

Comment 512-8

Increased traffic due to enormous number of trucks

Response 512-8

The issue of increased traffic is addressed in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #29 regarding project truck trips and traffic congestion.

Comment 512-9

BENEFITS TO CITIZENS

More available gravel- NO There is a sufficient supply nearby

More jobs- NO will not be increased opportunity

Response 512-9

See Collective Response #3 regarding aggregate supplies and the need for the proposed project. Economic considerations such as job creation are not CEQA issues and need not be addressed in the EIR. However, the comment is noted for the decision-makers.

Comment 512-10

Aesthetically pleasing, enhances the landscape- no need to answer this one

Response 512-10

The project's potential aesthetic impacts are addressed in Draft EIR Section 4.1. As noted in that section, the project would result in significant and unavoidable impacts to public views at two locations. See Impact 4.1-1 beginning on Draft EIR page 4.1-51 and Impact 4.1-3 beginning on page 4.1-61. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.1.

Comment 512-11

In closing, I have a few questions for you

Who does benefit from this expansion, apart from CEMEX?

Would you buy a house in close proximity to the site?

I love my home and have a long history in Fresno, with close personal friendships. I also served hundreds of citizens during my career so I intend to live here. The river and the area are some of the precious few things that there is to enjoy here, however. So now CEMEX and the powers that be in Fresno want to take that away? Can't we do better?

Response 512-11

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #513 March 10, 2025, Pat Johnson (handwritten)

Comment 513-1

My name is Patricia Johnson and I'm 81 years old. During my life I have spent years in Florida where various elements were dug up and sand piled into mountains of sand. I've also lived/spent long periods of time in Georgia, California and most of the South Eastern states, I was able to enjoy some of the areas but also saw and experienced problems in those places which had been torn apart you intend to do to he San Joaquin River.

Response 513-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See responses below that address specific issues raised in this comment letter.

Comment 513-2

Where mining had lasted for numerous years what had been beautiful landscapes had been turned into bare ground, no tress not bushes. Mining pits were no longer lovely and clear lakes now had dull colored water. Many left it an ugly hole in the ground – no trees, no grass, not anything except a deep ugly hole.

Response 513-2

The comment describes existing conditions at other mining sites. The comment is not relevant to the environmental analysis of the proposed project.

Comment 513-3

The worst problem will be hard rock blasting! In addition to the sound of blasting, it will hardest on residents who have allergies and/or severe respiratory problems. Also, the noise if homes are nearby and are not being taking into consideration and the water quality will be threatened for people and animals and environment!

Response 513-3

The issue of noise from blasting is addressed in Draft EIR Section 4.13, "Noise." See Impact 4.13-3 beginning on Draft EIR page 4.13-59 pertaining to operational noise at the Quarry Site, including blasting. Nearby residences are considered sensitive receptors and are evaluated as such in the EIR. The issue of air quality effects on public health is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). The issue of water quality is addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. The comment is noted for the consideration of the decision-makers.

Comment 513-4

With these problems causing such an impact on those in the area including employees and others not mentioned, PLEASE think of the people in the nearby property and those where wind will spread dust and other tribulation. Also, think of the nearby property, their exposure plus long lung heath problems and how it will affect their children and coming generations, as well as your workmen and those who will be involved.

Response 513-4

The comment is noted for the decision-makers.

Letter #514 March 10, 2025, Vanessa Jones

Comment 514-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 514-1

The commenter's concerns regarding the project are noted and will be considered by County decision-makers. The commenter's concerns regarding project impacts and mitigation measures are also noted. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures and no further response is warranted here. Please see below for responses to specific comments.

Comment 514-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 514-2

See Response 349-2.

Comment 514-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 514-3

Refer to Collective Response #17. Under Title 14 CCR Section 15088, responses to comments must address "the major environmental issues" in a Draft EIR. The second bullet point of this comment refers to cleanup if the pit becomes part of the river ecosystem, references a scenario that is outside of the scope of the Draft EIR. Collective Response #17 details how the 100-year flood analysis conducted as part of the Draft EIR shows that the current project design is sufficient to withstand an event such as the 1997 flood.

Comment 514-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document

identifies the fact that there is groundwater/surface water interaction at both sites.

Response 514-4

Refer to Collective Response #26 and Response 484-6. As described in Collective Response #26, the data used in the Draft EIR was collected over a period that included both low and high flows.

As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the project area. Collective Response #25 further demonstrates that Department of Water Resources criteria for interconnected surface water are not met at the project site.

Comment 514-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 514-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 514-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 514-6

Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 514-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 514-7

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation.

Comment 514-8

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on how mitigation takes place is just one example of the inadequacy of the DEIR. The docu [sic]

Response 514-8

Please see Collective Response #29 pertaining to project traffic. Please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 514-9

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 514-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 514-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 514-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (see Draft EIR pages 4.4-49 through 4.4-50). The Western red bat was not observed on site during the habitat assessment, and only moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). In any event, blasting activities would be brief and are not expected to result in sustained or long-term impacts. A typical blasting event would occur for approximately one to two seconds. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR therefore fully and adequately evaluated the impact on each of these species.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Section 4.4, "Biological Resources," of the Draft EIR does not need rewriting or recirculation.

Comment 514-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 514-11

The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. Please see responses above regarding specific issues raised in the comment letter. Pursuant to CEQA Guidelines Section 15088.5, 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 but before certification. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required.

Letter #515 March 10, 2025, William Koole

Comment 515-1

I am astonished that the Cemex Rockfield Expansion Project is even being considered for approval. The idea that we are committing generations to a 100-year blight of the San Juaquin River is hard to believe.

Response 515-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #5 regarding the duration of the proposed use permit.

Comment 515-2

The location of the project is very ill conceived as it sits in the middle of a river corridor that serves as a recreational resource for the citizens of Fresno County and beyond.

Response 515-2

Alternative locations for the proposed project are discussed in Draft EIR Section 6.4.2.1, "Alternative Site Locations." The project's potential impacts to recreational facilities are addressed in Draft EIR Section 4.16, "Recreation." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. See also Collective Response #27 regarding the project 's operational effects on users of nearby parks and trails.

Comment 515-3

The scope of the project, blasting to a depth of 600 feet to recover gravel would create irreparable harm to the river and surrounding ecosystems.

Response 515-3

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential impacts to wildlife habitat are evaluated in Draft EIR Section 4.4, "Biological Resources." See Draft EIR Section 6.5, "Project Alternatives," for consideration of several alternatives that involved reduced mining depth alternatives to the project. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 515-4

The road that serves the mining area is inadequate to support the additional load and traffic of industrial vehicles. The size and volume of vehicles will create a hazard that jeopardizes the safety of the community.

Response 515-4

The effects of project truck trips on the local road system, including Friant Road, are evaluated in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #29 regarding traffic congestion and Collective Response #30 regarding road safety.

Comment 515-5

Please reject Cemex Rockfield Expansion Project.

Response 515-5

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #516 March 10, 2025, Tom Laury

Comment 516-1

Thank you for your consideration of public comments regarding this proposal. I appreciate the opportunity to express my thoughts.

I am very concerned about the proposal for expanding the CEMEX Rockfield Project. This location is entirely inappropriate for expanded mining, and CEMEX is a very dubious partner for Fresno County.

Response 516-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 516-2

Impacts on wildlife:

First and foremost is the impact of noise. Blasting, crushing and screening gravel and rock, operating mining equipment such as loaders and transporters, and accompanying trucks, will all have impacts far beyond the physical boundaries of the mining operation. Birds and mammals, especially, seek protection and refuge from human activity for their daily survival and for nesting and raising their young. Explosions, rock crushing, sand and gravel conveyors, equipment, will all create noise which will drive birds and mammals from the area for miles surrounding the proposed project.

Response 516-2

The project's potential impacts to wildlife are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See Collective Response #13 regarding the project's operational effects on wildlife in areas surrounding the project sites. See also Collective Response #15 regarding impacts to bird species.

Comment 516-3

The location of a pit mine in close proximity to the river creates a hazard which can never be mitigated if the river flow is diverted in to the mine through accident, levee failure, or flooding, all of which are nearly inevitable. The entire river bottom area was flooded as recently as 1997. The inclusion of dust, contaminants, and silt with the river itself would be an ecological tragedy, killing and wreaking havoc on fish and amphibians. The only benefit

to placement in this location would be to CEMEX, allowing them to further and maximize income and profits.

Response 516-3

See Collective Response #17 regarding riverbank stability and the potential for breach and flooding.

Comment 516-4

Impacts on the Public and Recreation:

In this modern age of increasing population and dense habitation, which will only increase in the future, people need and seek peace and quiet, a refuge, just as the animals do. We need to reestablish our relationship with Nature from time to time, for our physical, mental, and spiritual health. The Parkway and the Public Lands have been acquired to fill these needs. The noise associated with this proposed use has dramatic impacts far beyond the property lines. The sounds of blasting, machinery, industrial vehicles, will impose and impinge on the needs of the many to benefit the few. Even today, under current use, the peace and quiet which should be experienced canoeing down the river is destroyed by the noise created by CEMEX activities. I don't see these issues addressed anywhere in the EIR.

Response 516-4

See Collective Response #18 regarding the project's consistency with the San Joaquin River Conservation Master Plan. The issue of noise is addressed in Draft EIR Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #27 regarding the project's operational effects, including blasting, on users of nearby parks and trails. The commenter describes existing conditions pertaining to noise, which constitute baseline conditions that are not evaluated in the EIR.

Comment 516-5

Finally, there are so many aspects I would like to consider further, and respond to, but I simply haven't had the time yet to do so. Please consider extending the period for public comment to be submitted. CEMEX has had four years to prepare this, I feel the public is at a considerable disadvantage in this regard.

Response 516-5

See Collective Response #1 regarding extension of the public review period. The comment is noted for the decision-makers.

Letter #517 March 10, 2025, Paul Lerro

Comment 517-1

Since the CEMEX Rockfield Expansion Project (CEMEX Expansion) was acknowledged, I have considered my own and my neighbors' circumstances and Fresno County's future.

Focusing first on Fresno County's future, if the CEMEX Expansion is approved, it will markedly affect the county's long term economic, cultural and societal future. Approval will terminate all but marginal increases in the county's residential and commercial development on the San Joaquin River going northeastward and likely negatively impact existing developments in the surrounding area to the CEMEX Expansion.

To grasp the San Joaquin River's importance in Fresno County's future development, a review of Bexar County TX's experience can provide an historical prospective. After almost forty years of < 2% annual population growth of San Antinio, from the early 1960s to almost 2000, Bexar County focused on planning related to the San Antonio River in the late 1990s and early 2000s. Over the following two decades, 20002-2020, San Antonio's population surged by almost 3%/year (See: (Ref: San Antonio Metro Area Population 1950-2025 | MacroTrends).

Weighing the potential financial gains and costs from the CEMEX Expansion against risks to the existing regional agricultural economy, impacts on future residential/commercial economies, and maintenance of Fresno County's cultural and societal values, County leaders will have the information needed to make sound decisions. Further, identifying existing and future San Joaquin River uses and their inherent risks and likelihood of success, provides additional information to calibrate river-related economic activity.

Although agricultural production/development currently drives Fresno County's economy, future San Joaquin River real estate and commercial development could become a principal regional economic growth factor stimulating area-wide development, especially given the very different real estate valuations in (nearby) major California population centers. Expanded County river use planning (including financial planning) would signal to potential homeowners and investors that growth is a principal County objective. Alternatively, expanding the County's industrial footprint signals a different direction with quantifiable risks to the large agricultural economy.

The San Joaquin River can become an at-risk waterway adjacent to industrial activity or an engine for future county population growth.

Response 517-1

The comment pertains to economic issues that are outside the scope of this EIR. The comment is noted for the decision-makers. See also Collective Response #7 regarding economic impacts.

Comment 517-2

Fresno County's decision to allow a100 year industrial development adjacent to the San Joaquin River or to seek other potential county growth opportunities follows on the facts that the San Joaquin River currently irrigates over a million acres of farmland and helps feed the largest North American estuary.

Response 517-2

The issue of water supply is addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section.

Comment 517-3

Regarding the CEMEX Expansion I request that the Fresno County Board of Supervisors seek to limit the potential harm to current area air and water pollution levels, current traffic, and future real estate and commercial development along the San Joaquin River. Additionally,

Response 517-3

The issues of air and water pollution are evaluated in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality") and Section 4.10, respectively. The issue of traffic is evaluated in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. Potential impacts to economic development are outside the scope of this EIR; however, the comment is noted for the decision-makers.

Comment 517-4

Additionally, Fresno County Supervisors should be prepared to develop, negotiate and manage alternatives to the CEMEX Expansion.

Response 517-4

Chapter 6, "Alternatives," of the Draft EIR, provides an evaluation of a reasonable range of alternatives to the proposed project. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR chapter. The comment is noted for the decision-makers.

Letter #518 March 10, 2025, Ellen Lipp

Comment 518-1

My husband and I own a home in the Woodward Lake Development, which is very close to Friant Road and not far from Cemex operations. Please seriously consider my concerns about the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. I do not support the proposed Expansion Project at the location near Friant Road.

Response 518-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 518-2

I am particularly concerned about the air quality, dust emissions, and noise due to mining and large trucks driving to and from Cemex. As we all know, the air quality in Fresno County is very poor in the summer months in particular. In recent years, the air has gotten worse year-round partly because of all of the new residents moving into new developments in Madera.

The new residents drive their gas-powered cars and trucks on Friant as they go to and from work and shopping.

Response 518-2

The issue of air quality and dust emissions is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). Noise impacts are addressed in Draft EIR Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See Collective Response #9 regarding the project's potential impacts on existing air quality conditions.

Comment 518-3

When we moved to our current home, I could not hear traffic noise from my home. Now I constantly hear this type of noise; it increases my stress level. We used to live in Clovis. We moved to our current home because the traffic fumes and noise from Willow Ave., which was near our backyard, made our backyard unusable. If

we had stayed, the air pollution over time could have resulted in cardiovascular disease, respiratory disease, cancer, and more. If this Cemex proposal passes, I fear that I will need to move again to save my health.

Response 518-3

The issue of traffic noise is addressed in Draft EIR Section 4.13. See Impact 4.13-1 regarding traffic noise. The public health effects of air emissions are discussed in Draft EIR Section 4.3, as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #9 regarding the project's potential impacts on existing air quality conditions.

Comment 518-4

I am very disturbed to learn of plans to increase the depth of the mine to 600 feet below the earth's surface. This mining will involve blasting hard rock and then crushing it to make gravel. This type of operation near a city is completely unacceptable. Besides the air pollution and noise, will there be other environmental consequences of blasting hard rock and crushing it? There will be ground vibrations that will affect the quality of life of nearby residents. There may be structural damage. Hence, mining to 600 feet below the surface and blasting hard rock is unacceptable.

Response 518-4

The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3, as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13. The Draft EIR further evaluates potential impacts related to the use of blasting materials on the Quarry Site in Draft EIR Section 4.9, "Hazards and Hazardous Materials." See also discussion of Impact 4.13-6, which provides that the project would be required to maintain certain "Blasting Significance Thresholds," to ensure that blasting activities would not result in structural damage (Draft EIR pages 4.13-65 through 4.13-67). See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 518-5

I suggest that CEMEX find a location very far from an urban area.

Response 518-5

Draft EIR Chapter 6, "Alternatives," provides an evaluation of a reasonable range of alternatives to the proposed project. The Draft EIR discusses alternative site locations in Section 6.4.2.1, "Alternative Site Locations," on pages 6-5 through 6-7. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR chapter.

Comment 518-6

I am disturbed that the proposed CEMEX Expansion Project extends mining at the site for 100 years. It is unfair to ruin the air and other aspects of the environment for current residents for a few years. Ruining it for 100 years is very poor planning. In 100 years, CEMEX is likely to be in the middle of a busy metropolitan area. It does not belong there.

Please do not support the CEMEX Expansion Project.

Response 518-6

See Collective Response #5 regarding the duration of the proposed use permit. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #519 March 10, 2025, Aaron Lowe

Comment 519-1

I am a longtime resident of Fresno, living in close proximity to Cemex Rockfield's mining operation. Given my deep connection to this community, I am greatly concerned about the potential impacts of their expansion on our neighborhood.

Please find attached a letter detailing my concerns. I urge you to review the points I have outlined and consider the implications this expansion may have on our environment, health, and overall quality of life.

I appreciate your time and attention to this matter and look forward to your response.

In the following letter, I will review some of my main concerns regarding Cemex's proposed expansion of its mining operations near the San Joaquin River, which presents a critical threat to the region's environmental stability, legal integrity, and economic well-being.

Response 519-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See responses below that address specific issues raised in this comment letter.

Comment 519-2

Given the company's extensive history of regulatory violations, increased extraction activities will only exacerbate the already significant risks posed by industrial mining. The repercussions of this expansion extend well beyond Fresno County, jeopardizing vital surface and groundwater resources, placing additional strain on aging transportation infrastructure, and destabilizing local economies that rely on sustainable land use.

Response 519-2

See Collective Response #4a regarding CEMEX's regulatory history. The Draft EIR analyzes the project's impacts on a local, regional, statewide, or global scale depending on the issue area being discussed. For instance, aesthetic impacts are analyzed locally based on visibility of the sites from surrounding areas; whereas greenhouse gas emissions impacts are analyzed on a global scale. The project's potential impacts related to surface and groundwater are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality," while potential impacts to transportation infrastructure are addressed in Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See Collective Response #7 regarding the project's potential economic effects.

Comment 519-3

Moreover, the expansion is not only harmful but also unnecessary. There is already a surplus of gravel available in the region, making this project an unwarranted burden rather than a necessity.

Response 519-3

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 519-4

Approving Cemex's proposal would represent a short-sighted decision with long-term consequences, saddling communities with environmental degradation and financial liabilities for years to come. This document provides a detailed analysis of the primary risks associated with Cemex's expansion and underscores why

permitting this project would be a costly and irreversible mistake for both the public and the environment.

Response 519-4

This is an introductory comment that does not address the adequacy of the Draft EIR. See responses below that address specific issues raised in this comment letter.

Comment 519-5

Surface Water Contamination

Cemex's industrial activities will inevitably introduce pollutants into the San Joaquin River, a vital natural resource that traverses multiple counties before merging into the Sacramento-San Joaquin Delta and ultimately reaching the San Francisco Bay. Originating in the Sierra Nevada, the river feeds into Millerton Lake before continuing its journey through Fresno, Madera, Merced, Stanislaus, and San Joaquin Counties. As a result, any contamination from Cemex's Fresno County site will not remain confined to the immediate area but will instead be carried downstream, impacting water quality, ecosystems, and public health across a wide geographical region.

The industrial mining operations conducted by Cemex contribute to water pollution through various means. Sediment runoff from excavation and blasting can cloud the water, obstruct sunlight, and disrupt aquatic ecosystems. Heavy metals and chemicals released from industrial machinery pose a risk of seeping into both groundwater and surface water supplies. Additionally, fuel, oil, and other industrial byproducts are prone to entering the river through surface runoff, particularly during storms or in the event of equipment malfunctions.

Given that the San Joaquin River is a crucial water source supporting agriculture, drinking water supplies, and wildlife habitats, the presence of these pollutants poses a significant threat not only to Fresno and Madera Counties but also to every community downstream. Farmers in Merced, Stanislaus, and San Joaquin Counties depend on the river for irrigation, and contamination could lead to crop damage, soil degradation, and financial losses. Moreover, the Sacramento-San Joaquin Delta, which supplies drinking water to millions of Californians, would face direct consequences from upstream pollution, further amplifying the environmental and public health risks associated with Cemex's operations.

Response 519-5

The comment describes numerous potential impacts related to water quality. These impacts are addressed in Draft EIR Section 4.9, "Hazards and Hazardous Materials," and Section 4.10. See Draft EIR Section 4.10.4, "Project Impacts and Mitigation Measures," Impacts 4.10-1 through 4.10-3 for discussion of the project's potential to degrade surface water quality. See also Draft EIR Section 4.10.1.3, "Surface Water Drainage," for a discussion of Surface Water Drainage and runoff from the project. See also Impact 4.10-14 for discussion of the project's potential to result in erosion and siltation of surface drainages on or offsite. See Draft EIR Section 4.9.4, "Project Impacts and Mitigation Measures," Impacts 4.9-1 through 4.9-3 for discussion of the potential for hazardous substances, such as blasting materials, oils, fuels, lubricants, solvents, and adhesives to be accidentally released to the environment. Each of these impacts was determined to be less than significant with implementation of the mitigation measures required in this EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. The comment is noted for the decision-makers.

Comment 519-6

Concerns About Liability for Fresno

Beyond the ethical implications of polluting neighboring counties, Cemex also exposes itself to considerable legal liability. There is well-established legal precedent for intrastate lawsuits concerning water pollution and usage, where counties, municipalities, or state agencies have sued upstream polluters to recover damages.

Several significant cases illustrate this legal risk. In *Missouri v. Illinois* (1906), Missouri sued Illinois over sewage pollution contaminating the Mississippi River, setting an early example of downstream entities taking legal action against polluters. Similarly, in *City of Chicago v. City of Milwaukee* (1972), Chicago brought a lawsuit against Milwaukee for discharging pollutants into Lake Michigan, underscoring the legal consequences of upstream pollution affecting downstream communities. More recently, in *Los Angeles County Flood Control District v.Natural Resources Defense Council* (2013), environmental groups successfully sued L.A. County over stormwater pollution, reinforcing the principle that both local governments and industries bear legal responsibility for water contamination.

Even if such lawsuits do not result in a direct ruling against Cemex, they can drag on for years, accumulating excessive legal costs, attracting regulatory scrutiny, and inflicting lasting

reputational damage. In many cases, companies facing similar litigation opt to settle out of court, often at great expense, paying millions in environmental mitigation measures, cleanup efforts, and penalties.

This legal exposure is entirely avoidable. Cemex's decision to expand mining operations near the San Joaquin River is not merely an environmental concern but a financial and legal risk that extends well beyond Fresno and Madera Counties. By contaminating a critical, shared waterway, the company could become the target of lawsuits from downstream counties, environmental organizations, and even the State of California.

Rather than inviting costly litigation and shifting the burden of industrial pollution onto taxpayers, Cemex should be required to implement rigorous pollution controls, invest in sustainable water management practices, and assume financial responsibility for any potential environmental damage. Failure to take these precautions could result in prolonged legal battles, significant economic losses, and irreversible harm to one of California's most essential waterways.

Response 519-6

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10. The project would be required to implement multiple mitigation measures to avoid or minimize potential impacts to water resources. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10. See also Collective Response #4b regarding liability and funding of unforeseeable environmental damage. CEMEX would be responsible for funding certain mitigation measures related to environmental impacts from the project (see e.g., Draft EIR page 4.10-10b).

Comment 519-7

Ground Water and Subduction

If Cemex is permitted to proceed with its expansion plans, the company's increased reliance on groundwater and the resulting strain on local infrastructure have raised serious concerns. Research published in *Stanford Report* by Stanford University highlights that the San Joaquin Valley has been sinking at an average rate of nearly an inch per year from 2006 to 2022. This phenomenon, known as land subsidence, is primarily caused by excessive groundwater extraction, particularly for industrial and agricultural purposes. In light of this, Cemex's proposal to rely more heavily on groundwater instead of surface water from the San

Joaquin River during its expansion presents significant environmental and economic risks.

One of the most alarming aspects of groundwater depletion is that once land subsides due to over-extraction, underground aquifers permanently lose their ability to store water efficiently. Unlike surface water, which can be replenished through seasonal rainfall or managed reservoirs, groundwater recharge is an extremely slow process, often taking decades or even centuries to restore depleted aquifers. When excessive pumping compacts underground structures, the aquifers' capacity to retain water diminishes irreversibly, meaning that even if groundwater extraction were later reduced, the damage would already be done. This leads to long-term water shortages, further straining the region's already fragile water supply.

Additionally, the uneven rate of land subsidence creates differential settlement, where certain areas sink faster than others, placing tremendous stress on infrastructure. Roads, bridges, pipelines, and buildings suffer costly damages as the land beneath them shifts unpredictably. The *Stanford Report* notes that millions of dollars have already been spent repairing infrastructure damaged by subsidence, and continued over-extraction of groundwater will only intensify the problem. Cracked highways, misaligned bridges, and damaged water conveyance systems not only pose safety hazards but also disrupt critical services, affecting both urban and rural communities.

Given these consequences, Cemex's decision to increase its reliance on groundwater is highly problematic. Beyond accelerating subsidence, this approach imposes an additional financial burden on local governments, businesses, and residents who must bear the cost of repairing damaged infrastructure.

Response 519-7

The project's potential impacts to groundwater supplies are evaluated in Draft EIR Section 4.10. See Impact 4.10-10 for discussion of the project's potential effect on groundwater levels resulting from operations at the Quarry Site. Mitigation Measure 4.10-10a requires the Operator to implement an adaptive management program involving continuous monitoring and periodic reporting of groundwater levels and implementation of corrective measures if a significant impact occurs and is attributable to the project. Implementation of this measure and Mitigation Measure 4.10-10b which provides a funding mechanism for the adaptive management program would reduce this impact to a less than significant level. See Chapter 3, "Draft EIR Errata," for proposed

revisions to Draft EIR Section 4.10. See also Collective Response #28 regarding groundwater use and land subsidence.

Comment 519-8

Furthermore, as groundwater reserves become increasingly difficult to access, the cost of water is expected to rise, placing further economic strain on industries and agricultural operations that depend on it.

The depletion of groundwater in Fresno County also has severe implications for local residents who rely on wells for their water supply. As aquifers shrink, water tables drop, forcing homeowners, farmers, and businesses to drill deeper wells to access water. This process is not only expensive but also unsustainable. The cost of drilling a deeper well can range from tens to hundreds of thousands of dollars, an expense that many rural residents, particularly those who depend on private wells, may struggle to afford. Water insecurity and financial hardship will become more widespread as deeper wells become a necessity rather than an option.

Additionally, deeper wells require more powerful pumps to extract water, increasing electricity costs for well owners. The deeper the well, the more energy is needed to lift water to the surface, further burdening households and agricultural operations with rising expenses. Small-scale farmers who depend on groundwater for irrigation will be especially vulnerable, as they must either invest in costly infrastructure upgrades or face reduced crop yields due to water shortages. These financial pressures could ultimately affect local food production and pricing, creating ripple effects throughout the economy. Another risk of deeper groundwater extraction is the potential exposure to lower-quality water. Deeper aquifers often contain higher concentrations of naturally occurring contaminants such as arsenic, nitrates, and heavy metals, which pose significant health risks if not properly treated. Effective water treatment systems to remove these contaminants can be prohibitively expensive, making them inaccessible to many residents. Those who cannot afford such systems may be left with unsafe drinking water, worsening public health concerns in Fresno County.

As groundwater levels continue to decline, well failures will become more common, leaving some residents without immediate access to water. During past droughts, numerous homeowners and farmers in the Central Valley reported dry wells, forcing them to rely on costly emergency water deliveries or relocate to areas

with more stable water supplies. If Cemex and other industries increase their dependence on groundwater, this crisis will only deepen, making it even more difficult for residents to secure affordable and clean water.

Considering these challenges, local and state authorities must take decisive action to regulate groundwater usage more effectively and promote sustainable water management practices. Without intervention, Fresno County will face worsening financial, environmental, and public health crises in the coming years.

Cemex's plan to intensify its groundwater reliance poses a serious threat to both the region's environment and economy. Given the irreversible damage caused by land subsidence and the immense costs associated with groundwater depletion, adopting a more sustainable water management approach is imperative. Instead of accelerating depletion, Cemex should be required to implement robust water conservation strategies, explore alternative sources, and invest in infrastructure that mitigates its impact on subsidence. Failing to do so will only deepen the ongoing crisis, making long-term recovery increasingly challenging and costly.

Response 519-8

The comment describes numerous potential indirect economic effects of increased groundwater usage at the project sites. See Collective Response #7 regarding the project's potential economic effects.

Comment 519-9

Transportation Infrastructure.

Cemex's proposed expansion also places a significant burden on the region's already strained transportation infrastructure. The company has explicitly acknowledged in its Draft Environmental Impact Report (DEIR) that the planned increase in mining activity will lead to a substantial rise in traffic congestion in the vicinity of the quarry. Furthermore, Cemex has conceded that it has no plans to mitigate the effects of its transportation fleet on local roads. This stance is both irresponsible and unacceptable, as it disregards the very real consequences that intensified industrial traffic will have on public infrastructure, road safety, and the surrounding community.

Heavy commercial vehicles, particularly the massive trucks used to transport mined materials, impose a disproportionately high burden on public roadways compared to personal vehicles. These trucks exert immense stress on pavement, causing accelerated wear and

tear, more frequent maintenance requirements, and a drastically reduced lifespan for existing transportation infrastructure. Road surfaces that are not designed to withstand continuous heavy truck traffic deteriorate quickly, leading to potholes, cracks, and structural failures that compromise both safety and drivability. Despite being the primary source of this damage, Cemex has shown no willingness to take financial or logistical responsibility for the inevitable deterioration their fleet will cause. Instead, taxpayers and local government budgets will be left to absorb the costs of road repairs and infrastructure reinforcement, an unfair and avoidable financial burden that should rightfully fall on Cemex.

Response 519-9

The project's potential impacts related to traffic and the region's transportation infrastructure are evaluated in Draft EIR Section 4.17. The comment incorrectly asserts that the Operator would not mitigate the project's transportation-related impacts. Mitigation Measures 4.17-1a through 4.17-1r presented in the Draft EIR each identify needed roadway or intersection improvements to address level of service deficiencies that would occur as a result of cumulative, regional growth. The mitigation measures require the Operator to pay the project's fair share of the overall cost of the improvements. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17. See also Collective Response #29 regarding the project's truck trips and funding of needed improvements as well as ongoing maintenance.

Comment 519-10

Beyond the degradation of infrastructure, Cemex's increased trucking operations introduce considerable safety risks to local communities. The significant rise in truck traffic—especially from heavily loaded semi-trailers—will create hazardous driving conditions on roads already congested with daily commuters, school buses, local business traffic, and pedestrian activity. Large commercial trucks require much longer stopping distances than standard vehicles, making them particularly dangerous in sudden traffic slowdowns, emergency situations, or when navigating intersections where smaller cars and pedestrians may be present. These risks are further amplified by the fact that the proposed expansion is adjacent to Fresno's largest public park, an area frequently visited by families, cyclists, and joggers. Introducing high volumes of heavy gravel-hauling trucks into a corridor where recreational activities take place is not only reckless but poses a direct threat to public safety—one that Cemex has failed to adequately address in its expansion proposal.

Response 519-10

See Collective Response #30 regarding traffic, pedestrian, and bicycle safety.

Comment 519-11

Another critical concern is the potential for increased noise pollution, air pollution, and vibrations caused by the continuous operation of Cemex's trucking fleet. The constant movement of large industrial vehicles will contribute to excessive diesel emissions, worsening air quality in a region that already struggles with pollution-related health issues such as asthma and respiratory conditions. Additionally, the vibrations caused by heavy trucks traveling over local roads may weaken nearby structures, causing property damage over time—yet another cost that Cemex refuses to acknowledge or take responsibility for.

Response 519-11

The issues of traffic noise, vibration, and air emissions are addressed in Draft EIR Section 4.13, "Noise," and Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), respectively. See Impact 4.13-1 beginning on page 4.13-49 for discussion of the project's potential to increase noise levels as a result of truck trips traveling to and from the project sites. See Draft EIR page 4.13-64 for discussion of heavy truck off-site vibration. See also Collective Response #9 regarding the project's potential to worsen the region's existing poor air quality.

According to the Caltrans Transportation and Vibration Guidance Manual (April 2020 Update, page 37), human response to continuous vibration from traffic is considered "annoying" when it reaches a peak particle velocity (ppv) of 0.2 inches per second (ips). For roadway vibration to result in the onset of risk of damage to structures, the thresholds are higher. According to Table 18 of the Caltrans Manual, loaded heavy trucks generate vibration levels of approximately 0.076 ips at a distance of 25 feet, which attenuates to approximately 0.035 ips at 50 feet. Because there are no structures located closer than 50 feet from the major haul routes proposed for the project, 0.035 ips represents a conservative estimate of vibration at the nearest structures. This level is well below thresholds for both human annoyance and structural damage; therefore, no vibration impacts are identified for heavy truck traffic on the local roadway network. Moreover, heavy trucks have been utilizing the local roadway network for many years; thus, the project would not introduce a new source of vibration in the area.

See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced above.

Comment 519-12

The failure to mitigate these impacts is not just an oversight but an act of negligence. It would be both irresponsible and unjust for Fresno County to allow this project to proceed without enforcing strict conditions that hold Cemex accountable for its contribution to infrastructure degradation and public safety risks. At a bare minimum, Cemex should be required to contribute to local road maintenance funds, implement traffic management solutions such as designated truck routes and off-peak hauling schedules, and incorporate safety measures to protect pedestrians and commuters from increased accident risks. These requirements are not excessive; they are necessary to ensure that the local community does not suffer from the consequences of a private company's industrial expansion.

Response 519-12

The project's potential impacts related to traffic and the region's transportation infrastructure are evaluated in Draft EIR Section 4.17. See also Mitigation Measures 4.17-1a through 4.17-1r, which require the Operator to provide equitable contributions for various road improvements. See Collective Response #30 regarding traffic, pedestrian, and bicycle safety, and Collective Response #9 regarding the project's potential impact on the region's air quality.

Off-peak hauling schedules would not be feasible because the Operator must service customers based on project-specific demands. Certain construction activities require material delivery during peak hours, and some operations—such as ready-mix concrete plants and on-site portable concrete plants—require a continuous and steady supply of material to function properly.

See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17.

Comment 519-13

Ignoring these impacts in favor of corporate convenience sets a dangerous precedent—one that prioritizes private profit over public well-being. If Cemex is allowed to operate without accountability, it will signal to other industries that they, too, can exploit public infrastructure without consequence. To prevent this, Fresno County must take decisive action to protect its roads, its residents, and its long-term economic stability by requiring Cemex to implement meaningful solutions that mitigate harm to transportation infrastructure, traffic flow, and public safety. Anything less would be an abdication of responsibility, leaving the community to bear the costs of a problem they did not create.

Response 519-13

No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 519-14

Fresno Has Enough Gravel

Cemex's request for an extensive new mining expansion along the San Joaquin River is entirely unnecessary, particularly given the overwhelming surplus of gravel already available in Fresno County. While the company argues that additional mining is essential to sustain the region's construction industry, state geological data and independent reports tell a very different story.

According to an article by Gregory Weaver in *Fresnoland*, Fresno County currently possesses nearly 200% more gravel than it needs for the next 50 years. Furthermore, the Kings River alone contains an estimated 2 billion tons of surface gravel—an astonishing volume that could supply regional demand for the next 500 years without requiring any further mining expansions. These figures make one fact undeniably clear: the demand for gravel has already been met many times over. There is no genuine economic or infrastructural necessity for additional gravel extraction along the San Joaquin River.

If local demand is already secured for centuries to come, what then is the true purpose of Cemex's expansion? The answer is simple—profit. Unlike projects that serve a legitimate public need, such as infrastructure development, job creation, or economic stimulus, this expansion offers no tangible benefit to Fresno County's construction industry, housing market, or workforce. Gravel supply is not a limiting factor for development in the region, making Cemex's proposed expansion not only redundant but also entirely self-serving.

Rather than contributing to the public good, Cemex's mining project would only serve to oversaturate the market with unnecessary gravel, prolonging mining operations without any practical justification. If this project moves forward, it will not make construction materials more affordable, nor will it enhance local infrastructure. Instead, it will allow Cemex to strengthen its corporate hold over an already overstocked resource, ensuring that its operations—and its profits—continue at the expense of the community.

If Fresno were experiencing a genuine gravel shortage, this project might at least warrant some debate. However, given the documented surplus, approving this expansion would amount to little more than reckless environmental destruction. Expanding mining operations near Lost Lake Park would permanently scar a delicate and irreplaceable ecosystem, degrading air and water quality while further polluting one of the most environmentally vulnerable rivers in the country.

The San Joaquin River has already suffered decades of environmental degradation from mining, agriculture, and industrial pollution. In a time when conservation efforts should be prioritized, it is both irrational and irresponsible to continue sacrificing the health of this vital waterway for Cemex's corporate gain. With Fresno's construction industry having no urgent need for additional gravel, there is simply no justification for further exploiting this already stressed natural resource. The region should not be forced to bear the environmental costs of an expansion that serves no greater good beyond the financial interests of a multinational corporation.

Response 519-14

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project. See also Collective Response #7 regarding evaluation of economic effects under CEQA. The project's potential effects on the water quality and water resources, including the San Joaquin River, are addressed in Draft EIR Section 4.10. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. The comment is noted for the consideration of the decision-makers.

Comment 519-15

Cemex is Untrustworthy

Cemex has an extensive and well-documented history of regulatory violations, demonstrating a persistent pattern of noncompliance that raises serious concerns about the company's ability—or willingness—to adhere to future regulatory agreements. According to data from *Violation Tracker* by Good Jobs First, Cemex has committed 667 violations, resulting in a staggering $52,384,115 in penalties. These infractions span critical areas such as environmental regulations, workplace safety, and employment practices, painting a troubling picture of a corporation that repeatedly disregards legal and ethical standards in favor of its business interests.

A deeper analysis of these violations reveals the extent and severity of Cemex's noncompliance. Environmental violations account for a significant portion of the company's infractions, with 81 recorded offenses totaling $43,564,276 in fines. These violations likely include breaches of air and water quality regulations, failures in hazardous waste management, and other environmentally destructive practices. The sheer magnitude of these penalties suggests that environmental harm is not an occasional oversight but a systemic and recurring consequence of Cemex's operations. Rather than implementing long-term corrective measures, the company appears to accept environmental fines as a cost of doing business.

Equally concerning is Cemex's track record of workplace safety violations. With 577 citations amounting to $6,356,849 in fines, the company has demonstrated a repeated failure to uphold even the most basic safety standards, putting its employees at serious risk. The high frequency of these violations indicates a failure to prioritize worker protection despite multiple penalties. If Cemex consistently neglects employee safety, it is reasonable to question its commitment to upholding environmental regulations or fulfilling mitigation promises associated with its mining expansion.

Beyond safety and environmental infractions, Cemex has also been penalized for employment-related violations, facing nine penalties totaling $2,462,990. These infractions likely involve labor law breaches such as wage theft, discrimination, or failure to comply with fair labor standards. While this category has fewer recorded offenses, it adds another layer to the company's troubling history of noncompliance. The recurrence of legal issues across multiple regulatory domains suggests that Cemex does not merely make occasional mistakes but rather operates within a corporate framework that prioritizes profitability over regulatory adherence.

This history should not be dismissed as a collection of isolated incidents. Instead, it should be understood as part of a broader, systemic issue within Cemex's corporate culture—one in which legal violations and financial penalties are seen as minor obstacles rather than serious obligations requiring corrective action. A company with such an extensive record of noncompliance has demonstrated time and again that it prefers to pay fines rather than invest in meaningful reforms. This raises a crucial question: if Cemex has continuously ignored regulatory requirements despite facing significant financial penalties, what assurance does the

public have that it will behave differently when expanding its Rockfield quarry?

Regulatory agreements are built on the foundation of trust—trust that a company will adhere to mitigation requirements, abide by environmental laws, and operate responsibly. However, Cemex's history suggests that even when faced with consequences, it prioritizes corporate interests over compliance. If the company is granted permission to expand its mining operations, there is little reason to believe it will uphold its environmental obligations or implement the necessary safeguards to prevent harm.

Past behavior is often the best predictor of future actions, and Cemex's track record strongly indicates that it may either fail to follow mitigation requirements or cut corners to maximize profits. The risk of environmental degradation, increased pollution, and safety hazards is simply too great to ignore. Given Cemex's well-documented history of regulatory violations, it is neither reasonable nor responsible to grant the company an expansion without demanding substantial, enforceable commitments to transparency, accountability, and environmental stewardship. Anything less would be a gamble with the well-being of the community, the workforce, and the fragile ecosystem of the San Joaquin River.

Response 519-15

See Collective Response #4b regarding CEMEX's regulatory history. The comment is noted for the consideration of the decision-makers.

Comment 519-16

Conclusion

Cemex's proposed expansion offers no legitimate public benefit, provides no meaningful economic advantage to Fresno's residents, and directly contradicts well-documented geological data that confirms an abundant gravel supply for centuries. The only entity that stands to gain from this project is Cemex itself—at the cost of environmental degradation, infrastructure damage, public health risks, and the financial burden placed on local communities. This expansion is not about meeting a genuine demand for construction materials; it is about maximizing corporate profits while offloading the consequences onto taxpayers, residents, and the environment.

If this project is approved, it will not be because Fresno County lacks gravel or requires new mining operations to sustain its

development. It will be because corporate influence has been allowed to override the public interest, enabling Cemex to exploit the region's resources while shifting the long-term costs onto the community. Furthermore, Cemex's history of noncompliance and regulatory violations should serve as a major red flag. Past behavior is a strong predictor of future actions, and Cemex has shown that it is more inclined to pay fines than implement meaningful reforms. Granting a company with this kind of record expanded mining rights near one of California's most fragile waterways is not just irresponsible—it is a direct invitation for further environmental harm and regulatory neglect.

The environmental consequences of this expansion would be severe and irreversible. Cemex's increased reliance on groundwater would accelerate land subsidence, a problem that has already caused significant infrastructure damage across the San Joaquin Valley. Sinking land not only threatens roads, bridges, and pipelines but also permanently reduces the capacity of underground aquifers, exacerbating long-term water scarcity. At a time when sustainable water management is more critical than ever, allowing an industrial operation to deplete groundwater supplies for an unnecessary mining project is reckless and short-sighted.

Additionally, the expansion would introduce heightened safety risks and financial burdens for the community. These vehicles will place enormous strain on local roads, accelerating deterioration and leading to costly repairs—expenses that Cemex has openly stated it does not intend to mitigate. The presence of more gravel-hauling trucks in an area adjacent to Fresno's largest public park also raises significant public safety concerns, particularly for pedestrians, cyclists, and families who frequent the area.

If Fresno County approves this expansion, it will be setting a dangerous precedent that prioritizes corporate convenience over environmental responsibility, public safety, and long-term economic stability. The decision to allow this project to proceed would signal that industrial polluters can continue to exploit public resources with little regard for the lasting damage they cause. Rather than allowing a multinational corporation to dictate land use policy, local authorities must stand firm in protecting the community's interests, rejecting short-term corporate gains in favor of sustainable environmental stewardship and responsible resource management.

This expansion is unnecessary, destructive, and entirely misaligned with Fresno County's long-term needs. Local decision-makers must reject it outright and instead commit to policies that

prioritize conservation, infrastructure integrity, and public well-being over corporate profit. The San Joaquin River has already suffered decades of environmental abuse—approving another extractive project that will further degrade this critical waterway would be an irreversible mistake. Instead of permitting more industrial destruction, Fresno County should focus on sustainable development strategies that protect natural resources, safeguard public health, and uphold the best interests of future generations.

Response 519-16

This comment is a summary of previous comments. See Response 519-1 through 519-15 above. The comment is noted for the consideration of the decision-makers.

Letter #520 March 10, 2025, Miyoung Lowe

Comment 520-1

Cemex's proposed expansion of its mining operations near the San Joaquin River raises significant concerns about environmental degradation, legal liabilities, and economic burdens on the surrounding communities. As an industrial operation with a well-documented history of regulatory violations, Cemex's intensified mining activities will have far-reaching consequences that extend beyond Fresno County. The expansion poses threats to surface and groundwater resources, transportation infrastructure, and local economies, all while being unnecessary given the existing surplus of gravel in the region. This document examines the key risks associated with Cemex's expansion and why its approval would be a costly mistake for both the environment and the public.

Response 520-1

The commenter's concerns and opinions are noted and will be considered by County decision-makers. Please see Collective Response #4a pertaining to CEMEX regulatory history, and please see Collective Response #3 pertaining to regional aggregate demand and supply. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR and no further response is warranted here. Please see Response 520-2 through 520-10 for further discussion of the commenter's specific concerns.

Comment 520-2

Cemex's operations will inevitably introduce pollutants into the San Joaquin River, a shared natural resource that flows through multiple counties before reaching the Sacramento-San Joaquin Delta and ultimately the San Francisco Bay. Given the river's extensive

reach— beginning in the Sierra Nevada, feeding into Millerton Lake, and then flowing through Fresno, Madera, Merced, Stanislaus, and San Joaquin Counties—any contamination originating from Cemex's site in Fresno County will not remain localized. Instead, pollutants will travel downstream, affecting water quality, ecosystems, and public health across a vast region.

Industrial mining operations like Cemex's generate multiple sources of water pollution, including:

- Sediment runoff from excavation and blasting, which can cloud water, block sunlight, and harm aquatic life.
- Heavy metals and chemicals from industrial machinery, which can seep into groundwater and surface water supplies.
- Fuel, oil, and other industrial byproducts that contaminate the river through surface runoff during storms or equipment failures.

Because the San Joaquin River serves as a critical water source for agriculture, drinking water, and wildlife habitats, these pollutants pose a serious risk not just to Fresno and Madera Counties, but also to every downstream community. Farmers in Merced, Stanislaus, and San Joaquin Counties rely on river water for irrigation, and contamination could lead to crop damage, soil degradation, and financial losses. Additionally, the Sacramento-San Joaquin Delta, which provides drinking water to millions of Californians, would be directly affected by upstream pollution.

Response 520-2

Please see Response 459-2.

Comment 520-3

Beyond the ethical concerns of polluting neighboring counties, Cemex also exposes itself to significant legal liabilities. There is legal precedent for intrastate lawsuits over water pollution and usage, where counties, cities, or state agencies sue upstream polluters for damages. Key cases, such as Missouri v. Illinois (1906) and Los Angeles County Flood Control District v. Natural Resources Defense Council (2013), illustrate the financial and reputational risks Cemex faces should its operations lead to downstream pollution.

Response 520-3

Please see Collective Response #4b pertaining to liability. The comment does not explain how the issues raised relate to the proposed project or Draft EIR.

Comment 520-4

Furthermore, Cemex's expansion plan includes increased reliance on groundwater, exacerbating the already dire issue of land subsidence in the San Joaquin Valley. Studies from Stanford University indicate that the valley has been sinking at nearly an inch per year due to excessive groundwater extraction. Once aquifers lose their capacity to store water efficiently, replenishment becomes nearly impossible, leading to long-term water scarcity and costly infrastructure damage. This not only threatens agricultural sustainability but also burdens local governments with expensive road and bridge repairs due to uneven land sinking.

Response 520-4

See Collective Response #28, Response 65-35 and 459-4. Draft EIR Section 4.7.1.2, "Soils, Geologic, and Seismic Hazards," describes the causes and potential effects of subsidence and concludes that "[b]elow the groundwater level, the subsurface soils at the Plant Site and Quarry Site generally consist of dense to very dense alluvial sands and gravels underlain by sedimentary and/or granitic rock, which have low potential for subsidence" (Draft EIR at page 4.7-11). In addition, Section 3.2.6 of the 2025 Update to the North Kings Groundwater Sustainability Plan states that "the compression of clay as a result of groundwater extraction from confined aquifers is the cause of the vast majority of subsidence documented in the San Joaquin Valley…Most of the permanent subsidence in the San Joaquin Valley has historically been correlated to overdraft in the confined aquifer below the Corcoran Clay."

Dewatering at the Plant Site would be temporary and would occur in an unconfined aquifer zone (Draft EIR at page 4.10-102). Specifically, there are no clay layers that overly the alluvial aggregate deposits to be mined at the Plant Site, such that a confined aquifer is not present within the depths to be dewatered and mined (Draft EIR at pages 4.7-3 to 4.7-4). As noted on page 3-75 of the 2025 Update to the North Kings Groundwater Sustainability Plan, the Corcoran Clay is only present near the western edge of the groundwater subbasin, more than 25 miles from the project area, and there has been only minimal subsidence within the North Kings GSA boundary.

Granitic bedrock formations such as the weathered rock and hard rock at the Quarry Site are not subject to subsidence due to the extraction of groundwater because such

formation do not contain compressible clays and the groundwater occurs within individual fracture zones within the massive rock (Draft EIR at page 4.7-11).

Comment 520-5

Cemex's expansion will also place an immense burden on local transportation infrastructure. In its Draft Environmental Impact Report (DEIR), Cemex acknowledged that the proposed increase in mining operations would significantly heighten traffic congestion in the area. However, the company has made it clear that it does not intend to mitigate the effects of its transportation equipment on local roads.

Response 520-5

Please see Collective Response #29 pertaining to project traffic impacts and mitigation.

Comment 520-6

Heavy commercial vehicles, particularly large trucks used for hauling mined materials, exert extreme stress on roadways, accelerating deterioration and increasing maintenance costs.

Rather than taking financial or logistical responsibility for these damages, Cemex's refusal to contribute to road maintenance shifts the burden onto taxpayers and local governments.

Response 520-6

Please see Collective Response #30 pertaining to roadway safety. See also Collective Response #29 pertaining to project traffic impacts and mitigation.

Comment 520-7

Additionally, the increased truck traffic near Fresno's largest public park introduces heightened safety risks, particularly for pedestrians, cyclists, and families frequenting the area.

Response 520-7

Please see Collective Response #30 pertaining to roadway safety.

Comment 520-8

Cemex's push for a massive new mining expansion along the San Joaquin River is entirely unnecessary given the overwhelming surplus of gravel already available in Fresno County. According to geological surveys, the county has nearly 200% more gravel than it needs for the next 50 years. Additionally, the Kings River alone contains 2 billion tons of surface gravel, a volume sufficient to

meet regional demand for the next 500 years without requiring further mining expansions.

These figures highlight the redundancy of Cemex's proposed expansion. With demand for gravel already secured for centuries, the only entity that stands to benefit from this project is Cemex itself. Unlike projects that fulfill a clear public need—such as infrastructure development or job creation—this expansion serves no meaningful purpose for the community. Instead, it would oversaturate the market with an unnecessary resource while causing permanent environmental damage to an already fragile ecosystem.

Response 520-8

Please see Collective Response #3 pertaining to regional aggregate demand and supply.

Comment 520-9

Cemex has a well-documented history of violating regulations, suggesting a persistent pattern of noncompliance. According to data from Violation Tracker, Cemex has committed 667 violations, accumulating over $52 million in penalties. These infractions span multiple areas, including environmental regulations, workplace safety, and employment practices, demonstrating a broad and systemic disregard for legal and ethical standards.

A closer examination of these violations highlights the extent of the issue:

- Environmental Violations: Cemex has been penalized 81 times, paying $43.5 million in fines for environmental infractions, including air and water quality violations.
- Workplace Safety Violations: The company has been cited 577 times, resulting in $6.3 million in fines, indicating a consistent failure to maintain proper workplace conditions.
- Employment-Related Violations: Cemex has faced 9 penalties totaling $2.4 million for labor law infractions such as wage theft and unfair employment practices.

This pattern of repeated violations suggests that Cemex prioritizes business interests over regulatory compliance, often opting to pay fines rather than implementing meaningful reforms. If Cemex is granted permission to expand its Rockfield quarry, there is little reason to believe it will uphold mitigation requirements, given its track record of noncompliance.

Response 520-9

See Collective Response #4a. The purpose of CEQA is to provide substantial evidence supporting findings of the reasonably foreseeable potential environmental impacts of a project. The majority of the comment (i.e., consideration of past violations) is not germane to the Draft EIR, or the analysis or impact determinations found therein. Where **Comment 520-9** does not raise environmental issues, those aspects of the comment does not require a response. (PRC Section 21091(d)(2)(B); Title 14 CCR Sections 15088(c), 15132(d), 15204(a).)

The Draft EIR provides a detailed evaluation of the proposed project's potential environmental impacts, in accordance with CEQA requirements. The decision-makers will consider the commenter's suggestions as part of their deliberations and conditions of approval.

Comment 520-10

Cemex's proposed expansion is fraught with environmental, legal, and economic risks. By intensifying mining operations near the San Joaquin River, the company threatens water quality, accelerates groundwater depletion, burdens local infrastructure, and endangers public safety. Additionally, the expansion is entirely unnecessary given Fresno County's existing surplus of gravel, making the project little more than an exercise in corporate profiteering at the community's expense.

Cemex's extensive history of regulatory violations further calls into question its ability to responsibly manage an expanded mining operation. Given the foreseeable environmental destruction, financial burdens on taxpayers, and legal liabilities, approving this expansion would be an irresponsible decision. Instead, Cemex should be required to implement stringent pollution controls, invest in sustainable water management practices, and take financial responsibility for infrastructure maintenance. Failing to do so will result in long-term damage that far outweighs any potential economic benefits of the project.

Fresno County must prioritize environmental sustainability, public health, and economic fairness over corporate interests. Allowing Cemex's expansion to proceed without accountability would set a dangerous precedent, jeopardizing the future of the region for generations to come.

Response 520-10

The commenter's concerns, opinions, and recommendations are noted and will be considered by County decision-makers. Please see Collective Response #3 pertaining to regional aggregate demand and supply and see Collective Response #4a pertaining to the Applicant's regulatory history. The Draft EIR adequately analyzes the potential environmental impacts of the proposed project, including impacts to surface water and groundwater quality and supply.

Letter #521 March 10, 2025, Kim Lucero

Comment 521-1

As we were driving up to Millerton the other day, we noticed an area along Friant Road and wondered what was going on or what was being built. Was it an extension for Woodward Park or more areas to enjoy nature. We then came across an article regarding the mining, drilling, and blasting along the San Joaquin river. From my understanding the hole is going to be twice as deep as Millerton lake and close proximity to the river bank. This will cause chemical pollution into our environment and water resources, which not only affects our wildlife but our everyday life.

Response 521-1

The proposed project would extend the use permit for the existing Rockfield operation and would not involve development or other disturbances in previously undisturbed areas. The issues of water and soil contamination are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality," and Section 4.9, "Hazards and Hazardous Materials," respectively. See also Draft EIR Section 4.4, "Biological Resources," regarding the project's potential impacts on wildlife. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 521-2

I wonder why they want to pursue our San Joaquin river, do we not have enough resource gravel mining available NOW!!!

Response 521-2

See Collective Response #3 regarding aggregate supplies and the need for the proposed project. See also Draft EIR Section 4.10 where the project's potential impacts related to the San Joaquin River are addressed. See also Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section.

Comment 521-3

With the estimated 400K trucks being sent along Friant road annually will further impact our air quality, our current air quality now is one of the worst in California, this will definitely add to it.

Response 521-3

The project's air quality impacts are evaluated in Draft EIR Section 4.3, as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), for proposed revisions to this Draft EIR section. See also Collective Response #9 regarding the project's potential impact on air quality conditions.

Comment 521-4

We should be adding more biking, hiking, and walking trails for our families to enjoy nature, not a massive hole and pollutants in the air and our water supply. I Live in Clovis and I thought it was "Gateway to the Sierras", not "Gateway to the Polluted Sierras". This project will ruin the environment and our everyday life. I have been working for the Clovis Unified School District for over 15 years and my husband is a retired Fresno Police Officer who served for 25 years, who gave his oath to serve and protect our community and families. Living here for over 30 years and raising a family here, this is just so upsetting that our supervisors are considering this project, There's no need for this project, aren't we here to protect our future for our kids and their kids? Reconsider approving this project!

Response 521-4

See Collective Response #3, regarding aggregate supplies and the need for the proposed project. The comment is noted for the consideration of the decision-makers.

Letter #522 March 10, 2025, Mandy Macias

Comment 522-1

Good afternoon. My comments are of my own opinion and based on what available documentation I could access.

As a member of the greater local tribal community, and specifically an enrolled member of the Dunlap Band of Mono Indians, located in eastern Fresno county, I have concerns for the upcoming renewal. The published documents were too large to access or download for my personal computer. Of what I could review regarding tribal outreach and impacts, it appeared to be lacking. And for an endeavor such as a 100 year extension, I would hope your efforts

were done by someone with expertise of tribal outreach and political experience. While there were public notices I saw no efforts for tribal meetings or forums. With the recognition of tribal sovereignty and knowledge of unique sensitive material, a public forum would not be the anticipated or appropriate venue to discuss tribal concerns. Any data secured prior to 10 years ago is outdated by recent discovery trends, and as constantly evolving governments, the leadership changes with elections and political interests. Your outreach should reflect accurate outreach contacts and should be conducted in good faith, not as an action to be accounted for. I don't recall outreach directly and found out about the proposal through networks.

Response 522-1

The commenter's opinions and recommendations are noted and will be considered by County decision-makers. Please see Collective Response #1 pertaining to the CEQA review process and opportunities for public input. Please also note that as advertised in the Notice of Availability for the Draft EIR, the Draft EIR and appendices were made available for viewing in printed hard copy form at the Fresno County Public Works and Planning Department at 2220 Tulare St., Annex Suite B, Fresno, CA 93721.

Draft EIR Impact 4.18-1 on page 4.18-8 under the heading "AB 52 Consultation" discusses the County's outreach to Native American tribal representatives in accordance with PRC 21080.3.1. As discussed there, in 2019 after receiving and deeming complete the application for the proposed project, the Fresno County Planning Department notified by letter the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notification of projects, including the Dumna Wo-Wah Tribal Government, Table Mountain Rancheria, and Picayune Rancheria of the Chukchansi Indians. The notification letters were mailed via certified mail on December 9, 2019 (Draft EIR Appendix J, "AB 52 Tribal Notification Letters"). Dunlap Band of Mono Indians have not requested to be notified for projects within the project area under PRC 21080.3.1. No tribe requested consultation as a result of the tribal notification letters and no responses were received during the project's scoping period. Note that Table Mountain Rancheria representatives subsequently provided comments on the Draft EIR, and those comments and the County's responses are provided at Comment Letters 50 and 52 of Final EIR Chapter 4, "Responses to Comments."

Comment 522-2

An archaeological inventory would not be inclusive of cultural resources such as life way practices, spiritual significances, and genealogical and ancestral knowledge. The San Joaquin River is a

geographical marker, a life sustaining resource, and a place of origin for tribal communities. It is a cultural landscape and habitation place with many tribal resources buried by the ever changing water flow created by the Friant Dam. A pedestrian survey and superficial inventory would not reflect an accurate exam of the landscape.

Response 522-2

See Response 52-2. The County acknowledges the commenter's statements regarding the cultural, spiritual, and historical importance of the project area. These views are noted for consideration by County decision-makers. In addition to the intensive pedestrian surveys conducted on the project sites, a search of the Native American Heritage Commission Sacred Lands File was also conducted to identify sacred sites on the project sites. Furthermore, as described in Response 522-1, the County notified applicable tribes under AB 52 and no response was received. Thus, government-to-government consultation was not initiated, and no Tribal Cultural Resources were identified for purposes of CEQA.

Comment 522-3

If you failed to reach tribal member in your outreach efforts I believe it to be in error. Perhaps your list of contacts is outdated and does not reflect the current administrations, or reflects individuals that are no longer with us. This is a common error and is repeated regularly by agencies and businesses attempting tribal outreach without knowledge of the community. There are several local organizations and agencies with specific expertise that could have assisted, especially since the area of the quarry is along the river, a well known tribal resource, adjacent to recorded resources of local significant, and the trend for tribal interest in quarry projects has been shown to be extensive in the past.

Response 522-3

As described in Response 522-1, the County conducted tribal notification in accordance with PRC Section 21080.3.1 (AB 52). The Dunlap Band of Mono Indians did not request notification for projects within the project area; therefore, a notification was not sent to this Tribe. No requests for formal consultation were received from any notified tribal representatives. The Notice of Preparation (NOP) for the project was also made available to the general public at County offices during the 30-day public scoping period. The commenter does not provide substantial evidence of a deficiency in the County's tribal notification process.

Comment 522-4

Also, to be clear, while the environmental comment period may be coming to a close, the discovery or exposure, as well as consultation with tribes is considered ongoing due to the potential to encounter previously unidentified resources as the project progress. This should be noted in the documents.

Response 522-4

Impact 4.5-2, beginning on Draft EIR page 4.5-30, acknowledges that previously unknown archaeological resources may be present below the surface of the project sites and provides standard discovery mitigation to address this potential (see Mitigation Measure 4.5-2 on Draft EIR page 4.5-31). Mitigation Measure 4.5-2 requires consultation with appropriate Native American representatives in the event that inadvertently discovered cultural resources are prehistoric or Native American in nature.

Comment 522-5

I believe cultural resources or archaeological resources will be encountered and suggested you consider having staff with specific archaeological expertise available to identify such resources from general river rock. I'm also suggesting you consider incorporating local tribal archaeological monitors at the onset of any new excavation.

Response 522-5

The County acknowledges the commenter's concern regarding the potential discovery of cultural or archaeological resources during project implementation. As described in Draft EIR Section 4.5.1, "Environmental Setting," the project sites have been subject to extensive mining and related ground-disturbing activities for more than 100 years and are therefore highly disturbed. As further described in Draft EIR Section 4.5.4, "Project Impacts and Mitigation Measures," the project includes standard inadvertent discovery procedures that require work to cease in the vicinity of any discovered cultural resources and for a qualified archaeologist to evaluate the find and recommend appropriate treatment measures in accordance with CEQA and applicable regulations.

Based on the long history of disturbance at the project sites and the absence of identified eligible resources, the preemptive use of archaeological or tribal monitors is not warranted. The County would ensure that any previously unknown resources encountered during mining or reclamation activities are addressed in accordance with applicable laws and regulations and the mitigation measures provided in the Draft EIR. As discussed in Mitigation Measure 4.5-2 and Response 522-4, prehistoric and historic-era resources encountered during project activities would be evaluated by a qualified

archaeologist, and appropriate Native American consultation would occur where applicable. The commenter's recommendations regarding staff expertise and incorporation of tribal monitors are noted.

Comment 522-6

Regarding the extension of the permit for 100 years, I feel this is too long of a period. This time should be reduced to 25 years at the most.

Response 522-6

Please see Collective Response #5 pertaining to the requested use permit duration. See also Draft EIR Chapter 6, "Alternatives," for description and analysis of a range of alternatives, each of which would have a reduced operational life compared to the proposed project.

Comment 522-7

In summary, your tribal consultation seems lacking, the inventory is not sufficient, the cultural landscape where the project is located is significant, the documents were not accessible, and the permit window is too longs.

Response 522-7

The County acknowledges the commenter's summary of concerns regarding tribal consultation, cultural resource evaluation, document accessibility, and permit duration. As addressed in Response 522-1 through 522-6, the County has complied with applicable CEQA requirements, including tribal notification pursuant to AB 52, evaluation of cultural and archaeological resources, and incorporation of standard inadvertent discovery mitigation measures.

As described in the Draft EIR, the project sites have been extensively disturbed by more than 100 years of mining activity, and no known Tribal Cultural Resources have been identified for purposes of CEQA. The Draft EIR nevertheless provides measures to address the potential discovery of previously unknown resources. The commenter's concerns are noted for consideration by County decision-makers.

Letter #523 March 10, 2025, Florence Maly

Comment 523-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the Cemex Rockfield Expansion Project. I believe there are significant environmental, cultural and community impacts associated with this project. I

urge you to review carefully all impacts and address significant flaws in the DEIR before even considering any approval.

The San Joaquin River is a precious resource that we must honor and revere and begin to correct the damage remaining from past activities, not create more damage and mis-use of this abused river.

Response 523-1

The commenter's concerns are noted and will be considered by County decision-makers. The commenter's concerns regarding mitigation are also noted. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR. The project's potential impacts to cultural resources are adequately analyzed in Section 4.5, "Cultural Resources," of the Draft EIR. Please see Response 523-2 through 523-11 below for further discussion of the commenter's specific concerns.

Comment 523-2

Specific concerns I have are as follows:

!. Cumulative Impact Neglect:

The DEIR fails to adequately address the cumulative impacts of the project when combined with other existing and planned projects in the area. While the DEIR should address impacts related to water quality, noise levels, air pollution, and traffic, it does not offer specific data. It should demonstrate specific requirements to avoid or lessen the cumulative problem in relation to air pollution, a cumulative impact by its nature. CEQA Guidelines, Section15130(a) mandates that EIRs discuss cumulative impacts when they are "cumulatively considerable"; failure to adequately assess could be a violation of CEQA.

Response 523-2

Draft EIR Chapter 5, "Cumulative Impacts," provides a comprehensive analysis of the project's incremental effects to be significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, in accordance with CEQA. The project's cumulative air quality impacts are discussed on pages 5-10 through 5-11 of the Draft EIR. See also Draft EIR discussion of Impact 4.3-2, which concludes that the project's annual emissions would not exceed applicable SJVAPCD significance thresholds, and thus are not cumulatively considerable (Draft EIR page 5-11). The commenter does not explain or provide evidence of any deficiency in the Draft EIR's cumulative impact analysis.

Comment 523-3

2. Impacts on the San Joaquin River Watershed:

Wildlife: the DEIR does not adequately analyze potential impacts of blasting on wildlife. The examples of habituation of wildlife to mining operations are for surface mining, not deep rock proposed here. Furthermore, what impact would there be to aquatic life in the river, especially the Chinook Salmon. The document cites old studies conducted in Alaska that are unlike the San Joaquin River environment.

Response 523-3

For discussion of blasting impacts to wildlife, please refer to Responses 65-8, 65-12, 65-16, and 65-17. For discussion of the usage and sufficiency of the Alaskan Blasting Standards for analyzing impacts to fish in the San Joaquin River, refer to Response 65-13.

Comment 523-4

Critical Habitat: The document has a "Mischaracterization of a regulated habitat. The Waste Wash Conveyance Ditch at the Plant site qualifies as a stream, and diverting or obstructing its natural flow, altering its bed, channel or bank; or depositing any material into this feature would be subject to provisions of California Fish and Wildlife Code Section 1600.

Response 523-4

See Response 58-33 regarding the waste wash conveyance ditch at the Plant Site. The water conveyance ditch was a man made/created feature in the uplands and is not subject to Cal. Fish & Game Code Section 1600 et seq.

Comment 523-5

Surrounding Land Uses: Cemex is currently encroaching on a designated Ecological Reserve, with no apparent measures to halt or mitigate this activity.

Response 523-5

Please see Collective Response #20 pertaining to the relationship between Applicant-owned properties and properties managed by CDFW.

Comment 523-6

Geological Issues: There is limited scope on the stability of the pit wall. The stated mitigation of "monitoring" the wall is completely ridiculous. There are no measures for a Geological

Issues: There is limited scope on the stability of the pit wall. The stated mitigation of "monitoring" the wall is completely ridiculous. There are no measures for a collapse of the wall between the pit and the river, which could have the potential to dump toxic water and even equipment into the river. There is also limited discussion of disturbing the underlying soil/rock stability with blasting; and on the impact of operations on existing groundwater levels and domestic wells.

Response 523-6

Draft EIR Sections 4.7, "Geology and Soils," and 4.10, "Hydrology, Water Quality," and 4.13, "Noise," evaluated the project's potential impacts to water quality, geologic, noise and vibration resources. With the creation of a pit 600 feet below ground surface at the Quarry Site, the potential for slope instability could occur if not developed in accordance with appropriate safety measures. The Geotechnical Memorandum completed a slope stability analysis that determined the potential of the proposed project to result in overall slope instability is low and with Mitigation Measure 4.7-7a, potential risks of slope instability would be reduced to less than significant. Additionally, Mitigation Measures 4.7-7b and 4.7-7c require field observations and surveys mapping kinematic conditions, operational activities, water seepage and groundwater conditions, and failure potential assessments to minimize impacts on slope stability in the project vicinity. In the event any embankment slope failures or pit wall collapses occur, the lead and responsible agencies should be notified and consulted. Adherence to Mitigation Measure 4.10-1 will minimize impacts to less than significant.

Mitigation Measures 4.10-5a, 4.10-5b, 4.10-10a, and 4.10-10b establish the Plant Site Pond Adaptive Management Program and Quarry Site Groundwater Adaptive Management Program with associated funding mechanisms. These Adaptive Management Programs require continued monitoring, comparison of monitoring results with action levels, and subsequent implementation of mitigation measures if the action levels are exceeded, as discussed in Appendix G-5, "Hydrology and Water Quality Analysis Report," and Appendix G-6, "Addendum to Hydrology and Water Quality Analysis Report," of the Draft EIR. As stated in the Draft EIR, a "qualified professional shall be responsible for the monitoring and reporting to be conducted" under the Adaptive Management Programs. Monitoring changes, collecting data, and reporting on environmental resources are standard best practices required for projects of this nature and as required by the Lead Agency, Fresno County. Implementation of the adaptive management program will reduce impacts on water quality resources, local domestic wells and the San Joaquin River. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 523-7

3. Tribal Resource and Cultural Resources:

There is a lack of transparency of impacts on Tribal Cultural Resources due to confidentiality concerns.. The DEIR references a Cultural and Paleontology Resource Inventory, but it is not included as an appendix. How do we know that the project has adequately consulted with local tribes and taken appropriate steps to protect culturally significant sites, raising questions of environmental justice and respect for Native Americans, specifically the original inhabitants of the region along the San Joaquin River, the Dumna.

Response 523-7

Draft EIR Impact 4.18-1 on 4.18-8 under the heading "AB 52 Consultation" discusses the County's outreach to Native American tribal representatives in accordance with PRC Section 21080.3.1. As discussed there, in 2019 after receiving and deeming complete the application for the proposed project, the Fresno County Planning Department notified by letter the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notification of projects, including the Dumna Wo-Wah Tribal Government, Table Mountain Rancheria, and Picayune Rancheria of the Chukchansi Indians. The notification letters were mailed via certified mail on December 9, 2019 (Draft EIR Appendix J, "AB 52 Tribal Notification Letters"). No tribe requested consultation as a result of the tribal notification letters and no responses were received during the project's scoping period. However, Table Mountain Rancheria representatives subsequently provided comments on the Draft EIR, and those comments and the County's responses are provided at Comment Letters 50 and 52 of Final EIR Chapter 4, "Responses to Comments."

The Draft EIR properly and clearly explains the results of records searches, physical surveys, and tribal outreach, and uses the information gleaned from these efforts to assess the project's potential to result in adverse effects to cultural resource and tribal cultural resources. Requests for review of confidential documents may be made to the County and the County will determine whether documents will be provided or if redacted versions eliminating confidential information may be produced and made available.

Comment 523-8

4. Cemex Corporation:

Safety record: Their human and environmental safety records are available and they are very poor. There seems to be no Corporate

responsibility for protecting their employees, the environment and their surrounding communities.

Response 523-8

See Collective Response #4a. The purpose of CEQA is to provide substantial evidence supporting findings of the reasonably foreseeable potential environmental impacts of a project. The majority of the comment (i.e., consideration of past violations) is not germane to the Draft EIR, or the analysis or impact determinations found therein. Where the comment does not raise environmental issues, those aspects of the comment do not require a response. (PRC Section 21091(d)(2)(B); Title 14 CCR Sections 15088(c), 15132(d), 15204(a).)

The Draft EIR provides a detailed evaluation of potential project impacts associated with the required CEQA environmental issues, and proposed the implementation of mitigation measures to reduce potential environmental impacts to less than significant levels, or to the extent feasible.

Comment 523-9

Restoration: What assurance do we have that restoration work will ever be done? There is mention that the site will look better at the end of the 100 year project with the planting of some trees. This is ludicrous. Restoration starts before the project starts, and continues throughout the life of a project. Cemex seems to be ignoring this.

Response 523-9

The Draft EIR describes and evaluates the project's requested use permits and reclamation plan as proposed by the Applicant. Reclamation of the project sites in accordance with the approved reclamation plan is required and overseen by Fresno County. Draft EIR Section 4.1, "Aesthetics and Visual Resources," evaluates the proposed project's visual impacts and determines that the project will result in significant and unavoidable visual impacts. Mitigation is provided to reduce the severity of the impact but is not considered sufficient to reduce the visual impact to less than significant at two representative viewpoints within the private community of Sumner Hill. Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation. The comment does not provide evidence of a deficiency in the Draft EIR's evaluation of the visual effects and no further response is warranted.

Comment 523-10

Funds: Cemex states they cannot mitigate many of the traffic and roadway issues because they do not have the funds. This is also

ludicrous. Cemex is a multi-international firm worth billions. Vulcan Materials paid for traffic improvements in Madera County as a condition for their Austin Quarry. Hold Cemex to the same standard.

Response 523-10

Please see Collective Response #29 pertaining to project traffic mitigation.

Comment 523-11

Given these concerns, and many more, I urge the agency to require Cemex to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter. It is time to heal our river.

Response 523-11

The Draft EIR sufficiently analyzes the potential environmental impacts of the proposed project, in accordance with CEQA. The comment does not provide evidence of a deficiency in the Draft EIR and the comment does not provide or explain enhanced mitigation measures or less harmful alternatives that should be considered. Please see Collective Response #1 pertaining to the CEQA review process and opportunities for public input. The commenter's concerns are noted and will be considered by County decision-makers.

Letter #524 March 10, 2025, Mel Mark

Comment 524-1

I appreciate the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant environmental and community impacts associated with this project, I have several concerns that must be addressed before any approval moves forward.

1. **Impacts on the San Joaquin River Watershed**

   The expansion site is located within the San Joaquin River floodplain, a critical water source for the region. Increased mining activities could further degrade water quality by introducing sediment, pollutants, and potential contaminants

into the river system. Additionally, changes in groundwater levels could disrupt the hydrology of the area, affecting both wildlife and agricultural water users downstream. The DEIR must provide a more thorough analysis of these risks and include stronger protections to prevent harm to the watershed.

Response 524-1

Please see Collective Response #23 pertaining to groundwater quality. Please see Collective Response #24 pertaining to groundwater monitoring. Please see Collective Response #25 pertaining to the proposed project's relationship and potential effects associated with surface water and groundwater interconnectivity. Please see Collective Response #26 pertaining to baseline groundwater data.

Comment 524-2

2. Air Quality and Dust Emissions

The project will generate substantial dust and particulate matter, exacerbating air quality issues in an area that already experiences high levels of pollution. This is particularly concerning for vulnerable populations, including children, the elderly, and those with respiratory conditions. The DEIR should require stricter dust control measures, increased air quality monitoring, and a plan to minimize diesel emissions from equipment and transportation.

Response 524-2

The Draft EIR presents health risk in Draft EIR Table 4.3-24, "Unmitigated Project Health Risk Impacts," and Table 4.3-25, "Mitigated Project Health Risk Impacts," as updated in this Final EIR, at locations where applicable guidance requires the maximum risk level to be reported. Chronic cancer and non-cancer risks are reported at structures where an individual or worker could reasonably spend a year or more. See Collective Response #11 regarding cancer burden. Acute risk is reported at the fence line because there is the possibility of public access at that location for period of one-hour. Results for each receptor including those on the fence line are included in Appendix D-3. The commenter claims that additional mitigation measures are needed, however, the mitigation measures proposed already reduce health risks to less than significant levels as shown in Table 4.3-25, as updated in this Final EIR. Thus, additional mitigation is unwarranted. The technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment," including preparation of a Fugitive Dust Control Plan and additional health risk modeling.

Comment 524-3

3. Biological Resource Impacts

The San Joaquin River Parkway provides critical habitat for a wide range of species, including protected and sensitive wildlife. Expanding mining operations could lead to habitat destruction, displacement of wildlife, and disruptions to ecological connectivity. The DEIR must ensure that habitat restoration and mitigation efforts are sufficient to offset these impacts, with clear commitments to long-term monitoring and preservation of key biological resources.

Response 524-3

The Draft EIR discusses the proposed project's impacts to biological resources in Section 4.4, "Biological Resources." Where applicable, the Draft EIR outlines mitigation measures which would reduce potential impacts to less than significant. As such, potential impacts to biological resources, including potential loss of habitat, displacement of species, and habitat connectivity, are sufficiently analyzed according to CEQA standards.

Comment 524-4

4. Traffic and Noise Concerns

The project is expected to increase heavy truck traffic along local roads, raising concerns about road safety, noise pollution, and wear and tear on infrastructure. Increased traffic will also contribute to greenhouse gas emissions, further impacting air quality. The DEIR should outline more robust traffic management strategies, noise mitigation measures, and alternatives to reduce the project's transportation footprint.

Response 524-4

The Draft EIR provides a comprehensive environmental review of the proposed project. Specifically, the Draft EIR is based on specific details from technical analyses related to the proposed project activities, methods and analysis frameworks approved by the CEQA Lead Agency, to support a legally adequate review of potential impacts to traffic levels, air quality and greenhouse gas emissions, noise, roadway and public safety.

Please see Collective Response #9 for additional discussion pertaining to potential effects on air quality, Collective Response #29 pertaining to project traffic, and Collective Response #30 pertaining to roadway safety.

Draft EIR Section 4.17, "Transportation," presents a comprehensive analysis of traffic and transportation impacts. Mitigation Measures 4.17-1a through 4.17-1r would require the Operator to provide equitable share contributions to area roadway widening and signalization improvements.

Appendices D-4 and D-5 present detailed analysis and substantial evidence that all potential air impacts would be reduced to a less than significant level with mitigation measures, including effects of project-related vehicle operation.

Section 4.13, "Noise," of the Draft EIR provides a comprehensive analysis of potential noise impacts. With implementation of Mitigation Measures 4.13-2, 4.13-3, and 4.10-1, all potential noise impacts at the site boundaries and nearby receptors would be reduced to a less than significant level.

The project's contribution to local hazards on roadways was assessed in Draft EIR Section 4.17, Impact 4.17-3. The project is required to comply with California Department of Transportation regulations as well as comply with local and regional capital programs and regulations. For these reasons the project's contribution to roadway hazards was found to be less than significant.

Public safety was assessed in Draft EIR Section 4.9, "Hazards and Hazardous Materials," with all potential impacts found to be less than significant with mitigation measures following Lead Agency guidance.

The comment does not provide evidence of a deficiency in the Draft EIR, demonstrate the need for more robust management strategies, or identify any specific management strategies for evaluation. Therefore, no further response is warranted.

Comment 524-5

5. Cumulative Environmental Effects

When considered alongside existing and proposed development projects in the area, the CEMEX expansion could contribute to significant cumulative environmental degradation. The DEIR must take a comprehensive approach to evaluating these combined impacts, rather than assessing the project in isolation. This includes examining long-term effects on water resources, biodiversity, air quality, and climate resilience.

Response 524-5

The Draft EIR evaluates the environmental impacts of the proposed project in accordance with CEQA. Furthermore, Draft EIR Chapter 5, "Cumulative Impacts," provides a

comprehensive analysis of the project's incremental effects to be significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, in accordance with CEQA. The comment does not explain or provide evidence of any deficiency in the Draft EIR's environmental impact analysis.

Comment 524-6

Given these concerns, I urge the agency to require CEMEX to conduct further analysis, strengthen mitigation measures, and fully explore less harmful alternatives. Public transparency and accountability are essential to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is prioritized in this decision-making process.

I'm sure you have received lots of comments with sentiments similar to mine, allow me to add some personal anecdotes: I am a lover of wildlife, especially birds, and frequent Ball Ranch and Lost Lake several times a week. We are blessed here with the location the valley provides below the Sierras. I urge you to go out yourself and enjoy watching these delicate species we are so very lucky to cohabitate with. It is our duty to be good stewards of the land and ensure future enjoyment and prosperity for generations to come.

Thank you for your time and consideration. I look forward to your response and continued discussion on this important issue.

Response 524-6

The commenter's concerns and requests are noted and will be considered by County decision-makers. The Draft EIR evaluates the environmental impacts of the proposed project in accordance with CEQA. Further, the comment does not provide specific recommendations for more analysis, further mitigation, or alternatives not already discussed and evaluated in the Draft EIR.

Letter #525 March 10, 2025, Allison Martinez

Comment 525-1

Thank you for the opportunity to submit my thoughts about the potential CEMEX Rockfield Expansion Project.

Our family has lived in the Fresno area for decades and utilizes the river for exercise and enjoyment. I am grieved our County Supervisors disregard the negative impacts of the current gravel production operation by extending their permit. Additionally, I am seriously concerned about the potential expansion and the effect

it will have on the river itself along with the surrounding area and impact on we homeowners along the Friant Road corridor.

Response 525-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. The project's potential impacts to the project area and nearby residents are addressed throughout the Draft EIR. The comment is noted for the consideration of the decision-makers.

Comment 525-2

I urge your agency to require CEMEX to provide additional analyses, enhanced mitigation measures, and less harmful alternatives. The long-term health of the San Joaquin River watershed and surrounding communities' health and enjoyment is a most critical issue which should stand at the forefront of any decision.

Thank you for your time and consideration, I look forward to your response. Sincerely,

Response 525-2

See Collective Response #1 regarding additional analysis and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of reasonable alternatives to the proposed project. See also Draft EIR Section 4.10 regarding the project's potential impact on the San Joaquin River watershed. See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. The comment is noted for the decision-makers.

Letter #526 March 10, 2025, Kevin and Crystal Martinez

Comment 526-1

I am writing to communicate my concerns about Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project jeopardizes the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 526-1

The commenter's concerns are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures. The project's potential impacts to

water quality, air quality, recreation, wildlife, and hazards and hazardous materials are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.16, "Recreation," Section 4.4, "Biological Resources," and Section 4.9, "Hazards and Hazardous Materials," respectively. Please see Response 526-2 through 526-12 below for further discussion of the commenter's specific concerns.

Comment 526-2

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. Our water is vital to life. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

What are DEIR's solutions for protecting water?

The DEIR must identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 526-2

See Response 349-2.

Comment 526-3

What is CEMEX's plan if major flooding occurs?

What is the plan if flooding breaches the levee and captures the quarry pit?

Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 526-3

The Draft EIR explains that there are no signs of significant bank erosion, and during the historic January 1997 flood event of approximately 60,300 cubic feet per second, the easterly bank along the Quarry Site did not experience significant erosion, and the bank has never breached into the Quarry Site (see Draft EIR, page 4.10-7). Regardless, in the event of major flooding or a levee breach, see Response 65-28, which adequately analyzes the unforeseen event of the release of water from the Friant Dam or Millerton Lake Reservoir in an amount that exceeds the River's channel capacity, and concludes that the project sites' enlarged mining excavations would actually help contain and minimize downstream flooding (see Draft EIR, page 4.10-119), and the stormwater would be managed in accordance with all applicable requirements of the NPDES program,

including site-specific SWPPPs prepared in accordance with Industrial General Permit Requirements and updated Waste Discharge Requirements (see Draft EIR, page 4.7-29). Thus, as provided in Appendix G-1, "Hydraulic Analysis," to the Draft EIR, the risk of erosion of the riverbank causing a breach of the easterly bank of the Quarry Site, which could result in fish entrapment due to pit capture, and the risk of the release of pollutants due to project inundation at the Quarry Site or the Plant Site are less than significant (Draft EIR, Appendix G-1, page 7).

Comment 526-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Will DEIR evaluate the groundwater data at different flow rates?

Response 526-4

Refer to Collective Response #26 and Response 484-6. As described in Collective Response #26, the data used in the Draft EIR was collected over a period that included both low and high flows. As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the project area. Collective Response #25 further demonstrates that Department of Water Resources criteria for interconnected surface water are not met at the project site.

Comment 526-5

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

What is the DEIR's timeframe and exact location of the trail to be constructed? What is the DEIR's plan for proposed trails to meet the San Joaquin River Parkway

Master Plan's requirement for a 300-foot buffer between mining operations and public access?

How will the DEIR hold CEMEX responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project?

Response 526-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 526-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated.

Will the DEIR fully analyze these impacts and identify appropriate mitigation measures for the impacts?

Response 526-6

Please see Collective Response #19 pertaining to public accessibility to parks. Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 526-7

The DEIR identifies several unavoidable negative impacts.

The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 526-7

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation.

Comment 526-8

Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements.

How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards?

Response 526-8

Please see Collective Response #29 pertaining to project traffic. Please see Collective Response #30 pertaining to roadway safety.

Comment 526-9

The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario.

Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 526-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project. CEQA is about the environment and how it would change with the project. Thus, CEQA defines the existing physical setting as the baseline from which project related impacts occur. The no-project scenario is an alternative to the project and not a baseline against which to evaluate the project effects. Therefore, CEQA has no requirement to evaluate the no-project scenario.

Comment 526-10

One of my biggest concerns is air quality impacts. Our quality of life will be impacted negatively. The DEIR mentions an increased cancer risk. This is not acceptable.

Response 526-10

Please see Collective Response #11 pertaining to community cancer risk.

Comment 526-11

Another area of concern is the threat to wildlife. The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

How will the DEIR comply with existing regulations for protecting our wildlife?

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines.

Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation

measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 526-11

As described in Draft EIR Section 4.4, "Biological Resources," numerous biological studies were prepared to evaluate the potential for occurrence of special-status species and evaluated the project's potential impacts to those species and their habitats in accordance with CEQA. As detailed, the majority of the project area is characterized by active mining operations, which provide limited foraging opportunities for Swainson's hawks and other nesting bird species. However, areas adjacent to the mining operations, such as fallow fields and open spaces, may offer potential foraging habitat. Therefore, Mitigation Measure 4.4-1C has been incorporated as necessary to reduce potential indirect impacts to nesting birds.

See Response 65-13 for further discussion of the adequacy of the usage of Alaskan blasting standards for analyzing impacts to salmon. Furthermore, a blasting analysis was performed by Vibra-Tech which evaluated the effect of nearby blasting on Salmon populations in the San Joaquin River. This analysis relied on conservative thresholds and site-specific conditions, demonstrating that blasting would not cause significant impacts to CV spring-run Chinook salmon.

Comment 526-12

Will this section be rewritten and recirculated for public comment?

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Response 526-12

The project would not result in significant impacts to the San Joaquin River, wildlife, public safety, or air quality. The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the potential environmental impacts of the proposed project and provides mitigation measures where necessary to reduce the severity of potentially significant impacts, in accordance with CEQA. Pursuant to CEQA Guidelines Section 15088.5, 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 but before certification. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required.

Letter #527 March 10, 2025, Brett Mason

Comment 527-1

I want to register my reservations concerning the approval of a 100-year lease to the CEMEX corporation that will certainly result in the degradation of an already threatened waterway.

Response 527-1

The commenter's reservations concerning the project are noted and will be considered by County decision-makers. As a point of clarification, please note that the Applicant, CEMEX, requests the County's approval of conditional use permits from the County and not a lease from the County. Please see Collective Response #5 pertaining to the requested use permit duration. Please see Response 527-2 through 527-6 below for further discussion of the commenter's specific concerns.

Comment 527-2

Please respond to the following questions:

1. How does the CEMEX corporation intend to confine the waste of their operation and prevent it from contaminating the San Joaquin river?

Response 527-2

See Draft EIR Section 4.19.1.5, "Solid Waste," Draft EIR Chapter 2, "Project Description," under "Utilities and Solid Waste Management," Draft EIR Sections 2.4.4 and 2.5.5 both titled "Supplies and Materials Transport, Use, and Storage," Draft EIR Section 4.10, "Hydrology and Water Quality," as well as the Hydraulic Analysis and Surface Water Runoff and Drainage Plan reports prepared by Chang Consultants and included Draft EIR Appendix G, "Hydrology and Water Quality."

At the Plant Site, domestic sewage will continue to be handled by conventional septic systems and serviced as necessary by commercial septic services. Solid waste, e.g. parts packaging, paper, etc., will continue to be deposited in dumpsters for pickup and disposal by a licensed solid waste disposal company (Draft EIR, page 4.10-86). At the Quarry Site, domestic sewage will be handled by conventional septic systems and serviced as necessary by commercial septic services. Solid waste, e.g. parts packaging, paper, etc., will be deposited in dumpsters for pickup and disposal by a licensed solid waste disposal company (Draft EIR, pages 4.10-87 through 4.10-88).

At the Plant Site, wastes from the facility are and will continue to be stored in designated containers adjacent to the shop in the containment area and/or within the shops are recycled or disposed of in accordance with local, state and federal safety regulations (Draft EIR, pages 2-22 through 2-23). Similarly, at the Quarry Site, wastes from the facility will be stored in designated containers adjacent to the shop in the containment area and/or within the shops and disposed of in accordance with local, state and federal safety regulations (Draft EIR, page 2-44). All materials stored at the project sites are and would continue to be handled in accordance with a Hazardous Materials Business Plan and Spill Prevention Control and Countermeasure Plan.

Further, the project does not propose to discharge stormwater from the Site boundaries (see Draft EIR, Impact 4.10-1, page 4.10-88). With continued compliance of the State Industrial General Permit, should there be a discharge to the San Joaquin River or other surface water bodies, there would be no significant impairment since this permit is based on water quality criteria deemed to be protective to aquatic species and habitats. However, to pre-emptively address a future discharge scenario that could introduce constituents of concern, notably increased levels of iron and manganese that could potentially increase through time as processing of the aggregates occurs, or the introduction of nitrate for example, in the event of residual blasting agents, the project has incorporated an adaptive management strategy to mitigate such impacts to levels that are less than significant (Draft EIR pages 4.10-96 through 4.10-98).

Comment 527-3

2. What measurable standards are put into the lease for prevention of damage to the waterway and what options for redress does the county have if CEMEX does not abide by those standards?

Response 527-3

Please see Draft EIR Chapter 3, "Project Description," for a description of the proposed project and reclamation plan requirements. Please see Draft EIR Section 4.10, for discussion of impacts to water quality and supply, and associated mitigation measures. Where the Draft EIR identifies potentially significant impacts to water quality or supply, mitigation measures are provided to ensure reduction of adverse impacts. See also Collective Response #23 pertaining to groundwater quality, Collective Response #24 pertaining to groundwater monitoring, Collective Response #25 pertaining to the proposed project's relationship and potential effects associated with surface water and groundwater interconnectivity, and Collective Response #26 pertaining to baseline groundwater data.

Comment 527-4

3. How much tax revenue is expected from the 100-year lease?

4. What campaign contributions has the CEMEX corporation made to supervisors who will be voting on the issue?

Response 527-4

Please see Collective Response #7 pertaining to economic issues. The commenter's questions do not pertain to the adequacy of the Draft EIR, and no further responses is warranted.

Comment 527-5

5. What positive impacts (besides tax revenue) are expected for Fresno county residents?

Response 527-5

One of the main objectives of the proposed project is to continue to provide a reliable and sustainable, local source of high-quality aggregate to help meet the current and long-term demand for construction materials in the Fresno region (Draft EIR page 6-3). The commenter's question does not pertain to the adequacy of the Draft EIR, and no further response is required.

Comment 527-6

6. What other locations have been studied as alternatives to expanding the current site near Ball Ranch?

Response 527-6

No other locations were evaluated as alternatives due to the lack of feasible alternative locations. See Section 6.4.2.1, "Alternative Site Locations," on page 6-5 of the Draft EIR for further discussion of the lack of feasibility of alternative site locations for the proposed project.

Letter #528 March 10, 2025, Sylvia Mata

Comment 528-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 528-1

The commenter's concerns are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures. The project's potential impacts to water quality are evaluated in Section 4.10, "Hydrology and Water Quality," of the Draft EIR. The project's potential impacts to air quality are evaluated in Section 4.3, "Air Quality," and updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). The project's potential impacts to recreation are evaluated in Section 4.16 of the Draft EIR. The project's impacts to wildlife are evaluated in Section 4.4, "Biological Resources," of the Draft EIR. The project's impacts regarding hazards and hazardous materials are evaluated in Section 4.9, "Hazards and Hazardous Materials," of the Draft EIR. Please see Response 528-2 through 528-11 below for further discussion of the commenter's specific concerns.

Comment 528-2

Impacts on Water Quality &[sic] the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 528-2

See Response 349-2.

Comment 528-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 528-3

See Collective Response #17. See also Response 329-3.

Comment 528-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the

groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 528-4

Refer to Collective Response #26 and Response 484-6. As described in Collective Response #26, the data used in the Draft EIR was collected over a period that included both low and high flows. As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the project area. Collective Response #25 further demonstrates that Department of Water Resources criteria for interconnected surface water are not met at the project site.

Comment 528-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 528-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 528-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 528-6

Please see Collective Response #19 pertaining to public accessibility to parks. Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 528-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- Scenic Degradation: The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 528-7

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation.

Comment 528-8

- Traffic Congestion: Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on how mitigation takes place is just one example of the inadequacy of the DEIR.

Response 528-8

Please see Collective Response #29 pertaining to project traffic impacts and mitigation. Please see Collective Response #30 pertaining to roadway safety.

Comment 528-9

- Air Quality: The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 528-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 528-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 528-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (see Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (see Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (Draft EIR pages 4.4-49 through 4.4-50). The Western red bat was not observed on site during the habitat assessment, and only moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). In any event, blasting activities would be brief and are not expected to result in sustained or long-term impacts. A typical blasting event would occur for approximately one to two seconds. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR therefore fully and adequately evaluated the impact on each of these species.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Section 4.4 of the Draft EIR does not need rewriting or recirculation.

Comment 528-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 528-11

The project would not result in significant impacts to the San Joaquin River, wildlife, public safety, or air quality. The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the potential environmental impacts of the proposed project and provides mitigation measures where necessary to reduce the severity of potentially significant impacts, in accordance with CEQA. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required.

Letter #529 March 10, 2025, Tess McClellan

Comment 529-1

As a Fresno resident, Central Valley Camera Club leader, and conservationist, I urge you to consider alternatives to the proposed CEMEX Rockfield Expansion project.

Response 529-1

See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of reasonable alternatives to the proposed project. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR chapter. The comment is noted for the decision-makers.

Comment 529-2

The San Joaquin River has suffered greatly already and deserves our protection, especially with ongoing drought and pollution concerns.

Response 529-2

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section.

Comment 529-3

Our air quality in the valley has also been continually evaluated as extremely harmful, and further mining and development will only increase this harm despite assurances from CEMEX to the contrary.

Response 529-3

The issue of air quality is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See Collective Response #9 regarding the project's potential impact on existing air quality conditions.

Comment 529-4

The area around the proposed expansion is important to Fresno's biodiversity and it is already encroaching on the Environmental Reserve.

Response 529-4

The project's potential impacts to biological resources are addressed in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See Collective Response #20 regarding the suggestion that the existing Rockfield operation encroaches on an ecological preserve.

Comment 529-5

I am an avid birder and these habitats will face destruction and pollution with far-reaching consequences we cannot yet even fully understand. For example, the Swainson's Hawk breeding grounds within a half mile of the proposed development have not been fully evaluated for threat.

Response 529-5

The project's potential impacts on bird species are evaluated in Draft EIR Section 4.4. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See Collective Response #14 regarding analysis of impacts to Swainson's hawk. See also Collective Response #13 and Collective Response #15 for further discussion of impacts to bird species.

Comment 529-6

Ball Ranch and Lost Lake are two of our county's best places for families to spend time in nature, and the noise, pollution, and increased traffic will have a negative impact on these beautiful parks. These are also some of the only safe, car-free areas where locals can exercise and relax in relative peace and quiet. Mental and physical health of our residents will be impacted.

Response 529-6

The project's potential impacts to recreational facilities are evaluated in Draft EIR Section 4.16, "Recreation." Additionally, the project's effects on traffic are discussed in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to these Draft EIR sections. See also Collective Response #27 regarding operational impacts to users of nearby parks and trails. The comment is noted for the decision-makers.

Comment 529-7

Our local camera club, Central Valley Camera Club, has many photographers who also use the beauty of this area for client photoshoots, especially for family portraits. While this may seem trivial to some, it would directly affect the income of local photographers, not to mention their artwork. Ball Ranch is also home to some of the best birding photography Fresno offers. Both Lost Lake and Ball Ranch are wonderful locations for group photo walks and are used frequently by our local Audubon Society as well.

Response 529-7

Project impacts to visual resources are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." The project's potential impact on wildlife and birds, specifically, is addressed in Draft EIR Section 4.4. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. The comment is noted for the consideration of the decision-makers.

Comment 529-8

We do not have many true green spaces left in the county due to non stop housing expansion and development, let alone the traffic deaths wildlife face (especially along Friant road). Increased traffic means increased threat for countless species. Rarely do I see Friant road free of roadkill from the already present traffic. The blasting from the mine may also drive wildlife closer to the housing developments and traffic.

Response 529-8

The project's potential impacts to wildlife are evaluated in Section 4.4. Impact 4.4-1, beginning on Draft EIR page 4.4-48, describes direct impacts to wildlife which would include events such as vehicular strikes. See also Impact 4.4-6, beginning on Draft EIR page 4.4-62, which evaluates potential impacts on wildlife movement and corridors. At the Plant Site, the "continuation of mining and processing activities is not expected to modify or compromise wildlife movement opportunities or prevent the surrounding habitat from continuing to function as a wildlife corridor." At the Quarry Site, "the proposed downward direction of mining activities is not expected to compromise wildlife movement opportunities or prevent the surrounding habitat from continuing to function as a wildlife corridor." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.4. See also Collective Response #13 regarding the project's operational impacts, including blasting, on wildlife located in areas adjacent to the project sites. See also Draft EIR Section 4.17, "Transportation," for the project's potential impacts on traffic.

Comment 529-9

Given also the proposed length of the expansion project, it is hard to accurately predict what other harms could be done within *one hundred years.* Our children and grandchildren will suffer with the potential consequences of this expansion.

Response 529-9

See Collective Response #5 regarding the duration of the proposed use permit.

Comment 529-10

Furthermore, the Environmental Impact Report also highlights the relative low economic regional benefit the project would bring to Fresno. It is hard to justify the proposed expansion given all of these concerns and many more. Please consider at the very least an alternative location, or if this project is at all in any Fresno resident's best interest, or just benefits CEMEX's corporate ownership.

Response 529-10

Alternative locations for the proposed project are discussed in Draft EIR Section 6.4.2.1, "Alternative Site Locations." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR chapter. The comment is noted for the decision-makers.

Letter #530 March 10, 2025, Donna McCloskey

Comment 530-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 530-1

The commenter's concerns are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures. The project's potential impacts to water quality, air quality, recreation, wildlife, and hazards and hazardous materials are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.16, "Recreation," Section 4.4, "Biological Resources," and Section 4.9, "Hazards and Hazardous Materials," respectively. Please see Response to 530-2 through 530-11 below for further discussion of the commenter's specific concerns.

Comment 530-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 530-2

See Response 349-2.

Comment 530-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 530-3

See Collective Response #17. See also Response 329-3.

Comment 530-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 530-4

Refer to Collective Response #26 and Response 484-6. As described in Collective Response #26, the data used in the Draft EIR was collected over a period that included both low and high flows. As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the project area. Collective Response #25 further demonstrates that Department of Water Resources criteria for interconnected surface water are not met at the project site.

Comment 530-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 530-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 530-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 530-6

Please see Collective Response #19 pertaining to public accessibility to parks. Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 530-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 530-7

Please see Collective Response #8 pertaining to the Draft EIR's visual resource impact analysis and mitigation.

Comment 530-8

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on how mitigation takes place is just one example of the inadequacy of the DEIR.

Response 530-8

Please see Collective Response #29 pertaining to project traffic. Please see Collective Response #30 pertaining to roadway safety and road maintenance.

Comment 530-9

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 530-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 530-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 530-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (see Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (see Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be

less than significant (see Draft EIR pages 4.4-49 through 4.4-50). The Western red bat was not observed on site during the habitat assessment, and only moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). In any event, blasting activities would be brief and are not expected to result in sustained or long-term impacts. A typical blasting event would occur for approximately one to two seconds. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR therefore fully and adequately evaluated the impact on each of these species.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Section 4.4 of the Draft EIR does not need rewriting or recirculation.

Comment 530-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 530-11

The project would not result in significant impacts to the San Joaquin River, wildlife, public safety, or air quality. The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the potential environmental impacts of the proposed project and provides mitigation measures where necessary to reduce the severity of potentially significant impacts, in accordance with CEQA. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required.

Letter #531 March 10, 2025, Gracie McKesson

Comment 531-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

1. Impacts on the San Joaquin River Watershed

I believe that all of our water ways and green spaces should be protected from any and all forms of emissions and mining projects.

Response 531-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. The comment is noted for the decision-makers.

Comment 531-2

2. Air Quality and Dust Emissions

The Central Valley is already heavily impacted by the bad air quality and pollution that settles in our valley. There is no need to make it worse and increase the numbers of youth asthma but ejecting mining pollution into our air.

Response 531-2

The project's potential impacts on air quality are evaluated in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), Chapter 3 for proposed revisions to this Draft EIR section. See Collective Response #9 regarding the project's potential impacts on existing air quality conditions.

Comment 531-3

3. Biological Resource Impacts

Fresno and the surrounding areas are blessed to be so abundant of biological diversity. It is our duty as patrons of this land to protect our wildlife and our environment.

Response 531-3

The project potential impacts to wildlife are evaluated in Draft EIR Section 4.4, "Biological Resources." This section requires multiple mitigation measures intended to avoid and/or minimize potential impacts to fish and wildlife species and their habitats. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.4.

Comment 531-4

4. Traffic and Noise Concerns

High levels of noise and traffic are scientifically proven to be adverse to health. Why negatively affect the quality of life of those living in surrounding areas?

Response 531-4

The issues of noise and traffic are addressed in Draft EIR Section 4.13, "Noise," and Section 4.17, "Transportation," respectively. Public health effects associated with air quality impacts are discussed in Draft EIR Section 4.3, as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. The comment is noted for the consideration of the decision-makers.

Comment 531-5

5. Cumulative Environmental Effects

These green spaces affected by the mining are fundamental to the health and wellness of not only the wildlife but to our human communities. Access to clean and safe natural spaces are vital for positive mental health, family bonding, and community development.

Response 531-5

The proposed project would not interfere with access to existing parks, trails, or other recreational facilities in the project area. See Draft EIR Section 4.16 "Recreation" regarding the project's potential impact on access to existing Neighborhood and Regional parks and other recreational facilities. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR section. See also Collective Response #21 pertaining to public access to recreational facilities near the project sites.

Comment 531-6

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Response 531-6

See Collective Response #1 regarding additional analysis, enhanced mitigation measures, and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of alternatives to the proposed project. See Chapter 3, "Draft EIR Errata," for proposed revisions to this Draft EIR chapter.

Letter #532 March 10, 2025, Gloria Medina-Sancho-

Comment 532-1

I am writing regarding the CEMEX proposal to expand its mining operation on the San Joaquin River.

I am opposed to this project for a number of reasons:

1) CEMEX, a Mexican company, is proposing this type of mining on the San Joaquin because it is illegal in Mexico.

Response 532-1

The commenter's opposition to the project is noted and will be considered by County decision-makers. The proposed project would comply with California state law including the California Surface Mining and Reclamation Act (SMARA) and CEQA. Mexico's mining laws are not relevant and have no jurisdiction over the proposed project.

The project is also not proposing to expand its mining operations into the San Joaquin River (SJR). The project would maintain the 200-foot minimum setbacks from the SJR currently required.

Comment 532-2

2) The project will go to a depth of 600 feet, which will destroy that part of the river both for recreation and wildlife habitat.

Response 532-2

The commenter's opinions are noted. Please refer to Draft EIR Section 4.13,"Noise," for further discussion of the project's potential noise impacts. Please refer to Draft EIR Section 4.10, "Hydrology and Water Quality," for further discussion of the project's potential water quality impacts. The commenter does not provide evidence of a deficiency in the Draft EIR and no further response is required.

Comment 532-3

3) The use of blasting for the mining will create intolerable noise for people within miles of the site, frighten pets and wild animals, and ruin the water quality.

Response 532-3

The commenter's opinions are noted. The comment does not provide evidence of a deficiency in the Draft EIR and no further response is warranted.

Comment 532-4

4) The mining will further prevent access to the river by Fresno area residents--there is already very little access to the river. We need more access to the river, not less.

Response 532-4

The commenter's opinions are noted. Please see Collective Response #21 pertaining to public access to the San Joaquin River. The proposed project would not further prevent access to the San Joaquin River (SJR). The parcel for the Quarry Site of the proposed project abuts the SJR, but this parcel is private property, and therefore does not currently allow public access to the SJR. As discussed in the Draft EIR, there may be a future need for the Operator to grant and record easements within the Plant Site and Quarry Site parcels for Fresno County to allow for construction improvements associated with the expansion of the multi-use trail in this vicinity. Although portions of the future planned multi-use trail are proposed to be within the project site, adequate buffers and mitigation to minimize risk should be evaluated and considered, as needed. Fresno County and SJR Conservancy groups would continue to work together to ensure public access to the SJR continues to be provided in accordance with applicable land use plans. Fresno County will consider these suggestions as part of its deliberations and conditions of approval.

Comment 532-5

5) As the mining is proposed to last 100 years, it will inflict its damage for generations to come, which will have no opportunity to protect themselves and their environment from the project.

Response 532-5

Please see Collective Response #5 pertaining to the requested use permit duration. The Draft EIR provides a detailed evaluation of potential project impacts associated with the required CEQA environmental issues, and proposed the implementation of mitigation measures to reduce potential environmental impacts to less than significant levels, or to the extent feasible.

Although the lifespan of the project is 100 years, the Sites would be subject to mitigation while in operation, and reclamation, per the Surface Mining and Reclamation Plan found in Draft EIR Appendix B-1, "Surface Mining and Reclamation Plan," when the operational activities have been completed.

Comment 532-6

6) It appears that the current Environment Impact Study has severely underestimated or simply ignored the extreme deleterious effects of this project on Fresno Air Quality.

I am deeply concerned about the extremely serious degradation of our Fresno air quality that this project would cause. The use of explosives to mine rock sends an enormous amount of rock duct into our air, as well as the airborne chemical products of the explosives used. There is no way to mitigate that result, so the blasting must not be allowed to occur.

7) Fresno already has some of the worst air quality in the United States. My neighborhood has families with young children, and it's very well known that poor air quality has negative effects on the brain development of children such that it lowers their IQ's.

Response 532-6

The Draft EIR adequately evaluates potential air quality impacts in Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). As discussed in Section 4.3, most dust generated by construction and mining activities, including blasting, consists of particles larger than 4 microns, which are too large to reach the alveoli of the lungs. The commenter's assertion that impacts cannot be mitigated is not supported. Implementation of mitigation measures, including Mitigation Measures 4.3-2b and 4.10-1, would reduce particulate emissions and associated health risks to less than significant levels, as shown in Draft EIR Table 4.3-25, "Mitigated Project Health Risk Impacts." Since preparation of the Draft EIR, the Operator has prepared a Fugitive Dust Control Plan consistent with Mitigation Measure 4.3-2b.

In addition, the air quality technical analysis was updated to clarify and expand upon the information presented in the Draft EIR, as documented in the *Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3). This updated analysis includes a prepared dust control plan and additional health risk modeling, and demonstrates no new impacts and no changes to the findings of the Draft EIR. See also Draft EIR Table 4.3-24, "Unmitigated Project Health Risk Impacts," and Table 4.3-25, "Mitigated Project Health Risk Impacts," as they have been updated in the Final EIR at Appendix D-4, "Revised Section 4.3, Air Quality." See also Collective Response #9 for further discussion of air quality impacts.

Comment 532-7

So I respectfully request that you all in your power to reject any proposal of CEMEX to continue its mining of the San Joaquin River in order to protect the lives of those of us who live in the wide Fresno Area.

Response 532-7

The commenter's opposition to the project and request for denial of the project is noted and will be considered by County decision-makers.

Letter #533 March 10, 2025, Dinora Mendoza

Comment 533-1

I am writing to formally express my opposition to the proposed CEMEX Rockfield Expansion Plan as I have serious concerns regarding its potential negative impacts on the local environment, community, and public health.

First, I would like to highlight the environmental concerns associated with the expansion. The increased extraction of natural resources and the expansion of industrial activities at the Rockfield site could lead to significant ecological damage. The loss of wildlife habitat, the risk of air and water pollution, and the disruption of local ecosystems are all significant issues that need to be carefully considered. I believe the potential environmental consequences far outweigh the benefits that this expansion may bring.

Response 533-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential impacts to wildlife habitat and local ecosystems are addressed in Draft EIR Section 4.4, "Biological Resources." The issues or air and water pollution are addressed in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.10, "Hydrology and Water Quality," respectively.

Comment 533-2

In addition to environmental concerns, the expansion could also negatively affect the wellbeing of local residents. The increased traffic, noise, and dust from quarrying operations would significantly disrupt the peace and quality of life for people living nearby. Furthermore, the potential health risks associated

with exposure to airborne particulates and other pollutants are a real concern that must be taken seriously.

Response 533-2

The project's potential effects on traffic and noise are discussed in Draft EIR Section 4.17, "Transportation," and Draft EIR Section 4.13, "Noise," respectively. Public health effects associated with air pollution are discussed in Draft EIR Section 4.3, as updated in the Final EIR (see Appendix D-4, "Revised Section, 4.3 Air Quality"). CEQA does not regulate or require evaluation of social or psychological effects, including generalized quality-of-life concerns—unless those effects are directly tied to an adverse physical change in the environment.

Comment 533-3

Finally, I urge you to consider the long-term sustainability of the region. The proposed expansion risks compromising the natural landscape and resources for future generations. While industrial growth is important, it should not come at the expense of preserving the health of the local environment and community.

Response 533-3

Cumulative impacts of the project are evaluated in Draft EIR Chapter 5, "Cumulative Impacts." Additionally, effects on the appearance of the landscape are noted in Draft EIR Section 4.1, "Aesthetics and Visual Resources."

Comment 533-4

I respectfully request that you reconsider moving forward with the Rockfield Expansion Plan and explore alternative solutions that prioritize both economic development and environmental protection. Engaging with the local community and conducting more thorough environmental impact assessments could help to ensure that the needs of both industry and the public are met in a balanced and responsible manner.

Thank you for your attention to this matter. I look forward to your response.

Response 533-4

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of reasonable alternatives to the proposed project. See Collective Response #1 regarding the provision of additional analysis.

Letter #534 March 3, 2025, Dale Merrill

Comment 534-1

I want to voice my strong opposition to the proposed CEMEX 100 year agreement. I am a frequent hiker and trail rider in the Ball Ranch and Sycamore Island river front and strongly feel that the CEMEX would ruin this wonderful public resource.

Response 534-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #27 regarding operational impacts on users of nearby parks and trails. See also Draft EIR Section 4.16, "Recreation," regarding the project's potential impact on Ball Ranch.

Letter #535 March 10, 2025, Diane Merrill

Comment 535-1

I am a longtime Fresno resident and also a longtime supporter of the San Joaquin River Parkway. My family and I have and enjoyed outdoor recreation along the San Joaquin River for many years.

The San Joaquin River corridor is a valuable, nearby, and accessible outdoor recreation area for Fresno County residents, especially for those in the Fresno/Clovis metropolitan area.

The proposed Cemex Rockfield Expansion Project would be located next to Lost Lake Park, and not far from other recreation areas along the San Joaquin River.

Response 535-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." Additionally, the project's potential impact on Lost Lake Park is discussed in Draft EIR Section 4.16, "Recreation." See also Collective Response #27 regarding the project's operational impacts on users of nearby parks and trails.

Comment 535-2

I am very concerned about the negative impact the project would have on air quality in the San Joaquin River area and the people who live, work or enjoy recreation along the San Joaquin River.

Fresno County has a serious air quality problem with particle matter 2.5 pollution. The San Joaquin Valley Air Pollution Control is taking steps to reduce particle matter 2.5 pollution and to

alert residents when pollution levels are high. **CEMEX's proposed project has the potential to significantly increase PM 2.5 pollution in a popular outdoor recreation area near the Fresno/Clovis Metropolitan area.**

The U.S. Environmental Protection Agency has an information piece entitled Particulate Matter (PM) Basics. It states that: "Particulate matter contains microscopic solids or liquid droplets that are so small that they can be inhaled and cause serious health problems. Some

Response 535-2

The issues of particulate matter emissions and associated health effects are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). See Collective Response #9 regarding the project's potential impact on the region's existing poor air quality.

Letter #536 March 10, 2025, James Minton

Comment 536-1

I am a 40 year resident of Clovis, California and I appreciate the opportunity to submit comments on the Draft Environmental Impact Report for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with this project approval.

1) Impacts on the San Joaquin River Watershed

My residence is reasonably close to the Cemex plant. I have drilled 4 wells on my rural property, chasing an ever declining water table. What will be the impact of continuously pumping water out of a 600' hole near the river? Will all that water pumping further deplete an already impacted water table? An environmental impact statement for CEMEX needs to address impacts to our limited underground water supply.

Response 536-1

The project's potential to impact local groundwater wells and affect nearby domestic wells is evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." See Impacts 4.10-8 through 4.10-13 beginning on Draft EIR page 4.10-102. The comment is noted for the consideration of the decision-makers.

Comment 536-2

2) Air quality and dust emissions

Working as an Allergist in this highly polluted air basin, I have seen first hand the impacts of air pollution. One in 4 children in our county have asthma and numerous studies link proximity to busy streets and freeways with asthma severity. The emissions of diesel trucks and dust contribute enormously to the disease burden of our children. The Cemex plant is a major contributor of these emissions.

Response 536-2

The project's potential operational air quality impacts are evaluated in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). See also Collective Response #9 regarding the project's potential impact on the region's existing poor air quality.

Comment 536-3

3) Biological Resource impacts

Clear cold water is essential to fish habitat, including restoring Salmon to the San Joaquin River. Loss of the fishery impacts the entire riparian ecosystem, including the birds and even river otters that rely on fish. I kayak the San Joaquin river almost weekly and see these beautiful birds including Bald Eagles, Swainson's hawks and Osprey on a regular basis. What a tragedy it would be for these birds to disappear from our area due to noise pollution and water quality degradation.

Response 536-3

The project's potential impacts to biological resources are evaluated in Draft EIR Section 4.4, "Biological Resources." See Impact 4.4-1 beginning on Draft EIR page 4.4-48 for discussion of potential impacts to fish and wildlife species on the project sites and Impact 4.4-2 beginning on page 4.4-52 for discussion of potential impacts to species in riparian areas surrounding the project sites. See Collective Response #12 regarding salmon restoration efforts in the San Joaquin River. See also Collective Response #14 regarding Swainson's hawk and Collective Response #15 regarding potential impacts to birds aside from nesting disturbances. Finally, see Collective Response #16 pertaining to vibration and water quality impacts to salmon spawning. The comment is noted for the consideration of the decision-makers.

Comment 536-4

4) Traffic and noise concerns

I live on Behymer Ave which is a busy and narrow 2 lane road. As Clovis subdivisions are rapidly approaching Behymer, this congestion will increase markedly. I already see numerous CEMEX trucks traveling this road, adding to the noise and congestion. The limited infrastructure in this area does not support expansion of the CEMEX plant.

Response 536-4

The issues of traffic congestion and traffic noise are addressed in Draft EIR Section 4.17, "Transportation," and Section 4.13, "Noise," respectively. See Collective Response #29 regarding project truck trips, traffic congestion, and needed roadway improvements.

Comment 536-5

5) Cumulative Environmental Effects

In addition to air and noise pollution and impacts to local traffic, there is an even more important reason to not grant CEMEX a 100 year lease extension. This has to do with the limited opportunity for outdoor recreation in Fresno. The San Joaquin River is the only natural green space for our City. Having lived in areas such as Boulder, Colorado with extensive open spaces around the city, I have seen how access to natural areas impacts quality of life as well as improves property values. The Parkway trust should be allowed to expand the only natural area adjacent to our city for all to enjoy. Hearing the blasts and machinery noise from an expanded CEMEX plant is not compatible with creating a natural area space for all of our area residents to enjoy!

Response 536-5

See Collective Response #18 regarding the project's consistency with the Parkway Master Plan and Collective Response #21 regarding public access to recreational uses in the project area. The project's noise effects are addressed in Draft EIR Section 4.13. See also Collective Response #27 regarding the project's operational effects on users of nearby parks and trails. The comment is noted for the consideration of the decision-makers.

Comment 536-6

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long term

health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 536-6

See Collective Response #1 regarding additional analysis, enhanced mitigation measures, and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of reasonable alternatives to the proposed project. See Final EIR Chapter 2, "CEQA Public Review Process," for a summary of the public outreach and involvement conducted for the proposed project

Letter #537 March 10, 2025, Samai Munoz

Comment 537-1

Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval. 1. Impacts on the San Joaquin River WatershedThere are many different ways throughout the entirety of the project that creates a negative impact on the watershed, river, and water in the area. Some are labeled as LTS or PS but in context of our type of environment, no impact feels less than significant to me. Nor do I think it would be of very little significance to the people who enjoy recreation and nature in the area. And much much less do the animals that reside within the area that depend on the water. Even minor impacts can create ripple effects that magnify as they continue to impact places, people, and species.

Response 537-1

See Response 363-1.

Comment 537-2

2. Air Quality and Dust Emissions The air quality impact 4.3-2 is categorized as significant requiring a mitigation measure. The mitigation measure requires the use of water. But water impacts also require mitigation measures. There are layers of natural resources being negatively impacted and their solution is to use natural resources. For the amount of money being extracted out of these projects, very little has been invested in better measures to counteract the possible damage being done and it is apparent.

Response 537-2

The commenter's concern regarding the use of water for dust control and the potential for related resource impacts is acknowledged. As described in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), Impact 4.3-2 identifies potentially significant fugitive dust emissions, and Mitigation Measure 4.3-2b, the Fugitive Dust Control Plan, requires implementation of standard dust control measures to control dust emissions on unpaved roads and stockpiles, including the application of water, covering, and/or the application of chemical dust suppressants, to reduce impacts to less than significant levels.

Water use associated with dust control is accounted for in the project's overall water demand and is evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." As discussed therein, the project's water use, including water used for dust suppression, would not result in a significant impact on water supply or water quality with implementation of applicable mitigation measures. The commenter does not provide substantial evidence demonstrating that the mitigation measures identified in the Draft EIR would be infeasible or ineffective.

In response to comments on the Draft EIR, a Fugitive Dust Control Plan was prepared, which would be submitted to the Air District prior to project implementation. See Final EIR, Appendix K of Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment." See also Collective Response #9 regarding the project's air quality impacts and associated mitigation measures, including the Fugitive Dust Control Plan.

Comment 537-3

3. Cumulative Environmental Effects I find this report illuminating on the efforts to reduce impact to our natural environment, our region, and to our people and animals. It is appalling that from these reports there must be alternatives to the project including less years and less time on the site but yet the request is 100 years. The amount of time needs to be reduced significantly. It should also be re-evaluated often. The impact from this project if permitted, of 10 years could be in a magnitude that would ripple through generations. Please reconsider this project.

Response 537-3

See Response 363-3. See also Collective Response #5 regarding the duration of the proposed use permit.

Comment 537-4

I ask the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 537-4

See Response 363-1 through 537-3 and relevant collective responses.

Letter #538 March 10, 2025, Leticia Murrietta

Comment 538-1

This will serve to express my opposition to the proposed expansion of CEMEX. It is my understanding that if the proposal is approved, CMEX is allowed an additional 100 years of mining and the creation of a 600 foot deep mining pit caused by hard rock blasting. This activity poses a threat to our water quality and impacts fish and wildlife according to experts.

Please do not approve the proposal.

Response 538-1

The commenter's opposition to the proposed project is noted for County decision-makers. See Collective Response #5 regarding the duration of the proposed use permit. The project's potential impacts to water quality and fish and wildlife species are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality," and Section 4.4, "Biological Resources," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Letter #539 March 10, 2025, Jorge Negrete

Comment 539-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 539-1

The commenter's concerns are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures. The project's potential impacts to water quality, air quality, recreation, wildlife, hand hazards and hazardous materials are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.16, "Recreation," Section 4.4, "Biological Resources," and Section 4.9, "Hazards and Hazardous Materials. Please see Response 539-2 through 5.9-11 below for further discussion of the commenter's specific concerns.

Comment 539-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 539-2

See Response 349-2.

Comment 539-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 539-3

See Collective Response #17. See also Response 329-3.

Comment 539-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 539-4

Refer to Collective Response #26 and Response 484-6. As described in Collective Response #26, the data used in the Draft EIR was collected over a period that included both low and high flows. As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the project area. Collective Response #25 further demonstrates that Department of Water Resources criteria for interconnected surface water are not met at the project site.

Comment 539-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 539-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 539-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 539-6

Please see Collective Response #19 pertaining to public accessibility to parks. See also Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 539-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 539-7

Please see Collective Response #8 pertaining to the Draft EIR's visual resource impact analysis and mitigation.

Comment 539-8

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on how mitigation takes place is just one example of the inadequacy of the DEIR.

Response 539-8

Please see Collective Response #29 pertaining to project traffic. Please see Collective Response #30 pertaining to roadway safety.

Comment 539-9

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 539-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 539-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 539-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (see Draft EIR pages 4.4-49 through 4.4-50). The Western red bat was not observed on site during the habitat assessment, and only moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). In any event, blasting activities would be brief and are not expected to result in sustained or long-term impacts. A typical blasting event would occur for approximately one to two seconds. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR therefore fully and adequately evaluated the impact on each of these species.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Section 4.4 of the Draft EIR does not need rewriting or recirculation.

Comment 539-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 539-11

With implementation of the mitigation measures provided in this EIR, the project would not result in significant impacts to the San Joaquin River, wildlife, public safety, or air quality. The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the potential environmental impacts of the proposed project and provides mitigation measures where necessary to reduce the severity of potentially significant impacts, in accordance with CEQA. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required.

Letter #540 March 10, 2025, Katharine Nelson

Comment 540-1

Thank you for allowing residents the opportunity to have input regarding the proposed expansion of the CMEX company mining expansion proposal in our beloved San Joaquin River valley.

Response 540-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See responses below that address specific issues raised in this comment letter.

Comment 540-2

I have lived in the nearby Woodward Lake neighborhood since moving to Fresno in 2016. We chose to live in this area of town specifically for the access to the beautiful river valley, which I continue to frequent almost every day. I know many people choose to live near there for the same reason. The whole Copper River

area has grown so much just since I've been here. The weekends are packed with fellow-outdoor lovers along the river valley walkways. I know the river valley contributes to our property values.

Response 540-2

The project's potential effect on the appearance of the area is discussed in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See also Collective Response #7 regarding evaluation of the project's potential economic effects in the Draft EIR. The comment is noted for the consideration of the decision-makers.

Comment 540-3

I am concerned of the environmental impacts that the new mining type and the depth of the pit will have to the area-both aesthetically and practically. I hope that the potential environmental impacts will be thoroughly investigated in terms of possible problems with water/ air quality and the negative impact on the wildlife (fish, birds and mammals that live in the area). And what will it look like?? I remember visiting Butte, MT and seeing the blight of the Berkeley Pit. It went from providing economic prosperity to a toxic lake that cannot support life.

Response 540-3

The project's potential effect on the appearance of the area and the potential effect on wildlife are discussed in Draft EIR Section 4.1 and Draft EIR Section 4.4, "Biological Resources," respectively. Additionally, the project's potential impact on air quality is discussed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). See also Collective Response #1 regarding additional analysis, enhanced mitigation measures, and transparency in the planning process. In addition, see Draft EIR Section 2.5.7, "Reclamation," for the planned reclamation of the mine after production ceases including allowing the Quarry Site excavation to fill with groundwater and rainfall creating a 108-acre, 100-foot-deep lake.

Comment 540-4

We have so little official "green space" in the Fresno area. I hope that all efforts have been made to investigate the potential harm to our beautiful gem of a river valley. Thank you for your thorough consideration.

Response 540-4

See Collective Response #1 regarding additional analysis, enhanced mitigation measures, and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of reasonable alternatives to the proposed project.

Letter #541 March 10, 2025, Kathie Nesbitt

Comment 541-1

I am writing regarding the CEMEX proposal to expand its mining operation on the San Joaquin River.

I am opposed to this project for a number of reasons:

(1) CEMEX, a Mexican company, is proposing this type of mining on the San Joaquin because it is illegal in Mexico.

Response 541-1

See Collective Response #4c regarding the proposed mining methods. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 541-2

(2) The project will go to a depth of 600 feet, which will destroy that part of the river both for recreation and wildlife habitat.

Response 541-2

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential effects on recreation and wildlife habitat are evaluated in Draft EIR Section 4.16, "Recreation," and Section 4.4, "Biological Resources," respectively. See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced here.

Comment 541-3

(3) The use of blasting for the mining will create intolerable noise for people within miles of the site, frighten pets and wild animals, and ruin the water quality.

Response 541-3

The effects of proposed blasting are evaluated in Draft EIR Section 4.13, "Noise," Section 4.4, "Biological Resources," Section 4.9, "Hazards and Hazardous Materials, and Section 4.10, "Hydrology and Water Quality." See also Collective Response #13 regarding the project's operational impacts, including blasting, on wildlife located in areas adjacent to

the project sites. See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced here.

Comment 541-4

(**4)** The mining will further prevent access to the river by Fresno area residents--there is already very little access to the river. We need more access to the river, not less.

Response 541-4

See Collective Response #21 regarding public access to the San Joaquin Rover.

Comment 541-5

(**5)** As the mining is proposed to last 100 years, it will inflict its damage for generations to come, which will have no opportunity to protect themselves and their environment from the project.

Response 541-5

The Draft EIR evaluates the effects of the proposed project throughout all operational phases and during and post reclamation. See Collective Response #5 regarding the duration of the proposed use permit.

Comment 541-6

(**6)** It appears that the current Environmental Impact Study has severely underestimated or simply ignored the extreme deleterious effects of this project on Fresno Air Quality. I am deeply concerned about the extremely serious degradation of our Fresno air quality that this project would cause. There is no way to mitigate the effects of the enormous amounts of rock dust that would be sent into our air by blasting.

(7) Fresno already has some of the worst air quality in the United States. This Cemex proposal would make it significantly worse.

So I respectfully request that you do all in your power to reject any proposal of CEMEX to continue its mining of the San Joaquin River in order to protect the lives of those of us who live in the wide Fresno Area.

Response 541-6

The project's potential impacts on air quality are evaluated in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air

Quality"). See also Collective Response #9 regarding the project's potential impact on the region's existing poor air quality conditions.

Letter #542 March 10, 2025, Peter Newell

Comment 542-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

1. Impacts on the San Joaquin River Watershed

Response 542-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 542-2

2. Air Quality and Dust Emissions

Response 542-2

The project's potential effects on air quality are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 542-3

3. Biological Resource Impacts

Response 542-3

The project's potential impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 542-4

4. Traffic and Noise Concerns

Response 542-4

The issues of traffic and noise are addressed in Draft EIR Section 4.17, "Transportation," and Section 4.13, "Noise," respectively. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 542-5

5. Cumulative Environmental Effects

Response 542-5

The project's potential cumulative effects are evaluated in Draft EIR Chapter 5, "Cumulative Impacts." The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 542-6

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 542-6

See Collective Response #1 regarding additional analysis, enhanced mitigation measures, and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of reasonable alternatives to the proposed project.

Letter #543 March 10, 2025, Christina Olague

Comment 543-1

My name is Christina Olague and I'm a concerned Fresno County resident. I was made aware that CEMEX is proposing a massive impact on our one and only San Joaquin River, which has already been called The Most Endangered River in America, according to American Rivers and Scientific American (source:https://www.scientificamerican.com/article/americas-most-endangered-river-san-joaquin-in-california/).

Response 543-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 543-2

I've also been made aware of the fact that Fresno has a massive gravel surplus, which is predicted to provide enough local gravel for Fresno's construction needs over the next 500 years, according to the California Geological Survey (source:https://fresnoland.org/2025/03/06/cemex-blast-mine/?utm_campaign=linkinbio&utm_medium=referral&utm_source=later-linkinbio).

Response 543-2

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 543-3

The impacts of this proposed projects do not offer any benefits to our local community and in fact impose great harm and duress to our one last and only local waterway. Why would any resident of our beautiful Fresno want to see natural waterways degraded any further? Why would anyone want to blast a crater, nearly twice as deep as Millerton lake, off the shores of our one and only endangered San Joaquin River, when there is absolutely no need for gravel?

As a voter, I firmly believe the CEMEX Company's profits and campaign donations should not have the glaring level of targeted sway over local city officials decision-making to this degree.

In summation, I absolutely oppose this proposed project and it's environmental impacts on our natural waterways.

Thank you for your time.

Response 543-3

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10. See also Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #544 March 10, 2025, Suzanne Olguin

Comment 544-1

I would like to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. This project will likely have substantially negative impacts on the surrounding environment/ecosystem. Aside from the actual damage to the land and waterways, the increased pollution, both air and noise, will be detrimental to the people that use the area and the animals that live there.

If this project is to move forward, it should be with all of those aspects fully considered and supported above all. We can't continue to put profits ahead of lives. Thank you for your time and consideration of these comments.

Response 544-1

The potential issues listed in the comment area evaluated in Draft EIR Section 4.4, "Biological Resources," Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, "Noise." The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #545 March 10, 2025, Patricia Oren

Comment 545-1

I am writing to formally express my opposition to the proposed 100-Year Permit for the CEMEX mining operation and to challenge the adequacy of the Draft Environmental Impact Report prepared for this project. The report, as currently drafted, does not sufficiently or accurately assess the environmental, ecological, and community impacts that this long-term operation will have on the San Joaquin River and surrounding areas.

Response 545-1

See Draft EIR Chapter 5, "Cumulative Impacts," for a discussion of the potential cumulative effect of the proposed project on the San Joaquin River and surrounding area. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 545-2

The impact on wildlife habitat, water quality, air pollution, noise pollution, groundwater depletion, cumulative environmental impacts, community health, all major concerns.

Response 545-2

The project's potential effects on wildlife habitat, water quality, and air pollution are addressed in Draft EIR Section 4.4, "Biological Resources," Section 4.10, "Hydrology and Water Quality," and Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). The issues of noise pollution and groundwater depletion are evaluated in Draft EIR Section 4.13, "Noise," and Section 4.10. The project's potential cumulative effects are discussed in Draft EIR Chapter 5, "Cumulative Impacts." Community health is addressed in relation to air pollution in Section 4.3 and in relation to exposure to hazardous substances in Section 4.9, "Hazards and Hazardous Materials."

Comment 545-3

I request that the Planning Department reconsider this permit in light of the inadequacies of the Environmental Impact Report and demand a more thorough environmental review before any decisions are made.

Response 545-3

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #1 regarding providing additional analysis of the project.

Letter #546 March 10, 2025, Eli Ortiz

Comment 546-1

Do not approve the mining expanding project. You're ruining the chance of future generations to enjoy our natural resources.

Response 546-1

No specific comments related to the adequacy of the Draft EIR were made. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #547 March 10, 2025, Hailey Owji

Comment 547-1

As a North Fresno resident ,living close to Proposed Cemex project area, We are against expansion of this project to lost lake. Some of major concerns are noise pollution ,water/river pollution ,air pollution , plus additional traffic on Friant , Copper and Willow Street. These are residential areas and Public safety will be jeopardized. We will appreciate ur attention to this matter.

Response 547-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The issues of noise pollution and water pollution are addressed in Draft EIR Section 4.13, "Noise," and Section 4.10, "Hydrology and Water Quality." The issues of air pollution and traffic are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.17, "Transportation." Public safety is addressed in Draft EIR Section 4.9, "Hazards and Hazardous Materials." See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced here. See also Collective Response #30 regarding traffic safety.

Letter #548 March 10, 2025, Sarah Parkes

Comment 548-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. The San Joaquin River Parkway has been an important and meaningful piece of my professional and personal life over the last 18 years, and I am committed to its continued preservation and to expanding opportunities for people in the San Joaquin Valley to experience its wonder and resources as I've been privileged to. I am deeply concerned about the proposed Cemex Rockfield Expansion Project's adverse and, in many cases, unreparable impacts on the San Joaquin River, the San Joaquin River Parkway, regional air and water quality, recreational opportunities, public safety, and wildlife. Additionally, I find many of the proposed mitigation measures inadequate and some impacts entirely lacking mitigation.

Response 548-1

The commenter's background and concerns are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures. Please see Response 548-2 through 548-18 below for further discussion of the commenter's specific concerns.

Comment 548-2

Impacts on the San Joaquin River Watershed and Water Quality

The proposed project involves mining operations adjacent to the San Joaquin River, including blasting and drilling a 600-foot deep pit. The DEIR acknowledges that the project will reduce river flows and recognizes the connection between groundwater and river water,

raising concerns about river water potentially flowing into the mining pit or reclamation pond (Appendix G-3).

- The DEIR fails to demonstrate how the project will comply with the Sustainable Groundwater Management Act (SGMA), particularly its requirement to prevent significant and unreasonable depletions of interconnected surface waters.

- It appears that the DEIR inadequately assesses how groundwater pumping and excavation will impact surface water flows and the river's beneficial uses. Additional study is necessary to fully understand how downstream water users and ecosystems will be impacted.

- What specific mitigation measures will be required of CEMEX to prevent reductions in river flows and ensure compliance with SGMA regulations, and how will they be monitored?

Response 548-2

The project's potential effects related to groundwater and surface water were evaluated within Draft EIR Section 4.10, "Hydrology and Water Quality," as well as within Appendix G-5, "Hydrology and Water Quality Analysis Report," and Appendix G-6, "Addendum to Hydrology and Water Quality Analysis Report," prepared by EMKO Environmental, Inc.

The potential for the proposed project to impede sustainable management of the groundwater basin is addressed in the Draft EIR in Impacts 4.10-9, 4.10-11, and 4.10-13. The Quarry Site and Plant Site would:

(a) Not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management of the basin, and
(b) Not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management (see Draft EIR, Appendix G-5, Section 2.2.1, pages 10 through 12 and Section 5.0, pages 55 through 57).

Further, Impact 4.10-11 determined that the project would not substantially decrease groundwater supplies during mining operations and after completion of reclamation at the Quarry Site, and thus the project would not impede sustainable groundwater management of the Basin (Draft EIR at pages 4.10-112 through 4.10-113). In addition, Impact 4.10-13 analyzed and determined that the Plant Site and Quarry Site would not impede sustainable groundwater management of the Basin, nor substantially interfere with groundwater recharge (Draft EIR at pages 4.10-114 through 4.10-115).

Please see Response 65-38 for further discussion of the project's consistency with the North Kings Groundwater Sustainability Plan. Please see Collective Response #24 for further discussion of groundwater monitoring and mitigation measures. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 548-3

Given that climate change is increasing the frequency and severity of extreme weather events, a significant concern is how CEMEX will prepare for and respond to major flooding events, such as the flood of 1997. If a flood causes the San Joaquin River to breach the levee and capture the quarry pit, it could permanently alter the river's hydrology, making future reclamation efforts nearly impossible.

- The DEIR must fully analyze the long-term consequences for water quality, habitat integrity, and downstream flood risks if the river captures the Quarry pit, providing detailed modeling and mitigation measures for this scenario. A comprehensive assessment should be conducted to evaluate these risks under various climate change scenarios.

- In the event of river capture, who will bear the responsibility for mitigation and restoration? What legally binding financial and logistical commitments has CEMEX made to ensure that taxpayers and local agencies are not left to cover the costs of remediation and flood control?

Response 548-3

See Response 6-116, which provides mitigation measures related to the slope stability of both project sites and the embankment of the Quarry Site. Additionally, as explained in Response 65-20 and Response 65-22, potentially significant effects or indirect physical changes, for example, related to extreme flooding, are not required to be analyzed or mitigated if those effects would be speculative. (CEQA Guidelines Section 15064(d)(3).) Finally, see Response 6-99, which explains that this unforeseeable event would result in an impact of the environment or other infrastructure (e.g., dam failure) on the project, not an impact of the project on the environment. See also Collective Response #17 for further discussion of flooding and river capture.

Comment 548-4

The geologic survey (Appendix F-1) indicates that the deepest groundwater level found was at 34 feet. Per the report, it appears that Tetra Tech conducted the study in August of 2021. During that month, Friant Dam releases averaged 260-280 cubic feet per second

per the USGS water monitoring tool. The DEIR should evaluate the groundwater data at different flow rates since the document admits the interconnectedness of ground and surface water at both the Plant and Quarry sites.

Response 548-4

In addition to the response below, see Collective Response #26, which provides for the groundwater data at different flow rates and see Collective Response #25, which provides analyses related to the interconnectedness of the San Joaquin River and groundwater.

The Stability Assessment of Perimeter Mining Slopes report prepared by Tetra Tech (2021b; see Draft EIR Appendix F-1) acknowledges that groundwater levels at the project sites are expected to be affected by the water levels in the San Joaquin River. Therefore, recent stream gauge reports from two San Joaquin River gauging stations located within the vicinity of the project were reviewed. Based on the reported river water levels, an interpolated river water surface elevation located 0.5 mile west of the project sites is approximately 280 feet. The elevation appears to correlate with the groundwater levels encountered in the Tetra Tech borings.

The intent of Tetra Tech's analysis was to determine if groundwater levels would have an impact on the temporary mining perimeter slopes. The project is designed to dewater to achieve a dry excavation. As such, groundwater would have no impact on the temporary mining perimeter slopes, and additional analysis of groundwater data under various flow rates is not warranted.

Comment 548-5

Section 4.4.9 of the Surface Mining and Reclamation Plan (Appendix B-1) provides a brief description of how explosives will be received, the equipment used, and the removal of unused explosives. This section states that dynamite will not be used but doesn't provide any information about the nature or type of explosives that will be used during blasting.

Response 548-5

The blasting agents that would be used are described in the Revised Hydrology and Water Quality Analysis Report, attached as Appendix G-5 to the Draft EIR, page 54. As described there, blasting agents typically used for hard rock mining include both an oxidizer and an accelerant. Oxidizers are generally nitrate-based compounds, such as ammonium nitrate. Accelerants are generally flammable liquids such as fuel oil or mineral oils. One of the most common blasting agents is ammonium nitrate/fuel oil, known as ANFO.

Comment 548-6

Further, the Vibra-Tech Blasting Protocols report (beginning on page 1245 of Appendix 2 PDF) summarizes blasting protocols and provides "best practices" for flyrock control and mitigating groundwater and surface water contamination. The report states that there should be an inventory of the types of explosive materials on site. Additionally, the report states that interaction between muck piles and storm water will be managed, but not how.

20) The DEIR inadequately analyzes the impacts of blasting as it does not specify the nature of the explosives that will be used. Fresno County should require CEMEX to complete a more thorough analysis of the impacts of blasting on water quality that includes detailed information on the types of explosives expected to be incorporated into the blasting plan.

21) The DEIR should also be more specific in HOW the interaction between storm water and blasted rock muck piles will be managed. How will the interaction between stormwater and blasted rock muck piles be managed to prevent contamination, erosion, and downstream impacts? What specific measures will be implemented to ensure compliance with water quality regulations?

Response 548-6

The blasting agents typically used for mining include both an oxidizer and an accelerant, generally in the form of nitrate-based compounds and flammable liquids. The Blasting Protocols required by Mitigation Measure 4.10-1 would ensure that blasting activities at the Quarry Site do not create a significant impact to the environment or nearby residences. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR section referenced here.

Comment 548-7

Impacts on the San Joaquin River Parkway

Table 4.16-1 includes out-of-date and incorrect information regarding recreation facilities near the project sites. In November 2024, the San Joaquin River Parkway and Conservation Trust opened Ball Ranch and Ledger Island under contract with the San Joaquin River Conservancy for public access 7 days per week. The current operating conditions are much more robust than described based on information dated to 2021. Additionally, both Sumner Peck

Ranch and the Coke Hallowell Center for River Studies are open daily for free public recreation access. The DEIR does not adequately analyze the impacts of the project based on current existing conditions of recreational facilities.

Response 548-7

Please see Collective Response #19 pertaining to public accessibility to parks. Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 548-8

The DEIR Project Objectives section (ES-3) includes a goal to "provide potential Parkway trail easements." The Surface Mining Reclamation Plan (Appendix B-1) references past discussions between CEMEX and the San Joaquin River Conservancy but lacks clarity on commitments and timelines.

The DEIR must provide greater clarity regarding the proposed trail development associated with the project. Specifically:

22) The timeframe and exact location of the trail must be clearly identified.

23) The San Joaquin River Parkway Master Plan (Buffer.3 policy) requires a 300-foot buffer between trails and active mining sites, separated by physical barriers. The DEIR must demonstrate how the proposed trails comply with this requirement.

24) Since the trail is being presented as a community benefit of the project, the DEIR must explicitly state that CEMEX is responsible for its construction and long-term maintenance. This aligns with the County's General Plan Policy TR-A1.15—"the County shall seek funding for construction and maintenance of bicycle facilities and trails."

Additionally, the DEIR should disclose:

25) What actions CEMEX is currently taking in collaboration with the San Joaquin River Conservancy to develop plans for trail easements.

26) The anticipated timeline for securing easements, finalizing designs, and initiating the construction of the trails described in the DEIR.

Response 548-8

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 548-9

I also have concerns about the noise impacts that will result from processing aggregate materials as well as blasting and drilling. The Plant Site and Quarry Site are in close proximity to public and private lands, providing recreational opportunities along the San Joaquin River. Today, a walk through Ball Ranch would expose you to the stark visual and aesthetic impacts of the processing equipment and the disruptive noise of rock crushing, negatively impacting the physical and mental health benefits of spending time in open spaces. When the processing equipment is moved to the quarry site, coupled with the noise from blasting and drilling, visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch will experience significant impacts from the project. Clearly, the project will negatively impact recreational amenities in proximity to the project. Additional analysis is needed to mitigate these impacts fully.

Response 548-9

Please see Collective Response #19 pertaining to public accessibility to parks. Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 548-10

Inadequacy of Proposed Mitigation Measures for Significant Unavoidable Impacts

The DEIR documents three significant and unavoidable impacts:

1. 4.1-1 and 4.1-2: Substantial effects on a scenic vista and visual character.

2. 4.17-1: Conflicts with transportation plans.

Impacts 4.1-1 and 4.1-2: The project will substantially affect a scenic vista and degrade the existing visual character or quality of public views. The proposed mitigation measure—staining exposed rock only after each phase is completed—is entirely inadequate, as it does nothing to minimize the visual degradation during the project's active lifespan. This represents an improper delay in

implementing required mitigation measures, which is not permitted under CEQA.

- Project neighbors, Parkway users, and the broader community should not be subjected to these significant impacts for the next 100 years; mitigation measures must be implemented proactively as impacts occur rather than deferred indefinitely.

Response 548-10

Please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation. Please see Collective Response #29 and Collective Response #30 pertaining to transportation impacts and mitigation and road safety.

Comment 548-11

Additionally, the DEIR states that significant and unavoidable impacts at two intersections cannot be fully mitigated due to uncertain funding and timelines for necessary improvements.

- The County must not approve a project with known, significant, and unavoidable traffic impacts without a clear timeline and guaranteed funding for necessary roadway improvements. The DEIR must clearly document financial assurances and timelines for road improvements required to mitigate the projects transporation [sic] impacts.

- Comprehensive contingency plans must be established to address increased congestion, and safety concerns for local residents, Parkway users, cyclists, and commuters.

- The DEIR should outline the specific measures that CEMEX will be required to implement to address roadway impacts, including damage to vehicles from falling rocks, broken windshields, and debris accumulation in bike lanes.

- There must be enforceable requirements for truck covering, roadway cleaning, and financial responsibility for road maintenance and repairs to ensure public safety and infrastructure protection.

Response 548-11

Please see Collective Response #29 pertaining to project traffic impacts and mitigation. See also Collective Response #30 pertaining to roadway safety.

Comment 548-12

Impacts on Air Quality

The DEIR's air quality analysis compares emissions from the proposed expansion to existing mining operations rather than a no-project scenario (4.3.3.3). I believe this analysis methodology minimizes the project's actual impact, especially since neither the Plant Site nor Quarry Site operations have previously undergone the CEQA process.

27) Fresno County should require further air quality analysis to establish a baseline that assumes no project rather than comparing emissions from the proposed expansion to existing conditions. It is appropriate to evaluate the project's full impact against a scenario where mining ceases to assess the project's true impact on air quality.

Response 548-12

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 548-13

Table 4.3-24 shows that the proposed project may exceed cancer risk thresholds, a potentially significant impact. The DEIR states that mitigation measure 4.3-2 will reduce this impact to a less-than-significant level.

28) The DEIR must state who will be responsible for monitoring CEMEX to ensure that mitigation measure 4.3-2 requirements are correctly implemented and what enforcement mechanisms will be put into place to ensure compliance, including what consequences CEMEX will face if it fails to meet these requirements.

Response 548-13

Please see Collective Response #11 pertaining to community cancer risk.

Comment 548-14

Impacts on Wildlife

The DEIR must be revised to fully assess the project's potential impacts on wildlife, including threatened and sensitive species, and to ensure compliance with state and federal protections.

29) The current analysis (Table 4.4-1) is too limited and may have overlooked species that could be significantly affected by the project. To capture all relevant occurrences of special-status species, Fresno County should require additional analysis, expanding the special-status search radius to the industry standard nine-quadrangle.

Response 548-14

Please see Response 65-4 and Final EIR Appendix E-6, "WRA Supplemental Biological Resources Evaluation Memorandum," for discussion of the scope of the California Natural Diversity Database (CNDDB) search radius. See also Chapter 3, "Draft EIR Errata," Section 3.2.5.4, "Errata to Draft EIR Section 4.4, Biological Resources," for revisions to the Draft EIR for the purpose of amplifying and clarifying information pertaining to baseline conditions of the project's biological resources.

Comment 548-15

- The mitigation measure for nesting birds 4.4-1c appears inadequate per the CA Department of Fish and Wildlife policies for protecting nesting birds. Several key concerns should be addressed:

  - There is a lack of clear, enforceable monitoring duration. The measure states that the biologist "may decide whether ongoing nest monitoring is warranted," which creates uncertainty and leaves too much discretion without a defined standard. The mitigation should specify the required monitoring frequency and duration if an active nest is found. Ongoing monitoring should be required.

  - The buffer zones mentioned in the DEIR are not adequate for certain sensitive species (Swainson's hawk and Bald eagle), particularly raptors or other large birds, which require larger species-specific buffers.

  - The DEIR must demonstrate compliance with applicable laws, including the California Endangered Species Act, the federal Endangered Species Act, and CDFW guidelines for species protection.

Response 548-15

As revised in Chapter 3, "Draft EIR Errata," Mitigation Measure 4.4-1c provides the following:

> If an active avian nest is discovered during the pre-construction clearance survey, mining and/or reclamation activities shall stay outside of a buffer recommended by the qualified biologist. Buffers may be as small as 100 feet around the active nest of non-status passerine species. For listed and raptor species, this buffer shall be expanded to 500 feet (minimum for raptors) and 0.25 mile for bald eagle or listed species such as Swainson's hawk. A qualified biologist shall be present to delineate the boundaries of the buffer area and monitor the active nest as detailed below to ensure that nesting behavior is not adversely affected by mining and/or reclamation activities. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, mining and/or reclamation activities within the buffer area can occur.

As revised in Chapter 3, "Draft EIR Errata," Mitigation Measure 4.4-1c provides the following criteria that define the amount and duration of nest monitoring that would be required if an active avian nest is located during a preconstruction clearance survey:

30) If an active nest is found and construction will need to occur within the recommended buffer the qualified biologist shall watch the nest for at least 1 hour prior to initiating mining and/or reclamation activities and continuing for at least 1 hour following the start of mining and/or reclamation activities to determine if the nesting birds are disturbed by construction activities. If the birds appear distressed or behave aggressively toward the construction, work will not occur within the buffer, and a greater avoidance buffer shall be implemented and observations by the biologist will continue. Once a suitable buffer has been determined to be effective, the biologist may decide whether ongoing nest monitoring is warranted.
31) If an active nest is found and construction will occur within the specified buffer for the active nest for multiple weeks, the nest shall be checked on the first day as described above, while establishing a suitable buffer. Subsequently the nest shall be checked at least twice per week to determine if its status has changed. The biologist shall then recheck the nest a week after mining and/or reclamation activities have ceased in the focal area to note the status, e.g., if the nest remains active.

32) If the nest of a listed or fully protected species is found within the survey buffer, and work will need to occur within that buffer, CDFW will be notified for coordination of any additional monitoring recommendations.

The biologist would be required to observe and monitor an active avian nest (if located) for a minimum of 15 minutes during construction activities. If the birds appear distressed, the Biologist would establish a greater avoidance buffer zone between the nest and the construction activities. The biologist would have the discretion to determine whether future monitoring is necessary based upon the behavior of the nesting birds. (Draft EIR 4.4-51 through 4.4-52.) Mitigation Measure 4.4-1c would require at a minimum that the biologist check on an active nest on a weekly basis in the scenario where construction would occur within 300/500-ft of the nest for multiple weeks. See Response 65-15 for a discussion of the sufficiency of the buffer zones for nesting birds and raptors.

The proposed project would continue to comply with all applicable state and federal laws associated with species protection. The CDFW guidelines for species protection are not mandated by CEQA.

Comment 548-16

The analysis of the impacts on fish is based on Alaska Department of Fish and Game standards for the Proper Protection of Fish, resulting in a finding that the impacts will be less than significant, with no mitigation required. Additionally, the DEIR lacks analysis of how deeper mining could impact river flows and, consequently, spring-run Chinook salmon.

33) The County must not rely on Alaska standards to assess impacts on California rivers unless it can be demonstrated that the site conditions under which those standards were developed are directly comparable to the existing conditions of the San Joaquin River.

34) CEMEX should be required to conduct a more thorough analysis of how deeper mining could affect river flows and the potential consequences for spring-run Chinook salmon, ensuring that the evaluation is based on site-specific data and California-relevant standards.

Response 548-16

Please see Response 65-13 for discussion of the adequacy of the Alaskan Blasting Standards for evaluating potential impacts to fish in the San Joaquin River.

The Draft EIR analyzes the project's potential impacts to San Joaquin River flows through the alluvium and weathered rock, and concludes that this impact would be less than significant (see discussion of Impact 4.10-12 on Draft EIR pages 4.10-113 through 4.10-114). The proposed project would not significantly impact spring-run Chinook salmon (Draft EIR page 4.4-63).

Comment 548-17

Delayed Mitigation Measures and Production Threshold Concerns

The DEIR fails to ensure that the critical mitigation measures will be implemented in a timely manner, as some are only triggered when CEMEX reaches the 3.0 million tons (MT) production threshold. This raises serious concerns:

- There is no guarantee that CEMEX will ever reach the 3.0 MT threshold, meaning these mitigation measures could be indefinitely delayed or never implemented at all.
- Mitigation must be tied to actual environmental impacts rather than production levels. The County must require that these measures be implemented based on cumulative impacts over time, not conditional production milestones.
- A clear enforcement mechanism must be established to ensure that all necessary mitigation measures are carried out, regardless of whether CEMEX reaches the specified production levels.

Response 548-17

The comment incorrectly asserts that Draft EIR mitigation measures are triggered by a 3.0 million tons (MT) per year threshold. It is unclear which specific mitigation measure the commenter is referring to; however, to the extent the comment pertains to Mitigation Measures 4.17-1h, 4.17-1i, 4.17-1o, and 4.17-1p, these measures relate to traffic signal warrant analyses and potential signal installation based on those analyses. As described in the Draft EIR, the evaluation of these measures interpolates between analysis scenarios at 2.0 MT per year and 3.0 MT per year of production, with the trigger for conducting traffic signal warrant analyses occurring at approximately 2.65 MT per year based on that interpolation. These mitigation measures, as revised in Chapter 3, "Draft EIR Errata," would be incorporated into the Mitigation Monitoring and Reporting Program (MMRP) and overseen and enforced by the County.

To the extent the commenter is instead referring to reclamation activities, these are not mitigation measures triggered by a production threshold but are part of the project's

phased operations. Reclamation at the Quarry Site would occur upon completion of Phase 2 mining, and reclamation at the Plant Site would occur at the end of Phase 2, anticipated within approximately 30 years. The Draft EIR adequately addresses reclamation activities in compliance with CEQA.

Comment 548-18

Given the significant environmental, public safety, and community concerns outlined, the DEIR fails to assess the project's long-term consequences adequately. The San Joaquin River, its fragile ecosystems, and the residents and visitors who depend on it for clean air and water deserve a far more rigorous evaluation. Fresno County must require additional analysis, enforce stronger mitigation measures, and secure binding financial commitments from CEMEX before considering project approval. However, the best course of action is to reject this project outright—preventing irreversible damage to the San Joaquin River and the Parkway and avoiding the creation of a 600-foot-deep scar that will outlast generations. The County has a choice: allow this project to permanently alter the landscape or take action now to ensure these lands are restored for future generations. Reclaiming these lands today would leave a far better legacy than a deep, abandoned pit.

Thank you for your time and consideration of these comments, questions, and requests.

Response 548-18

The commenter's concerns and requests for additional analysis or for denial of the project are noted and will be considered by County decision-makers. Please see responses above regarding specific issues raised in the comment letter.

Letter #549 March 10, 2025, Pearson Family

Comment 549-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 549-1

The commenter's concerns are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the

adequacy of the Draft EIR or mitigation measures. Please see Response 549-2 through 549-11 below for further discussion of the commenter's specific concerns.

Comment 549-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 549-2

See Response 349-2.

Comment 549-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 549-3

See Collective Response #17 related to bank stability and flooding.

Comment 549-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 549-4

Refer to Collective Response #26 and Response 484-6. As described in Collective Response #26, the data used in the Draft EIR was collected over a period that included both low and high flows. As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the project area. Collective Response #25 further demonstrates that

Department of Water Resources criteria for interconnected surface water are not met at the project site.

Comment 549-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 549-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 549-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 549-6

Please see Collective Response #19 pertaining to public accessibility to parks. Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 549-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 549-7

Please see Collective Response #8 pertaining to the Draft EIR's visual resource impact analysis and mitigation.

Comment 549-8

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on how mitigation takes place is just one example of the inadequacy of the DEIR.

Response 549-8

Please see Collective Response #29 pertaining to project traffic. Please see Collective Response #30 pertaining to roadway safety.

Comment 549-9

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 549-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 549-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 549-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (see Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (Draft EIR pages 4.4-49 through 4.4-50).

The Western red bat was not observed on site during the habitat assessment; however, moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). As discussed in Chapter 3, "Draft EIR Errata," the Final EIR provides additional analysis of potential impacts to bats and adds Mitigation Measure 4.4-1d to require pre-construction surveys and measures to avoid or minimize impacts to active bat roosts. With implementation of Mitigation Measure 4.4-1d, potential impacts to bats, including the Western red bat, would be less than significant.

In any event, blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR, as revised in this Final EIR, therefore adequately evaluates potential impacts to the species discussed above.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Draft EIR Section

4.4, "Biological Resources," does not need to be rewritten or recirculated. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 549-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 549-11

The project would not result in significant impacts to the San Joaquin River, wildlife, public safety, or air quality. The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the potential environmental impacts of the proposed project and provides mitigation measures where necessary to reduce the severity of potentially significant impacts, in accordance with CEQA. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required.

Letter #550 March 10, 2025, Steven Pearson

Comment 550-1

Good day Mr Randall. We have not been prone to add our thoughts on local events, but with this project we see nothing but red flags.

We have lived in the Millerton area for almost 12 years now, and pass this location several times a week.

There is already an endless convoy of trucks on Friant Rd adding to traffic. The size and weight of these vehicles breaks down the road surface much faster than regular vehicle traffic. They play havoc on our cars, especially windshields, which we have had to replace on multiple times due to rock damage from these trucks.

Response 550-1

The issue of truck traffic is addressed in Draft EIR Section 4.17, "Transportation." See Collective Response #29 regarding the project's truck trips, traffic congestion, and road

maintenance. See also Collective Response #30 regarding vehicle damage from haul truck rock debris.

Comment 550-2

The size of the project is also concerning. A 600' deep pit? Really? And will they fill this pit back in when they're complete? And what with constant expansion of the city, and home building, this location will not be considered a remote location for much longer. It certainly appears that this will be within an area of city influence area soon.

Response 550-2

As described in Draft EIR Section 2.5.7.2, "Quarry Site Reclamation Plans," the Quarry Site excavation would be allowed to fill with groundwater and rainfall creating a 108-acre, 100-foot-deep lake. The issues of land use compatibility and consistency with applicable land use plans are discussed in Draft EIR Section 4.11, "Land Use and Planning." The comment is noted for the decision-makers.

Comment 550-3

The final thing that bothers us is the time frame that will be allowed for the expansion to operate. ONE HUNDRED YEARS is a ridiculous number. Do you really think that there will not be changes in even the next 5 or 10 years that should require a re-look or reassessment of the operation of this project?

We hope those involved with this decision will choose to act responsibly.

Response 550-3

See Collective Response #5 regarding the duration of the proposed use permit. The comment is noted for the consideration of the decision-makers.

Letter #551 March 10, 2025, Corona, Celeste Perez

Comment 551-1

As a frequent volunteer along the river, I write this letter to urge you to address the air quality, noise pollution, water pollution, and wildlife protection issues that the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project fails to consider effectively.

Response 551-1

The Draft EIR addresses the topics of air quality, noise pollution, and water pollution in Draft EIR Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.13 "Noise," and Section 4.10, "Hydrology and Water Quality," respectively. Additionally, it addresses wildlife in Draft EIR Section 4.4 "Biological Resources." See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections. The comment is noted for the decision-makers.

Comment 551-2

Regarding the air quality, what measures will Cemex take to ensure the air pollution they will be causing is minimized, and how can we hold them accountable as well as how can they hold themselves accountable?

Response 551-2

The issue of air pollution is addressed in Draft EIR Section 4.3, as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). Mitigation Measure 4.3-2b would require the Operator to prepare and implement a Fugitive Dust Control Plan including the use of water and chemical suppressants to prevent dust on roads and disturbed surfaces as well as Mitigation Measure 4.3-4, as updated in the Final EIR, requiring incorporation of design features to the proposed asphalt plant to control emissions. These measures would be enforced through annual reporting and County inspections.

Comment 551-3

Regarding noise pollution, Cemex already ruins the current natural space around them with their production noises. How can we hold them accountable to the noises they will be making during the process of the pit? Have they

Response 551-3

The issue of noise pollution is addressed in Draft EIR Section 4.13, "Noise." The comment describes existing conditions which are not required by CEQA to be evaluated in the Draft EIR. Draft EIR Section 4.13 provides Mitigation Measures 4.13-2 and 4.13-3 to reduce noise levels at the Plant Site and the Quarry Site, respectively. Mitigation Measure 4.10-1 is further provided to address anticipated groundborne vibrations resulting from proposed blasting. These measures would be enforced through monitoring as specified in the measures and through annual County inspections and noise complaints.

Comment 551-4

Have they considered how that will affect the wildlife? If so, how will they ensure the wildlife remains in the area?

Lastly, have they spoken to local ranchers and talked to them about the effects this will have on their cattle and other livestock? How will Cemex ensure the wildlife such as the fish, deer, birds, and critters aren't harmed? How will they hold themselves accountable, and how can we hold them accountable?

Response 551-4

The project's potential effects on fish and wildlife species are evaluated in Draft EIR Section 4.4. See Impact 4.4-1 beginning on Draft EIR page 4.4-48 for discussion of the project's effects on wildlife on the project sites and Impact 4.4-2 beginning on page 4.4-52 for discussion of effects on wildlife located in riparian areas surrounding the project sites. Multiple mitigation measures are provided to avoid or minimize impacts to sensitive wildlife species and include requirements for pre-construction surveys and avoidance measures monitored by a qualified biologist.

Comment 551-5

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected.

Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 551-5

See Collective Response #1 regarding additional analysis, enhanced mitigation measures, and transparency in the planning process. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of reasonable alternatives to the proposed project. The comment is noted for the decision-makers.

Letter #552 March 10, 2025, Alan Pinkerton

Comment 552-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. As a frequent user of the San Joaquin River

corridor between Friant and Sycamore Island, I have several concerns that I urge you to address prior to moving forward with approval.

The DEIR says that project emissions may exceed cancer risk thresholds. DEIR pg. 4.3-63. The DEIR says that because mitigation measures would reduce emissions, the DEIR did not evaluate population-wide cancer burden. DEIR at pg. 4.3-64. CEQA requires that the analysis be performed before taking into account implementation of mitigation measures.

Response 552-1

After mitigation, the cancer risk at the maximum exposed individual sensitive receptor (MEIR) decreases from the Baseline condition (i.e., cancer risk is a negative value demonstrating that the project would be a benefit). Accordingly, other locations would have even less cancer risk, demonstrating an even larger benefit in these other locations. Thus, the cancer burden, a measure summing effects from each census block, would show a benefit. Therefore, cancer burden was not calculated in the Draft EIR. Nevertheless, in response to air comments on the Draft EIR, the technical analysis was reviewed, and the analysis was updated to clarify and amplify the information described in the *Air Quality, Health Risk and Climate Change Impact Assessment*, (see Appendix D-3, Revised Air Quality, Health Risk and Climate Change Impact Assessment"). The analysis includes cancer burden modeling for the project and after mitigation. It demonstrates no new impacts and no changes to any of the findings in the Draft EIR. See also Draft EIR Table 4.3-24, "Unmitigated Project Health Risk Impacts," and Table 4.3-25, "Mitigated Project Health Risk Impacts," as they have been updated in the Final EIR at Appendix D-4, "Revised Section 4.3, Air Quality."

Comment 552-2

Inadequate analysis of the potential effects of the project on the state listed as threatened Swainson's hawk. With more than four dozen breeding season occurrence records of this species within 2 miles of the project site (eBird 2025) and numerous potential nest trees within 0.5 mile, the project could impact Swainson's hawk. Construction activities such as blasting, excavating, trenching, or using other heavy equipment that disturbs or harms a Swainson's hawk or substantially modifies its habitat could constitute a significant impact. To meet California Department of Fish and Wildlife (CDFW) recommendations for mitigation and protection of this species, protocol surveys would need to be conducted within a 0.5-mile radius around all project activities. If active nesting is identified within the 0.5-mile radius, consultation with that agency would be required.

Response 552-2

Based on the existing site conditions, the majority of the project area has been disturbed by decades of continuous mining operations, which therefore limit foraging opportunities for Swainson's hawks within the project boundaries. However, areas adjacent to the mining operations, such as fallow fields and open spaces, may offer potential foraging habitat. The project sites are located within the known nesting range of Swainson's hawk. Project implementation may result in the conversion or loss of marginal foraging habitat; therefore, Mitigation Measure 4.4-1c requires pre-construction clearance surveys for active avian nests which would reduce potential indirect impacts to the Swainson's hawk to less than significant. Please see response 58-36 and 58-38 for further discussion of the project's potential impacts to Swainson's hawk.

Comment 552-3

Mischaracterization of a regulated habitat. The Waste Wash Conveyance Ditch at the Plant Site likely qualifies as a stream, and diverting or obstructing its natural flow; altering its bed, channel, or bank; or depositing any material into this feature would be subject to provisions of California Fish and Game Code

Section 1600 et seq.

Response 552-3

The wastewater conveyance ditch is a pre-existing feature at the Plant Site and constitutes the CEQA Baseline (Draft EIR, page 4.4-4). This feature is a temporary feature that is part of the existing site design. Its purpose is to convey water from aggregate washing operations to the silt ponds, where the silts and fines are settled out. The wastewater conveyance ditch would be removed with mining. This feature does not meet the criteria for "waters of the state" and is not subject to Fish & Game Code Section 1600 et. seq.

Comment 552-4

Public Safety especially as it relates to the Quarry Site is a concern for the future once the site is abandoned. This could be analyzed under the Hazard category as the Fresno County General Plan Implementation Program HS-E.B includes a statement that "The County shall, as part of the development review process, ensure that new development does not create manmade safety hazards.

The public safety hazard that the quarry will represent after the project is complete 100 years or so from now (and maybe before) is a significant concern that needs further analysis and mitigation measures. With the stepped but vertical walls and a surface water elevation more than 400 feet below the trail elevation, the open

quarry will not be suitable for fishing, swimming, boating, kayaking, canoeing, floating or anything else. But it will be ATTRACTIVE, especially to preteens and teenagers. Rest assured fences that will keep people out. What will happen when one or more of the public falls into the pit or worse yet drowns in the pit after the site is abandoned? I question if the County Search and Rescue is trained and equipped to deal with body recovery in 400 feet of water.

Response 552-4

See Response 358-5 regarding public safety at the quarry pit. The project would comply with SMARA and Fresno County requirements pertaining to pit safety. CEQA focuses on a project's environmental impacts. The potential risk of trespassing does not involve any physical environmental impacts and thus would be outside the scope of the analysis required under CEQA.

Comment 552-5

The flood hazard analysis is limited to the FEMA 100-year floodway and floodplain and states the "the floodplain does not encroach into the Quarry Site" as shown on Figure 4.10-1.

The continued development of the berm between the river channel and the Quarry Site will constrain the river and will create a choke point especially at the north end of the Quarry Site where the easterly bank of the river is more vertical. According to the 100-Year Hydraulic Results found in the Hydraulic Analysis in Appendix G-1, the flood water surface elevation between Stations 20 and 21averages out to 313.27 feet. Without a constraining bank between Stations 20 and 21 on the east side of the river additional water flow will likely push to the east across the north side of the Quarry Site. The Executive Summary includes the following caveat: The Bureau of Reclamation owns and manages the dam, and, during unforeseen events, may be required to release water into the San Joaquin River at rates that could exceed the river channel capacity (Fresno County 2018a). This sounds like a highly likely "train wreck" to me.

Response 552-5

The 100-year floodplain does not enter the Quarry Site from stations 20 to 21. As discussed in Impact 4.10-17, the unforeseen event of the release of water from the Friant Dam or Millerton Lake Reservoir is not required to be addressed under CEQA because such releases are not reasonably foreseeable. In consideration of commenters' concerns pertaining to severe flooding events and in light of County Policy HS-C.12, Chang

Consultants evaluated the potential for the 200-year flood to enter the Quarry Site and Plant Site (see Appendix G-7, "200-year Flood Hazard Analysis – Quarry Site" and Appendix G-8, "200-year Flood Hazard Analysis – Plant Site"). Upon an initial evaluation, the modeled 200-year floodplain entered the quarry pit at stations 16, 19, and 20 by approximately two feet. To proactively prevent the possibility of a 200-year flood event from entering the quarry pit, CEMEX raised the northerly portion of the berms separating the San Joaquin River and Quarry Site up to approximately 4 feet with compacted fill. A topographic map was prepared to display the locations where the berms were raised and is included in the 200-year hydraulic analysis for the Quarry Site. Please see Collective Response #17 for further discussion of the 200-year flood analysis conducted for the Quarry Site, and see Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10, "Hydrology and Water Quality," and Section 4.11, "Land Use."

Comment 552-6

The threshold of significance used is inappropriate at this site. Noise along area roadways used by truck traffic already exceeds the General Plan normally acceptable standard of 60 dBA in residential areas. The threshold used doesn't make sense in an area where residents are already exposed to high levels of noise. Any increase of noise should be considered significant. See DEIR Table 4.13-6 at pg. 4.13-28 and Table 4.13-13 at [sic] starting at pg. 4.13-49.

Response 552-6

The rationale for the selection of thresholds used to assess the significance of increases in traffic noise exposure due to the project is provided on Draft EIR Page 4.13-32. These thresholds, which are based on Federal research into assessing project related noise level increases, have been used extensively in multiple EIRs prepared by the noise study authors, and, to the authors knowledge, have never resulted in an EIR failing to be certified as adequate. CEQA requires that a project-related increase in noise be substantial for a finding of potentially significant noise impact, not simply audible. As such, audibility is not a test of significance under CEQA.

Additionally, see Response 291-5, which addresses project-traffic noise impacts, including increases in ambient noise levels resulting from project heavy truck traffic.

Comment 552-7

Table 4.16-1 Recreation Facilities Near the Project Sites – Some of the table sources are dated to 2021. Several properties listed (namely Ball Ranch and Ledger Island) were not formally open to

the public then. These properties are now operated by the San Joaquin River Parkway and Conservation Trust under a contract with the San Joaquin River Conservancy. There is more public use of the sites under current conditions that the project should analyze.

The description of the San Joaquin Fish Hatchery does not fully encompass the recreational facilities available, including FINS and the Parkway Trail from the hatchery to Lost Lake Park. It is more than "limited public access" today.

The descriptions of Ball Ranch and Ledger Island do not encompass the current operational status of public access availability 7 days a week.

The descriptions of the River Center and Peck Ranch state public access by permission, which is not entirely accurate. The properties have regular operating hours and is open to the public daily.

As you can tell from my response I am concerned and adamantly opposed to extending any expanded and future use of the CEMEX Rockfield site on the San Joaquin River. Please add me to any future correspondence concerning the future of this proposal.

Response 552-7

Please see Collective Response #19 pertaining to public accessibility to parks, and please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

The commenter's concerns and opposition to the project are noted and will be considered by County decision-makers.

Letter #553 March 7, 2025, Chrisopher Pluhar

Comment 553-1

This letter constitutes public commentary of a local citizen on the subject draft EIR. I recognize that the Fresno area requires a local aggregate supply in order to maintain a local healthy economy and minimize the climate impacts of shipping large quantities of heavy low- value material large distances. However, the proposed project and its alternatives suffer from some important shortcomings. A useful comparison operation is Vulcan Materials' Austin Quarry, which does/will do much the same type of operation, but significantly: 1) Austin Quarry is not directly adjacent to one of California's largest rivers, 2) Austin Quarry is much further from significant population than the proposed activity.

Response 553-1

The commenter's input is noted and will be considered by County decision-makers. The comment does not address the adequacy of the Draft EIR. Please see Response 553-2 through 553-9 below for further discussion of the commenter's specific concerns.

Comment 553-2

Concerns:

Impact 4.10-1, 4.10-2, 4.10-3

Flood.

1) It is well known that 100-year-flood levels can change due to urbanization of a watershed https://www.sciencedirect.com/science/arJcle/pii/S002216941 8308242, other floodplain modifications https://onlinelibrary.wiley.com/doi/abs/10.1002/hyp.8261, and climate change https://nhess.copernicus.org/arJcles/17/2199/2017/. Our region is specifically predicted to experience increased flood extremes, e.g., https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1752-1688.2011.00546.x. The proposed project uses FEMA flood projections from 27 years ago and adjusts for local topographic change. These 27 years included all ten of the ten hottest years on record (https://journals.ametsoc.org/view/journals/bams/101/5/bams-d-19-0215.1.xml). Winter storms are expected to deliver increased proportions of rain compared to snow, meaning that past snowpack storage will be decreased and winter runoff increased. These well-known trends towards increased future flood hazard are not addressed by the EIR, though they are "reasonably foreseeable [sic]". A flood overtopping or eroding and breaching the buffer zone between the proposed quarry pit and the San Joaquin River would deliver sediment, equipment, and potentially hazardous materials directly to the river. This would not be an acceptable outcome.

Response 553-2

The San Joaquin River watershed tributary to the site is primarily rural and natural, so the hydrology is essentially the same as determined by the FEMA study. Under CEQA case law, CEQA generally requires analysis of a project's impacts on the environment, rather than the effects of the environment (including future climate change) on a project. See *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62

Cal.4th 369, 392-397. Accordingly, the Draft EIR is not required to evaluate the potential effects of future climate change on the proposed project. The buffer zone berm is higher than the 100-year water surface elevations, which would prevent overtopping breaching (see Draft EIR Appendix G-1, "Hydraulic Analysis"). The hydraulic analysis incorporated flood flow rates higher than the 1997 flood. The 1997 flood flow rate of 60,300 cfs is lower than the 100-year flow rate of 71,000 cfs studied for the project (Draft EIR Appendix G-1).

Comment 553-3

2) The draft EIR contains the following, completely-unsupported claim "*During historic flow events, including the January 1997 flood event of approximately 60,300 cfs, the existing easterly channel bank along the Quarry Site did not experience significant erosion and the bank has never breached into the Quarry Site.*" *The draft EIR apparently does not demonstrate that no erosion took place, and therefore any conclusions upon which this is based are speculative, such as the assertion that significant bank erosion will not occur during the project period of 100 years. An attempt should be made to measure historic channel erosion, which could be done with historical airphoto records.*

Response 553-3

As a part of geotechnical design studies for the proposed project, available historical aerial photographs dating back to 1957 were in fact reviewed by the geotechnical consultants as a part of the 2019 geotechnical investigation. (Draft EIR Appendix F-2, "Quarry Site Geotechnical Report," page 20.) While water levels within the channel were noted to vary, no significant changes to the eastern bank of the San Joaquin River adjacent to the project were interpreted from the reviewed photographs. The proposed project would include a horizontal buffer zone of 200 feet which would extend from the top of the existing river channel to the top of the planned mining slope easterly of the river side. The planned mining slopes within the soil cover would be excavated at a maximum gradient of 2(H):1(V). This gradient within the soil cover would provide an additional lateral buffer from the river channel to the anticipated groundwater surface.

The Flood Insurance Rate Maps No. 060044 and 065029 (Panel 1030 of 3525), prepared by the Federal Emergency Management Agency (FEMA, 2009, 2017), indicate that the westerly portion of the site adjacent to the San Joaquin River is located within Zone AE, i.e., determined base flood elevations from south to north along the western property limits of 307 feet to 311 feet. Analysis by Chang Consultants (2019) utilized more recent site topography from November 2018 and concluded that the November 2018 site grades

and planned quarry expansion comply with local, state, and federal floodway and floodplain regulations, with no significant flood risk for the project.

Comment 553-4

Impact 4.7-3, 4.7-4, & 4.7-07

Soil slope stability

Upon dewatering the site, hydraulic head between the San Joaquin River and the quarry will substantially increase, causing the flow of water through the buffer to increase, potentially triggering sapping/piping of higher-permeability soil zones and triggering slope degradation by that mechanism. This will be exacerbated by proposed installation of water recharge trenches along the buffer between the river and the quarry. Piping/sapping problems are well-known to trigger river levee failures by washouts as well as slope failure. The geophysical seismic logs span only a tiny fraction of the perimeter of the quarry site and could easily miss some variations in the depth of soil-bedrock interface that may be significant in this regard. In addition, the lateral variation in alluvial soils means that it could be easy to miss zones of preferential groundwater/soil piping/sapping problems. Additional geophysical surveying along the entire perimeter between the river and quarry site, including groundwater-sensitive techniques such as resistivity, would be important to identify problem areas. Groundwater cutoff walls should be considered to mitigate the potential sapping/piping problem as well as groundwater infiltration to the quarry site.

Response 553-4

Groundwater modeling for purposes of slope stability analysis and as a means of controlling seepage related conditions during mining were based on the well data available at the time of the investigation in 2018-2019 (see Draft EIR Appendix G-4, "Groundwater Conditions at the Quarry Site"). A program of groundwater monitoring for purposes of verifying conditions during the planned mining was provided to CEMEX in 2021 (Tetra Tech 2021b). Consideration for piezometer installation and aquifer testing was made and included within the investigation report. While the subsurface geologic data and the groundwater data at the time of the investigation did not cover all areas of the project, the distribution of data, particularly along the western edge of the site adjacent to the San Joaquin River, is considered adequate to meet the intent of the geotechnical design and the standard of care for similar projects. The additional groundwater data to be obtained during the planned mining would be used as a basis for updating the site geologic and hydrologic model and for analyses supporting future

mining. These data, and the results of the analyses, would be provided to the Operator for their use in mining planning as well as the need for modifications to the groundwater monitoring system.

The comment suggests groundwater cutoff walls to mitigate potential sapping/piping; however, this is not necessary because sapping/piping is not possible in granitic bedrock due to its massive, intact, competent nature. The overlying weathered bedrock and alluvium are not within the zone of the groundwater flow (Ken D. Schmidt and Associates 2021); therefore, groundwater flow-induced mechanisms (i.e., sapping/piping) are not applicable.

Comment 553-5

Impact 4.7-3 & 4.7-07

Rock slope stability

Kinematic analysis can reveal slope instability that occurs from rock discontinues, such as fractures, foliation, and/or faults. Elements in the draft EIR:

- "*The geological data obtained from ROC-1 through ROC-7 could not be utilized for kinematic analyses due to the absence of the dip directional information. The geological data obtained from MW-5D through MW-7D also could not be utilized for kinematic analyses due to the absence of both the dip angle and dip directional information. Only geological information obtained from the 4 geophysically logged borings MW-1D through 4D are available for kinematic analyses. Although helpful, this information is not considered sufficient to support developing meaningful or reliable kinematic models for stability evaluation of the planned mining slopes for the mining area extending over 280 acres*".

- "*It is our opinion that groundwater monitoring data reported on December 14, 2018 are based on open standpipe data and therefore do not provide information about the continuity of the groundwater flow, distribution of aquifers and aquitards, and consequently they do not provide the key information for the pore pressure distribution within the slope stability model. Therefore, the pore pressure distribution for the slope stability model was "backcalculated" as to provide an acceptable Factor of Safety for the proposed slopes.*

  This "backcalculated" groundwater regime/pore pressure distribution will need to be verified either by focused field

investigation consisting of installation of piezometers and permeability packer tests prior to the commencement of the mining operations, or by development of a mitigation plan combined with implementation of a monitoring program during mining." In other words, critical elements of the slope stability, pore water pressures, are not known, but values were inserted into the calculations to give acceptable answers. Elevated pore water pressure is typically the proximal cause in slope failures.

- Abundant rock fractures occur within the granitic bedrock at a wide range of orientations:
    - ROC-1 89 fractures in a 253 P deep borehole, averaging 1 fracture per 2.8 P
    - ROC-2 42 fractures in a 228 P deep borehole, averaging 1 fracture per 5.4 P
    - ROC-3 30 fractures in a 208 P deep borehole, averaging 1 fracture per 6.9P
    - ROC-4 56 fractures in a 203 P deep borehole, averaging 1 fracture per 3.6 P
    - ROC-5 34 fractures in a 217 P deep borehole, averaging 1 fracture per 6.4P
    - ROC-6 152 fractures in a 260 P deep borehole, averaging 1 fracture per 1.7 P
    - ROC-7 38 fractures in a 208 P deep borehole, averaging 1 fracture per 5.5 P

  MW boreholes also contain significant fractures. This highlights the possibility of wedge failure at a much wider variety of orientations than those analyzed, as show in the "MW" borehole kinematic analyses – every intersecting arc is a potential wedge failure. The boreholes sample only a vertical section with no lateral extent, while the project excavation will have a very long lateral extent, exposing any and all fractures that are not parallel to the rock slope.

Other facts

- Unloading a rock mass by excavation by the proposed large amount is known to trigger fracturing in bedrock as the stress state of the material is substantially altered. This would

enhance the number, length, aperture, interconnection, and groundwater conductivity of the fracture network, all of which would reduce slope stability.

- Significant DEIR space is devoted to the strength of the granitic rock mass. This is only important for "rock bridges" in between the rock fractures. To first order, the rock mass is held in place by friction on the rock fractures and the strength of the rock bridges.

As such, the proposed slope stability design is largely speculative. Given the large potential negative impact of a slope instability compromising the buffer between the San Joaquin River and the quarry, this seems unacceptable. "groundwater regime/pore pressure distribution" should be measured in order to adequately address slope stability concerns. The kinematic analyses should also include the spatial variation of factors of safety in the modeled slopes.

Response 553-5

Slope stability was evaluated along four sections considered representative of geologic conditions for the planned perimeter mining slopes at the completion of mining. The slope stability analyses initially utilized strengths associated with fractures and foliations of the involved earth materials based on published relationships and engineering judgment and groundwater conditions associated with anticipated partly saturated slopes. Following the peer review, the analyses were updated with rigorously determined shear strengths for the intact granite based on Hoek et al. 2002 and assuming an extremely conservative, fully saturated slope groundwater condition. This range of assumptions in the slope stability analyses reliably covers the anticipated slope conditions. Results of the slope stability analyses using both methods indicated factors of safety meeting the project criteria and standard of care.

Although no kinematic analyses were performed due to the absence of necessary data, this aspect was well recognized and discussed in the design documents contained in Draft EIR Appendix F-3 (Tetra Tech 2021a, page 8) and a procedure for addressing the kinematic stability was included. The procedure would include mapping and assessing of the actual mining slopes during the early stages of the mining, with field surveys occurring every six months initially. Because mining would commence within the central portion of the Quarry Site, the kinematic model would be available long before the mining expands to the mining slope limits, which would provide sufficient time for updating and revising the geologic model and associated slope stability analyses and applying them to the final perimeter mining slopes and allowing slope configuration

changes, if necessary. Although unlikely given the massive nature of the granite bedrock, if kinematic instability is present, it would manifest during the early stages of mining and would be addressed by simply modifying the final benching and slope configuration.

Comment 553-6

Impact 4.7-11

Paleontology

The draft EIR states "*No known fossil localities in the project area from the Natural History Museum of LA County vertebrate collections (McLeod 2017, 2019, cited in Appendix F-2). The closest Natural History Museum of LA County locality on record (LACM 7254) occurs in older Quaternary deposits 30 miles northwest of the project area and immediately northeast of Chowchilla.*" *In fact, a bison fossil was found along the San Joaquin River floodplain margin a few miles downstream from the project site (Dundas, Robert G., Yesenia Ibarra, Frederika J. M. Harmsen and Peter K. Van de Water (2009) Bison cf. B. latifrons from the Late Pleistocene Broach Locality, Fresno, California. Current Research in the Pleistocene, v.26, pp.149-151), highlighting the need for the paleontological mitigation, and suggesting that a more-thorough literature review may be needed.*

Response 553-6

Draft EIR Section 4.7.1.3, "Paleontological Resources," on pages 4.7-12 through 4.7-14 provides a comprehensive discussion of paleontological resources occurrence and potential for presence within the project sites. Draft Impact 4.7-11 on pages 4.7-39 through 4.7-41 provides a detailed discussion of potential project impacts to paleontological resources identifying the potential for mining operations and reclamation activities to destroy paleontological resources within the remaining alluvial aggregate at the Quarry Site, similar to the Plant Site, and requires the implementation of Mitigation Measure 4.7-11 at both the Plant Site and Quarry Site. Mitigation Measures 4.7-11, on Draft EIR pages 4.41 through 4.7-43 provides detailed requirements for a paleontological resource impact mitigation program and determined to be sufficient to reduce potential impacts to less than significant. Notwithstanding potential occurrences of fossils outside of the project area that may have been or may in the future be discovered and documented, the Draft EIR sufficiently identifies the potential for paleontological resources encounter and provides effective mitigation to ensure significant impacts would be avoided. The comment does not provide evidence of a deficiency in Mitigation Measure 4.7-11 and no additional literature review of modifications to the measure are needed to ensure the measure's effectiveness.

Comment 553-7

Impact 4.10-10, 4.10-12

Groundwater Impacts

Recharge ditches are proposed to return dewatering water to the subsurface along the west side of the quarry site, adjacent to the San Joaquin River. Thus, some would flow through the subsurface into the river, and some would move back into the quarry. This activity would artificially raise the water table in this area, exacerbating the possibility of slope instability and piping/sapping erosion described above.

Response 553-7

Paleontological resources are considered to be older than recorded human history and/or older than the middle Holocene period (older than 5,000 years). As acknowledged in the Draft EIR and as the commenter suggests, hundreds of fossil plant and vertebrate localities have been reported throughout the San Joaquin Valley. Draft EIR Appendix F-2, "Quarry Site Geotechnical Report," provides a Paleontological Memorandum which assessed the paleontological sensitivity of geologic units exposed at the ground surface and potentially in the project vicinity and the record searches can be found in detail within Appendix F-1, "Plant Site Geotechnical Report." As discussed in Impact 4.7-11, and since no known fossil localities were found in the project area, mining operations, excavation, and ground disturbing reclamation activities have the potential to destroy paleontological resources and therefore, could cause potentially significant impacts. With project implementation of Mitigation Measure 4.7-11 Paleontological Resources, the Operator would develop and implement a Paleontological Resource Impact Mitigation Program (PRIMP) to reduce impacts. The PRIMP requires that all mining operations be halted if a paleontological resource is encountered during earthmoving activities and notify Fresno County. With the implementation of Mitigation Measure 4.7-11 impacts would be less than significant.

Comment 553-7 does not provide substantial evidence the Mitigation Measure 4.7-11 would mitigate potential impacts to paleontological resources to a less than significant level.

Comment 553-8

Other

Public Safety and Wildlife

Quarry walls are proposed to be benched with 50-foot-high highwalls to a depth of 600 P below grade. If the mine site fills with water to the claimed level following operations, this would leave a public safety hazard in perpetuity as well as a trap for non-avian animals.

Response 553-8

See Response 358-5 regarding public safety at the quarry pit. With regards to potential impacts to wildlife after the completion of mining and reclamation, please refer to Impact 4.4-3 beginning on page 4.4-53 of the Draft EIR. The Quarry Site would have fencing around the perimeter of the property, which would reduce potential impacts to non-avian animals (see Draft EIR, Appendix B-1, "Surface Mining and Reclamation Plan," page 59).

Comment 553-9

The forgoing reasons, among others no doubt expressed by the public, indicates that additional planning and justification is needed for the proposed work or its alternatives. If the goal is to mine hard rock for aggregate, it may be done anywhere within a huge swath of the Fresno/Clovis/Madera area with much less impact. The proposed activity and alternative displays too many negative impacts or potential impacts.

Response 553-9

The commenter's concerns and suggestion that additional planning and justification is needed are noted. The Draft EIR provides an extensive discussion of the feasibility of offsite locations as an alternative to the proposed project and the ability of offsite locations to achieve the project objectives. As discussed in Draft EIR Section 6.4.2.1, "Alternative Site Locations," on pages 6-5 through 6-7, "[n]o specific location with the attributes necessary to accomplish the project objectives is known in enough detail to be identified as a specific alternative site to feasibly meet the project objective of developing a known high-quality aggregate deposit" and "relocating the proposed operation to another site in the region would introduce new impacts to a site with no previous aggregate mining activity." For these and other reasons detailed in the Draft EIR, an alternative location was properly rejected from further evaluation.

Letter #554 March 10, 2025, Pamela Pokrovsky

Comment 554-1

I have lived in Fresno my entire life. I would like to voice my concerns regarding the Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project.

This project poses multiple threats to the quality of life in the Fresno/Madera area.

Any projected benefits of this project are far outweighed by the harm and detrimental impact it will cause.

Response 554-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See responses below that address specific issues raised in this comment letter. However, the comment is noted for the consideration of the decision-makers.

Comment 554-2

It threatens the San Joaquin River, local water quality, air quality, public safety, wildlife, and public recreation.

Many of the proposed mitigation measures are not adequate. There even are some impacts that don't have any mitigation planned.

Response 554-2

The project's potential impacts to the San Joaquin River and water quality are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." The issues of air quality, wildlife, and public recreation are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.4, "Biological Resources," and Section 4.16, "Recreation." The issue of public safety is addressed in multiple sections across the Draft EIR including Section 4.7, "Geology and Soils" (seismic shaking and landslide), Section 4.9, "Hazards and Hazardous Materials" (hazardous substances and emergency access), Section 4.10, "Hydrology and Water Quality" (flooding), and Section 4.15, "Public Services." Mitigation measures are required only where impacts are determined to be potentially significant. The commenter does not specify which mitigation measures are inadequate or missing and no further response can be provided. The comment is noted for the decision-makers.

Comment 554-3

Deep mining will have a great impact on water quality and the San Joaquin River.

Mining next to our precious resource of our San Joaquin River is putting the profits of one company against the health and safety of residents (both human and animal). It raises serious concerns about water loss and contamination. The Draft Environmental Impact Report (DEIR) recognizes that mining could reduce river flows, however it does not any straightforward solution.

The DEIR should identify the impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 554-3

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10. See Collective Response #25 regarding the potential for seepage from the river to reduce surface flows.

Comment 554-4

There has already been a president where flood waters breached the levee and the quarry pit. Where is CEMEX's plan of precaution?

What will happen if the pit becomes a part of the river system? Who will be responsible for cleaning it up or for the long-term damage it would cause?

Response 554-4

See Collective Response #17 regarding riverbank stability and the potential for breach and flooding of the excavation. See also Collective Response #4b regarding liability and funding of unforeseeable environmental damage.

Comment 554-5

In addition, the DEIR utilized data for groundwater that was obtained during a period of low river flow. The DEIR should reevaluate the groundwater data, using data. There is groundwater/surface water interaction at both sites as indicated by the DEIR.

Response 554-5

See Collective Response #26 regarding the baseline groundwater data used in the Draft EIR analyses.

Comment 554-6

There is a lack of mitigation for the impact on air quality, traffic, and appearance.

Response 554-6

The issues of air quality, traffic, and site appearance are addressed in Draft EIR Section 4.3, as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.17, "Transportation," and Section 4.1, "Aesthetics and Visual Resources." All feasible mitigation measures are required in each of these sections where impacts are determined to be potentially significant. Impacts 4.1-1 and 4.1-3, regarding visual project impact ratings, would remain significant and unavoidable at Locations #12 and #13 despite application of all feasible mitigation measures.

Comment 554-7

The quality of our air will be negatively impacted by the CEMEX project. The DEIR acknowledges that there will be a negative impact on air quantity but does not fully appreciate the severity of he impact. Rather than comparing emissions to current operations, the DEIR should make comparisons to what it is like without such a project. The underestimates impact of the project's impact by not taking this into account the full environmental impact of additional mining.

Response 554-7

The Draft EIR properly compares the proposed project's estimated air emissions with the baseline conditions which include current operations at the project sites. See Collective Response #10 regarding the use of alternative baseline for the air quality analysis. See also Collective Response #9 regarding the project's potential effect on the existing air quality.

Comment 554-8

Congested traffic and road damage are expected outcomes of this project. The project will have a significant impact on traffic. However where is the guaranteed funding and plan for road improvements? How will the County keep CEMEX accountable for debris, damage to the road, and other safety hazards?

Response 554-8

The issues of traffic congestion and road damage are evaluated in Draft EIR Section 4.17. See Collective Response #29 regarding traffic congestion and funding of necessary improvements. See also Collective Response #30 regarding traffic safety, road debris, and vehicle damage.

Comment 554-9

The project will be a blight to our scenic views. With any proposed mitigation occurring only after the harm takes place, for example,

rock staining after mining phases. This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA

Response 554-9

The mitigation proposed in this project is proper under CEQA. A deferral of mitigation measures is inappropriate under CEQA when the measures are not planned until after the project approval, and the approving agency has not 1) committed itself to the mitigation, 2) adopted specific performance standards the mitigation would achieve, and 3) identified the type of potential action(s) that can feasibly achieve that performance standard and that would be considered, analyzed, and potentially incorporated in the mitigation measure. See CEQA Guidelines Section 15126.4(a)(1)(B). This is not the type of deferral that is inappropriate under CEQA. See Collective Response #8 regarding proposed visual mitigation.

Comment 554-10

The CEMEX project creates threats to Wildlife.

Years ago we had a thriving salmon population and wetlands. We have lost 95% of it due to previous poorly made decisions that did not protect the river. The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns. Why have those impacts not identified or evaluated? The proposed mitigation measures do not comply with existing regulations for protection.

Response 554-10

The project's potential impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4. See Collective Response #14 regarding analysis of Swainson's hawk impacts and Collective Response #15 for further evaluation of potential impacts to bird species. In response to comments received on this issue, the Draft EIR was revised to expand discussion of bat species and to strengthen multiple mitigation measures. See Chapter 3, "Draft EIR Errata," for these proposed changes. Potential impacts to nesting birds are evaluated under Impact 4.4-1 beginning on Draft EIR page 4.4-48 while impacts to migration patterns are discussed under Impact 4.4-6 beginning on page 4.4-62. The comment is noted for the consideration of the decision-makers.

Comment 554-11

In addition, it is not appropriate for the DEIR to use Alaska-based standards to assess fish protection instead of California-

specific guidelines. How can these be standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

Response 554-11

See Collective Response #16 regarding use of an Alaska Department of Fish & Game standard in analyses of salmon impacts.

Comment 554-12

The biology section of the DEIR does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce impacts. It creates more questions than it answers. It should be fully reevaluated, rewritten, and recirculated for public comment.

Response 554-12

The comment does not provide any reasoning or substantial evidence to support the claim that Draft EIR Section 4.4 fails to meet CEQA requirements or that the Draft EIR should be recirculated. The comment is noted for the consideration of the decision-makers.

Comment 554-13

Deep mining will have a negative impact on the San Joaquin River Parkway & Recreation CEMEX has referenced "potential" trail easements for public use, yet the DEIR does not garner any actual commitments for this, nor a timeline.

The timeline for construction and exact locations of any trails to be constructed should be identified and committed by the DEIR prior to any implementation of the CEMEX project.

The DEIR should describe how the proposed trailsmeet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access.

The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 554-13

See Collective Response #18 regarding the project's consistency with the Parkway Master Plan. See also Collective Response #22 regarding the proposed trail easements and future construction of trails near the project sites.

Comment 554-14

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. Blasting, rock crushing, and drilling crest will create noise that will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts have not been evaluated. The first priority should be wellbeing of the community, rather than the financial benefit of CEMEX.

The DEIR should fully analyze these impacts and identify appropriate mitigation measures for all impacts.

Response 554-14

See Collective Response #19 regarding public access at nearby parks. The project's potential noise impacts are evaluated in Draft EIR Section 4.13. As shown on Draft EIR Figure 4.13-2, "Nearest Sensitive Receptors to Quarry Site," the Lost Lake Recreation Area and Sumner Peck Ranch were identified as sensitive receptor Q-5 and Q-15 respectively. Draft EIR Table 4.13-4, "Existing Ambient Noise Environment at Nearest Receptors to Quarry Site," on Draft EIR page 4.13-22 presents existing ambient noise levels at sensitive receptors while Draft EIR Table 4.13-17, "Estimated Quarry Site Noise Levels (dBA) at Nearest Receptors," on Draft EIR page 4.13-60 presents the estimated noise levels from proposed Quarry Site operations at sensitive receptors. As shown, neither existing ambient nor predicted noise levels at receptor Q-5 nor Q-15 exceed the County's significance thresholds. In other words, a significant noise impact would not occur at the Lost Lake Recreation Area nor Sumner Peck Ranch due to project operations. See also Collective Response #27 regarding the project's potential effects to users of nearby parks and trails. The comment is noted for the consideration of the decision-makers.

Comment 554-15

In conclusion, the severe impact by the proposed CEMEX projecton the river, wildlife, air quality and public safety, should be enough for the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. This additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project

Response 554-15

Based on comments received on the Draft EIR, additional analysis and revised and new mitigation measures are provided in this Final EIR. See Collective Response #1 regarding the provision of additional analysis. See also Collective Response #4b regarding liability and funding to respond to unforeseen damages. None of the proposed revisions to the

Draft EIR text warrant recirculation of the EIR for further public review. The comment is noted for the consideration of the decision-makers.

Letter #555 March 10, 2025, Joan Poss

Comment 555-1

You have the opportunity to stand up to and halt the degradation of the beloved San Joaquin River by Cemex which wants to drill a 600 foot deep pit very close to the river. This means blasting which will not only impede the salmon which have been neglected for years but also the fish being raised at the fish hatchery.

Response 555-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential impacts to fish species are evaluated in Draft EIR Section 4.4, "Biological Resources." See Collective Response #16 regarding the project's potential to effect salmon spawning due to vibrations from blasting and Collective Response #12 regarding the project's effects on salmon restoration efforts in the San Joaquin River.

Comment 555-2

The blasting will impact those who canoe the river, walk, hike and bicycle in this natural setting.

Response 555-2

See Collective Response #27 regarding the project's operational effects on users of nearby parks and trails.

Comment 555-3

This pit will be three times larger than the highest building in down town Fresno. The multitude of trucks on the roads near the river will cause hazards to motorists as well as bicycle riders and walkers and nearby residents.

Response 555-3

The issues of traffic congestion and safety are addressed in Draft EIR Section 4.17, "Transportation." See also Collective Response #30 regarding potential traffic safety concerns.

Comment 555-4

There is an easy solution. There are many other sand and gravel resources. It's time for Cemex which has invaded the river for

over 100 years to give up blasting and drilling in the backyard of our beloved resource.Ra [sic]

Mr. Randall, I hope you will go for a walk, canoe, hike or whatever is your pleasure near or at the river.

Response 555-4

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #556 March 10, 2025, William Priddy and Jessica

Comment 556-1

I am submitting our opinion on the CEMEX request. We are senior citizens and feel the impact of this request would be detrimental to our beautiful San Joaquin River. To request 100 more years of mining is ridiculous. I hope Fresno Development will deny this request.

Response 556-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See also Collective Response #5 regarding the duration of the proposed use permit.

Letter #557 March 10, 2025, Asdruval Ramirez

Comment 557-1

I have a few comments regarding the proposed Cemex Rockfield Expansion Project:

- **Economic and Environmental Justification:** There is considerable doubt regarding the necessity of this project. Data indicates that our region already possesses a substantial surplus of aggregate resources, which calls into question the economic justification for extending mining operations for an additional 100 years. The projected job benefits seem minimal when weighed against the potential long-term environmental degradation and community disruption.

Response 557-1

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project. Economic considerations are not evaluated under CEQA. However, the comment is noted for the decision-makers.

Comment 557-2

- **Project Impacts:** The plan poses significant risks to our community and environment. The projected deep blasting and drilling could result in excessive noise, dust, vibration, and water quality issues, particularly affecting the San Joaquin River and nearby residential areas.

Response 557-2

The issues of noise/vibration and dust are addressed in Draft EIR Section 4.13, "Noise," and Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). The issues of water quality and effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality."

Comment 557-3

The expected increase in truck traffic also raises concerns about road damage and public safety.

Response 557-3

The issue of truck traffic is addressed in Draft EIR Section 4.17, "Transportation." See Collective Response #29 regarding the project's truck trips and road maintenance. See also Collective Response #30 regarding traffic safety.

Comment 557-4

- **Project Documentation Inadequacies:** Upon review, the technical appendices and project description appear to underestimate the long-term environmental and community impacts. In particular, the analysis does not fully address potential adverse effects on the local ecosystem or adequately outline the risks associated with a 600-foot deep pit and sustained high-volume truck traffic.

Response 557-4

The cumulative effects of the project are noted in Draft EIR Chapter 5, "Cumulative Impacts," including a discussion of truck traffic in Draft EIR Section 5.3.17, "Transportation." The comment does not state how the Draft EIR fails to fully address potential effects related to ecosystems and truck traffic. The comment is noted for the decision-makers.

Comment 557-5

Safeguard and Mitigation Measures: I recommend that the County require additional and more robust mitigation measures. These should include:

Stricter controls on blasting operations and continuous monitoring of environmental impacts.

A comprehensive traffic management plan to address the increased truck movements.

Clear, enforceable commitments to restore and protect the impacted areas, including enhanced reclamation efforts beyond the current proposals.

In light of these concerns, I urge the Board to re-examine the need for this project and to insist on more rigorous safeguards before any further approvals are considered.

Thank you for your attention to these issues.

Response 557-5

See Collective Response #1 regarding additional analysis and enhanced mitigation measures. See also Collective Response #29 regarding project truck trips, traffic congestion, and needed roadway improvements. The commenter does not provide any reasoning or evidence for the need to revise the proposed blasting plan, require a traffic management plan, or enhance the proposed reclamation plan. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided.

Letter #558 March 10, 2025, Jillian Ramirez

Comment 558-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 558-1

The commenter's concerns are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the

adequacy of the Draft EIR or mitigation measures. Please see below for responses to specific comments.

Comment 558-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 558-2

See Response 349-2.

Comment 558-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 558-3

See Collective Response #17. See also Response 329-3.

Comment 558-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 558-4

Refer to Collective Response #26 and Response 484-6. As described in Collective Response #26, the data used in the Draft EIR was collected over a period that included both low and high flows. As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the project area. Collective Response #25 further demonstrates that

Department of Water Resources criteria for interconnected surface water are not met at the project sites.

Comment 558-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 558-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 558-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 558-6

Please see Collective Response #19 pertaining to public accessibility to parks. Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 558-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 558-7

Please see Collective Response #8 pertaining to the Draft EIR's visual resource impact analysis and mitigation.

Comment 558-8

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on *how* mitigation takes place is just one example of the inadequacy of the DEIR.

Response 558-8

Please see Collective Response #29 pertaining to project traffic impacts. Please see Collective Response #30 pertaining to roadway safety.

Comment 558-9

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 558-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project.

Comment 558-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western

red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 558-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (Draft EIR pages 4.4-49 through 4.4-50).

The Western red bat was not observed on site during the habitat assessment; however, moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). As discussed in Chapter 3, "Draft EIR Errata," the Final EIR provides additional analysis of potential impacts to bats and adds Mitigation Measure 4.4-1d to require pre-construction surveys and measures to avoid or minimize impacts to active bat roosts. With implementation of Mitigation Measure 4.4-1d, potential impacts to bats, including the Western red bat, would be less than significant.

In any event, blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and

would not have a significant increase in activity. The Draft EIR, as revised in this Final EIR, therefore adequately evaluates potential impacts to the species discussed above.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Draft EIR Section 4.4, "Biological Resources," does not need to be rewritten or recirculated.

Comment 558-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 558-11

The project would not result in significant impacts to the San Joaquin River, wildlife, public safety, or air quality. The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the potential environmental impacts of the proposed project and provides mitigation measures where necessary to reduce the severity of potentially significant impacts, in accordance with CEQA. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required.

Letter #559 March 10, 2025, Radley Reep

Comment 559-1

These comments on the CEMEX Rockfield Quarry Project Draft Environmental Impact Report (EIR) address hydrological conditions adjacent to and directly north of the Quarry Site.

Having read the Draft EIR for the CEMEX mining project as well as County documents related to the proposed Friant Ranch housing project northeast of the Quarry Site and the Lost Lake Park Master Plan, I've come to the conclusion that the Draft EIR fails to include all significant information about groundwater and surface water flows north of the project site.

The purpose of this comment letter is to present that information, to ask for additional review and to propose a new adverse impact and environmental mitigation measure.

Response 559-1

The comment is introductory. Please see Response 559-2 through 559-10 below for further discussion of the commenter's concerns pertaining to the Draft EIR's analysis of the project's impacts to surface water and groundwater quality and supply.

Comment 559-2

The map are [sic] the right shows **[A graphic was included as part of Comment 559-2 that is not reproduced here. To view this graphic please see Letter 559 in Appendix M, "Draft EIR Comment Letters"]** the project Quarry Site (blue striping), the proposed Friant Ranch housing development project (yellow boundary line) and the proposed expansion of the Friant Community Plan (pink boundary line).

Groundwater in the vicinity of the Quarry Site generally flows from north to south, which means that ground water underlying Lost Lake Park will be captured in the future quarry pit. According to an analysis by EMKO Environmental, Inc., at present and under normal conditions, the inflow of groundwater into the quarry pit is approximately 95 acre-feet per year.[1] (*Footnote 1: "Based on the aquifer properties from the aquifer pumping tests, KDSA (2021) estimates that the groundwater flow under the Quarry Site in the alluvium and weathered rock is approximately 95 acre-feet per year, or about 60 gpm. In the hard rock, the estimated groundwater flow under the site within the depth interval to be mined is estimated at 80 acre-feet per year, or about 50 gpm. Thus, the total groundwater flow under the site totals about 175 acre-feet per year, or 110 gpm. As noted by KDSA (2021), discharge of treated wastewater from the Friant Ranch development project to the Beck Ranch property, once that development project is completed, would increase the amount of recharge and groundwater flow to the north of the Quarry Site. [DEIR Appendix G-4 (Revised Hydrology and Water Quality Analysis Report, Rockfield Modification Project, Fresno County, California, page 19)*)

But there are several conditions under which groundwater flow into the quarry pit could be much higher. The sources of water are these (1) rainfall on hills one to two miles northeast of the Quarry Site, (2) treated effluent from the wastewater treatment plant for the Friant Ranch housing project, (3) flood waters from the San

Joaquin River and (4) water diverted from the outlet of the fish hatchery to ponds within the park.

Response 559-2

Comment noted. The enumerated items in the second paragraph of this comment are addressed in Responses 559-3, 559-4, 559-5, and 559-6, respectively.

Comment 559-3

Rainfall

Below are two illustrations **[A graphic was included as part of Comment 559-3 that is not reproduced here. To view this graphic please see Letter 559 in Appendix M, "Draft EIR Comment Letters"].** The illustration at the left is from a portion of a FEMA flood insurance map[2] (*Footnote 2: FEMA Flood Insurance Map Panel 1030 of 3525, revised February 18, 2009*) showing a water course flowing east to west that drains an area east of Friant Road into Lost Lake Park. The illustration at the right is from the 2011 Lost Lake Park Master Plan.[3] (*Footnote 3: Figure 3-4 (Potential Waters of the United States) from the April 18, 2011 Lost Lake Park Master Plan, page 29. The Lost Lake Master Plan is found on the County of Fresno website using this path: Home / Departments / Public Works and Planning / Divisions of Public Works and Planning / Resources and Parks Division / Parks / Lost Lake Recreational Area.*) It shows the boundaries of the seasonal wetlands fed by that water source. These wetlands lie just north of the park entrance road (Lost Lake Road). The red diamond pinpoints the same location on both maps.

Response 559-3

The FEMA FIRM delineates the San Joaquin River 100-year floodplain.

Comment 559-4

Treated Effluent

In February 2023, the County of Fresno circulated a revised Draft EIR for the "Friant Ranch Project," which encompasses both a revision of the Friant Community Plan and the proposal for a new Friant Ranch Specific Plan — a 2,270-unit, age-restricted (55+) residential development.

The project's wastewater facility would be situated on the west side of Friant Road just south of the park entrance. Serving Friant Ranch and other users in the Friant area, the wastewater facility would store tertiary-treated effluent in an existing 25-acre borrow pit commonly known as the "Beck pond."

[A graphic was included as part of Comment 559-4 that is not reproduced here. To view this graphic please see Letter 559 in Appendix M, "Draft EIR Comment Letters"]

Several studies over the years have yielded mixed findings as to whether treated effluent from that storage basin would seep into groundwater.

For example, in 2009, Provost & Pritchard Consulting Group concluded that there would be little if any flow to groundwater.[4] (*Footnote 4:* March 18, 2009 memorandum from Provost & Pritchard Consulting Group titled "*Friant Ranch ADEIR Evaluation of the Beck Property for Effluent Storage & Reclamation*," page 2.) The conclusion was based on observations of a similarly-configured pond located at the northeast corner the Quarry Site, which was reported to lose water only through evapotranspiration.

Two years later at a February 1, 2011 Fresno County Board of Supervisors hearing to approve the Friant Ranch Project, a consultant representing CH2M Hill (a company that had designed, constructed and operated wastewater treatment plants in California since 1946), testified[5] (*Footnote 5: Testimony of Joe Glicker, CH2M Hill, before the Fresno County Board of Supervisors for the approval of the Friant Community Plan Update and Friant Ranch Specific Plan as reported on pages 008847 and 008848 in the administrative record for Fresno County Superior Court Case No. 11CECG00726 (Sierra Club, Revive the San Joaquin and League of Women Voters of Fresno vs. County of Fresno)*) that leakage from the Beck pond would likely be between 9 and 12 acre-feet per year (3 to 4 million gallons. The consultant said,

> "*Now there has been an estimate of how much of the water could potentially leak through the bottom of the [Beck] pond into the groundwater system and that's shown here as about 3 to 4 million gallons [per year]. It's the potential leakage out of the pond into the groundwater system….*"

The estimated seepage from the Beck effluent storage pond rose considerably with an October 2012 report by Kenneth D. Schmidt & Associates titled *Groundwater Conditions at and in the Vicinity of the Beck Ranch.*[6] *(Footnote 6: The Schmidt report is attached as Exhibit C to a May 14, 2014 letter from Dennis Bacopulos, Operating Manager of Friant Ranch LP, to the Fresno County Board of Supervisors for a May 20, 2024 Board hearing to approve the wastewater treatment plant designed to serve Friant Ranch.*) *On pages 34 and 35 of that report are calculations supporting a*

conclusion that seepage from the storage pond will actually approximate 69-acre feet per year.

That same report also concluded that seepage would not reach the river, that it would percolate a short distance west and south to neighboring San Joaquin River Conservancy ponds where it would evaporate. As illustrated at the right **[A graphic was included as part of Comment 559-3 that is not reproduced here. To view this graphic please see Letter 559 in Appendix M, "Draft EIR Comment Letters"]**, *the report also concluded that due to a subterranean low point between the ponding basin and river, should effluent migrate farther westward, it would mix with groundwater and travel south toward the Quarry Site.*

Response 559-4

As noted in this comment, the wastewater would be tertiary-treated effluent. Tertiary-treated effluent generally meets water quality standards for discharge to the environment, including groundwater recharge for subsequent potable use (see California State Water Resources Control Board Recycled Water Policy webpage at https://www.waterboards.ca.gov/water_issues/programs/recycled_water/). Therefore, any percolation of tertiary-treated effluent from the ponds would not degrade groundwater quality. Based on the information provided in this comment, the actual magnitude of potential percolation to groundwater is uncertain and therefore speculative at this time. Note that information from the 2012 Beck Ranch report by Kenneth D. Schmidt and Associates is included in Appendix G-5, "Hydrology and Water Quality Analysis Report," of the Draft EIR.

Comment 559-5

Flood Waters

On occasion, the San Joaquin River floods. Two notable floods during the last century occurred in December 1937 with a peak flow of 77,200 cfs (cubic feet per second) and in January 1997 with a peak flow of 60,300 cfs. The 1937 flood occurred before Friant Dam was built.

River flooding can flood Lost Lake Park. The aerial photo at the right shows flooding in Lost Lake Park during the 1997 flood.

In 1997, flood waters entered the park north of Lost Lake all along the park's one-mile interface with the river. Floodwater completely filled the normally mostly-dry 38-acre lake. My personal observation was that the lake was inches from overtopping its most southern edge (area shown by the red circle). The force

of the water was such that a concrete public restroom situated at the north end of Lost Lake disappeared without a trace.

During 1997 and 1998, lake water returned to its prior level, the water either evapotranspiring or traveling south as groundwater to the Quarry Site.

Response 559-5

The December 1937 flood is not relevant to current conditions because it occurred prior to the construction of Friant Dam. The hydraulic analysis incorporated flood flow rates higher than the 1997 flood. The 1997 flood flow rate of 60,300 cfs is lower than the 100-year flow rate of 71,000 cfs studied for the project. (Draft EIR Appendix G-1, "Hydraulic Analysis.") It is unclear why the comment references Lost Lake Park. However, high ground exists between Lost Lake Park and the Quarry Site.

Comment 559-6

Water Diversion

To improve habitat in Lost Lake Park generally, to prevent young salmon from being entrapped in ponds isolated from the river (the result of flooding) and to improve park safety for the visiting public, the July 18, 2021 Lost Lake Master Plan called for recontouring the entire park,[7] (*Footnote 7: The cumulative total of all earth moving activities is projected to be between 1.5 million and 1.9 million cubic yards of material. The existing 20-foot high piles overburden from prior mining activity within the park would be used to partially fill existing ponds and create gentler terrain throughout the park.*) as illustrated in the conceptual drawing at the right. **A graphic was included as part of Comment 559-6 that is not reproduced here. To view this graphic please see Letter 559 in Appendix M, "Draft EIR Comment Letters"]**

Important to this discussion, the Lost Lake Master Plan also contains a proposal to divert water to recontoured ponds year-round by diverting water from the fish hatchery outlet at the north end of the park to enable water to flow southward through the center of the park.[8] (Footnote 8: April 18, 2011 Lost Lake Park Master Plan, page 68.) The recontouring would re-establish secondary channel connectivity to the river at the southern end of park. Directing river water to the center of the park could greatly increase the amount of groundwater making its way to the Quarry Site.

Should the bulleted factors below occur simultaneously during an extremely wet year, groundwater flows into the quarry pit could

substantially increase in a relatively short period of time.[9] *(Footnote 9: Elevated rainfall in 2023 "resulted in…a rapid increase in groundwater levels across the entire [Quarry Site]…."[Draft EIR Appendix G-6 (Revised Hydrology and Water Quality Analysis Report), April 4, 2024, page 3])*

35) Low temperatures and high humidity, decreasing evapotranspiration north of the quarry pit

36) Treated effluent at capacity in the wastewater storage basin (maximum hydrostatic pressure)

37) Water entering the park from the fish hatchery

38) Heavy rain, with rainwater traveling to Lost Lake Park from the hills east of Friant Road

39) Floodwater flowing through the center of the park filling ponds to capacity

40) High river flow west of the quarry pit with increased infiltration of water into alluvial soils

If water were to accumulate at the Quarry Site faster than it could be removed through the use of recharge trenches, then excavation and/or washing of aggregate at the Quarry Site might need to pause. Should that occur, there may be an interest on the part of mine operators to move water from the Quarry Site to the San Joaquin River.

Response 559-6

While the simultaneous occurrence of the six conditions identified in this comment is speculative, any discharge of water from the Quarry Site to the San Joaquin River would require a National Pollutant Discharge Elimination System (NPDES) permit from the California Regional Water Quality Control Board, Central Valley Region. Discharge of water from the mine excavation to the river is not a part of the project and, therefore, would not be allowed.

Comment 559-7

There being no analysis that I can find in the Draft EIR regarding this matter, I see the need to identify a new potential adverse impact along with a mitigation measure to reduce the impact to a level of insignificance.

Adverse Impact: Violate surface water quality standards or otherwise substantially degrade the water quality of the San Joaquin River due to water on mined lands entering the San Joaquin River.

Mitigation Measure: The mine operator shall ensure that water does not move from any "mined lands," as defined in Section 272910 of the Surface Mining and Reclamation Act, to the San Joaquin River.

Response 559-7

The project is designed as a zero-discharge facility with respect to offsite discharges, so by nature, it does not propose to discharge water to the San Joaquin River, and all water is to be retained onsite. As such, no adverse impact on the San Joaquin is to occur; therefore, no potentially significant impact and no mitigation measure is necessary. Please see discussion of Impact 4.10-1, which addresses the project's potential impacts to surface water quality on page 4.10-88 of the Draft EIR.

Comment 559-8

In addition to recommending the adverse impact and mitigation measure written above, I also have a request and a question:

Request: I ask that the Final EIR include an analysis of the combined impact of the environmental conditions described above where rainfall, high river flows and water flowing into Lost Lake Park from flooding, the wastewater treatment facility and the fish hatchery combine to increase water flowing into the quarry pit. Given these conditions, what is the maximum rate at which the quarry pit could fill with water? And given these same conditions, what is the maximum rate at which the recharge trenches could move water out and away from the quarry pit? The analysis should take into consideration the information presented in the March 18, 2009 memorandum from Provost & Pritchard, namely, that the pond at the northeast end of the quarry pit does not offer recharge potential. The analysis should also take into consideration that under these same conditions the recharge trenches on the north side of the quarry pit (adjacent to Lost Lake Park) and the recharge trenches on the west side of the quarry pit (adjacent to the river) are unlikely to move water away from the quarry pit as ground water below those trenches would be moving southward and eastward, respectively, toward the pit.

Response 559-8

See Collective Response #24 related to groundwater monitoring program changes and funding.

Comment 559-9

Question: For me, the Draft EIR does not describe well the hydrological connection between the river the Quarry Site. Page 4.10.113 reads as follows:

> "*The base flows within the San Joaquin River are typically at or below the elevation of the base of the alluvium on the Quarry Site. Thus, flows from the San Joaquin River toward the Quarry Site within the alluvium can only occur during the infrequent and relatively short-term high flow periods. Due to the recharge trenches along the west side of the Quarry Site, groundwater levels in the alluvium and the weathered rock would be maintained consistent with existing conditions. As a result, there would be no significant change in the volume of potential inflow from the river into the quarry during high flow events through the alluvium and weathered rock as a result of the project.*"

What are the actual elevation differences between the surface of the river at high and low flows compared to the elevations of weathered rock and hard rock at the western edge of the Quarry Site?

Response 559-9

The relationship between river stage elevations and the elevation of the top of the weathered rock along the western edge of the Quarry Site is described in more detail in Section 2.2.3 of Appendix G-5, "Hydrology and Water Quality Analysis Report," of the Draft EIR. Collective Response #25 also provides additional discussion of the hydrological connection between the river and groundwater at the Quarry Site.

The stage of the river surface from January 2014 to February 2023 was a median of 3.0 feet, with the elevation of bottom between 291 to 286.5 feet above msl (upstream and downstream on the San Joaquin River in the vicinity of the project sites). Thus, the elevation of the river surface is typically between 294 to 289.5 feet above msl. (Appendix G-5 at page 20.) The elevation of the top of the weathered seen in MW-1 (northwest of the Quarry Site) is 290 feet above msl. The elevation of the top of the weathered rock at MW-2 (near the San Joaquin River in the meander area toward the central/southern end of the Quarry Site) is 289 feet above msl.

Comment 559-10

Please find attached the following documents:

41) FEMA Flood Insurance Map Panel 1030 of 3525, revised February 18, 2009

42) March 18, 2009 memorandum from Provost & Pritchard Consulting Group titled "*Friant Ranch ADEIR Evaluation of the Beck Property for Effluent Storage & Reclamation*

43) Partial testimony of Joe Clicker before the Fresno County Board of Supervisors on February 1, 2011

44) *Groundwater Conditions At and In the Vicinity of the Beck Ranch*, Kenneth D. Schmidt Associates, October 2012 (attached as Exhibit C to a May 14, 2014 letter from Dennis Bacopulos, Operating Manager of Friant Ranch LP, to the Fresno County Board of Supervisors for a May 20, 2024 Board hearing to approve the wastewater treatment plant designed to serve Friant Ranch).

Response 559-10

The referenced attachments are noted, were reviewed in consideration of the responses above, and are included with the original comment letter in Final EIR Appendix M, "Draft EIR Comment Letters."

Letter #560 March 10, 2025, Richard Rollin

Comment 560-1

Dear David, I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

1. 4.19 1.10 CSA 44C Wells and Quarry Site Interactions

"Impact on water tables for domestic residential wells. The possibility of dropping water tables on the extensive dig is a huge concern for residents. 1) Cemex should install at every residential well a constant water level monitor. This should be monitored monthly by an independent contractor paid for by Cemex. 2) Cemex must provide a bond to protect every residence of this community. If the wells fail or have greatly reduced water production and the homes are no longer realistically habitable,

protection for the homeowners must be in place before operations begin. Cemex must be liable and purchase the properties at high market value. There must be a penalty in place to be paid to the resident to cover costs of moving through no fault of their own."

Response 560-1

See Response 503-3.

Comment 560-2

2. 4.13.1.4. Quarry Site Ambient Noise Environment

"-The threshold of significance used is inappropriate at this site. Noise along area roadways used by truck traffic already exceeds the General Plan normally acceptable standard of 60 dBA in residential areas. -The threshold used doesn't make sense in an area where residents are already exposed to high levels of noise. Any increase of noise should be considered significant. See DEIR Table 4.13-6 at pg. 4.13-28 and Table 4.13-13 at starting at pg. 4.13-49."

Response 560-2

See Responses 291-5 and 552-6.

Comment 560-3

3. 4.16.1 Environmental Setting

"Table 4.16-1 Recreation Facilities Near the Project Sites – Some of the table sources are dated to 2021. Several properties listed (namely Ball Ranch and Ledger Island) were not formally open to the public then. These properties are now operated by the San Joaquin River Parkway and Conservation Trust under a contract with the San Joaquin River Conservancy. There is more public use of the sites under current conditions that the project should analyze. o The description of the San Joaquin Fish Hatchery does not fully encompass the recreational facilities available, including FINS and the Parkway Trail from the hatchery to Lost Lake Park. It is more than "limited public access" today. o The descriptions of Ball Ranch and Ledger Island do not encompass the current operational status of public access availability 7 days a week. o The descriptions of the River Center and Peck Ranch state public access by permission, which is not entirely accurate. The properties have regular operating hours and is open to the public daily."

Response 560-3

Please see Collective Response #19 pertaining to public accessibility to parks, including Ball Ranch and Ledger Island. Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 560-4

My primary concern is this: the DEIR , as you can conclude from the comments above, is wholly inadequate to the proposed expansion of activity. The DEIR fails in most instances to set out any sufficient regimen of monitoring or mitigation. The DEIR should, at the very least, be re-submitted for public comment. The 45 day comment period was not long enough to address all the inadequacies in the document. if additional comment time is not allowed, then the DEIR should be rejected by the Board of Supervisors as not adequately addressing all aspects of the proposal. Cemex should take the time and expense to do it over and get it right. And finally, the whole project needs to be rejected as it is not needed to serve the economic needs of the area, and it is an environmental and aesthetic disaster.

Response 560-4

The commenter's concerns and requests are noted and will be considered by County decision-makers. The commenter does not provide evidence of a deficiency in the Draft EIR or its mitigation measures. Please see Collective Response #1 pertaining to the CEQA review process and opportunities for public input. Please also see Collective Response #3 pertaining to regional aggregate demand and supply. The Draft EIR sufficiently analyzes the potential environmental impacts of the proposed project and provides mitigation measures where necessary to reduce the severity of potentially significant impacts, in accordance with CEQA. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required.

Letter #561 March 10, 2025, Laura Rosenberger Haider

Comment 561-1

Road oil was proposed for dust suppression. A material safety data sheet by Ergon, Inc. reveals that road oil may cause flash fires. Also, it states, "Breathing of high vapor concentrations may cause dizziness, lightheadedness, headache, nausea, and loss of coordination". (https://msds.ergon.com>files>2017_11_29-sds) Probably road oil would be used when Fresno's water is used up, but instead, they should be required to import water by railroad or electric tanker truck.

Response 561-1

The comment describes potential safety concerns related to the use of chemical dust suppressants. As described in Mitigation Measure 4.3-2b, a combination of water, covering, and use of chemical dust suppressants would be used to control dust at the project sites in order to mitigate the risk of net increase of any criteria pollutant for which the project region is non-attainment under applicable ambient air quality standards. The Fugitive Dust Control Plan, including the type of dust suppressant to be used, would be subject to the approval of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The risk of harm after implementation of this mitigation measure was determined to be less than significant. Further, the project would comply with applicable worker safety regulations, as dictated by the Occupational Safety and Health Administration (OSHA). Such pertinent OSHA regulations are described in Draft EIR Section 4.9.2.1,"Federl," beginning on page 4.9-6. Finally, the project's potential impacts associated with wildfire risk are addressed in Draft EIR Section 4.20, "Wildfire."

Letter #562 March 10, 2025, Kristen Roznovsky

Comment 562-1

I am writing in opposition to the proposed 600' deep hole. The disruption it will cause to our precious river bottom is not worth it. The parkway trust has put so much effort into making these beautiful walk trails.

My family has owned property on the river bottom for 60+ years & would be saddened if this project is allowed to happen. Why does it have to be at the area we worked so hard to preserve? Please re-consider & not do this project. We have land to preserve & to protect.

Response 562-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." Impacts to visual resources are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Collective Response #18 regarding the project's consistency with the Parkway Master Plan. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #563 March 10, 2025, Stephanie Ruiz

Comment 563-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental

and community impacts associated with this project, I have concerns that I urge you to address before moving forward with approval.

The proximity of the CEMEX quarry and plant sites to the San Joaquin River raises concerns about potential contamination. Although these sites are not directly beside the river, contamination can spread through various pathways. One such pathway includes groundwater leaching, in which contaminants can seep into the groundwater and flow toward the river. To assess this risk, it is crucial to analyze groundwater flow direction to identify potential contaminant pathways that could lead to the river or other bodies of water utilized by the public. Surface runoff is another major factor, as rain can wash contaminated soil, waste, or chemicals into the San Joaquin River. Implementing hydrological models to predict the movement of surface runoff can help assess this risk. Additionally, airborne pollutants from mining activities may settle into the river over time, leading to contamination. There must be a good understanding of how these pollutants will disperse based on wind speed, topography, and weather conditions. Assessing the long-term impact on the San Joaquin River over the next 100 years is crucial to identify the most effective mitigation strategies. Effective measures could include dust suppression techniques, baseline and ongoing water quality monitoring, and so forth. Furthermore, it is important to establish financial accountability for remediation efforts in case of severe contamination.

Response 563-1

In addition to the response below, see Response 6-75.

The baseline surface water and groundwater quality conditions are presented in Section 4.10.1.6, "Surface Water Quality," and Section 4.10.1.9, "Groundwater-Surface Water Interaction at the Quarry Site," of the Draft EIR. At the Plant Site, the existing silt pond was sampled and analyzed for various constituents. The only constituents above a water quality standard were conductivity, which was above the basin plan limit and does not apply in this case since there is no discharge to the San Joaquin River, and total concentrations of arsenic, iron, lead, and manganese. Of note here, the dissolved concentrations of these constituents tested below the applicable water quality standards. As stated in the Draft EIR, the total metals concentrations are due to the presence of suspended silts and sediment within the silt pond. Since elevated metals concentrations were not present in the filtered sample, which represents the dissolved concentrations within the water, the detected metals levels in the unfiltered sample are simply a reflection of the naturally occurring metals in the natural soils and earth materials in the aggregate being processed at the Plant Site. The lack of elevated metals in the filtered

samples demonstrates that the metals are not leaching from the silt into the natural soils beneath the silt pond and to groundwater.

At the Quarry Site, the surface water samples collected show that with the exception of conductivity and pH, the water quality meets the applicable water quality standards.

The groundwater quality data were within compliance of groundwater standards with the exception of manganese, iron, nitrate, conductivity, and gross alpha activity. These elevated constituents already existing at the project sites are representative of baseline conditions that do not indicate past or future effects from the proposed project. However, as discussed in the Draft EIR, the elevated nitrates are a regional issue that is being addressed by the Regional Water Quality Control Board. The gross alpha activity concentrations found at well MW-2M appear to be an outlier as it differs significantly from the other samples collected at the Quarry site and may not be representative of the site conditions. With respect to iron and manganese, Mitigation Measure 4.10-5a is included as an adaptive management strategy to assess whether the project would cause a violation of water quality standards for iron and manganese in the reclaimed Plant Site pond and to identify actions that would be taken if an impact is verified. The monitoring would begin once mining is completed and water starts filling the excavation, with measurements taken every six months. If iron or manganese levels exceed regulatory limits during two consecutive monitoring periods, further lab testing and seasonal assessment would follow. Persistent exceedances would trigger mitigation measures, such as aeration, vegetation control, or other methods to reduce iron and manganese concentrations. Monitoring would continue until five years pass without exceedances, at which point it may end. Annual reports would be submitted to the County, detailing monitoring results and any corrective actions taken.

Based on the groundwater contour maps presented by KDSA (Figures 5 through 8 in KDSA, 2021), groundwater flow in the alluvium and weathered rock is toward the south or southeast. Groundwater flow in the hard rock is generally south-southwest, but shows a depression in the center of the Quarry Site, possibly due to ongoing dewatering of the pit (see Figure 9 in KDSA, 2021).

Both the Quarry Site and Plant Site do not presently discharge and would not discharge groundwater or surface water offsite. The project is designed to manage all surface water runoff onsite, and therefore this water would not enter the San Joaquin River.

With regards to air quality, Sespe Consulting modeled the air emissions that would result from the project, and compared the modeled emissions to the San Joaquin Valley Air Pollution Control District (SJVAPCD) screening levels. The analysis found that the

emissions increases associated with the project may exceed the screening levels for CO, PM_{10}, and $PM_{2.5}$. Therefore, three mitigation measures are included as follows:

- **AQ-1:** Off-road engines shall be retrofitted or upgraded in order to meet the Tier 4i Particulate Emissions standard of 0.008 grams of PM_{10}/horsepower-hour.
- **AQ-2:** Unpaved roads shall be controlled at a level of 90 percent by application of chemical dust suppressants or other equivalent methods.
- **AQ-3:** Stockpiles shall be controlled at a level of 85 percent by application water or other equivalent methods.

Dust control presently occurs and would continue to occur at both the Plant and Quarry sites.

Otherwise, Comment 563-1 does not provide evidence or argument that the Draft EIR's evaluation of these potential impacts are inadequate.

Comment 563-2

Another concern I wish to express is the potential for this project's emissions to exceed cancer risk thresholds. Since the CEMEX quarry and plant sites are surrounded by publicly accessible areas like Ball Ranch, Sumner Peck Ranch, and Lost Park, a population-wide cancer burden assessment should be conducted to evaluate potential health impacts. It is deeply concerning and confusing that a thorough health impact assessment would not be a priority, especially considering the site's proximity to areas where people regularly visit for recreational

purposes. Failing to account for these risks demonstrates a lack of responsibility in addressing potential long-term health consequences for visitors and nearby communities. Public health should be taken seriously, and comprehensive studies must be conducted to ensure that residents and visitors are not unknowingly exposed to harmful pollutants. The absence of such an evaluation raises critical questions about oversight and accountability, emphasizing the urgent need for transparency and proactive risk mitigation.

Response 563-2

A comprehensive Health Risk Assessment was conducted to assess the potential project impacts on sensitive receptors. All air modeling included estimating impacts at the fence line of the proposed project facilities; the modeled emissions (including criteria air pollutants, and health risks) at the fence line receptors represent the worst-case air impacts from the proposed project. Any potential impacts on the surrounding areas of

Ball Ranch, Summer Peck Ranch, and Lost Park would be less than those potential air impacts reported in the Draft EIR for the fence line receptors. Because the proposed project air impacts were all below all significance thresholds for the fence line receptors, the potential impacts at locations which are further from the proposed project's modeled fence line receptors, would be less than significant. Further, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Revised Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3) including preparation of a dust control plan and additional health risk modeling. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. See also Draft EIR Table 4.3-24, "Unmitigated Project Health Risk Impacts," and Table 4.3-25, "Mitigated Project Health Risk Impacts," as they have been updated in the Final EIR at Appendix D-4, "Revised Section 4.3, Air Quality."

Comment 563-3

The San Joaquin River serves as a vital source of water, supports diverse ecosystems, and provides recreational and economic benefits to the region. I urge that rigorous environmental assessment and precautionary steps be taken to prevent irreversible damage. Recovery is often difficult and costly, so it is important to ensure that the San Joaquin River is able to be enjoyed for generations to come. Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 563-3

The commenter's observations regarding the San Joaquin River are noted and will be considered by County decision-makers. The Draft EIR sufficiently analyzes the project's potential impacts to surface water quality, including the San Joaquin River, in Section 4.10, "Hydrology and Water Quality." The commenter does not identify a deficiency in the Draft EIR.

Letter #564 March 10, 2025, Monica Ruiz-Cangco

Comment 564-1

I am writing to provide my public comments regarding the proposed Cemex Rockfield Expansion Project. I have serious concerns about several aspects of the proposal:

- **Questioning the Need:** There is considerable doubt regarding the necessity of this project. Data indicates that our region already possesses a substantial surplus of aggregate resources, which calls into question the economic

justification for extending mining operations for an additional 100 years. The projected job benefits seem minimal when weighed against the potential long-term environmental degradation and community disruption.

Response 564-1

Please see Collective Response #3 pertaining to regional aggregate demand and supply.

Comment 564-2

- **Project Impacts:** The plan poses significant risks to our community and environment. The projected deep blasting and drilling could result in excessive noise, dust, vibration, and water quality issues, particularly affecting the San Joaquin River and nearby residential areas.

Response 564-2

The Draft EIR includes evaluation of project impacts associated with noise (see Draft EIR Section 4.13, "Noise") dust (see Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), vibration (see Draft EIR Section 4.13), and water quality (see Draft EIR Section 4.10, "Hydrology and Water Quality"). The comment does not identify a deficiency in the Draft EIR analyses of these topics. Please also see Collective Response #6 pertaining to operational nuisance.

Comment 564-3

The expected increase in truck traffic also raises concerns about road damage and public safety.

Response 564-3

Please see Collective Response #29 pertaining to project traffic. Please see Collective Response #30 pertaining to roadway safety.

Comment 564-4

- **Flaws in Project Documentation:** Upon review, the technical appendices and project description appear to underestimate the long-term environmental and community impacts. In particular, the analysis does not fully address potential adverse effects on the local ecosystem or adequately outline the risks associated with a 600-foot deep pit and sustained high-volume truck traffic.

Response 564-4

The comment does not provide evidence of any deficiencies in either the Draft EIR project description, the Draft EIR analysis, or the Draft EIR technical appendices. The evaluations address the proposed project, including the proposed quarry dimensions and project-related vehicle trips.

Comment 564-5

- **Mitigation Measures: I recommend that the County require** additional and more robust mitigation measures. These should include:
    - Stricter controls on blasting operations and continuous monitoring of environmental impacts.
    - A comprehensive traffic management plan to address the increased truck movements.
    - Clear, enforceable commitments to restore and protect the impacted areas, including enhanced reclamation efforts beyond the current proposals.

Response 564-5

The commenter's request for additional and more robust mitigation is noted; however, the comment does not provide evidence of any deficiency in Draft EIR mitigation measures.

Comment 564-6

In light of these concerns, I urge the Board to re-examine the need for this project and to insist on more rigorous safeguards before any further approvals are considered.

Thank you for your attention to these critical issues.

Response 564-6

The commenter's input is noted and will be considered by County decision-makers.

Letter #565 March 10, 2025, Kyan Salehi

Comment 565-1

As a resident and property owner of Bluff Avenue, I am completely opposed to CEMEX's mine proposal along the San Joaquin river based on the following:

CEMEX's argument that if the project isn't approved, the Fresno region will lose the economic and environmental benefits of locally sourced materials is completely meritless.

Per Fresnoland investigation, based on thousands of pages of technical documents, environmental reports, and state geological records, CEMEX'S mine proposal is a needless assault on the San Joaquin River to extract materials. State records reveal that the Fresno area already has a staggering surplus of locally sourced gravel which is one of the largest in the state. According to the California Geological Survey, the Fresno metro area currently has nearly 200% more gravel than is needed for the next 50 years coming from local mines. The Kings River has roughly 2 billion tons of easily available surface gravel (enough for 500 years at Fresno's current 4 million-ton annual rate). As such, CEMEX's proposal to blast a new massive crater is completely unnecessary and is purely based on corporate greed. If the Board of Supervisors approve the mine, the asset value claimed by the company would skyrocket. At current gravel prices ($10-$50 per ton), the total gravel forecasted by CEMEX to come from the site could be valued at $2 billion to $10 billion.

Response 565-1

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 565-2

CEMEX'S mine proposal will have a devastating impact on the San Joaquin River.

CEMEX's plan targets a 300-acre stretch of the San Joaquin River which is already ranked among America's most polluted waterways. Decades of extraction have left virtually no surface gravel intact, according to reporting by The Fresno Bee. The significant additional extraction by the CEMEX's mine proposal would have a massive negative impact on the river's flow, salmon runs and wetlands.

Response 565-2

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See also Collective Response #25 regarding the potential for seepage into the excavation to effect surface water flows. The project's potential impacts to salmon and wetlands are evaluated in Draft EIR Section 4.4, "Biological Resources." See also Collective Response #16 for further discussion of

potential impacts to salmon populations. See Impact 4.4-5, which determined that any potential adverse effect on protected wetlands or waters of the state would be less than significant.

Comment 565-3

CEMEX'S mine proposal will have a significant negative impact on the traffic on Friant Road.

If approved, CEMEX's project would double its gravel output, sending an estimated 400,000 trucks down Friant Road annually (up from 100,000 in the 1980s and 250,000 in 2023). Each truck causes wear equivalent to 5,000 cars, meaning the project would add the impact of 2 billion car trips to north Fresno's streets every year in a region already deadlocked over how to pay for its existing road quality crisis.

The road and traffic conditions on Friant Road are already dreadful. There have been many fatalities at every intersection of Friant. Woodward park attracts significant pedestrians and bicyclists. CEMEX's mine proposal and the significant additional traffic it brings would make Friant Road substantially more unsafe.

Wherefore, I request that CEMEX's mine proposal be denied.

Response 565-3

Traffic impacts are evaluated in Draft EIR Section 4.17, "Transportation." The commenter overstates the number of vehicle trips that would be generated by the proposed project. See Draft EIR Table 4.17-1, "Existing Annual Trip Generation at Plant and Quarry Sites ," Table 4.17-2, "Project Annual Trip Generation—Stage 1 (2.0 MT Per Year)," Table 4.17-3, "Project Annual Trip Generation—Stage 1 (3.0 MT Per Year)," and Table 4.17-4, "Project Annual Trip Generation—Stage 2 (3.0 MT Per Year)," regarding the project's expected annual trip generation at each stage (Draft EIR page 4.17-15 through 4.17-18). See also Collective Response #29 regarding the project's contribution to traffic conditions and funding of road maintenance as well as Collective Response #30 regarding traffic, cyclist, and pedestrian safety.

Letter #566 March 10, 2025, Shirinnaz (Shauna) Salehi

Comment 566-1

As a resident and property owner of Bluff Avenue, I am completely opposed to CEMEX's mine proposal along the San Joaquin river based on the following:

Response 566-1

The commenter's opposition to the project is noted and will be considered by County decision-makers. Please see Response 566-2 through 566-5 for further discussion of the commenter's specific concerns.

Comment 566-2

CEMEX's argument that if the project isn't approved, the Fresno region will lose the economic and environmental benefits of locally sourced materials is completely meritless.

Per Fresnoland investigation, based on thousands of pages of technical documents, environmental reports, and state geological records, CEMEX'S mine proposal is a needless assault on the San Joaquin River to extract materials. State records reveal that the Fresno area already has a staggering surplus of locally sourced gravel which is one of the largest in the state. According to the California Geological Survey, the Fresno metro area currently has nearly 200% more gravel than is needed for the next 50 years coming from local mines. The Kings River has roughly 2 billion tons of easily available surface gravel (enough for 500 years at Fresno's current 4 million-ton annual rate). As such, CEMEX's proposal to blast a new massive crater is completely unnecessary and is purely based on corporate greed. If the Board of Supervisors approve the mine, the asset value claimed by the company would skyrocket. At current gravel prices ($10-$50 per ton), the total gravel forecasted by CEMEX to come from the site could be valued at $2 billion to $10 billion.

Response 566-2

Please see Collective Response #3 pertaining to regional aggregate demand and supply.

Comment 566-3

CEMEX'S mine proposal will have a devastating impact on the San Joaquin River.

CEMEX's plan targets a 300-acre stretch of the San Joaquin River which is already ranked among America's most polluted waterways. Decades of extraction have left virtually no surface gravel intact, according to reporting by The Fresno Bee. The significant additional extraction by the CEMEX's mine proposal would have a massive negative impact on the river's flow, salmon runs and wetlands.

Response 566-3

This comment is noted. See Collective Responses #12, #16, and #25.

Comment 566-4

CEMEX'S mine proposal will have a significant negative impact on the traffic on Friant Road.

If approved, CEMEX's project would double its gravel output, sending an estimated 400,000 trucks down Friant Road annually (up from 100,000 in the 1980s and 250,000 in 2023). Each truck causes wear equivalent to 5,000 cars, meaning the project would add the impact of 2 billion car trips to north Fresno's streets every year in a region already deadlocked over how to pay for its existing road quality crisis.

The road and traffic conditions on Friant Road are already dreadful. There have been many fatalities at every intersection of Friant. Woodward park attracts significant pedestrians and bicyclists. CEMEX's mine proposal and the significant additional traffic it brings would make Friant Road substantially more unsafe.

Response 566-4

Traffic impacts are adequately analyzed in Draft EIR Section 4.17, "Transportation." Please see Collective Response #29 pertaining to project traffic impacts. Please see Collective Response #30 pertaining to roadway safety, including bicyclist and pedestrian safety.

Comment 566-5

Wherefore, I request that CEMEX's mine proposal be denied.

Response 566-5

The commenter's request for denial of the project is noted and will be considered by County decision-makers.

Letter #567 March 10, 2025, Kristen Samaniego

Comment 567-1

My name is Kristen Samaniego. I am a Fresno native, currently living with my family in the outskirts of Fresno County. The San Joaquin River is a landmark for our county as well as one of our largest natural resources. I have deep concerns over the future of our beloved landmark. Cemex's proposed plans to take dynamite to our river will not only put the river itself into danger but

countless residents and animals as well. Aside from being a natural resource for plants, animals and humans, it is also a place that many people use for recreational purposes.

Response 567-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, "Noise." The project's potential effects on recreational facilities in the project area are evaluated in Draft EIR Section 4.16, "Recreation." The potential impact to plant life, animals, and habitat in the surrounding project area is evaluated in Draft EIR Section 4.4, "Biological Resources."

Comment 567-2

This frivolous project could have a damning effect on our Central Valley for years to come as countless toxins and pollutants will be pumped into our water and air. It seems as though the belief is that "if we just do this 3 miles out of town, it won't matter" that is just not true at all. The area itself is currently occupied by many residents and animals, whose daily lives would be gravely affected by the extra traffic and noise and additional pollution the project would bring.

Response 567-2

The issues of water quality and air quality are addressed in Draft EIR Section 4.10, and Section 4.3, as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). Hazardous substances are discussed in Draft EIR Section 4.9, "Hazards and Hazardous Materials." The issues of traffic and noise are addressed in Draft EIR Section 4.17, "Transportation," and Section 4.13. The project's potential impacts to wildlife species are evaluated in Draft EIR Section 4.4.

Comment 567-3

The river itself could give way creating mass destruction even loss of life and for what?

Response 567-3

See Collective Response #17 regarding riverbank stability and the potential for breach and flooding of the Quarry Site excavation.

Comment 567-4

Rock that we already have in excess. Cemex must be stopped. Please hear the cries of Central Valley residents everywhere and protect our beloved San Joaquin River.

Response 567-4

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #568 March 10, 2025, Isabel Santos-Gonzales

Comment 568-1

I am writing to express serious concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety.

Given CEMEX's history of pursuing destructive, controversial projects in Fresno County and its ultimate goal of lining its own pockets with profits, the proposed mitigations are clearly inadequate. One can hardly believe with confidence that they will actually stick to any meaningful mitigations in the first place.

Response 568-1

The commenter's concerns are noted and will be considered by County decision-makers. The comment does not address the adequacy of the Draft EIR, and no further response is warranted here. Please see Response 568-2 through 568-6 for further discussion of the commenter's specific concerns.

The Draft EIR provides a comprehensive environmental review of the CEMEX Rockfield Modification Project. Specifically, the Draft EIR is based on detailed technical analysis related to the proposed project activities, using methods and analysis frameworks approved by the CEQA Lead Agency (Fresno County), to support a legally adequate review of potential project impacts to the environment, including impacts on the San Joaquin River, local water quality, air quality, public recreational facilities, wildlife, and public safety. The mitigation measures listed in the Draft EIR would be incorporated into the approved project after certification of the Final EIR, as required by Fresno County.

The San Joaquin River and overall water quality was assessed in Section 4.10, "Hydrology and Water Quality," of the Draft EIR. Potential water quality impacts to the San Joaquin

River and surface and groundwater quality would be reduced to a less than significant level with implementation of Mitigation Measures 4.10-1, 4.10-5a, 4.10-5b, 4.10-10a, and 4.10-10b.

Section 4.3, "Air Quality," and Section 4.8, "Greenhouse Gas Emissions," present detailed analysis and substantial evidence that potential air quality impacts would be reduced to a less than significant level after mitigation. Implementation of Mitigation Measures 4.3-2b and 4.3-4 would further reduce potential for adverse air quality impacts from the proposed project operations and reclamation.

Public recreation was assessed in Draft EIR Section 4.16, "Recreation," with all potential impacts on existing or expanded recreational facilities found to be less than significant. Wildlife impacts were assessed in Draft EIR Section 4.4, "Biological Resources," with all potential impacts found to be less than significant after mitigation. With implementation of Mitigation Measures 4.4-1a, 4.4-1b, 4.4-1c, 4.10-1, 4.3-2a, 4.3-2b, and 4.13-6, the project related impacts on biological resources would be less than significant. Public safety concerns were evaluated throughout the Draft EIR and Section 4.9, "Hazards and Hazardous Materials," determined the project impacts related to exposing people or structures to a significant risk of loss involving wildland fires or interfering with an emergency response plan were less than significant. With implementation of Mitigation Measures 4.9-1 and 4.10-1 Flyrock Mitigation Plan established by the Blasting Protocols, impacts created by a significant hazard to the public through release or hazardous materials or flyrock generated using blasting agents at the Quarry Site would be reduced to less than significant.

See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response.

For these reasons, the Draft EIR's analysis of environmental impacts is sufficient pursuant to CEQA. Fresno County will consider these comments as part of its deliberations. All substantive comments are considered prior to certification of the Final EIR and any project approval.

Comment 568-2

I am particularly concerned about threats to wildlife and the impact on our city's already horrific air quality.

Response 568-2

The commenter's concerns are noted and will be considered by County decision-makers. Please see Section 4.4 of the Draft EIR for more information pertaining to the project's

potential impacts to biological resources, including wildlife. Please see Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), of the Draft EIR for more information pertaining to the project's potential impacts to air quality.

Comment 568-3

On wildlife threats:

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

Response 568-3

The Draft EIR analyzes the project's potential impacts to biological resources in Section 4.4. The Draft EIR includes mitigation measures which would minimize and reduce potential impacts to biological resources, in accordance with CEQA standards. Please see Response 58-38 and Response 65-15 for discussion of Swainson's hawk. See responses 58-37 and 58-40 for discussion of tricolored blackbird. See Responses 58-36, 58-38, 58-40, 58-50, 65-6, and 65-10 of discussion of burrowing owl. See Response 58-37 for further discussion of the Western red bat.

For discussion of impacts to migratory fish and wildlife species, please refer to Response 65-16. For discussion of blasting impacts to wildlife, please refer to Responses 58-37, 58-38, 58-40, 58-41, 58-42, 65-8, 65-12, 65-16, and 65-17. For discussion of the usage and sufficiency of the Alaskan Blasting Standards for analyzing impacts to fish in the San Joaquin River, refer to Response 65-13.

Comment 568-4

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 568-4

Draft EIR Section 4.4 sufficiently analyzes the project's potential impacts to biological resources. Potential impacts are disclosed, evaluated, and mitigation measures would be required where applicable to reduce certain impacts to less than significant. As such, the biological resources section does not need to be rewritten or recirculated.

Comment 568-5

On air quality:

The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining? Additionally, according to a Fresnoland investigation, this project would send an estimated 400,00 trucks down Friant Road annually. This project would add the impact of 2 billion car trips to north Fresno's streets, which will not only worsen road quality but also add emissions that our region does not need.

Response 568-5

CEQA is about the environment and how it would change with the project. Thus, CEQA defines the existing physical setting as the baseline from which project related impacts occur. The no-project scenario is an alternative to the project and not a baseline against which to evaluate the project effects. Therefore, CEQA has no requirement to evaluate the no-project scenario and the Draft EIR is sufficient without further changes. Further, Mitigation Measures 4.17-1a through 4.17-1r describe how CEMEX would pay their Equitable Share Contributions to road upgrades and maintenance.

Comment 568-6

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should explore all possible alternatives to this project. At the very least, it must require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX.

Response 568-6

With implementation of the mitigation measures required in the EIR, the project would not result in significant impacts to the San Joaquin River, wildlife, public safety, or air quality. The commenter's concerns are noted and will be considered by County decision-makers. The comment does not provide evidence of a deficiency in the Draft EIR or the need for additional analysis or stronger mitigation measures. With regard to alternatives,

the comment does not address the adequacy of the Draft EIR's alternatives evaluation or suggest additional feasible alternatives for further consideration. With regard to financial guarantees, note that under the State of California Surface Mining and Reclamation Act (SMARA), surface mine Operators are required to maintain financial assurances in an amount sufficient to provide for reclamation of the surface mining operation in accordance with the approved reclamation plan. The amount of the financial assurance must be estimated and updated annually and approved by the SMARA lead agency, in this case, Fresno County.

Letter #569 March 10, 2025, Joan Schoettler (Letter #1)

Comment 569-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

4. Traffic and Noise Concerns

1) Potential blasting vibration damage 2) Human perception of vibration and overpressure 3) Building damage (Refer to the noise level at the San Francisco Airport and how decades later they needed to replace all the windows and door for noise control. This may be a factor now and in years to come) 4) Blasting. This is not something we want in our community. It is enough that we have jets blasting over our city disrupting teaching in classrooms, causing people at outdoor events to stop conversations, and making Fresno a much less desirable place to live. 5) Use of noise at Woodward Park, the San Joaquin Parkway, and neighborhood. 6) Noise will affect wildlife.

Response 569-1

The issues of noise and vibration are evaluated in Draft EIR Section 4.13, "Noise." See Impact 4.13-5 for discussion of vibration impacts from mining activities and Impact 4.13-6 for discussion of vibration impacts from blasting. Mitigation Measure 4.10-1 requires the Operator to implement the best practice blasting protocols, which includes monitoring of vibration levels and implementing an adaptive management plan to ensure that vibration levels do not exceed allowable levels and that impacts to nearby structures and residents are minimized.

See Collective Response #27 regarding the project's potential operational impacts, including blasting, to users of nearby parks and trails.

The project's operational impacts on wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." See Impact 4.4-1 beginning on Draft EIR page 4.4-48 for discussion of the project's potential effects on wildlife species within the project sites and Impact 4.4-2 beginning on Draft EIR page 4.4-52 for discussion of the project's operational effects on wildlife species within riparian areas surrounding the project sites. Multiple mitigation measures are provided in Section 4.4 to avoid or minimize disturbances to fish and wildlife species primarily through the conduct of preconstruction surveys and implementation of avoidance measures consistent with applicable resource agency guidance. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.4.

Comment 569-2

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives.

Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected. Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 569-2

See Collective Response #1 regarding additional analysis and transparency in the planning process. Mitigation measures to reduce any potential substantial impacts of the project are discussed throughout the Draft EIR. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of alternatives to the proposed project.

Letter #570 March 10, 2025, Joan Schoettler (Letter #2)

Comment 570-1

Please for your family, your friends, your community, and the greater community of Fresno, Fresno County, and the San Joaquin Valley, make use this expansion does not take place.

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding

communities is protected. Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter. Sincerely,

Response 570-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #1 regarding additional analysis and transparency in the planning process. Mitigation measures to reduce any potential substantial impacts of the project are discussed throughout the Draft EIR. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of alternatives to the proposed project.

Letter #571 March 10, 2025, Joan Schoettler (Letter #3)

Comment 571-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

3. Biological Resource Impacts

These are the concerns I have regarding the biological resource impacts: 1) DEIR does not adequately analyze potential impact of blasting on wildlife. 2)Impact on the fish and wildlife in and close to the river 3) Threat to the Swainson's hawk

Response 571-1

The project's potential impacts to fish and wildlife species and associated habitats are evaluated in Draft EIR Section 4.4, "Biological Resources." See Impact 4.4-1 for an evaluation of the project's operational effects on fish and wildlife species, including blasting. See Collective Response #16 for further discussion of potential impacts to salmon populations. See also Collective Response #14 for discussion of potential impacts to Swainson's hawk.

Comment 571-2

4) Obstructing the natural flow, altering the river bed channel or bank 5) Protecting the provisions of the California Fish and Game Code Section 1600 et seq.

Response 571-2

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." As discussed in Section 4.4.1.7, "Wetlands and Waters of the State," of Section 4.4, the various ponds, ditches, and other water features present on the project sites do not meet the criteria for "waters of the state" and are not subject to Fish & Game Code Section 1600 et. seq.

Comment 571-3

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected. Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 571-3

See Collective Response #1 regarding additional analysis and transparency in the planning process. Mitigation measures to reduce any potential substantial impacts of the project are discussed throughout the Draft EIR. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of alternatives to the proposed project.

Letter #572 March 10, 2025, Joan Schoettler (Letter #4)

Comment 572-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

2. Air Quality and Dust Emissions

My concern is for the air quality for the next 100 years. With the increased number of trucks, dust from the drilling, and increase of air particles in a part of California that already has poor air quality should be enough to decide that this CEMEX project does not work in the benefit of Fresno County and the San Joaquin Valley in general.

Response 572-1

The project's potential air quality impacts are evaluated in Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). See also Collective Response #9 regarding the project's potential to worsen the region's existing poor air quality. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 572-2

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected. Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 572-2

See Collective Response #1 regarding additional analysis and transparency in the planning process. Mitigation measures to reduce any potential substantial impacts of the project are discussed throughout the Draft EIR. See Draft EIR Chapter 6, "Alternatives," for an evaluation of a range of alternatives to the proposed project.

Letter #573 March 10, 2025, Daniel Schwartz

Comment 573-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

First, allow me to tell you a bit about myself and my experiences with the San Joaquin River in and around this particular site. I moved to Fresno in 1990 from the very crowded and developed megalopolis of Los Angeles. I have been an avid outdoor enthusiast since my early teen years, and I find the Fresno region is not far from multiple areas of natural beauty and great nature experiences without the overwhelming presence of humans with their noise, traffic, pollution, development, and other telltale signs that detract greatly from connecting with nature. I am not just a member but an event organizer in a large community of hikers that plans regular outings all over Central California, but not limited to

just that either. It is known as the Central Valley Hiking Group with over 2,000 members. Over the years, I have personally led several groups on various hikes along the river parkway at River West (both Fresno and Madera sides, Ball Ranch, Sumner Peck Ranch, Ledger Island, Sycamore Island, Lost Lake, and at the broken bridge in Friant. When it's not too hot, I enjoy taking my dogs down to the river in these areas regularly too, at least 1-2 times a month. Plus, I've introduced these areas to friends and visitors outside my hiking club. In my opinion, all of these places I mentioned offer some of the best natural riparian woodlands experiences and so close to our city for people of any age with the possibility to observe all kinds of interesting wildlife and plants. I've seen young bobcats, foxes, beavers, several deer in herds or alone, coyotes fairly close by, bald eagles, osprey, Swainson's hawks, Coopers hawks, red-tail and red-shoulder hawks, owls with a nest of owlets, all types of herons and egrets, large flocks of majestic white pelicans and other waterfowl and avian species, plus countless other smaller animals (in fact, there is a huge rookery of egrets in the trees right along the river with multiple large nests in plain view across from the Willow Unit Ecological Reserve not too far from the Cemex plant site). One time, I even had a herd of deer cross the river from the Madera side to the Fresno side very near to me when I was at the Native American mortar station site at Ledger Island. They were actually going towards Cemex's quarry site.

Response 573-1

The commenter's concerns, background, and experiences within the San Joaquin River corridor are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures. Please see Response 573-2 through 573-12 for further discussion of the commenter's specific concerns.

Comment 573-2

I will use the template letter provided by the conservation trust to address the specific reasons why I believe this project DEIR is inadequate and that in reality, there should not be any changes to the current methods being used to extract gravel from these sites. Also, 100 years is simply too long a period of time to renew this mining operation. 20-30 years at a time seems more reasonable.

Response 573-2

The commenter's concerns are noted. Please see Collective Response #5 pertaining to the requested use permit duration.

Comment 573-3

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 573-3

See Response 349-2.

Comment 573-4

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 573-4

See Collective Response #17. See also Response 329-3.

Comment 573-5

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 573-5

Refer to Collective Response #26 and Response 484-6. As described in Collective Response #26, the data used in the Draft EIR was collected over a period that included both low and high flows.

As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the project area. Collective Response #25 further demonstrates that Department of Water Resources criteria for interconnected surface water are not met at the project sites.

Comment 573-6

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 573-6

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 573-7

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 573-7

Please see Collective Response #19 pertaining to public accessibility to parks. Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 573-8

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an

inappropriate deferral of mitigation which is not allowed under CEQA.

Response 573-8

Please see Collective Response #8 pertaining to the Draft EIR's visual resource impact analysis and mitigation.

Comment 573-9

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on how mitigation takes place is just one example of the inadequacy of the DEIR.

Response 573-9

Please see Collective Response #29 pertaining to project traffic. Please see Collective Response #30 pertaining to roadway safety.

Comment 573-10

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 573-10

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project. CEQA is about the environment and how it would change with the project. Thus, CEQA defines the existing physical setting as the baseline from which project related impacts occur. The no-project scenario is an alternative to the project and not a baseline against which to evaluate the project effects. Therefore, CEQA has no requirement to evaluate the no-project scenario and the Draft EIR is sufficient without further changes.

Comment 573-11

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or

evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 573-11

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (Draft EIR pages 4.4-49 through 4.4-50).

The Western red bat was not observed on site during the habitat assessment; however, moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). As discussed in Chapter 3, "Draft EIR Errata," the Final EIR provides additional analysis of potential impacts to bats and adds Mitigation Measure 4.4-1d to require pre-construction surveys and measures to avoid or minimize impacts to active bat roosts. With implementation of Mitigation Measure 4.4-1d, potential impacts to bats, including the Western red bat, would be less than significant.

In any event, blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR, as revised in this Final EIR, therefore adequately evaluates potential impacts to the species discussed above.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Draft EIR Section 4.4, "Biological Resources," does not need to be rewritten or recirculated.

Comment 573-12

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 573-12

The Draft EIR provides a comprehensive environmental review of the Rockfield Quarry Modification project based on detailed technical analyses and methodologies approved by the CEQA lead agency, Fresno County. The Draft EIR evaluates potential impacts to the San Joaquin River, air quality, biological resources, and public safety, and identifies mitigation measures where necessary to reduce impacts to less than significant levels.

Potential impacts to the San Joaquin River and water quality are addressed in Section 4.10, "Hydrology and Water Quality." With implementation of Mitigation Measures 4.10-1, 4.10-5a, 4.10-5b, 4.10-10a, and 4.10-10b, impacts to surface water and groundwater quality would be reduced to less than significant levels. Air quality and greenhouse gas emissions are evaluated in Section 4.3 and 4.8, "Greenhouse Gas Emissions," respectively, which demonstrate that impacts would be reduced to less than significant levels with implementation of Mitigation Measures 4.3-2b and 4.3-4.

Impacts to biological resources are analyzed in Section 4.4 and would be reduced to less than significant levels with implementation of Mitigation Measures 4.4-1a through 4.4-1c, 4.10-1, 4.3-2a, and 4.13-6. Public safety impacts are addressed in Section 4.9, "Hazards and Hazardous Materials," and would be reduced to less than significant levels with implementation of Mitigation Measures 4.9-1 and 4.10-1 (Blasting Protocols), including measures addressing flyrock. See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections.

The Draft EIR sufficiently analyzes the project's potential environmental impacts and includes mitigation measures where required in accordance with CEQA. The commenter's concerns and request for additional analysis, mitigation, and recirculation

are noted; however, as discussed in Chapter 3, "Draft EIR Errata," recirculation is not required. Fresno County will consider all substantive comments prior to certification of the Final EIR and any project approval.

Letter #574 March 10, 2025, Kulraj Sidhu

Comment 574-1

Do not approve the mining expanding project. You're ruining the chance of future generations to enjoy our natural resources.

Response 574-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #575 March 10, 2025, Joleen Siebert

Comment 575-1

It is time to protect the San Joaquin River and its parkway by stopping its destruction by CEMEX. All current information says that Fresno County has plenty of aggregate to meet its construction needs. Further, CEMEX is planning to dig a hole in the riverbed hundreds of feet deep, effectively destroying the San Joaquin River, which is a treasure for the residents of this area. Finally STOP CEMEX and its destruction of our environment.

Response 575-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project. The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality."

Letter #576 March 10, 2025, Jeff Single

Comment 576-1

I have been a Fresno resident for 40 years, living near the intersection of Friant Road and Copper Avenue for the past 20 years. Much of my professional work, and personal recreation during that time has been in the vicinity of the proposed project and surrounding areas, and I have a good knowledge of the region. I also have experience in evaluating impacts and proposing mitigation for mining, oil and gas activities, urban development, and transportation projects.

I respectfully submit these comments and observations on the Rockfield Quarry DEIR.

There are many issues with the Project and DEIR. These warrant not only at least recirculation of a revised DEIR, but very reasonably support denial of the Application.

Response 576-1

The commenter's background, knowledge of the region, and requests are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR. Please see Response 576-2 through 576-25 below for further discussion of the commenter's specific concerns.

Comment 576-2

In general, issues with the Project include:

- The Project does not meet an identified need, as already permitted aggregate resources are almost double the 50-year forecast demand. Permits for future projects can be considered to meet currently unknown future needs.

Response 576-2

Please see Collective Response #3 pertaining to regional aggregate demand and supply.

Comment 576-3

- The Project would cause highly significant alteration of the landscape and negative impacts to both existing and future known beneficial uses [It's a 400 or 600 foot deep pit adjacent to a busy regional park (Lost Lake Park), in the San Joaquin River bottom, across the river from one of the best areas along the San Joaquin (Ledger Island), adjacent to public use areas and in a viewshed. A 600 foot deep hard rock mine is well beyond reasonable use for the area.]

Response 576-3

Draft EIR Section 4.1, "Aesthetics and Visual Impacts," provides a detailed analysis of the project's visual impacts. Please also see Collective Response #8 pertaining to the visual resource impact analysis and mitigation. With regard to public use areas, please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas. The commenter's concerns are noted and will be considered by County decision-makers. The comment does not provide evidence of a deficiency in the Draft EIR.

Comment 576-4

- It creates the potential for low frequency-high risk catastrophic events such as river channel impacts during extreme floods and loss of human life from accidents and trespass incidents; these risks persist well beyond the 100-year active Project lifetime. Such events also create operational and financial liabilities for the County and other public agencies at they respond to these events. The DEIR does not propose any special authorities nor funding to facilitate the County actions nor offset County expenses.

Response 576-4

With regard to liability, please also see Collective Response #4b pertaining to liability. As discussed in Section 4.10, "Hydrology and Water Quality," of the Draft EIR, the project has been designed to withstand the 100-year flood event based on detailed hydraulic modeling of the San Joaquin River, consistent with CEQA requirements. The onsite berms separating the river from the Quarry Site are higher than the 100-year water surface with freeboard and would therefore resist breaching and the berms located on the northern portion of the Plant Site prevent the Little Dry Creek floodplain from breaching the site (Draft EIR at page 4.10-67). Catastrophic events exceeding the 100-year design storm, such as dam failure, are considered highly speculative and not reasonably foreseeable under CEQA (Title 14 CCR Section 15145). Therefore, such events are not required to be analyzed under CEQA. Concerns regarding Fresno County liability or costs associated with emergency response are fiscal and administrative in nature and do not constitute an environmental impact under CEQA.

Comment 576-5

- The Project's greatest and potentially most catastrophic impacts continue forever, beyond the 100 years of operation, due to presence of a 300-600 foot deep pit. The ongoing impacts from this presence, including risks to public safety and possible costs to the County, need to be evaluated and considered as part of the County's decision.

Response 576-5

See Response 358-5 and Response 553-8 regarding public safety at the quarry pit. The commenter's concerns pertaining to the depth of the pit are noted. The Draft EIR fully evaluates the potential impacts of the proposed project, including the total proposed mining depth, in accordance with CEQA. The project would comply with applicable State and local regulations pertaining to mining safety.

The reclamation plan, included as Appendix B-1, "Surface Mining and Reclamation Plan," to the Draft EIR, addresses the protection of public health and safety upon completion of mining (Draft EIR Appendix B-1, page 59). The Plant Site and Quarry Site would be fenced in accordance with the provisions of the reclamation plan to exclude potential trespassers.

Comment 576-6

- The Project will affect property values of nearby existing and potential private properties, and adversely affect Fresno's reputation and ensuing ability to attract beneficial business and development.

Response 576-6

Please see Collective Response #7 pertaining to economic issues, including property values.

Comment 576-7

- Permitted aggregate mining has left the San Joaquin River corridor in poor condition in many areas but has been generally shallow enough that the sites can be reclaimed to offer some potential beneficial uses for recreation, views, and wildlife habitat, and not pose high risks from extreme flows. The proposed 400-600 ft deep pit cannot be restored and used in such a fashion. It would permanently remove that area from public uses and benefits, with no offsetting mitigation.

Response 576-7

There is no SMARA requirement that the reclaimed land serves a recreational purpose. Upon final reclamation, the Plant and Quarry sites would both be converted to open space for riparian and open water habitat. At the Plant Site, there would be a pond, and at the Quarry Site, there would be a lake formed, to be used as open water habitat (Draft EIR at pages 2-45 through 2-49). All required and reasonable measures would be taken to ensure that the reclaimed sites would not endanger public health or safety, and the sites would be fenced to prevent trespassing (Draft EIR at page 4.11-22). Thus, the EIR and reclamation are consistent with the Fresno County General Plan.

Comment 576-8

- The Project proponent, CEMEX, is a foreign corporation with an established reputation of noncompliance with regulations, and intractability in working with local governments – this creates a substantial financial liability for the County, as

well as uncertainty that mitigation measures will be executed, and uncertainty about the long term robustness of mitigation, restoration and post operation conditions. This is a glaring weakness that can and should be corrected.

Response 576-8

Please see Collective Response #4a pertaining to the Operator's regulatory history. Please see Collective Response #4b pertaining to liability.

Comment 576-9

Specific Issues and Comments

Existing conditions/environmental baseline

The DEIR uses existing conditions as the baseline for evaluating project impacts. However, the project sites are currently largely disturbed with active mining operations, and are destined for recovery and restoration. In the absence of the proposed Project, the sites would be restored to semi-natural habitat and be generally amenable to positive viewing and public recreation, as well as have habitat value and ecosystem services. This is the future "no Project" condition, to which Project impacts should be compared. By comparing Project impacts to the active mines at the project site, the DEIR impact analyses do not reflect the sites' conditions in the absence of the proposed Project. The analyses are inherently biased to show less significant impacts due to the proposed Project.

Response 576-9

CEQA requires analysis of potential environmental impacts compared to existing conditions (i.e. the CEQA baseline) at the time of the Notice of Preparation. Thus, the Draft EIR correctly analyzes the potential environmental impacts as compared to the existing conditions, which include the mining operations on the project site.

Comment 576-10

The proposed Project would delay restoration and mitigation at the plant site by perhaps 70 years; the absence of the benefits this mitigation would provide is an impact that has not been disclosed nor analyzed in the DEIR. Additionally, the proposed project would eliminate the current mitigation and restoration outcomes at the Quarry site, causing impacts to habitat values, views, recreation and other beneficial uses different than those disclosed and analyzed in the DEIR.

Response 576-10

See Response 576-9 above. Under CEQA, the project's impacts must be analyzed as compared to conditions existing at the time of the Notice of Preparation. A comparison of the projected environmental impacts associated with the existing reclamation plan and potential environmental impacts associated with the proposed reclamation activities for the project is not required because the Baseline does not include future conditions (i.e. those associated with future reclamation), but rather the existing physical environment (CEQA Guidelines Section 15125(a)).

Comment 576-11

Impact Analysis

Temporal scope

The project lifetime is 100 years. But, impacts of the presence of the proposed pit will continue well past the Project's operational life. This extremely long period of active impacts should be analyzed and disclosed. Impact analyses should encompass the 100-year active life, plus forecast past that to the conditions that will persist after project closure.

Response 576-11

Draft EIR Chapter 2, "Project Description," clearly describes the proposed duration of operations at both the Plant Site and the Quarry Site and describes reclaimed conditions at both site. Draft EIR Chapter 4, "Environmental Analysis," evaluates the environmental effects of the project consistent with the project description. The comment does not provide evidence of a deficiency in the Draft EIR's evaluation of operations or reclaimed conditions. Please see Collective Response #5 pertaining to the requested use permit duration.

Comment 576-12

The proposed project eliminates mitigation for an existing approved project.

The restoration plan for the existing permitted Rockfield quarry includes a design adaptable to public use, in a shorter time frame (approximately 30 years), and without the extreme attractive nuisance of a larger deeper pit. Presumably this restoration was considered in the balance as part of the mitigation for the existing permitted project. The proposed Rockfield Quarry Project would eliminate this restoration and mitigation. This is an added impact that does not appear to have been addressed in the DEIR and should be.

Response 576-12

See Response 576-10 above. The project proposes to extend the life of the existing operations at both the Plant and Quarry Site, and introduce blasting at the Quarry Site for the purpose of extracting hard rock. Therefore, prior Reclamation Plans are subject to change. See Draft EIR Appendix B-1, which includes the Reclamation Plan for the proposed project.

Comment 576-13

The flood analyses used a 100-year event standard.

A more conservative 250-year standard should be used, because extreme events are becoming more common, and reservoir management is not guaranteed to be consistent over time. Extreme events and rare but catastrophic consequences should be evaluated, and 100yr climate forecast scenarios should be employed for better context.

The very deep pit left after mining will be only 200 feet from the San JoaquinRiver. Flood analyses only looked at 100yr flood events. What prevents erosion and maintains long-term stability of the bank and floodplain in the 200 feet between the river and the pit? What happens if the river breaches the pit wall? Who pays for damages? Who modifies the site to ensure stability if river conditions change over or after 100 years? Local and state taxpayers should not have to foot the bill for these kinds of impacts.

Response 576-13

The mine has been operating since 1913 and has not been inundated, including during the 1997 flood. The proposed project includes multiple mitigation measures under the Blasting Protocols to ensure that the blasting design does not damage the structural integrity of the San Joaquin River bank. This includes ground vibration measurements, air overpressure measurements, and visual inspection of the San Joaquin River riverbank (Draft EIR page 4.4-57). The Operator is responsible for the funding mechanism of corrective actions, if necessary, over the life time of the proposed project. For further discussion of the proposed project's potential impacts on the stability of the San Joaquin River bank and associated mitigation measures, see discussion of Impact 4.4-4. For more information regarding the Blasting Protocols, refer to Appendix H-9, "Revised Blasting Protocols," of the Final EIR.

Comment 576-14

Flooding and Geohydraulogy

The DEIR uses the 100 year events to analyze flood and river-related impacts. However, California is experiencing increased volatility in precipitation and flooding, so that the use of 100 year events is not the best predictor of risks. A 250 year event standard should be used for these analyses. This more conservative approach should be used also because the Project's situation along the San Joaquin River creates a potential for a rare event to have catastrophic consequences, such a channel alteration, dangerous changes in river flows, water pollution/water quality impacts, and unpredicted flooding.

Response 576-14

See Response 576-13.

Comment 576-15

Recreation:

There is little to no quantification of recreation use in the area surrounding the Project over the 100-year Project lifetime, nor afterwards. Project impacts on usage numbers, patterns, impacts of shifting recreation use away from the Project area to other areas and their concomitant impacts were not analyzed in detail. Nor were there any analyses of economic impacts on Fresno and Madera Counties resulting from changes in recreation caused by the project. Such analyses are possible and should be conducted; they should cover the Project's 100 years of operational life, as well as account for the continued impacts of the pit past that lifespan.

Response 576-15

Please see Collective Response #7 pertaining to economic issues.

Comment 576-16

Housing

Projects like the Rockfield Quarry are known to reduce property values.

This affects current homeowners, other property owners, and investors and developers. These impacts should be analyzed for the active life of the project and beyond.

Response 576-16

Please see Collective Response #7 pertaining to economic issues, including property values.

Comment 576-17

Public Safety

The quarry will be an eternal attractive hazard. It is reasonable to expect juvenile (and adult) thrill seekers to access the site. Criminals seeking to dispose of industrial waste, stolen cars, or bodies are also possible trespassers. Deaths and injuries and other problems will occur despite security measures. What mitigation is proposed for public safety after closure? What funding mechanisms are in place to assure maintenance of site security after operations cease?

In addition to avoidable public suffering, the County and other government entities will be burdened with the cost of responding to rare but tragic events. The project should provide financial assurances to the County to address these potentially huge impacts to County finances.

Response 576-17

See Response 358-5 regarding public safety at the quarry pit.

All required and reasonable measures would be taken to ensure that the reclaimed sites would not endanger public health or safety, and the sites would be fenced to prevent trespassing (Draft EIR at page 4.11-22). Trespassing is a social issue rather than a physical environmental impact, and thus outside the scope of the analysis required under CEQA.

Comment 576-18

Mitigation

The mitigation measures listed in the DEIR generally require only monitoring and reporting, with few review criteria, and vague outcomes (generally the preparation of plans without specific actions.) They do not establish the authority of the County to unilaterally require action in response to mitigation monitoring results, changed site conditions, or noncompliance. There is little to no funding established to ensure mitigation and compliance. Nor is there any fund established for potential damages resulting from the project during operation or after closure (when the pit remains). All these deficiencies should be addressed. Proposed mitigation measures should be rigorous and enforceable;

there should be a substantial fund established to ensure compliance with mitigation measures, and fund legal and on-the-ground actions to remedy any faults or violations. A third-party mitigation overseer, separately funded by the project in the form of secure endowments or other robust and durable ways, should be required for the life of the project and for 25 or more years after.

Response 576-18

The comment's assertions regarding the adequacy of mitigation measures is not supported by evidence nor does the comment reference any specific mitigation measure(s) or deficiency of any mitigation measure. Mitigation measures adopted for the project would be incorporated into a mitigation monitoring and reporting program (MMRP) that would provide for County oversight to ensure implementation of adopted mitigation measures. Additionally, the Operator is responsible for reclamation of the project sites in accordance with the approved reclamation plan. Both Fresno County and the California Surface Mining and Reclamation Act (SMARA) require that surface mining Operators maintain a financial assurance mechanism payable to the SMARA lead agency (here, Fresno County) and to the State of California sufficient to accomplish reclamation as prescribed by the surface mining operation's approved reclamation plan, including conditions of approval and mitigation measures associated with reclamation. The Operator is required to annually prepare and submit for County review and approval a financial assurance cost estimate and evidence of a financial assurance mechanism in an amount at least equal to the cost estimate to ensure reclamation in accordance with the approved reclamation plan would be available in the event of the Operator's failure to reclaim the site in accordance with the approved reclamation plan.

Comment 576-19

Because of the significant ongoing public interest in the Project, and its continuing impacts upon the public even after closure, the County should establish a process for publication and public review and comment on all mitigation reports and proposed actions. A citizens' advisory panel or similar group should be established by the County to assist in overseeing compliance and mitigation; this should be funded by CEMEX.

Response 576-19

Please see Response 576-18 regarding mitigation measures, the Mitigation Monitoring and Reporting Program (MMRP), and oversight. Under CEQA, the lead agency—in this case, the County of Fresno—is responsible for ensuring implementation of adopted mitigation measures through the MMRP following certification of the Environmental Impact Report (EIR). The MMRP identifies each mitigation measure and specifies the

responsible party, timing, and procedures for monitoring compliance. As a condition of project approval, the Operator would be required to implement all mitigation measures adopted as part of the certified Final EIR.

The commenter's recommendation for a citizen's advisory panel or similar oversight group is noted and will be considered by County decision-makers; however, CEQA does not require the formation of such a group, and the comment does not provide evidence that additional oversight beyond the MMRP is necessary to ensure implementation of mitigation measures.

Comment 576-20

Significant but Unmitigable Impacts

The DEIR lists two Significant but Unmitigable Impacts. One is the visual impact, which is deemed not mitigable – but, staining the pit walls some appropriate color is offered as a partial mitigation measure. This is ridiculous on the face of it. How was this determined to be reasonable mitigation? What color will be chosen and why, and by whom? How is funding provided for ongoing in perpetuity maintenance?

Response 576-20

Please see Collective Response #8 pertaining to the Draft EIR's visual resource impact analysis and mitigation.

Comment 576-21

The other unmitigable impact is traffic delays at Willow and Friant. Partial mitigation for traffic impacts is offered as paying "equitable share" costs for improvements in a few traffic signals, road widening and road surface maintenance. As written, the Mitigation Measure does not specify a number of critical requirements, such as timing of payments, funding source, maintenance of improvements after the operational life of the Project, or remedies for default. It seems that substantially better mitigation could be provided.

Response 576-21

The County cannot legally require the project to fully fund the necessary road improvements and instead must limit the imposition of mitigation requirements to those that are roughly proportional to the project's impacts (Title 14 CCR Section 15126.4(a)(4); *Dolan v. City of Tigard*, 512 U.S. 374 (1994)). Therefore, the appropriate mitigation requirement for project impacts associated with traffic operations is for the Operator to

contribute its proportional share of funding toward the improvements, which is required here. See Draft EIR Mitigation Measures 4.17-1a through 4.17-1r. As discussed in the Draft EIR (see Draft EIR pages 4.17-29 and 4.17-30), even with the Operator's contribution of the project's proportional share of funding for these improvements, the improvements necessary to achieve acceptable LOS and pavement conditions at these intersections may not occur before the project's introduction of additional vehicle trips because of, for example, a lack of funding for the other proportional shares beyond the control of the Operator. Therefore, the project's impact at 5 intersections (identified on Draft EIR page 5-28 and 5-29) under the following conditions is considered significant and unavoidable:

- Existing-Plus-Project Conditions (Stage 1—3.0 MT per year);
- Five-Year Cumulative Conditions with Project (Stage 1—2.0 MT per year);
- 15-Year Cumulative Conditions with Project (Stage 1—3.0 MT per year);
- Cumulative (Year 2040) No-Project Conditions; and
- Cumulative (Year 2040) Conditions with Project (Stage 1—3.0 MT per year).

See Draft EIR Section 4.17, "Transportation," for a detailed discussion of the Traffic Index analysis and the LOS and Queuing analysis. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR section referenced here.

Comment 576-22

Duration of mitigation

The Project causes impacts that persist after its 100 year active life. Costs of ongoing mitigation measures, (such as monitoring, site security, emergency response, and response to catastrophic events such as flooding) should be analyzed, and secured funding provided.

Response 576-22

Please see Response 576-18 regarding mitigation measures, the MMRP, and oversight. Please also see Collective Response #4b pertaining to liability.

Comment 576-23

Security and durability of mitigation funding.

CEMEX has a poor history of compliance with environmental regulations, having been fined over 41 million dollars for 81 violations, according to one 2000 report. Especially relevant to Fresno County's situation, Cemex had a sand mining operation in the city of Marina, along Monterey Bay. In March 2016 the

California Coastal Commission issued a cease and desist order asking for administration civil penalties, stating that the operation is narrowing beaches and impacting environmentally sensitive habitat. Cemex denied the allegations and continued to operate. A settlement was reached in 2017 and CEMEX ended mining in December 2020.

Response 576-23

Please see Collective Response #4a pertaining to the Operator's regulatory history. The purpose of CEQA is to provide substantial evidence supporting findings of the reasonably foreseeable potential environmental impacts of a project. The majority of the comment (i.e., consideration of past violations at an unrelated site) is not germane to the Draft EIR, or the analysis or impact determinations found therein. The Draft EIR provides a detailed evaluation of potential project impacts associated with the required CEQA environmental issues, and proposed the implementation of mitigation measures to reduce potential environmental impacts to less than significant levels, or to the extent feasible. The County and the Operator are committed to ensuring full compliance with the law and environmental review process.

Comment 576-24

Environmentally Superior Alternative

The No Project Alternative was identified clearly as the Environmentally Superior Alternative. Pursuant to CEQA requirements, another Environmentally Superior Alternative was selected from those provided in the DEIR. Alternative 5, reduced mining depth (400ft) and reduced annual sales (2.5 MTY) is identified as the environmentally superior alternative pursuant to CEQA.

However, it appears that Alternative 4, reduced mining depth (300 ft) with additional setbacks, would accomplish much of what Alternative 5 does, with the added advantages of providing additional buffers for impacts to recreation, aesthetics, and possible catastrophic events involving the San Joaquin River. The choice of "next best" Environmentally Superior Alternative should be reevaluated. A more expansive and scalable set of Alternatives should be provided to allow a less constrained choice of "next best" alternative.

Response 576-24

Draft EIR Chapter 6, "Alternatives," provides a detailed evaluation assessing impacts of the alternatives as compared to the proposed project. With Chapter 6, Section 6.6,

"Comparison of Alternatives," then provides a comparative assessment of the various alternatives against each other, presenting the assessment in summary form in Table 6-2, "Alternatives Impact Comparison Summary," on Draft EIR pages 6-60 through 6-76. Table 6-2 identifies certain impacts for which Alternative 4 would have reduced severity as compared to the proposed project and Alternative 5. However, Table 6-2 also identifies several impacts for which Alternative 5 would have reduced severity as compared to the proposed project and Alternative 4. As discussed in the Draft EIR, Alternative 5 is determined to be the environmentally superior alternative due to reduced impacts to air quality, biology, energy, groundwater quality, groundwater supplies, mineral resources, noise and transportation. The commenter's observation regarding certain comparative merits of Alternative 4 is noted; however, the County's identification of Alternative 5 as the Environmentally Superior Alternative is based on substantial evidence and analysis in the Draft EIR and in compliance with CEQA.

Comment 576-25

Conclusion

The proposed Project is inconsistent with existing and planned uses of the San Joaquin River corridor. The Project far exceeds historic and current aggregate extraction operations in the San Joaquin River corridor, and their impacts. It would create an enduring scar with ongoing impacts the DEIR does not adequately disclose or analyze; the mitigation measures proposed are inadequately defined; Project compliance is not assured; mitigation funding is not secured; and the County is left with additional unmitigated impacts in terms of potentially massive financial liabilities for more than 100 years. Deficiencies in the DEIR necessitate at least reanalysis and recirculation, but it is in the best interest of the public for the Commission to deny the Application.

Response 576-25

The commenter's concerns regarding the project and Draft EIR are noted and will be considered by County decision-makers. The comment does not provide evidence of a deficiency in the Draft EIR or mitigation measures identified in the Draft EIR. Please see Collective Response #18 pertaining to the project's consistency with San Joaquin River Parkway Master Plan. The Draft EIR sufficiently analyzes the potential environmental impacts of the proposed project and provides mitigation measures where necessary to reduce the severity of potentially significant impacts, in accordance with CEQA. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required.

Letter #577 March 10, 2025, Stephanie Smallie

Comment 577-1

I've grown up on our San Joaquin River for over 50 years. I've had the privilege of living at the Spano Ranch for 25 years. I've spent almost every Saturday in my childhood roaming around the river bottom with my grandfather, Oscar Spano. I grew a deep appreciation for our river. It's a beautiful natural resource with so much vegetation, open land not to mention all of the wild life. There is a peace it brings my soul.

Response 577-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See responses below that address specific issues raised in this comment letter.

Comment 577-2

The blasting will change everything that is peaceful and serene.

Response 577-2

The project's proposed blasting operations are described in the Draft EIR under Section 2.5.2.2, "Quarry Site Mine Plans," on page 2-42. Blasting would be limited to one to two blasts per week on weekdays between the hours of 10 a.m. and 2 p.m. The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, "Noise." See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections.

Comment 577-3

I strongly oppose this project. The amount of disturbance to our river is unimaginable. No matter how good an EIR "plan" is, there is no way that it couldn't not negatively affect our river and all that it encompasses.

Response 577-3

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality."

Letter #578 March 10, 2025, Peter Smith (handwritten)

Comment 578-1

I write to you as a concerned citizen of the County. I have deep concerns about the proposed CEMEX Quarry Modification ER and how it will impact the environmental we all share.

Response 578-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See responses below that address specific issues raised in this comment letter.

Comment 578-2

While I recognize legitimate needs for production and material demands in the County, the well-being of County communities is paramount. The San Joaquin River is a vital public resource that is integral to human, animal, and environmental health. A massive pit mine in this location will compromise hiking, rafting, biking, wildlife habitats, quite and water resources. Ramping up mining at CEMEX Rockfield Quarry will increase truck and heaving machinery traffic which will severely impact air quality in the Valley/County. I don't need to remind you that air quality is already one of the biggest problems in our County. Rockfield Quarry expansion would only make it worse.

Response 578-2

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." Impacts to recreation are addressed in Draft EIR Section 4.16, "Recreation." See also Collective Response #27 regarding the project's potential operational effects on users of nearby parks and trails. Potential impacts to wildlife habitats, quiet, and water resources are evaluated in Draft EIR Section 4.4, "Biological Resources," Section 4.13, "Noise," and Section 4.10, "Hydrology and Water Quality," respectively. The issues of truck traffic and air pollution are evaluated in Draft EIR Section 4.17, "Transportation," and Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), respectively. See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections. See also Collective Response #9 regarding the project's potential to effect the region's existing air quality conditions.

Comment 578-3

My understanding is that there is sufficient rock aggregate material available in the region already so this project is both unnecessary and degrading to the River environment.

Response 578-3

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 578-4

The proposed mitigation efforts outlined in the DEIR are flimsy and insufficient to address harms.

[sic; the first part of the sentence did not copy well and therefore was not legible when drafting this response to comments. See Appendix M, "Draft EIR Comment Letters," for a copy of Letter 578 as it was received] community members when considering projects like CEMEX Rockfield Quarry Modification because of the major impacts on humans and all who share space in this watershed.

Response 578-4

The comment does not provide any reasoning or evidence to support the assertion that the mitigation measures required in the Draft EIR are insufficient. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #579 March 10, 2025, Brian Snyder

Comment 579-1

I appreciate the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts of this project, I have several concerns that I urge you to address before moving forward with approval.

Traffic, Noise, and Cumulative Environmental Effects

As our city and county continue to grow, a deeper excavation site will leave a lasting mark on the landscape. Future generations will question the wisdom of approving such a significant expansion—one that risks becoming a permanent scar in the heart of their community. When the original site was approved, it was in a remote area, surrounded only by the San Joaquin River and farmland.

Today, that is no longer the case.

If approval is inevitable, I strongly urge you to require CEMEX to establish a substantial, independently managed bond—funded entirely by the company, not taxpayers—to ensure full environmental restoration and remediation long after we are gone.

Response 579-1

Land use compatibility and consistency with local land use plans are discussed in Draft EIR Section 4.11, "Land Use and Planning." See Collective Response #4b regarding liability and funding for remediation of environmental damage.

Comment 579-2

Transparency and accountability in this review process are essential to protecting the long-term health of the San Joaquin River watershed and surrounding communities. I appreciate your careful consideration of these concerns.

Response 579-2

See Collective Response #1 regarding transparency in the County planning process.

Letter #580 March 10, 2025, Clare Statham

Comment 580-1

I am writing to ask that Fresno County say no to CEMEX's request for a 100-year sand and gravel permit.

1. PERMIT LENGTH: By any measure, a permit for 100 years is unreasonable and irresponsible. We and our children will be long gone before the project is completed and the required mitigations are in place. In approving such a long-term permit, the county would give up its leverage with the company. Say NO TO A 100 YEAR PERMIT.

Response 580-1

The commenter's request for denial of the project and concern with regard to the duration of the project are noted and will be considered by County decision-makers. Please see Collective Response #5 pertaining to the requested use permit duration.

Comment 580-2

2. TRUCK TRAFFIC AND PLANT OPERATION HOURS: Look carefully at the DEIR Tables 2-5 and 2-6. Within 10 years this project will be generating 1,076 trips per day. As the tiny 2-6 Table Notes say, this number is for **ONE WAY TRIPS**. But logic tells us that trucks cannot be going only one way. So how many round trips? Over 2,100 trips a day? Table 2-5 states that the plant will be running six days a week, from 4:00 AM to 9:00 PM (with reduced hours on Saturdays starting at 6:00 AM.) But the small print Table Notes say something quite different: "Continuous 24 hours per day operation may be required." So the neighborhoods to the south of

Friant Road and the houses in the river bottom will be subjected to the noise, and the larger region to the air pollution generated by somewhere between 80 and 160 trucks per hour anywhere from 4:00 AM to 9PM or 24 hour a day. We don't know. The DEIR allows the company to operate whenever in wants.

Response 580-2

Draft EIR Table 2-6, "Existing and Proposed Daily Truck Trip Generation," presents vehicle trips in terms of one-way trips. A roundtrip consists of two one-way trips (inbound and outbound); therefore, converting one-way trips to roundtrips would reduce the reported values by half, not double them as suggested by the commenter. The commenter's assertion of approximately 2,100 trips reflects a misunderstanding of how trips are reported in the Draft EIR.

As described in the Draft EIR Traffic Impact Study (TIS), trip generation estimates are based on typical peak-hour conditions at maximum production under existing conditions and permits. Table 4.1 of the TIS identifies an existing average of approximately 684 daily roundtrip truck trips and 278,126 annual roundtrip trips for all vehicle types, while Tables 4.2 through 4.4 estimate trip generation under the proposed expansion.

The commenter also appears to misinterpret Draft EIR Table 2-5, "Proposed Typical Hours and Days of Operation," Note 2, which states that continuous 24-hour operations may be required for certain public roadway projects under limited circumstances (e.g., nighttime or emergency work), and clarifies that this does not apply to blasting or recycling operations. Accordingly, the Draft EIR does not propose continuous 24-hour operations for the Plant Site, asphalt plant, or ready-mix concrete plant.

Potential noise impacts associated with project-related traffic and operations are addressed in Draft EIR Section 4.13, "Noise." The analysis concludes that noise levels would be below applicable thresholds, and implementation of Mitigation Measures 4.13-3 and 4.10-1, along with conditions of approval, would further reduce potential impacts to less than significant levels. The project is also consistent with applicable goals and policies of the Fresno County General Plan (see Draft EIR Table 4.11-1, "Project Consistency with Local Planning Documents"). Therefore, no additional mitigation measures are required.

Comment 580-3

I have studied the tables on noise and cannot understand how a 100% increase in truck trips in the next 10 years does not lead to a substantial increase in noise. I think the logic is this: if an air national guard airplane flies over my house there is a loud

noise. If another one flies over two minutes later there is another loud noise, but it is not louder than the first noise. So one can say that there is no increase in decibel level. But increasing the time one listens to the noise amounts to an increased impact even if the decibel level does not change. That logic is the only way I can account for both the tremendous increase in truck traffic proposed and the supposed minimal change in noise noted in the DEIR.

Response 580-3

In addition to the response below, see Response 291-5 and Response 552-6.

In response to the commenter's statement regarding the effects of increased traffic on perceived noise levels, the following explanation is offered. Because the decibel scale is exponential, a doubling of sound energy equates to a 3 decibel increase in noise level (10*log102=3 dB). For similar noise sources, a 3 dBA increase is considered the threshold of perception that an increase has occurred, and a 10 dBA increase is required before a traffic noise level increase is subjectively perceived as being twice as loud. As such, a large change in traffic volume is required before a clearly noticeable change in traffic noise level is perceived. The Draft EIR analysis clearly indicates that traffic noise levels would increase along roadways utilized by project traffic, and does not state that the decibel level would not change as a result of the project as asserted by the commenter.

Comment 580-4

3. IMPACT ON ROADS: As stewards of the county's transportation infrastructure, you can image what this volume of heavy weight traffic will do to Friant Road. The proposed mitigation is "Equitable Share Contribution." Equitable share is not defined, and the DEIR does not estimate what percentage of wear CEMEX trucks would cause. I foresee when the time comes to determine how an Equitable Share translates into actual dollars, CEMEX will argue for far less road damage than it is causing and the county taxpayers will be left footing most of the bill for the damage caused by hundreds of thousands of truck trips each year. How the enormous increase in traffic will affect the safety of other drivers is also not adequately addressed.

Table 2-5
Proposed Typical Hours and Days of Operation

Activity	Typical Hours and Days[1,2]
Excavation, Aggregate, and Recycle Processing	6 a.m. - 7 p.m., Monday through Friday
Loading, Unloading, and Aggregate Trucking[3]	4 a.m. - 9 p.m., Monday through Friday
Asphalt and Ready-Mixed Concrete Plants[4]	4 a.m.-6 p.m., Monday through Friday, May - October 5:30 a.m.-6 p.m., Monday through Friday, November - April 6 a.m.-2 p.m., Saturdays
Blasting	10 a.m. – 2 p.m., Monday through Friday 1 to 2 times per week

Table Source: CEMEX 2021.
Table Notes:
1. Maintenance of mobile and plant equipment extend beyond these hours.
2. Continuous 24 hours per day operation may be required for major public road projects that are required to be completed during night hours or on weekends to avoid traffic conflicts or during periods of public emergency affecting the health and safety of the community. This is not applicable to blasting operations and recycle processing.
3. Major public road projects may be required to be completed during night hours or on weekends to avoid traffic conflicts. Such projects may require loading operations beyond the hours and days of operation shown.
4. Asphaltic oil, cement, propane, and other supplies may be delivered during nighttime hours.

Table 2-6
Existing and Proposed Daily Truck Trip Generation

Description	Employees	Interplant Truck Haul	All Other Trucks	Total Annual Average Daily Truck Trips
Existing	110	450	240	690
Project Stage 1 at 2.0 MTY (5 years)	114	134	560	694
Project Stage 1 at 3.0 MTY (10-30 years)	120	216	860	1,076
Project Stage 2 - 3.0 MTY (30-100 years)	120	0	944	944

Table Source: CEMEX 2021.
Table Notes: Estimated trips are one-way trips.

Response 580-4

Please see Collective Response #29 pertaining to project-related transportation impacts and mitigation, Collective Response #30 pertaining to roadway safety, and Section 3.2.5.17, "Errata to Draft EIR Section 4.17, "Transportation," with revisions to the Draft EIR Transportation section that clarify and amplify information, analysis, and mitigation measures related to transportation.

Regarding the commenter's assertion that equitable share is not defined, please see Draft EIR page 4.17-26 which provides the equation and definitions used by Fresno County to determine a project's equitable share of the cost of improvements. In summary, the project's equitable share is equal to the number of project trips generated during the peak hour of the adjacent facility divided by the forecasted future with-project traffic volume

on the impacted facility. The project's equitable share proportions were calculated in the November 15, 2029, "Traffic Impact Study, Proposed CEMEX Rockfield Modification Project" included as Appendix I-1, "Traffic Impact Study," of the Draft EIR. As presented there in Table 12.2, the equitable share responsibility calculations based on the A.M. peak hour are as follows:

Location	Equitable Share
SR 41 / Road 145	1.55%
Road 206 / Road 145	2.99%
Friant / North Fork Road	2.20%
Friant / Quarry Site	100%
Friant / Plant Site	100%
Friant / Willow	6.44%
Willow / Copper	0.97%

Comment 580-5

3. AIR QUALITY IMPACTS AND LACK OF MITIGATION: The DEIR's air quality information is especially evasive in dealing with the impacts of the CEMEX proposal. Page after page is devoted to identifying agencies that deal with air quality, where their jurisdictions are, what the San Joaquin Air Pollution Control District does, which regulations it adopted in which years. It identifies the harms of diesel emissions and other noxious compounds. In these 33 pages the DEIR identifies the factors that make the San Joaquin Valley's air exceptionally dirty and acknowledges that our air is not meeting federally mandating clean air standards. What the DEIR does not do is evaluate in a substantive way the pollution this project will create.

The information relevant to CEMEX boils down to just one two-sentence paragraph at the end of 4.3-33. This paragraph states that CEMEX will emit the pollution ("actual emissions") and "the applicant can pay its fair share" into some other offset program rather than deal with "potential emissions" i.e., the emissions you prevent from becoming emissions. The DEIR notes that "many years in the future" new and by implication more stringent "diesel engine requirements [will be] fully implemented." Translation: CEMEX's operation will have significant impact on air quality, the company will pay a mitigation fee that is unlikely to improve our local air, and eventually stricter regulations enforced by someone else will make the company clean things up, so let's deal with this air quality business later. In the meantime we can breathe even dirtier air. I have copied the relevant paragraph below.

Page 4.3-33: The proposed project is well suited for offsetting actual emissions rather than potential emissions because the applicant can pay its fair share to mitigate the cumulative effects of ozone (VOC, NOx) and PM10 by complying with the existing in-use on- and off-road diesel engine regulations. In addition, it is likely that the maximum production amounts analyzed for the proposed would first occur many years in the future after the diesel engine requirements are fully implemented, thus potentially reducing emissions relative to the estimated emissions presented in the Air Quality Assessment and associated Addendum of the proposed project, because the emissions estimates in these studies follow conservative methodologies to ensure they represent the maximum reasonably foreseeable future condition with the project.

Response 580-5

The commenter is referencing a section in the Draft EIR that discusses the option of the project entering a VERA with the SJVAPCD. As discussed in the Draft EIR, applicants that enter a VERA may pay up-front for potential excess emissions predicted for the entire project. The project is well suited for offsetting actual emissions through this program payment to mitigate cumulative effects of ozone and PM_{10} by complying with existing diesel regulations. The SJVAPCD uses all of the off-site mitigation fees from the VERAs to fund emission reduction projects through its Incentives Programs to achieve emission reductions on behalf of the projects. Further, the paragraphs that the commenter references are based on more detailed reports contained in Appendix D-1, "Air Quality, Health Risk, and Climate Change Impact Assessment," and Appendix D-2, "Addendum No. 2 to the Air Quality, Health Risk, and Climate Change Impact Assessment."

The technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Revised Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3) including preparation of a Fugitive Dust Control Plan and additional health risk modeling. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. See also Draft EIR Table 4.3-24, "Unmitigated Project Health Risk Impacts," and Table 4.3-25, "Mitigated Project Health Risk Impacts," as they have been updated in the Final EIR at Appendix D-4, "Revised Section 4.3, Air Quality."

Comment 580-6

4. EXISTING AGGREGATE PERMITS AND THE ISSUE OF JOBS: Finally, there is the issue of jobs dependent upon aggregate mining and supply. CEMEX has stated that the project will add only five new jobs at the work sites. They state 37 other jobs will be created but do not say these jobs will be in Fresno County. If they were local

jobs, I think CEMEX would have shared that fact. Perhaps those 37 jobs will be created at company headquarters in San Pedro, Mexico. What about jobs in the building industry that use the sand and gravel? We have enough local production of these materials to keep these industries supplied for decades. I include here the Fresno section of a table from the California Geological Survey's most recent report on aggregate mining and a link to the complete report. If you read the introduction to this report you will see that it was written by someone who understands the importance of aggregate mining for the building industries and for California's micro-economies. It is not a report hostile to mining and construction, so its conclusions should carry weight with those of you who support our local housing and construction industries.

AGGREGATE SUSTAINABILITY IN CALIFORNIA

https://www.conservation.ca.gov/cgs/Documents/Publications/Map-Sheets/MS_052_California_Aggregates_Report_201807.pdf

AGGREGATE STUDY AREA[1]	50-Year Demand (million tons)	Permitted Aggregate Reserves (million tons)	Permitted Aggregate Reserves Compared to 50-Year Demand (percent)	Projected Years Remaining
Bakersfield P-C Region	338	1,708	505	More than 50
Barstow-Victorville P-C Region	163	117	72	31 to 40
Claremont-Upland P-C Region	202	90	45	21 to 30
El Dorado County	82	15	18	11 to 20
Fresno P-C Region	305	556	182	More than 50
Glenn County	41	22	54	21 to 30

Response 580-6

Please see Collective Response #3 pertaining to regional aggregate demand and supply.

Comment 580-7

Many other problems exist with this proposal: the impact on the San Joaquin River, the recreational areas near the CEMEX operation, and the aesthetic impact. I have restricted my comments to the topics on which I am most versed and could read the DEIR with the greatest understanding.

The people of Fresno and Madera counties do not need this project to have a healthy local building industry. The CEMEX project would have serious adverse effects on air, traffic, and quality of life, particularly noise pollution from excessive traffic. One hundred years is too long a time to approve the very best of projects.

Unfortunately, CEMEX is a company with a problematic record in a number of areas. Please, do not approve the CEMEX permit.

Response 580-7

The commenter's concerns and opposition to the project are noted and will be considered by County decision-makers. The Draft EIR discusses impacts to water resources, recreation, aesthetics and visual resources, air quality, and traffic in Section 4.10, "Hydrology and Water Quality," Section 4.16, "Recreation," Section 4.1, "Aesthetics and Visual Resources," Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.17, "Transportation." Please see Collective Response #5 pertaining to the requested use permit duration. Please see Collective Response #4a pertaining to CEMEX regulatory history.

Letter #581 March 10, 2025, Miranda Stelfox

Comment 581-1

As a resident of Friant, I am writing to express my profound concern regarding the escalating negative impacts of increased truck traffic and related issues, particularly the destruction of our unique natural environment. This area, rare within the Fresno region, is experiencing significant degradation due to the increased industrial activity. I have personally observed and experienced the following, addressing the key concerns as outlined in the example:

Response 581-1

The commenter's concerns are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR. Please see Response 581-2 through 581-6 below for further discussion of the commenter's specific concerns. See also Draft EIR Section 4.17, "Transportation," for discussion of the project's potential traffic-related impacts.

Comment 581-2

Traffic Congestion and Safety:

The increased volume of large trucks has created significant traffic congestion, particularly during peak hours. This poses a serious safety hazard for residents, cyclists, and other motorists. The narrow roads in Friant are ill-equipped to handle the current level of truck traffic, leading to dangerous situations and near-misses. The combination of large trucks, cyclists, and regular car traffic creates unsafe conditions, deterring residents

and visitors from enjoying the natural beauty of the area. This diminishes the recreational value of our unique ecosystem.

Response 581-2

Please see Collective Response #29 pertaining to project traffic impacts. Please see Collective Response #30 pertaining to roadway safety.

Comment 581-3

Road Damage and Maintenance:

The heavy truck traffic is causing severe damage to our roads, resulting in cracks, potholes, and overall deterioration. The current road conditions are unacceptable and pose a risk to vehicle safety. The roads are not designed for this heavy traffic. The resulting erosion from the damaged roads is impacting the San Joaquin river watershed. The dust and debris generated are impacting native flora and fauna.

Response 581-3

Please see Collective Response #29 pertaining to project traffic impacts. Please see Collective Response #30 pertaining to roadway safety and road maintenance. With regard to effects of runoff, dust, and debris from existing roads and vehicle operation, the commenter does not provide evidence that such existing conditions cause or contribute to a project effect not already evaluated in the Draft EIR.

Comment 581-4

Dust and Air Quality:

The constant movement of large trucks and earth generates excessive dust, which negatively impacts air quality and poses health risks to residents. This dust also settles on vegetation, harming native plant life. The dust and debris are impacting the air quality, harming both human and ecological health.

Response 581-4

The project would be subject to mitigation measures which reduce the construction and operation emissions throughout the life of the project. Additionally, the project would be subject to a Fugitive Dust Control Plan required by SJVAPCD Regulation VIII. This Dust Control Plan would also benefit plant life.

All air modeling included estimating impacts at the fence line of the proposed project facilities; the modeled emissions (including criteria air pollutants, and health risks) at the

fence line receptors represent the worst-case air impacts from the proposed project. Any potential impacts on the adjacent Conservancy owned properties (and even further as the commenter suggests Friant, Fresno and Madera) would be less than those potential air impacts reported in the Draft EIR for the fence line receptors. Because the proposed project air impacts were all below all significance thresholds for the fence line receptors, the potential impacts at the surrounding communities of Friant, Fresno and Madera, which are all further from the proposed project's modeled fence line receptors, would be less than significant. Further, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Revised Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3) including preparation of a Fugitive Dust Control Plan and additional health risk modeling. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR. See also Draft EIR Table 4.3-24, "Unmitigated Project Health Risk Impacts," and Table 4.3-25, "Mitigated Project Health Risk Impacts," as they have been updated in the Final EIR at Appendix D-4, "Revised Section 4.3, Air Quality."

Comment 581-5

Noise Pollution:

The increased truck traffic has significantly increased noise pollution in our community, disrupting the peace and tranquility of our rural environment. This noise disturbance disrupts wildlife patterns and diminishes the quality of life for residents. The noise, dust, and physical disturbance are disrupting wildlife patterns and degrading the overall health of the environment.

Response 581-5

The Draft EIR analyzes potential noise impacts in Section 4.13, "Noise." Existing traffic noise is part of the environmental baseline, and CEQA does not require analysis of the effects of existing environmental conditions. The Draft EIR was prepared to analyze the potential environmental impacts of the proposed project and to identify appropriate mitigation measures for impacts determined to be potentially significant. See Responses 60-13, 363-1, and 448-28 for discussion of the project's potential noise impacts. See Response 58-42 for discussion of the project's potential noise impacts. See Response 58-40 for discussion of the project's potential impacts on vegetation and wildlife as a result of blasting and fugitive dust emissions.

Comment 581-6

Environmental Impact:

The increased truck traffic and associated road damage are directly contributing to the destruction of the fragile ecosystem that makes Friant so special. The rock and debris deposited by trucks are contaminating our natural areas. The increased debris is also polluting the San Joaquin river watershed. This area is a gem in the Fresno area, and the damage is devastating. The heavy truck traffic is causing severe damage to our roads, fragmenting natural habitats and increasing erosion that pollutes nearby waterways.

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected

I urge you to take immediate and decisive action to mitigate these serious environmental and safety impacts. The unique natural beauty of Friant is being compromised, and we must act now to protect it for future generations. I am available to discuss these concerns further and provide additional details about my observations.

Response 581-6

Transportation impacts are analyzed in Draft EIR Section 4.17 and potential effects related to roadway use, including runoff, dust, and debris from vehicle operations, are addressed in the context of project traffic and roadway conditions. The commenter does not provide evidence that existing roadway conditions would result in impacts beyond those already evaluated in the Draft EIR. Please see Collective Response #29 regarding project traffic and Collective Response #30 regarding roadway safety and road maintenance.

Potential impacts to the San Joaquin River and water quality are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." With implementation of Mitigation Measures 4.10-1, 4.10-5a, 4.10-5b, 4.10-10a, and 4.10-10b, as revised and strengthened in Chapter 3, "Draft EIR Errata," impacts to surface water and groundwater quality would be reduced to less than significant levels.

The Draft EIR discloses the environmental impacts of the project and includes mitigation measures where necessary to reduce potentially significant impacts in accordance with

CEQA. The commenter's concerns and request for additional analysis, enhanced mitigation, and less harmful alternatives are noted; however, the comment does not provide evidence of a deficiency in the Draft EIR. Please also see Collective Response #1 regarding the CEQA review process and opportunities for public input.

Letter #582 March 10, 2025, Wendell Stephenson

Comment 582-1

I'm a 76-year-old Fresno native who scarcely gave a thought about the San Joaquin River running to the north of Fresno during my formative years in the 1950's and 60s. It was only after I returned to Fresno in 1999 to teach Philosophy at Fresno City College that I had any thought about the river. And then I had lots of thoughts about it.

I won't tell you about those thoughts now, for this letter is mainly in regard to the EIR submitted by CEMEX to expand its mining operations along the San Joaquin River for the next 100 years.

Response 582-1

The commenter's background is noted. Please see below for responses to specific comments.

Comment 582-2

Questions that occurred to me as I read through parts of the EIR.

1. What is an "unclassified conditional use permit"?

Response 582-2

An unclassified conditional use permit is a permit that allows for specific uses not allowed as a matter of right within a zoning district.

Comment 582-3

2. Has the California Department of Fish and Wildlife commented on this plan? The proposal impinges on its land and concerns, so I think it must comment.

Response 582-3

The California Department of Fish and Wildlife (CDFW) reviewed and provided comments on the Draft EIR. CDFW comments and the County's responses are included in the Final EIR at comment letter #15.

Comment 582-4

3. Here is the 6th stated project objective: "6. Continue to provide an environmentally sound project that would balance the recovery of the aggregate resource with the protection of other resources including wildlife habitat, groundwater, surface water, and air quality;" CEMEX is implying here that its current project along the river is "environmentally sound"? How so? More importantly, how would its proposed expansion result in an "environmentally sound" project? No "balance" is needed if the "recovery of the aggregate resource" is not necessary. That it is not necessary is something I adumbrate below. Before doing that, I'd like to know, assuming the project is necessary, how CEMEX's proposal constitutes the "right balance".

Response 582-4

The Draft EIR demonstrates an extensive consideration and analysis of the potential environmental impacts of the proposed project. The potentially significant impacts of the project would be mitigated to the extent feasible, in accordance with CEQA. Therefore, the project as proposed is environmentally sound. As discussed in Draft EIR Section 4.10, "Hydrology and Water Quality," the project would not result in significant impacts to the San Joaquin River. Please refer to Collective Response #3 regarding aggregate supply and demand in the Fresno region.

Comment 582-5

4. Cemex says it is proposing to mine and blast down to a depth of 600 feet below the surface. Apart from creating a gigantic hole, what all would this entail? It seems to me that the EIR is very weak on what this actually would entail.

Response 582-5

Draft EIR Chapter 2, "Project Description," provides a detailed description of the project sufficient for informing the Draft EIR's environmental evaluations. See specifically Draft EIR Section 2.5.2.2, "Quarry Site Mine Plans" and Figure 2-8, "Proposed Quarry Site Mining Plan," on pages 2-36 through 2-37. Additional information about the proposed project is available in Draft EIR Appendix B, "Application Materials," including the proposed "Surface Mining and Reclamation Plan, CEMEX Rockfield Modification Project" (Draft EIR Appendix B-1) and the "Project Description/Operational Statement, CEMEX Rockfield Modification Project" (Draft EIR Appendix B-2). Blasting impacts are discussed throughout the Draft EIR. See also Draft EIR Appendix H-3, "Blast Impact Analysis," Appendix H-4, "Blasting Effects on San Joaquin River Embankments," and

Final EIR Appendix H-9, "Revised Blasting Protocols," for further discussion of the proposed blasting. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 582-6

5. "The following impacts were found to be significant and unavoidable, as feasible mitigation is either unavailable or would not effectively reduce the severity of the impact to less than significant:

- Impact 4.1-1: Have a substantial adverse effect on a scenic vista.
- Impact 4.1- 3: In non urbanized areas, substantially degrade the existing visual character or quality of public views (i.e., views experienced from publicly accessible vantage point(s) of the project sites and their surroundings.
- Impact 4.17-1: Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. "

Why is there no feasible mitigation?

Why allow a project that conflicts "with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities"? Tell me how that makes sense.

Response 582-6

The Draft EIR discusses each significant and unavoidable impact and applies mitigation measures to reduce the severity of each to the extent feasible. The Draft EIR concludes that Impact 4.1-1 is significant and unavoidable because the quarry pit's engineered and linear benches would remain visible from two identified viewpoints (private residences). Mitigation Measure 4.1-1, the quarry pit staining measure, would reduce impacts to the greatest extent feasible. The Draft EIR draws the same conclusion for Impact 4.1-3 for the same reasons as Impact 4.1-1 (i.e. the visual quality from two identified viewpoints would decrease relative to existing conditions, even with mitigation).

Regarding Impact 4.17-1, the Draft EIR concludes that the project would increase the traffic index and levels of service at specified intersections relative to existing conditions, thus resulting in significant impacts. To reduce impacts at the specified intersections, the Draft EIR provides Mitigation Measures 4.17-1a through 4.17-1r which require the

Operator to contribute equitable share contributions for future signalization and pavement improvements to Fresno County. The impacts to traffic indices and levels of service are significant and unavoidable because it is uncertain when the traffic improvements would be constructed.

With regard to each of the significant and unavoidable impacts identified in the Draft EIR, including Impact 4.17-1, County decision-makers will consider information in the EIR and other factors in deciding whether to approve or deny the project. Decision-maker "findings" pertaining to a project approval decision will be documented separately from the EIR and will be deliberated as part of the project decision-making process.

Comment 582-7

7. CEMEX says that the negative impact of increased truck traffic and traffic congestion that would be caused by its work cannot be mitigated. Its reason? There are no funds. My question: why cannot the company be required to stump up any required funds to fully mitigate such traffic and congestion? In general, why can't the company be required to make any and all necessary mitigations as a necessary condition of approval?

Response 582-7

The County's imposition of mitigation requirements for the project must have a nexus to the project impact and must be roughly proportional to the impact. Therefore, mitigation measures included for traffic-related impacts of the project specify an equitable share funding contribution toward improvements (e.g., signal installation). Where improvements are not solely required as a result of the project, the County may not impose the full cost of improvements. Additionally, there may be other factors that delay or preclude the installation of certain improvements. For these reasons, the Draft EIR properly concludes that impacts related to traffic are considered significant and unavoidable. See also Collective Response #29 regarding the Draft EIR's traffic impact analysis and mitigation.

Comment 582-8

I said in 3 above that I don't think the proposed project is necessary. As Marek Warszawski writes in his Fresno Bee editorial of 16 Feb 2025: "there isn't a compelling reason to mine aggregate from along the San Joaquin River utilizing more destructive methods than those previously employed since the 1920s.

Other local sources will provide more than we need, as the California Geological Survey report shows". (The California Geological Survey report is cited in his editorial.)

If CEMEX disagrees with this conclusion, what are its reasons? What are the good reasons, good enough to continue degrading one of CA's great rivers for the next 100 years, that justify this proposal?

Response 582-8

Please see Collective Response #3 pertaining to regional aggregate demand and supply. Please see Collective Response #5 pertaining to the requested use permit duration.

Letter #583 March 10, 2025, Kathy Suda

Comment 583-1

My name is Kathie Suda, and I am a concerned citizen who deeply cares about the wildlife and natural environment surrounding the San Joaquin River. I am writing to express my concerns regarding the proposed expansion of the CEMEX-Commerce Group's mining operations near this precious area.

As you know, the San Joaquin River is home to diverse ecosystems and provides vital re-sources for both wildlife and human communities alike. The health and sustainability of this river system are critical not only for the flora and fauna that depend on it but also for the long-term well-being of our environment.

Response 583-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential impacts to fish and wildlife species and associated habitats are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections.

Comment 583-2

I respectfully request that CEMEX be required to conduct and submit a thorough Environmental Impact Report that specifically addresses the potential harm their proposed expansion might have on the San Joaquin River. This report should carefully evaluate, at a minimum, the following aspects:

Response 583-2

The Draft EIR for the proposed project was completed and released for public review and comment on January 2, 2025. The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10. See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.10.

Comment 583-3

1. Air Quality: How will the expansion of the mining operations affect the air quality in and around the San Joaquin River area? Willi dust and emissions from machinery and transportation increase, potentially harming both human heallth and local wildlife?

Response 583-3

The issue of air quality is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). The impacts identified in this section were determined to be less than significant with the incorporation of Mitigation Measure 4.3-2b and Mitigation Measure 4.3-4. See Chapter 3, "Draft EIR Errata," and Appendix D-4, "Revised Section 4.3, Air Quality," for revisions to Draft EIR Section 4.3 and Mitigation Measure 4.3-4. Since publication of the Draft EIR, the Operator has prepared a Fugitive Dust Control Plan for the project (see Appendix K of Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"). Implementation of this dust plan would minimize the project's dust emissions benefiting air quality for both humans and wildlife.

Comment 583-4

2. Water Quality: The mining project should be evaluated for its potential impact on the water quality of the San Joaquin River. Will the expansion contribute to runoff or contaminants that could harm the river's delicate ecosystem and the species that depend on it?

Response 583-4

The issue of water quality is addressed in Draft EIR Section 4.10. See Impacts 4.10-1 through 4.10-3 for discussion of surface water quality.

Comment 583-5

3. Wildlife: Finally, I urge you to ensure that the report includes an analysis of the impact on local wildlife. This includes both the direct harm that might come from habitat destruction and the indirect consequences of air and water pollution on the health of animals that inhabit the area, including the Swainson's Hawk.

Given the rich biodiversity that relies on the San Joaquin River, it is critical that any development near it be held to the highest environmental standards to ensure that wildlife and the river's ecological balance are not compromised.

I trust that, as stewards of our city's natural resources, the City of Fresno will prioritize the protection of our environment and ensure that CEMEX provides the necessary data to demonstrate that their operations will not harm the San Joaquin River area that I love.

Response 583-5

The project's potential impacts to wildlife species are evaluated in Draft EIR Section 4.4. See also Collective Response #14 regarding the analysis of impacts to Swainson's hawk presented in the Draft EIR.

Letter #584 March 10, 2025, Judith Swick

Comment 584-1

I am writing to formally express my opposition to the proposed 100-year permit for the CEMEX mining operation and to challenge the adequacy of the Draft Environmental Impact Report (EIR) prepared for this project. The EIR, as currently drafted, does not sufficiently or accurately assess the environmental, ecological, and community impacts that this long-term operation will have on the San Joaquin River and surrounding areas.

Response 584-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The commenter does not provide any reasoning or evidence to support the assertion that the Draft EIR is insufficient or inaccurate.

Comment 584-2

As Volunteer Coordinator for the Clark Bonsai Museum I am concerned with the amount of traffic that would be added to the already busy Friant Road. At the Clark Bonsai Museum we welcome visitors from all around the world, the United States, California, throughout the Central Valley and especially Fresno and Clovis. I believe that the EIR fails to adequately address the following concerns:

Response 584-2

The issue of traffic is addressed in Draft EIR Section 4.17, "Transportation." See also Collective Response #29 regarding the project's truck trips and traffic congestion.

Comment 584-3

1. The impact of air pollution and NOISE pollution on the many visitors to Woodward Park and gardens within the park, e.g. Clark Bonsai Museum and Shinzen Gardens.**[Insert Specific Concern—e.g.,

Impacts on wildlife habitat, water quality, air pollution, noise pollution, groundwater impacts, or community health concerns]**

Response 584-3

The issues of air quality and noise associated with the project are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, "Noise," respectively. See also Collective Response #27 regarding the project's potential operational effects on users of nearby parks and trails.

Comment 584-4

2. The impact of public safety on an already very busy Friant Road.

Response 584-4

See Collective Response #30 regarding traffic and pedestrian safety.

Comment 584-5

3. The potential damage to the San Joaquin River, wildlife habitat, and certainly water quality, which leads to community health concerns.

Response 584-5

The project's potential effects on the San Joaquin River, including water quality degradation, are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential impacts to wildlife habitat are evaluated in Draft EIR Section 4.4, "Biological Resources."

Comment 584-6

A project of this scale and duration requires a far more comprehensive environmental review that includes thorough scientific analysis, long-term cumulative impact assessments, and meaningful mitigation strategies. The EIR, as it stands, does not meet these standards, and I urge Fresno County to require revisions that fully account for the long-term consequences of extending CEMEX's mining operations.

I request that the Planning Department reconsider this permit in light of the inadequacies of the EIR and demand a more thorough environmental review before any decisions are made.

Response 584-6

The Draft EIR provides a comprehensive evaluation of the proposed project's potential environmental effects and meets the standards of CEQA. Draft EIR Chapter 5, "Cumulative Impacts," focuses specifically on potential cumulative impacts of the project. The commenter does not provide any reasoning or evidence to support the assertion that the Draft EIR is inadequate and in need of revision.

Letter #585 March 10, 2025, Deborah Symes

Comment 585-1

CEMEX's proposed blasting deep pit mine ignores or fails to adequately address crucial adverse impacts on the San Joaquin River and existing parks and residential areas Fresno and its fast-expanding suburbs to the north suffer from very limited access to nearby natural areas for recreation: hiking, fishing, horseback riding, photography, painting, birdwatching, and enjoying nature.

Recently, Ball Ranch park just to the north of the proposed 600-foot deep blasted pit mine -- a 358 acre park -- opened to the public. It is a great addition to the parklands available to the growing urban area and would be directly and detrimentally affected by the proposed CEMEX project. My husband and I have enjoyed several lovely hikes with sightings of birds, animals and wildflowers. Blasting and hard rock mining operations will create environmental impacts that cannot be mitigated to avoid adverse effects on the park experience.

Please consider the need of Fresno area families and especially children for unpolluted parks within reach of town to discover and enjoy nature.

Response 585-1

The project's potential impacts to recreational facilities in the project area are discussed in Draft EIR Section 4.16, "Recreation." See also Collective Response #27 regarding the project's potential operational effects on users of nearby parks and trails. The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.13, "Noise." The project's potential effects on the San Joaquin River and potential impacts to wildlife species are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality," and Section 4.4, "Biological Resources," respectively.

Letter #586 March 10, 2025, Carly Tex

Comment 586-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 586-1

The commenter's concerns are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures and no further response is warranted here. Please see Response 586-2 through 586-5 below for further discussion of the commenter's concerns.

Comment 586-2

As a member of the North Fork Rancheria of Mono Indians, and a resident of Fresno, I have a concern about the mitigation of impacts on cultural resources both physical, and spiritual.

Mitigation for cultural resources

I noticed in the description in Section 4.18 that North Fork Mono Tribe was mentioned in the list of current tribes, but not North Fork Mono Rancheria, which is a different Tribe whose lands are near the head of the San Joaquin River. The references used in this section may be outdated if it does not even include them and begs the question of whether research was thorough.

Response 586-2

Draft EIR Impact 4.18-1 on page 4.18-8 under the heading "AB 52 Consultation" discusses the County's outreach to Native American tribal representatives in accordance with PRC Section 21080.3.1. Pursuant to PRC Section 21080.3.1, the County is required to provide formal notification under AB 52 only to California Native American tribes that have submitted a written request to the County to receive such notice. Neither the North Fork Mono Tribe nor the North Fork Rancheria of Mono Indians have requested to be notified by Fresno County for projects within the project area under PRC Section 21080.3.1.

After receiving and deeming complete the application for the proposed project in 2019, the Fresno County Planning Department notified by certified letter the designated contact of, or a tribal representative of, traditionally and culturally affiliated California

Native American tribes that had requested notification of projects, including the Dumna Wo-Wah Tribal Government, Table Mountain Rancheria, and Picayune Rancheria of the Chukchansi Indians. The notification letters were mailed via certified mail on December 9, 2019 (Draft EIR Appendix J, "Transportation"). North Fork Mono Tribe is discussed in the Draft EIR at page 4.18-3 in relation to the ethnography of the project area, and the discussion there is not intended as a listing of all contemporary Native American groups. No tribes requested consultation as a result of the tribal notification letters and no responses were received during the project's scoping period. Note that Table Mountain Rancheria representatives subsequently provided comments on the Draft EIR, and those comments and the County's responses are provided at Comment Letters 50 and 52 of Final EIR Chapter 4, "Responses to Comments."

Comment 586-3

In Appendix J, it notes, *"No other cultural resources were identified as a result of the pedestrian survey. However, a search of the NAHC Sacred Lands File identified one or more sacred sites in the Project area. The NAHC recommended contacting the Dumna Wo-Wah Tribal Government and provided a list of other individuals and tribes to contact for more information."* What is the list of "other individuals and tribes to contact for more information," and were they contacted with adequate time to request a formal consultation or were they left out?

Response 586-3

The list referred to in the referenced excerpt from the Draft EIR is a list of tribes and individuals maintained by the Native American Heritage Commission (NAHC) who have requested, in writing, to receive notification of projects within the geographic area with which they are traditionally and culturally affiliated, pursuant to PRC Section 21080.3.1(b)(1). This list is provided by the NAHC to assist lead agencies in identifying potentially affiliated tribes based on the project location, consistent with PRC Section 21080.3.1(c).

In accordance with AB 52, formal tribal consultation obligations apply only to those California Native American tribes that have submitted a written request to the lead agency to receive notice of projects in the applicable geographic area (PRC Section 21080.3.1(b)). Tribes or individuals included on the NAHC list, but who have not submitted such a written request are not entitled to AB 52 consultation notice requirements.

All tribes that had submitted a written request for notification for the project area were provided timely notice of the project and an opportunity to request consultation consistent with AB 52. No tribes entitled to AB 52 consultation were omitted.

Comment 586-4

Also, how is it determined that the sacred sites are alright to develop upon? What is the plan if later archaeological discoveries are found and will you have members of local Tribes to aid in identification, mitigation, and management of artifacts? On the subject of mitigation, it would be good to have training of project staff for cultural awareness and the ability for tribes to review the permit periodically as well as be made aware of ongoing discoveries over the course of this 100-year project. Also, what if any compensation can tribes expect for the exchange of desecration and exposure of those sacred sites? This is a multi-generational project and tribal leadership is bound to change over the course of the project, being open to continued tribal consultation beyond the draft EIR public comment period is urged.

Response 586-4

Mining operations have been ongoing for decades at both the Plant and Quarry sites. The majority of each site is disturbed by the previous mining operations. Please refer to Draft EIR Section 4.5, "Cultural Resources," Impact 4.5-2 regarding the project's potential to result in a substantial adverse change in the significance of an archaeological resource pursuant to CCR Section 15064.5. Mitigation Measure 4.5-2, addressing inadvertent discovery of archaeological resources, specifies that "Fresno County shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature" providing for input from local Native American tribes for appropriate treatment of any such material.

Comment 586-5

In closing, I hope the public's comments will be considered, additional information drafted and recirculated for public review before the finalizing of the environmental impact report for the project.

Response 586-5

The commenter's requests for additional information and recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the potential environmental impacts of the proposed project and provides mitigation measures where necessary to reduce the severity of potentially significant impacts, in accordance with CEQA. As discussed in

Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required.

Letter #587 March 10, 2025, Guinevere J. Thelin and Kirk Brown

Comment 587-1

We are writing to express our concerns over the current proposed Cemex modification project which threatens the San Joaquin river. The ecosystem of these areas are incredibly fragile and the damage done will have untoward consequences for generations to come. These resources are precious and to destroy them in the thirst for profit is short sighted and only benefits a few at the expense of so much more.

Please do not allow it to progress.

Response 587-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's potential impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #588 March 10, 2025, Robb Tibstra

Comment 588-1

I am writing to submit my formal public comment regarding EIR 7763 for the proposed CEMEX Rockfield Quarry Expansion. As an ecologist by training with a background in aquatic ecology, environmental planning, sensitive species, and field biology, I am deeply concerned by the insufficient analysis presented in this Environmental Impact Report (EIR) and its potential long-term consequences for our community and natural resources.

The proposal to create a 600-foot deep pit so close to the San Joaquin River (SJR) is alarming. The project's environmental costs appear to greatly outweigh any perceived benefit to our community. The region already has ample permitted aggregate reserves that can meet future demand without the need to impact such a sensitive and crucial ecosystem. There is no compelling reason to extract aggregate from an area connected to one of the most endangered rivers in the country when other sources are available and already permitted for extraction.

Response 588-1

The commenter's background and concerns are noted and will be considered by County decision-makers. Please see Collective Response #3 pertaining to regional aggregate demand and supply. The commenter does not provide evidence of a deficiency in the adequacy of the Draft EIR. Please see Response 588-2 through 588-7 below for discussion of the commenter's specific concerns.

Comment 588-2

Particularly concerning is the lack of consideration for native aquatic species in the SJR ecosystem. There is little mention of Chinook salmon, and no mention of other native fish species such as threespine stickleback, hardhead, Sacramento perch, Tule perch, riffle or prickly sculpin, for example. A major, multi-agency and multiple stakeholder effort to restore native Chinook salmon populations to the SJR in the immediate vicinity has been ongoing for decades. The only mention of salmon in the EIR appears to be in relation to direct impacts from blasting at the Quarry site, which it states are less than significant and assumes salmon will not occur in the project area. There appears to be zero consideration of long-term impacts to salmon or other aquatic species--impacts which include increased habitat for non-native, predatory aquatic or otherwise competitive species, such as largemouth bass, bluegill, green sunfish, spotted bass, American bullfrog, and pond (red-eared) sliders. Juvenile salmon are known to utilize temporarily flooded portions of rivers as rearing habitat, and non-native, warm water fishes are known to prey on smaller fish. Any habitat changes that increase numbers of these non-native species while decreasing natural floodplain habitat present potential significant impacts to native salmon populations, particularly if there are ever surface water connections between the river and the altered, open-water habitats.

Response 588-2

The Draft EIR is required to analyze impacts to state and federally listed species, which may or may not coincide with native species (i.e. CEQA does not require a specific analysis of impacts to native species.) Chinook salmon and Central Valley Spring Run are both state and federally listed as threatened. As such, the Draft EIR includes an analysis of potential impacts to Chinook salmon related to blasting and discusses this in conjunction with the ongoing San Joaquin River Restoration Program (SJRRP). For additional discussion of the SJRRP, please refer to Collective Response #12.

The proposed project would not impact the water quality of the San Joaquin River, and would not significantly impact San Joaquin River flows, and as such, would not impact fish species in the river, including each of those named in the comment.

The commenter alludes to a scenario which the Plant Site and Quarry Site ponds, which contain certain predatory species, are directly connected to the San Joaquin River. This scenario is speculative in nature and is not required to be analyzed in the Draft EIR. For additional information pertaining to flooding and the floodplain analysis, please refer to Collective Response #17.

Comment 588-3

The EIR indicates that recent mapping has been used to redraw maps to exclude the Plant and Quarry sites from the FEMA 100-year floodplain. However, it also indicates that "berms" constructed in the last 20 years have altered the topography to account for these changes in floodplain mapping. It has no detailed analysis of the berms and their susceptibility to erosion from the SJR, other than to state that they haven't eroded yet. The EIR should describe the condition, dimensions, and composition of the berms, any associated riparian vegetation, and an analysis of various flow conditions to determine the likelihood of erosion and the potential for subsequent surface water connections between the SJR and the "open water" habitats created by mining operations. Similarly, there is little detail regarding the river water ditch at the Plant site that provides water for mining operations. In the absence of such detail, it is assumed that the ditch is unscreened and has potential to provide a corridor for fish and aquatic species to access open-water ponds into which it terminates. Given the proximity of the project site to the SJR, it is likely that surface water connections will be established at some point during the project's lifetime, resulting in connections of fish populations between the two habitats. Salmon populations are already impacted by past mining operations within the SJR floodplain which have converted suitable floodplain rearing habitat for juvenile salmon to enormous instream "lakes" that contain an abundance of non-native and predatory fish species. Once these lakes are established, it is virtually impossible to manage them for anything other than the non-native fish species that occur there. The habitat conversion effectively removes that portion of the landscape from ever having the potential to be managed for native aquatic species, as well as greatly increasing the negative effects to native species from non-native fish populations. The SJR historically did not contain instream lakes that greatly alter natural flow regimes and fish species composition.

Response 588-3

The hydraulic analysis, located in Appendix G-1, "Hydraulic Analysis," of the Draft EIR, provides a detailed analysis of the 100-year water surface elevations and flow velocities along the San Joaquin River. The "berms" are reflected in the topographic mapping used for the analysis. (See Appendix G-1 of the Draft EIR.) Vegetation is incorporated in the hydraulic analysis and is reflected in the roughness coefficients. The berm is higher than the 100-year water surface elevations, which would prevent breaching. (Draft EIR Appendix G-1.)

Please refer to Responses 65-19, 65-21, and 67-17 regarding the river water delivery ditch.

Comment 588-4

The reclamation of the project sites is also very concerning. The EIR states that the final slopes of the banks will be seeded with native grasses and forbs and planted with native plants, but offers little detail concerning goals for the habitat. It states that because it will be seeded during the rainy season, there will be no need for supplemental irrigation. In addition, the performance criteria for revegation includes 75% cover, but indicates that any vegetation (non native or native) will suffice. It also states a goal for "native trees or shrubs" to be established at a density of 2 plants per 150 feet of bank. In my experience, these goals would be wholly unacceptable for any revegetation or restoration plan that aims to restore natural habitats. Any plan should include an analysis of native riparian habitats nearby to provide a template for the goals of the project. At a minimum, the species types (annuals, perennials, etc.), size, and density, etc. should be clearly delineated with the goal of emulating a healthy, native riparian habitat. This would also require a detailed monitoring plan that utilizes supplementary irrigation to establish native perennial species such as riparian trees.

Response 588-4

The Draft EIR provides a revegetation plan at the Plant and Quarry sites. For further discussion of the revegetation plan, please refer to Draft EIR Appendix B-1, "Surface Mining and Reclamation Plan," Section 5.1.7, "Revegetation" on pages 60 through 61. As discussed there, the existing habitat in the adjacent natural areas has been used as reference areas to determine the appropriate native species to be planted at the Plant Site. Additionally, the existing habitat in the adjacent San Joaquin River corridor has been used as a reference to determine the appropriate native species to be planted at the Quarry Site. Draft EIR Table 2-7, "Summary of Vegetation Performance Criteria," provides that vegetation includes both introduced and volunteer species, native and non-native

naturalized to the region. Table 2-7 in the Draft EIR and Table 12 in Draft EIR Appendix B-1, indicates a performance standard for species richness, providing for 6 native species per 25 sq. ft. area.

At the Plant Site, trees and shrubs planted around the Plant Site pond would be irrigated until the plants can survive without irrigation (Draft EIR, Appendix B-1 page 61). The revegetation seed mix that would be introduced at the project sites would be introduced during the rainy season, thus negating the need for irrigation. A noxious weed management program would be implemented. The performance criteria provided in Draft EIR Table 2-7 would be used to determine revegetation success five years after revegetation and at least two years without human intervention, such as irrigation (Draft EIR, Appendix B-1 page 61). The revegetation plan is sufficient under SMARA and Fresno County requirements.

Comment 588-5

The EIR also fails to consider the significant cumulative effects relating to the conversion of floodplain habitat to open-water, lake-type habitats, which results in impacts to sensitive species such as salmon. There is no mention of other gravel mining operations in the SJR that have resulted in several instream lakes that are populated with non-native fish, pond sliders, American bullfrogs, and invasive plants such as false bamboo (*Arundo donax*) and red sesbania (*Sesbania punicea*). This project will not only add to these already-significant effects, but will remove any potential for floodplain restoration for native species. The areas closer to Friant dam, especially upstream of Highway 41, offer the most potential for salmon restoration and enhancement due to temperature regimes and substrate characteristics and thus should be evaluated with this in mind.

Response 588-5

The commenter describes the project sites as a "floodplain habitat," which fails to account for the fact that the majority of the project sites are disturbed by decades of ongoing mining operations. As it currently exists, both the Plant and Quarry sites provide minimal habitat for any species. Implementation of the project would not impede future floodplain restoration projects.

Please see Collective Response #12 for further discussion of the San Joaquin River Restoration Program.

Comment 588-6

The proposed mitigation measures for sensitive species such as the spadefoot toad and western pond turtle also raise significant concerns. The EIR indicates that there is not suitable habitat for western pond turtles, yet presents surveys that detected pond (red-eared) sliders in the project site. Given that sliders routinely bask at sites with pond turtles, and that pond turtles occur in the SJR, it should be assumed that pond turtles exist in the project area. Extensive research has demonstrated that western pond turtles and their nests are highly cryptic and difficult to detect. The EIR's approach of conducting surveys before construction and relocating any turtles found (mitigation measure 4.4-1b) is insufficient. To effectively protect this species, surveys should be conducted well in advance of construction, and transmitters should be placed on turtles to track their movements and habitat use around the quarry. Without these more robust monitoring techniques, the EIR fails to demonstrate how it will avoid significant impacts to this protected species.

Response 588-6

The biologists properly concluded that the likelihood of western pond turtles to occur on the project sites is low given the lack of suitable habitat on the Plant and Quarry sites, the lack of recently recorded CNDDB observations, and because they were not observed during the habitat assessments conducted in 2019 or 2021. For further discussion of the Draft EIR's analysis of impacts to western pond turtle, please see Response 58-50 and Response 65-11. CEQA does not require the biologists to speculate on the presence of pond turtles at the site solely based on the presence of another species, where the habitat assessments indicate low habitat suitability on the sites due to lack of movement opportunities. (Draft EIR page 4.4-35.) See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR section referenced here.

Mitigation Measure 4.4-1b is sufficient to reduce potential impacts to western pond turtles by requiring a qualified biologist to conduct pre-construction clearance surveys for western pond turtle within suitable habitat areas. If individuals are observed, they would be relocated by a qualified biologist with CDFW approval to suitable nearby habitat outside the disturbance area. These measures are sufficient to avoid and minimize potential impacts, and no additional revisions to the Draft EIR are required.

Comment 588-7

I hope the public's input is not dismissed with inadequate responses. The people of Fresno deserve a transparent process and a real commitment from county officials to safeguard our

environment and human health. There has been significant investment by the public in the restoration of the SJR, including Chinook salmon runs and native riparian plant communities. A project of this magnitude has the potential to significantly alter these efforts, and the County has the ability to guide the restoration further by its actions relating to this project.

Thank you for your attention to these critical issues. I look forward to seeing how the County addresses these concerns in the final response.

Response 588-7

Please see Collective Response #1 pertaining to the CEQA review process and opportunities for public input. Please see Collective Response #12 pertaining to San Joaquin River restoration efforts. The commenter's requests and input are noted and will be considered by County decision-makers.

Letter #589 March 10, 2025, Rachael Torres

Comment 589-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project.

As a Fresno resident who has been visiting various points along the San Joaquin River over the past several years, I believe the negative impacts of this plan are too high to approve.

I have enjoyed the river for it's peaceful atmosphere and have appreciated over the years the successful efforts of the San Joaquin River Parkway and Conservation Trust to preserve and restore the natural ecosystem. Walking the trails around the river is a breath of fresh air that everybody should have the right to. The actions proposed by CEMEX will cause unnecessary disruption and destruction to our river system.

Response 589-1

The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Collective Response #18 regarding the project's consistency with the Parkway Master Plan. See also Collective Response #21 regarding public access to the San Joaquin River.

Comment 589-2

We should do our best to preserve these dwindling resources, especially in these times. I have great concerns about inevitable water contamination, wildlife disruption, and air pollution.

Response 589-2

The issues of water contamination, wildlife disruption, and air pollution are addressed in Draft EIR Section 4.10, Section 4.4, "Biological Resources," and Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), respectively.

Comment 589-3

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX.

Response 589-3

The project's potential impact on the San Joaquin River, wildlife, and air pollution are addressed in Draft EIR Section 4.10, Section 4.4, and Section 4.3, as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), respectively. Mitigation Measure 4.10-1 requires implementation of the Blasting Protocols (see Final EIR Appendix H-9, "Revised Blasting Protocols"), which contain a range of safety measures related to structural protection, river embankment protection, human safety, flyrock prevention and monitoring, and administrative oversight including annual reporting requirements. See Collective Response #1 regarding the need for additional analysis and Collective Response #4b regarding financial guarantees from the Operator.

Letter #590 March 10, 2025, Aracely Trejo Mendoza

Comment 590-1

Dear David, I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Expansion Project. Given the significant potential environmental and community impacts associated with this project, I have several concerns that I urge you to address prior to moving forward with approval.

The DEIR does not adequately analyze potential impacts of blasting on wildlife. The examples of habituation of wildlife to mining operations are for surface mining, not the deep rock mining proposed here.

Response 590-1

Blasting activities would be brief (lasting one to two seconds) and would not result in significant impacts to wildlife (Draft EIR page 4.4-53). For discussion of blasting impacts to wildlife, please refer to Responses 58-37, 58-38, 58-40, 58-41, 58-42, 65-8, 65-12, 65-16, and 65-17.

Comment 590-2

I would like to raise an issue that affects Public Safety especially as it relates to the Quarry Site. This could be analyzed under the Hazard category as the Fresno County General Plan Implementation Program HS-E.B includes a statement that "The County shall, as part of the development review process, ensure that new development . . . does not create manmade safety hazards . . .". The issue pertains to the public safety hazard that the quarry will represent after the project is complete 100 years or so from now (and maybe before). With the stepped but vertical walls and a surface water elevation more than 400 below the trail elevation, the open quarry will not be suitable for fishing, swimming, boating, kayaking, canoeing, floating or anything else. But it will be ATTRACTIVE, especially to preteens and teenagers. There is not a fence that will keep them out. What will happen if one or more of the public falls into the pit? They won't fall all the way down - just 50 feet. That is a sure death."

Response 590-2

See Response 358-5 regarding public safety at the quarry pit. There is no SMARA requirement that the reclaimed sites serve a recreational purpose. Upon final reclamation, the Plant and Quarry sites would both be converted to open space for riparian and open water habitat. At the Plant Site, there would be a pond. At the Quarry Site, there would be a lake formed, which would be used as open water habitat (Draft EIR at pages 2-45 through 2-49). All required and reasonable measures would be taken to ensure that the reclaimed sites would not endanger public health or safety, and the sites would be fenced in to prevent trespassing (Draft EIR at page 4.11-22). It should be noted that the potential risk of trespassing does not involve any physical environmental impacts; and thus, would be outside the scope of the analysis required under CEQA. Thus, the EIR and reclamation plan are consistent with the Fresno County General Plan.

Comment 590-3

"Table 4.16-1 Recreation Facilities Near the Project Sites – Some of the table sources are dated to 2021. Several properties listed (namely Ball Ranch and Ledger Island) were not formally open to the public then. These properties are now operated by the San

Joaquin River Parkway and Conservation Trust under a contract with the San Joaquin River Conservancy. There is more public use of the sites under current conditions that the project should analyze.

Response 590-3

Please see Collective Response #19 pertaining to public accessibility to parks, including Ball Ranch and Ledger Island. Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 590-4

Given these concerns, I urge the agency to require CEMEX to provide additional analysis, enhance mitigation measures, and explore less harmful alternatives. Public transparency and accountability in this review process are crucial to ensuring that the long-term health of the San Joaquin River watershed and surrounding communities is protected. Thank you for your time and consideration of these comments. I look forward to your response and further discussions on this important matter.

Response 590-4

The commenter's requests and opinions are noted and will be considered by County decision-makers. The Draft EIR sufficiently analyzes the potential environmental impacts of the proposed project and provides mitigation measures where necessary to reduce the severity of potentially significant impacts, in accordance with CEQA. Please see Collective Response #1 pertaining to the CEQA review process and opportunities for public input. The commenter does not address the adequacy of the Draft EIR or provide specific recommendations for enhanced mitigation or less harmful alternatives.

Letter #591 March 10, 2025, Bert Tribbey

Comment 591-1

Thank you for the opportunity to review the CEMEX DEIR referenced above, and to submit comments. I now have a much more complete understanding of the magnitude of the CEMEX proposal and its presumed impacts. My understanding was greatly aided by the numerous review comments posted by the San Joaquin River Parkway Conservation Trust (Parkway Trust) on their website, which I assume they will be submitting to you, and which I will not be repeating here. Instead, I will try to limit this letter to my personal concerns about the project, and how adequately the DEIR addresses those concerns.

During my 41 year career (1965-2006) as a professor of biology at CSU-Fresno (specialization, general and freshwater ecology), I led

dozens of field trips to the San Joaquin River (SJR), primarily at Lost Lake Park. Following retirement, I helped my wife with a few dozen more docent-led SJR educational trips for the Parkway Trust. Those experiences convinced me that the SJR and its associated riparian corridor are a natural treasure to the region, woefully underutilized primarily due to lack of access, with great recreational, aesthetic, and educational potential for all people to enjoy. Recently it has been gratifying to see welcome changes in access, primarily led by the Parkway Trust. And there is hope that these changes can continue to grow into the future so that this section of the SJR can achieve its potential.

Response 591-1

This is an introductory comment that does not address the adequacy of the Draft EIR. See responses below that address specific issues raised in this comment letter. See also Letter #58 and Letter #68 submitted by the San Joaquin River Parkway & Conservation Trust, Inc.

Comment 591-2

So, my first concern is that any future sand and gravel mining does not impede the progress this area is achieving in reaching that potential. What I am looking for in the DEIR is a realistic idea of the impacts this project will have on people who come to the river largely to escape the sights and sounds of activities like gravel extraction. Stated another way: How much of the project will visitors hear and see at various recreational locations surrounding the project area? Will they be able to hear the sound of earth-moving equipment, or blasting? If so, how often? Continuous or not? Let us know how much of a nuisance this project will be, both visually and auditorily, when people are visiting the park for educational or recreational reasons. And how these impacts might be mitigated? Granted, this is not easily done, but it would make a welcome and necessary addition to the sections on Recreation (4.16) or Cumulative Impacts (5-3).

Response 591-2

See Collective Response #21 regarding public access to the San Joaquin River.

The project's potential noise impacts are evaluated in Draft EIR Section 4.13, "Noise." As shown on Draft EIR Figure 4.13-2, "Nearest Sensitive Receptors to Quarry Site," the Lost Lake Recreation Area was identified as sensitive receptor Q-5. Draft EIR Table 4.13-4, "Existing Ambient Noise Environment at Nearest Receptors to Quarry Site," on Draft EIR page 4.13-22 presents existing ambient noise levels at sensitive receptors while Table 4.13-

17, "Estimated Quarry Site Noise Levels (dBA) at Nearest Receptors," on Draft EIR page 4.13-60 presents the estimated noise levels from proposed Quarry Site operations at sensitive receptors. As shown, neither existing ambient nor predicted noise levels at receptor Q-5 exceed the County's significance thresholds. In other words, a significant noise impact would not occur at the Lost Lake Recreation Area due to project operations. Blasting would occur up to twice a week between 10:00 a.m. and 2:00 p.m. on weekdays, as discussed in Response 591-3 below. A typical blasting event lasts approximately one to two seconds. See also Collective Response #27 regarding the project's potential effects to users of nearby parks and trails.

The project's potential visual impacts are evaluated in Draft EIR Section 4.1, "Aesthetics and Visual Resources." As shown on Draft EIR Figure 4.1-1, "Potentially Sensitive Viewpoint Locations," and summarized in Table 4.1-2, "Summary of Potentially Sensitive Viewpoint Locations," beginning on page 4.1-15, numerous sensitive viewpoint locations were identified in recreational areas surrounding the project sites. The San Joaquin River is identified as Sensitive Viewpoint Location #1 and Lost Lake Recreation Area is identified as Sensitive Viewpoint Location #2. The anticipated change in visual quality at each sensitive viewpoint location is shown in Table 4.1-3, "U.S. Bureau of Land Management Visual Project Impact Ratings at Nearby Viewpoints," beginning on Draft EIR page 4.1-53. As shown, the expected visual change at the San Joaquin River and Lost Lake Recreation Area would be less than significant.

Comment 591-3

My other major concern is the empathy I feel for those people who own property in the area that will be impacted by the project. Let's face it: Proposing to blast, scrape, and mine a 600 ft hole in the neighborhood for the next 100 years is a truly lousy thing to do to anyone. At the very least, if this project were to be approved, those unlucky people deserve the full range of mitigations to minimize their harm. Three that come to mind immediately are: 1) Blasting, which should be done only upon mutually acceptable rules; 2) Guaranteed protections to homeowners if the project causes any structural damages to property, or to the production of water wells; and

Response 591-3

The project's proposed blasting operations are described in the Draft EIR under Section 2.5.2.2, "Quarry Site Mine Plans," on page 2-42. Blasting would be limited to one to two blasts per week on weekdays between the hours of 10 a.m. and 2 p.m. The potential effects of proposed blasting (i.e., dust and noise/vibration) are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3,

Air Quality"), and Section 4.13, as updated by this Final EIR. Mitigation measures are provided in those sections to reduce potential impacts to less than significant levels. These include Mitigation Measure 4.10-1 which requires implementation of the Blasting Protocols, as updated April 29, 2026, and provided as Appendix H-9, which include monitoring of vibration levels and adaptive management of the blasting plan to ensure that impacts to surrounding receptors are minimized.

Comment 591-4

3) Highway improvements paid by CEMEX to offset the increased traffic burden created by the project.

Response 591-4

See Collective Response #29 regarding funding of the roadway and intersection improvements identified in Mitigation Measures 4.17-1a through 4.17-1r.

Comment 591-5

In my comments, I have not dealt with details because I am aware you will get loads of them from people more qualified than I am, and I do not want to be redundant. Mine are offered only because I feel so strongly that the final EIR must adequately protect 1) the living things that depend upon the SJR corridor for survival; 2) the rights of the people to enjoy and benefit from the river without the disruption that would be caused by unmitigated heavy mining; and 3) the residents of the area potentially affected by the proposed project. I am sure that you and your staff share those views, so I wish you success in ensuring that CEMEX fully addresses each of those issues in its final EIR. I will look forward to hearing more as the process moves forward.

Response 591-5

The comment is a summary of the points raised in the letter. The comment is noted for the decision-makers.

Letter #592 March 10, 2025, Ignacio Valdez

Comment 592-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 592-1

The commenter's concerns are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures. The project's potential impacts to water quality, air quality, recreation, wildlife, and hazards and hazardous materials are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.16, "Recreation," Section 4.4, "Biological Resources," and Section 4.9, "Hazards and Hazardous Materials." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. Please see Response 592-2 through 592-11 for further discussion of the commenter's specific concerns.

Comment 592-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 592-2

See Response 329-2.

Comment 592-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 592-3

See Response 329-3. See Collective Response #17 which further addresses flood concerns.

Comment 592-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document

identifies the fact that there is groundwater/surface water interaction at both sites.

Response 592-4

See Response 329-4. See Collective Response #25 regarding groundwater/surface water interaction, and Collective Response #26 regarding the baseline conditions for analyzing the project's potential groundwater impacts.

Comment 592-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 592-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 592-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 592-6

Please see Collective Response #19 pertaining to public accessibility to parks. Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 592-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 592-7

Please see Collective Response #8 pertaining to the Draft EIR's visual resource impact analysis and mitigation.

Comment 592-8

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on how mitigation takes place is just one example of the inadequacy of the DEIR.

Response 592-8

Please see Collective Response #29 pertaining to project traffic. Please see Collective Response #30 pertaining to roadway safety.

Comment 592-9

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 592-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project. See also Collective Response #9 regarding the project's impact on existing air quality conditions, and see Response 528-9.

Comment 592-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 592-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (Draft EIR pages 4.4-49 through 4.4-50).

The Western red bat was not observed on site during the habitat assessment; however, moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). As discussed in Chapter 3, "Draft EIR Errata," the Final EIR provides additional analysis of potential impacts to bats and adds Mitigation Measure 4.4-1d to require pre-construction surveys and measures to avoid or minimize impacts to active bat roosts. With implementation of Mitigation Measure 4.4-1d, potential impacts to bats, including the Western red bat, would be less than significant.

In any event, blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR, as revised in this Final EIR, therefore adequately evaluates potential impacts to the species discussed above.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Draft EIR Section 4.4 does not need to be rewritten or recirculated.

Comment 592-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 592-11

With the implementation of mitigation measures, the project would not result in significant impacts to the San Joaquin River, wildlife, public safety, or air quality. The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the potential environmental impacts of the proposed project and provides mitigation measures where necessary to reduce the severity of potentially significant impacts, in accordance with CEQA. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required.

Letter #593 March 10, 2025, Jesse Verduzco

Comment 593-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. In todays world it feels to us citizens that those in power continue to prioritize wealth over health. At a national level, this is reflected in the practices of the current administration which aims to eliminate our social, economic, and political systems which make our country great. The defunding of the Environmental Protection Agency (EPA) and removing protections

for our nation's most sacred lands is the first step at dismantling the concept of public land in the service of a greedy corporate America. Now at a local level these stains in the fabric of our republic bleed into weave of our blanket, our home Fresno. This project will endanger our community in multiple ways, and not only now but for many years to come if the proposed 100 year DEIR were to be approved. The San Joaquin River, our water quality, air quality, public recreation spaces, wildlife, and public safety are all to risk due to the wishes of an international corporation who's practices are banned in their own country of Mexico but allowed in our backyard. Many of the proposed mitigation measures are inadequate and many impacts lack any mitigation at all. As a local born and raised here in our home of Fresno, California allow me to elaborate on the issues present in the draft report which raise alarm.

Response 593-1

See Response 554-2. This is an introductory comment that does not specifically address the adequacy of the Draft EIR. See responses below that address specific issues raised in this comment letter.

Comment 593-2

Impacts on Water Quality and the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 593-2

The project's potential impacts to the San Joaquin River are primarily evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." Each of the impacts identified in this section were determined to be less than significant with implementation of the associated mitigation measure(s). See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR Section 4.10. See Collective Response #25 regarding the potential for the project to reduce river flows; Collective Response #17 regarding riverbank stability and the potential for breach and flooding of the Quarry Site excavation; and Collective Response #26 regarding the baseline groundwater data used in the Draft EIR and groundwater/surface water interaction at the project sites.

Comment 593-3

There are also multiple inadequacies in the DEIR in terms of how much water will actually be used during operation of the mine. Multiple figures are present in the document which claim to be the max amount of water that is used during the ice of the mine so which figure is it? We would like to know exactly how much of our water will be diverted to be used in this project not only during the blasting phase of the project but also in the production of cement.

Response 593-3

The project's estimated water demands are presented in Draft EIR Table 4.19-1, "Existing and Proposed Water Use Summary (Acre-Feet per Year)," on page 4.19-9. The table provides the total annual water demand for the project during each project stage. The actual duration of each operational stage of the project is not known, and so water demands for the life of the project are not provided in the Draft EIR. Further, water supply and demand are typically analyzed on an annual basis, as available supplies are measured by the water year and naturally fluctuate with precipitation levels.

Under existing conditions, the operation uses 770 acre-feet per year. During project stage 1, the operation would use 650 acre-feet each year, a decrease of 120 acre-feet compared to existing conditions. Stage 1 is estimated to be up to 30 years and would have a total water demand of up to 19,500-acre feet during that period. During project stage 2, the operation would use 990 acre-feet each year, an increase of 220 acre-feet compared to existing conditions. Stage 2 is estimated to be up to 70 years and would have a total water demand of up to 69,300 acre-feet during that period. Therefore, project stages 1 and 2 would have a total water demand of up to 88,800 acre-feet over the 100-year operational life of the project.

Comment 593-4

There are no concerns shared in the DEIR report for the chemicals that will be surfaced when using the technique of blast mining. In the past mines of this nature when at a depth of 260 feet release a particle 16 times smaller than the width of a hair, Hexavalent Chromium. This forever chemical is known to enter the body and through breathing and cause many adverse health effects such as emphysema, asthma, and lung cancer. What are the plans to mitigate the release of this toxin onto our air and water?

Response 593-4

As discussed in Draft EIR Section 4.10.1.8, "Groundwater Quality," hexavalent chromium is identified as a water quality concern in some areas of the North Kings groundwater basin but not within the vicinity of the project sites.

Hexavalent chromium is also identified in the Draft EIR as a hazardous air pollutant (HAP) and was included in the analysis of soil samples taken from the project sites as described in Table 17 and Appendix C of the *Air Quality, Health Risk, and Climate Change Impact Assessment* prepared for the project (see Draft EIR Appendix D-1, "Air Quality, Health Risk, and Climate Change Impact Assessment," which is updated in the Final EIR at Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment"). The health effects of hexavalent chromium emissions were assessed using current methodologies and, when combined with the health effects of other toxic air contaminants, are determined in the Draft EIR, as updated in the Final EIR, to result in health risk levels that are less than significant. As such, hexavalent chromium is not a HAP of concern associated with project operations.

Comment 593-5

Geology and Impacts on Soil

The proposed 200 ft wall that will separate the San Joaquin River and the mine is highly inadequate in both its scope on the impact to the San Joaquin, and integrity for which CEMEX claims the wall to hold. The DEIR says the the official mitigation of the wall collapsing in a mine using explosives is to keep an eye on the wall and monitor it… this is highly inadequate and ridiculous to propose. The wall will eventually erode and leak into the quarry causing a spillage that will impact the health of the river and the health of the workers who aim to extract rejoices from the earth. This 600 foot deep pool will also have a large impact on water flow further down the river possibly impacting farmers and ranchers in our valley. What are the measures to secure water rights for our citizens and those who need it for agriculture?

Response 593-5

See Collective Response #17 regarding riverbank stability and the potential for breach and flooding as well as Collective Response #25 regarding seepage and effects to river flows.

Comment 593-6

Impacts on the San Joaquin River Parkway and Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 593-6

See Collective Response #18 regarding the project's consistency with the Parkway Master Plan. See Collective Response #22 regarding the proposed trail easements and future construction of trails near the project sites.

Comment 593-7

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry.

Response 593-7

See Collective Response #19 regarding public access at nearby parks.

Comment 593-8

The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, Ball Ranch, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 593-8

The project's potential noise impacts are evaluated in Draft EIR Section 4.13, "Noise." As shown on Draft EIR Figure 4.13-2, "Nearest Sensitive Receptors to Quarry Site ," the Lost Lake Recreation Area was identified as sensitive receptor Q-5. Table 4.13-4, "Existing Ambient Noise Environment at Nearest Receptors to Quarry Site," on Draft EIR page 4.13-22 presents existing ambient noise levels at sensitive receptors while Table 4.13-17, "Estimated Quarry Site Noise Levels (dBA) at Nearest Receptors," on Draft EIR page 4.13-60 presents the estimated noise levels from proposed Quarry Site operations at sensitive receptors. As shown, neither existing ambient nor predicted noise levels at receptor Q-5 exceed the County's significance thresholds. In other words, a significant noise impact would not occur at the Lost Lake Recreation Area due to project operations. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.13. See also Collective Response #27 regarding the project's potential effects to users of nearby parks and trails.

Comment 593-9

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 593-9

See Collective Response #8 regarding proposed visual mitigation.

Comment 593-10

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on *how* mitigation takes place is just one example of the inadequacy of the DEIR.

Response 593-10

The issues of traffic congestion and road damage are evaluated in Draft EIR Section 4.17, "Transportation." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.17. See Collective Response #29 regarding traffic congestion and funding of

necessary improvements. See also Collective Response #30 regarding traffic safety, road debris, and vehicle damage.

Comment 593-11

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 593-11

The Draft EIR properly compares the proposed project's estimated air emissions with the baseline conditions which include current operations at the project sites. See Collective Response #10 regarding the use of alternative baseline for the air quality analysis. See also Collective Response #9 regarding the project's impact on existing air quality conditions, and see Response 528-9.

Comment 593-12

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The propose mitigation measures do not comply with existing regulations for protection.

Response 593-12

The project's potential impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." See Collective Response #14 regarding analysis of Swainson's hawk impacts and Collective Response #15 for further evaluation of potential impacts to bird species. In response to comments received on this issue, the Draft EIR was revised to expand discussion of bat species and to strengthen multiple mitigation measures. See Chapter 3, "Draft EIR Errata," for these proposed changes. Potential impacts to nesting birds are evaluated under Impact 4.4-1 beginning on Draft EIR page 4.4-48 while impacts to migration patterns are discussed under Impact 4.4-6 beginning on page 4.4-62. The commenter does not specify which mitigation measures do not comply with existing regulations, nor does the commenter provide any support for this claim.

Comment 593-13

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

Response 593-13

See Collective Response #16 regarding the use of an Alaska Department of Fish & Game standard in analyses of salmon impacts.

Comment 593-14

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 593-14

The comment does not provide any reasoning or evidence to support the claim that Draft EIR Section 4.4, "Biological Resources," fails to meet CEQA requirements or that the Draft EIR should be recirculated. See Response 593-12 and Response 593-13 above.

Comment 593-15

Impacts to Local Residents

I live in the Tower District and due to an increase in farm land and urban development encroaching on the wilderness surrounding our city, wildlife like red foxes have been appearing more frequently in people's backyards. Now extrapolate that sort of behavior of animal flight to the surrounding citizens which reside near the CEMEX plant. Mountain lions, bobcats, coyotes and foxes are sure to appear in peoples backyards if explosions were to go off and scare these animals away.

Response 593-15

The project sites have been subject to active mining and processing operations for over 100 years including the use of heavy equipment and haul trucks. As described in Draft EIR Section 4.4, under Impact 4.4-2, beginning on page 4.4-52, the Plant Site and Quarry Site habitat assessments indicate that wildlife is often observed to habituate well to daily recurring activities and noise associated with the operations including haul trucks, excavators, scrapers, front-loaders, dozers, rock being loaded on trucks, rock crushing, night lighting, etc. The continuation of mining activities on the project sites, with the

existing disturbance footprints, would not be expected to significantly affect wildlife occupancy in the area. Potential impacts to wildlife movement and migration are further evaluated in Impact 4.4-6 beginning on Draft EIR page 4.4-62. See also Collective Response #13 regarding the project's operational effects on wildlife in areas surrounding the project sites and revisions to the Draft EIR to make associated mitigation measures more rigorous.

Comment 593-16

Property values are also shown to drop up to 30% when in half a mile of a blast mine and up to 14% in homes even 3 miles away from the project. Are there any concerns for the hard working citizens that will lose 30% of their life savings put into their property?

Response 593-16

See Collective Response #7 regarding the project's potential economic effects.

Comment 593-17

Wildfire Concerns

With an increase of wildfires and a decrease in trust in insurance companies, the concern for an errant spark causing a fire on the river is very present on the mind. No where in the DEIR report is there any fire mitigation and assurance of proper equipment maintenance. Are there any plans by the city to handle an enormous fire on the San Joaquin River? This must be included in the official EIR.

Response 593-17

The issue of wildland fire is addressed in Draft EIR Section 4.9, "Hazards and Hazardous Materials," and Section 4.20, "Wildfire." See Impact 4.9-6 beginning on Draft EIR page 4.9-23. See also Impact 4.20-2, beginning on page 4.20-12, discussing the project's potential to exacerbate wildfire risks. As discussed in the Draft EIR, fire risk within the project sites is considered low as the sites contain generally denuded ground with no vegetation to serve as fuel and are located outside the Very High Fire Hazard Severity Zone. Furthermore, onsite equipment would be subject to California Air Resources Board and EPA regulations that require engines to be properly maintained for emissions compliance. These requirements would also reduce the risk of mechanical failure, which is one of the primary causes of equipment-related wildland fire ignitions. Further, Mitigation Measure 4.10-1 (see Final EIR Appendix H-9, "Revised Blasting Protocols"), would further mitigate any potential to exacerbate fire risk to a less than significant level.

See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 593-18

Economic and Urban Development

One major objection to the cessation of the CEMEX plant will be its contribution to urban development in the form of cement production as well as the amount of jobs crated by the project. I do empathize with the working class for which I am a part of when it comes to financial struggle but these issues should not be used to push through inadequate resource and land management policies in our local government.

After a quick research one can find that we have approximately 180% of the amount of aggregate that we need to grow here in Fresno for the next 50 years. The argument of scarcity should not be used in this case for we have an abundant supply. One can even argue that mining more aggregate would create even more waste than capital in the form of storage and recycling material which is not used and then re-ground to make new cement product.

Response 593-18

See Collective Response #7 regarding the project's potential economic effects. See also Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Comment 593-19

CEMEX's Environmental Compliance

In 2020 CEMEX was kicked out of Monterey, California for violations at their sand mine site. Also compared to other aggregate companies in the Fresno area like Vulcan, CEMEX has 5x more violations. Since 2000, CEMEX has been cited 667 times and fined $52.4 million for environmental, safety & employment related offenses. Is a company that has a record of violating the law worthy of receiving a 100 year contract to exploit the San Joaquin River? The idea that that any privatized mitigation program could sufficiently monitor and manage a project with as large of an impact as this one for that long is preposterous. Neither you or I or even our grandchildren will not be able to keep this international corporate entity in check and they will eventually out live us if we let them.

Response 593-19

See Collective Response #4a regarding CEMEX's regulatory history. As discussed in Draft EIR Section 2.6, "Discretionary Action," and Section 3.3, "Mitigation Measures," as well as throughout the Draft EIR, compliance with the mitigation measures presented in the EIR is ensured through a mitigation monitoring and reporting program (MMRP) adopted by the County at the time of project approval, in accordance with PRC Section 21081.6(a). Additionally, implementation of all mitigation measures identified in the EIR would be required as conditions of approval of the project.

Comment 593-20

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

I implore you and others in city management to consider rejecting the project outright in order to preserve the health of our city. Combat of ruthless company practices will be rewarded and praised in our community through respect and loyalty in upcoming elections.

Thank you for your time and consideration.

Response 593-20

The comment summarizes the previous comments provided in the letter. See Response 593-1 through 593-19. The commenter has not provided any evidence to support the assertion that the Draft EIR should be modified or recirculated. No new or more severe environmental impacts were identified, and no new mitigation measures were determined to be necessary. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #594 March 10, 2025, Evelyn Vieira

Comment 594-1

I strongly object to the Cemex Mining Plans to extend their operations and pursue Blast mining as opposed to the previous Mechanical Boring Mining which is less Dangerous to the Fresno-Madera already poor air quality, water resources, traffic congestion, noise pollution.

Response 594-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The issues of air quality and water resources are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.10, "Hydrology and Water Quality," as updated in the Final EIR, respectively. The issues of traffic congestion and noise pollutions are addressed in Draft EIR Section 4.17, "Transportation," and Section 4.13, "Noise," respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 594-2

Please don't allow our vital air to become even more harmed, we are #4 worst Air Quality in the USA! We must learn from past mistakes and do better for ourselves and future generations! Cemex Mining isn't our only Mining Resource locally or in California, why jeopardize everyone's health for their greed?

Response 594-2

See also Collective Response #9 regarding the project's impact on existing air quality conditions.

Comment 594-3

According to JOUAV.com March 27, 2024 over the length of a mining project the budget info. from the quicker Blasting vs. Tunnel boring machine is not that much savings compared Environmental impact, health, and safety issues.

Response 594-3

In accordance with CEQA, the Draft EIR evaluates the project as proposed by the Operator. The comment describes an alternative mining method and is noted for the consideration of the decision-makers.

Comment 594-4

Does our Police and Fire departments have all the resources on duty and available to Cemex in case of Blast Mining Emergencies? Cemex is no longer in a remote area, It is not far from schools, homes, eldercare facilities, PG&E plants, and Valley Children's Hospital.

Response 594-4

The project's potential effects on public services such as law enforcement and fire protection are evaluated in Draft EIR Section 4.15, "Public Services." Both the Notice of Preparation and the Draft EIR were circulated for review by public agencies including public service providers. See Comment Letter 1 submitted by the Fresno County Fire Protection District and related responses.

As described in Draft EIR Chapter 2, "Project Description," all blasting would be performed by a California licensed blasting contractor (see page 2-42), and no explosives would be stored on either project site (see page 2-44). Mitigation Measure 4.10-1 requires implementation of the Blasting Protocols (see Final EIR Appendix H-9, "Revised Blasting Protocols"), which contain a range of safety measures related to structural protection, river embankment protection, human safety, flyrock prevention and monitoring, and administrative oversight including annual reporting requirements. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Letter #595 March 10, 2025, Leni Villagomez Reeves

Comment 595-1

I oppose the proposed 100-year permit for the CEMEX mining operation. The e Draft Environmental Impact Report (EIR) prepared for this project is inadequate The EIR, as currently drafted, does not sufficiently or accurately assess the environmental, ecological, and community impacts that this long-term operation will have on the San Joaquin River and surrounding areas.

Response 595-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The commenter does not provide any reasoning or evidence to support the assertion that the Draft EIR is inadequate or inaccurate. See responses below that address specific issues raised in this comment letter.

Comment 595-2

As someone who has lived in this area for over 45 years, and who has worked as an ER physician at Valley Childrens Hospital for over 20 of those years, I find that the EIR fails to adequately address the following concerns:

1. Impact on the health of the community, especially our children.

Response 595-2

The commenter does not specify what community health impacts should be further evaluated in the EIR. The issue of air pollution and public health is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). Impact 4.3-3 evaluates the effects of the project's air emissions on sensitive receptors. With implementation of a dust control plan as required by Mitigation Measure 4.3-2, this impact would be less than significant. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.3. See also Collective Response #11 regarding the analysis of population-wide cancer burden.

Comment 595-3

A project of this scale and duration requires a far more comprehensive environmental review that includes thorough scientific analysis, long-term cumulative impact assessments, and meaningful mitigation strategies. The EIR, as it stands, does not meet these standards, and I urge Fresno County to require revisions that fully account for the long-term consequences of extending CEMEX's mining operations.

I request that the Planning Department reconsider this permit in light of the inadequacies of the EIR and demand a more thorough environmental review before any decisions are made.

Response 595-3

The commenter does not provide any reasoning or evidence to support the assertion that the Draft EIR fails to meet the standards required by CEQA. The commenter's opposition to the proposed project is noted for the decision-makers.

Letter #596 March 10, 2025, James Von Tersh

Comment 596-1

I was born and raised in Fresno. I grew up spending my summers at the San Joaquin River and enjoy it still. But accessing the river has always been a challenge, and those areas that are accessible have been severely degraded by gravel pit mining. Improved river access and restoration would not only help create a more vibrant and attractive community, but would bring more awareness to the treasure that the San Joaquin River is, and help foster a closer sense of place and uniqueness for local residents. To say this is lacking in Fresno is an incredible understatement.

Response 596-1

The project would have no effect on public access to the San Joaquin River (SJR). See Collective Response #21 regarding public access to the SJR and the suggestion that the project sites should be public parks providing new access points to the river.

Comment 596-2

People want to see and visit A RIVER. Not a series of mine pits that scar the landscape. We can do better.

A healthy and publicly accessible San Joaquin River would benefit millions of Fresno County and San Joaquin Valley residents. Those that are around today and generations of those to come. The expansion of the CEMEX Rockfield mine will create a blight on the river that will negatively impact those same people while benefiting a small handful of individuals in the short term. The decision on this mine expansion should be clear. Do you support the needs of millions of present and future Fresno residents or the desires of a few who wish to further damage a public resource for their benefit?

The CEMEX Rockfield mine on the San Joaquin River should be decommissioned as planned, not extended for another 100 years, or allowed to blast a 600-foot deep pit. The area should be restored and eventually made accessible to the public, something that is not likely to happen if this expansion is approved. **I am urging the Fresno County Planning Commission to reject CEMEX's proposed Rockfield mine expansion.**

Response 596-2

The project's potential impacts to the visual landscape are addressed in Draft EIR Section 4.1, "Aesthetics and Visual Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.1. See Collective Response #21 regarding public access to the SJR and the suggestion that the project sites should be public parks providing new access points to the river. The comment is noted for the consideration of the decision-makers.

Letter #597 March 10, 2025, Evonne Waldo

Comment 597-1

I am writing to formally express my opposition to the proposed 100-year permit for the CEMEX mining operation and to challenge the adequacy of the Draft Environmental Impact Report (EIR) prepared for this project. The EIR, as currently drafted, does not sufficiently or accurately assess the environmental, ecological,

and community impacts that this long-term operation will have on the San Joaquin River and surrounding areas.

Response 597-1

The commenter does not provide any reasoning or evidence to support the assertion that the Draft EIR is insufficient or inaccurate. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Comment 597-2

As someone concerned about the welfare of my grandchildren and their children, I find that the EIR fails to adequately address the following concerns:

1. cumulative environmental impacts,

Response 597-2

The project's potential cumulative effects are discussed in Draft EIR Chapter 5, "Cumulative Impacts." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Chapter 5.

Comment 597-3

2. community health concerns]**

Response 597-3

The commenter does not specify what community health concerns require further evaluation in the EIR. The issue of air quality and associated health concerns are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). See Impact 4.3-3, as updated in the Final EIR, concluding that the project's potential health risk impacts on sensitive receptors would be less than significant. Further, in response to air comments on the Draft EIR, the technical analysis was updated to clarify and amplify the information presented, as described in the *Revised Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3). The 2026 Air Report included an updated health risk assessment, which further confirmed that the project would not result in significant health risk impacts. See Chapter 3, "Draft EIR Errata," and Appendix D-4, "Revised Section 4.3, Air Quality," for proposed revisions to Draft EIR Section 4.3. See also Collective Response #9 for further discussion of the project's health risk impacts.

Comment 597-4

A project of this scale and duration requires a far more comprehensive environmental review that includes thorough scientific analysis, long-term cumulative impact assessments, and meaningful mitigation strategies. The EIR, as it stands, does not meet these standards, and I urge Fresno County to require revisions that fully account for the long-term consequences of extending CEMEX's mining operations.

I request that the Planning Department reconsider this permit in light of the inadequacies of the EIR and demand a more thorough environmental review before any decisions are made.

Thank you for your time and consideration.

Response 597-4

The commenter does not provide any reasoning or evidence to support the assertion that the Draft EIR fails to meet the standards required by CEQA. The commenter's opposition to the proposed project is noted for consideration of the decision-makers.

Letter #598 March 10, 2025, Lisa Walzem

Comment 598-1

I wanted to briefly voice my strong concerns against allowing CEMEX to expand their operations along our San Joaquin River. This river has struggled for decades to overcome the lack of water to its clogged up flow to the point that we no longer have salmon spawning here.

Response 598-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The project's potential effects on the San Joaquin River are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10. See Collective Response #12 regarding the project's effects on salmon restoration efforts in the San Joaquin River and Collective Response #25 regarding the potential for seepage into the excavations to impact river flows.

Comment 598-2

Along with the water flow problems, the increase in traffic and resulting air pollution is not worth the environmental cost to not only the river but the surrounding embankments, neighborhoods and general area in Fresno.

Response 598-2

The issues of traffic and air pollution are addressed in Draft EIR Section 4.17, "Transportation," and Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 598-3

We have enough sources for aggregate and cement without this expansion so please, please don't let this be approved.

Response 598-3

See Collective Response #3 regarding aggregate supplies in the region and the need for the proposed project.

Letter #599 March 10, 2025, Gary and Venus Warner

Comment 599-1

I appreciate the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the CEMEX Rockfield Quarry Modification Project. My wife and I reside in the community directly across from the quarry site, and given our proximity to the proposed mining operations, we would bear the most significant negative impacts. Accordingly, I urge you to address several serious concerns before moving forward with any potential approval.

Response 599-1

The commenter's proximity to the project and concerns are noted and will be considered by County decision-makers. Please see Response 599-2 through 599-11 below for further discussion of the commenter's specific concerns.

Comment 599-2

At the outset, I would like to highlight the inherent imbalance in this process. CEMEX has unlimited time, significant financial resources, access to technical experts, and the ability to make considerable political donations to influence key decision-makers. In contrast, the public is given only 45 days to respond to a thousand-page technical document without similar economic capacity or expertise. As such, we rely on public officials like yourself to ensure that the interests of the community are protected against projects such as this one by fully addressing the following issues.

Response 599-2

Please see Collective Response #1 pertaining to the CEQA review process and opportunities for public input.

Comment 599-3

1. Environmental Concerns

The proposed expansion presents substantial environmental risks. The deeper extraction of materials poses a serious threat to local ecosystems. The DEIR acknowledges potential adverse effects on air quality, water resources, and wildlife habitats. Increased emissions of particulate matter and greenhouse gases contribute to environmental degradation and public health risks. Additionally, the impact on the San Joaquin River and surrounding water tables raises concerns regarding long-term water availability and quality. The risk of water contamination is particularly troubling given the proximity of the quarry to critical groundwater resources that local residents depend on.

Response 599-3

Project impacts associated with the issues and concerns identified in the comment are evaluated and presented in the Draft EIR. The project's potential impacts to water quality and supply are evaluated in Section 4.10, "Hydrology and Water Quality." The project's potential impacts to air quality are evaluated in Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). The project's impacts to wildlife are evaluated in Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. The commenter's concerns are noted. The comment does not provide evidence of a deficiency in the Draft EIR's evaluation of these issues.

Comment 599-4

2. Adverse Effects on Public Health and Quality of Life

The expansion would exacerbate air pollution, increasing respiratory issues among residents. Dust, fine particulate matter, and potential toxic emissions from mining operations have been linked to asthma, bronchitis, and other lung diseases. Noise pollution from blasting, heavy machinery, and increased truck traffic will further degrade the quality of life for nearby communities, reducing property values and making residential areas less desirable.

Response 599-4

Draft EIR Section 4.3, as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), presents evaluation of potential air quality impacts of the project, including potential health effects associated with fugitive dust and toxic air contaminants. Please see Collective Response #9 for additional discussion pertaining to potential effects on existing air quality. The issues of traffic and noise pollution are addressed in Draft EIR Section 4.17, "Transportation," and Section 4.13, "Noise," respectively. The comment does not provide evidence of a deficiency in the Draft EIR's air quality or noise evaluation. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. See also Collective Response #7 regarding the evaluation of economic impacts under CEQA.

Comment 599-5

3. Negative Impact on Local Infrastructure and Traffic

The project would significantly increase truck traffic, overburdening North Friant Road and other local roadways. The increased wear and tear will necessitate costly taxpayer-funded repairs. Traffic congestion and safety hazards, particularly for cyclists and pedestrians, will escalate. Additionally, the increased presence of heavy trucks raises serious public safety concerns, with residents already reporting dangerous conditions due to industrial traffic. In addition to current traffic issues, the increase in future traffic needs to also be considered given the new communities that are emerging in the area.

Response 599-5

Draft EIR Section 4.17 presents evaluation of potential impacts of the project associated with project vehicle trips. Please see Collective Response #29 pertaining to project traffic, and please see Collective Response #30 pertaining to roadway safety and road maintenance. The commenter's concerns are noted. The comment does not provide evidence of a deficiency in the Draft EIR's transportation evaluation.

Comment 599-6

4. Inconsistency with Regional Planning and Conservation Efforts

The San Joaquin River Parkway Master Plan emphasizes conservation and recreational land use. Expanding mining operations in this area directly contradicts these regional objectives. The project threatens protected riparian habitats and undermines Fresno County's broader land-use planning goals. Conservation groups have

warned that increased excavation will disrupt local wildlife populations, including endangered species.

Response 599-6

Please see Collective Response #12 pertaining to San Joaquin River restoration efforts, and see Collective Response #18 pertaining to the project's consistency with the San Joaquin River Parkway Master Plan. See also Draft EIR Section 4.4 for further discussion of potential impacts to wildlife and special status species. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.4.

Comment 599-7

5. Economic and Social Disruptions

Studies show that properties near active mining operations suffer devaluation due to noise, dust, and industrialization. Home values in similar communities have dropped by as much as 20-30%. Homeowners may also struggle to secure or maintain insurance due to the risks associated with mining activities, including blasting damage and groundwater contamination.

While CEMEX claims the project will generate jobs, the short-term economic benefits do not outweigh the long-term environmental and social costs. Increased pollution could deter tourism and recreational activities that contribute significantly to the local economy.

The negative economic impact on the nearby community needs to be considered, and efforts to mitigate such impact need to be addressed.

Response 599-7

Please see Collective Response #7 pertaining to the evaluation of economic issues under CEQA. The commenter's concerns are noted and will be considered by County decision-makers.

Comment 599-8

6. Lack of Necessity for Additional Mining Resources

A Fresnoland investigation found that Fresno County already possesses a 200% surplus of gravel resources, one of the highest in California. This surplus is projected to meet regional demand for decades. Approving this project would result in unnecessary environmental degradation without economic justification. More sustainable resource management alternatives should be considered.

Response 599-8

Please see Collective Response #3 pertaining to regional aggregate demand and supply. Draft EIR Chapter 6, "Alternatives," describes a reasonable range of project alternatives and compares the associated potential environmental impacts to those of the proposed project. The comment does not address the adequacy of the Draft EIR or explain additional feasible alternatives for further consideration.

Comment 599-9

7. Insufficient Mitigation Measures

The DEIR acknowledges significant environmental impacts, yet the proposed mitigation measures are inadequate. The long-term consequences of deeper mining operations remain uncertain, and irreversible damage to land and water resources is a major concern. Groundwater depletion and contamination pose particularly serious risks to nearby communities that rely on these water sources.

Response 599-9

Draft EIR Section 4.10 presents evaluation of potential surface and groundwater impacts of the project and provides mitigation for identified significant impacts reducing each to levels of less than significant. The project's potential impacts to groundwater supply are analyzed in Draft EIR Impacts 4.10-8, 4.10-9, 4.10-10, and 4.10-11. The Draft EIR concludes that the project's impacts to groundwater supply would be less than significant, with the implementation of Mitigation Measure 4.10-10b, the "Quarry Site Groundwater Adaptive Management Program." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.10. The comment does not provide evidence of a deficiency in the mitigation or otherwise identify additional feasible mitigation measures for consideration. For additional discussion of water resources, please see Collective Response #23 pertaining to groundwater quality, Collective Response #24 pertaining to groundwater monitoring, and Collective Response #25 pertaining to the proposed project's relationship and potential effects associated with surface water and groundwater interconnectivity.

Comment 599-10

Conclusion

Given the overwhelming environmental, public health, and infrastructure concerns, the CEMEX Rockfield Quarry Modification Project should not be approved in its current form. A more sustainable approach to resource extraction must be considered,

prioritizing environmental preservation, community well-being, and responsible land use.

Response 599-10

The commenter's concerns and request that the project not be approved in its current form are noted and will be considered by County decision-makers.

Comment 599-11

Furthermore, given Fresno County's substantial surplus of gravel, this project is unnecessary and would result in excessive environmental destruction for minimal economic gain. We urge decision-makers to reject this proposal and seek alternative solutions that align with Fresno County's environmental and social priorities.

Response 599-11

Please see Collective Response #3 pertaining to regional aggregate demand and supply. The commenter's request to reject the project and consider alternatives is noted and will be considered by County decision-makers.

Letter #600 March 10, 2025, Laura Watkins

Comment 600-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 600-1

The commenter's concerns are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures. The project's potential impacts to water quality are evaluated in Section 4.10, "Hydrology and Water Quality." The project's potential impacts to air quality are evaluated in Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). The project's potential impacts to recreation are evaluated in Section 4.16 "Recreation." The project's impacts to wildlife are evaluated in Section 4.4, "Biological Resources." The project's impacts regarding hazards and hazardous materials are evaluated in Section 4.9, "Hazards and Hazardous Materials." See Chapter 3, "Draft EIR Errata," for proposed

revisions to the Draft EIR sections referenced here. Please see Response 600-2 through 600-11 below for further discussion of the commenter's specific concerns.

Comment 600-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 600-2

See Response 329-2.

Comment 600-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 600-3

See also Response 329-3, which fully addresses this comment. See also Collective Response #17 related to flooding and pit capture.

Comment 600-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 600-4

Refer to Collective Response #26 and Response 484-6. As described in Collective Response #26, the data used in the Draft EIR was collected over a period that included both low and high flows. As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water

to groundwater in the project area. Collective Response #25 further demonstrates that Department of Water Resources criteria for interconnected surface water are not met at the project site.

Comment 600-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.
- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access
- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 600-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 600-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 600-6

Please see Collective Response #19 pertaining to public accessibility to parks, including Lost Lake Park, Ledge Island, and Peck Ranch. Please see Collective Response #27 pertaining to the project's potential effects on adjacent parklands and recreational use areas.

Comment 600-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 600-7

Please see Collective Response #8 pertaining to the Draft EIR's visual resource impact analysis and mitigation.

Comment 600-8

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on how mitigation takes place is just one example of the inadequacy of the DEIR.

Response 600-8

Please see Collective Response #29 pertaining to project traffic. Please see Collective Response #30 pertaining to roadway safety.

Comment 600-9

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 600-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project. See also Collective Response #9 regarding the project's impact on existing air quality conditions and Response 528-9.

Comment 600-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 600-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered. (Draft EIR, page 4.4-51.) With implementation of Mitigation Measures 4.4-1c and 4.4-1a, the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (Draft EIR pages 4.4-49 through 4.4-50).

The Western red bat was not observed on site during the habitat assessment; however, moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). As discussed in Chapter 3, "Draft EIR Errata," the Final EIR provides additional analysis of potential impacts to bats and adds Mitigation Measure 4.4-1d to require pre-construction surveys and measures to avoid or minimize impacts to active bat roosts. With implementation of Mitigation Measure 4.4-1d, potential impacts to bats, including the Western red bat, would be less than significant.

In any event, blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR, as revised in this Final EIR, therefore adequately evaluates potential impacts to the species discussed above.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Draft EIR Section 4.4 does not need to be rewritten or recirculated.

Comment 600-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and recirculated for public review before the finalizing the environmental impact report for the project.

Response 600-11

The project would not result in significant impacts to the San Joaquin River, wildlife, public safety, or air quality. The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the potential environmental impacts of the proposed project and provides mitigation measures where necessary to reduce the severity of potentially significant impacts, in accordance with CEQA. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required.

Letter #601 March 10, 2025, Elizabeth Weeks

Comment 601-1

My name is Elizabeth Weeks, and my family and I live at 15226 Bluff View Ave in Friant, directly across the street from the Cemex Quarry. As someone who enjoys the beauty of the river, and a local resident, I have so many concerns. Thank you in advance for taking the time to read through my entire e-mail.

After trying to read through this very large document and seeing all that can go wrong, I think the only option is the 'No Project' option. I truly feel that this project will do irreparable harm to the river, wildlife, humans, land, air, water, and everything else.

Response 601-1

The commenter's location, interest in the San Joaquin River, and preference for denial of the project are noted and will be considered by County decision-makers. The comment does not address the adequacy of the Draft EIR. The project's potential impacts to water quality, including the San Joaquin River, are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality." The project's impacts to wildlife and air quality are evaluated in Draft EIR Section 4.4, "Biological Resources," and Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), respectively. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. Please see Response 601-2 through 601-24 below for further discussion of the commenter's specific concerns.

Comment 601-2

We are not a town in need of more quarries. We are a town that's in need of more open spaces and outdoor activities to enjoy with our families. As builders stack one home on top of another and make the backyards so tiny that they're unusable, this river and area is more needed than ever before. We currently have many mines in the surrounding area that are either operational or permitted and can operate at any time. Fresno County has 200% surplus of what we need for the next 50 years, so this project seems unnecessary.

Response 601-2

Please see Collective Response #3 pertaining to regional aggregate demand and supply. The commenter's interest in open space and outdoor activity enjoyment areas is noted and will be considered by County decision-makers. The comment does not address the adequacy of the Draft EIR.

Comment 601-3

As someone who lives across the street from Cemex, I'm a bit flustered at all of the mitigation promises as I'm wondering why they're not doing them now. Having experienced the frustrations of having Cemex do whatever they want, and nobody to help us, this DEIR has caused a ridiculous amount of anxiety as I feel that the promised mitigation practices are nothing more than words on paper. In addition, people in this community were told that Cemex would cease operations and leave years ago, and now they want us to trust more promises for another hundred years. Once given the green light, they will continue to practice as they have been. Considering all of the horrific things that can go wrong, even if they miraculously followed the mitigation practices to their full

extent, they admit that accidents may happen and therefore that would endanger the lives of so many people and the destruction of the San Joaquin River. If they are allowed to proceed, any issues that come up or accidents that happen will have been foreseeable especially when residents and reporters are sounding the alarm at their constant violations. So I ask myself why if Fresno has 200% gravel surplus for the next 50 years, and Cemex has a proven track record of violating rules and paying out and moving on as if nothing happened, why is Fresno County even considering this project? The best predictor of future behavior is past behavior. And I believe that they have already shown us who they are.

Response 601-3

Mitigation measures adopted for the project would be incorporated into a mitigation monitoring and reporting program (MMRP) that would provide for County oversight to ensure implementation of adopted mitigation measures. Additionally, the Operator is responsible for reclamation of the project sites in accordance with the approved reclamation plan. Both Fresno County and the state Surface Mining and Reclamation Act (SMARA) require that surface mining Operators maintain a financial assurance mechanism payable to the SMARA lead agency (here, Fresno County) and to the State of California sufficient to accomplish reclamation as prescribed by the surface mining operation's approved reclamation plan, including conditions of approval and mitigation measures associated with reclamation. Please see Collective Response #4a pertaining to CEMEX regulatory history, and please see Collective Response #4b pertaining to liability. The comment does not address the adequacy of the Draft EIR. The commenter's concerns are noted and will be considered by County decision-makers.

Comment 601-4

We want something different. I moved from Los Angeles to Fresno because of the lack of traffic and the wide open spaces. Contractors have removed our farmlands one after another and put in homes that are the minimum distance away from each other leaving no backyard space for children or families to spend time outdoors. The stacking of homes right on top of each other is more of a reason to deny this project as the residents in this town deserve much better than a company that threatens to damage the San Joaquin River and take away the few outdoor pleasures we now have in this town. When talking to physician groups, they will all say that recruiting to this town is extremely hard. It's not a lack of housing as Cemex and the contractors would have you believe, it's the lack of anything fun to do in this town. So as we keep giving companies like Cemex permission to do their worst to our air, water, roads, river, and homes, we're also preventing other

professionals from coming into this town. It's a very serious issue as we draw more residents here with track homes, but will lack the staffing of professionals to care for them. That's a crisis waiting to happen.

Response 601-4

The commenter's opinions are noted and will be considered by County decision-makers. Please see Collective Response #7 pertaining to the evaluation of economic issues under CEQA.

Comment 601-5

Here are some of my biggest concerns:

Blasting and digging:

-The proposed mine is 200 feet away from the river. What happens if this gets breached/damaged from the blasting and digging? This is dangerously close. Who pays for the repair? And could it even be repaired?

Response 601-5

Please see Collective Response #17 pertaining to the banks stability of the San Joaquin River and inundation of the quarry pit. Please see Collective Response #4b pertaining to liability.

Comment 601-6

-The DEIR hugely lacks information about the explosives being used and therefore their conclusion that they will have the same results as the study from 1980 doesn't hold water. In reading a much more recent article from 2023 from the NIH, it explains that the gases released are based on explosive composition, explosive reaction degree, rock mass medium, working environment, etc. In addition to CO, NH3, NO, NO2, and other toxic gases, H2S and SO2 will also be generated if sulfur or sulfides are present in the explosives or the rocks. We don't know what will be produced from these blasts as we do not have all of the information required, and therefore, we don't know what they're putting into the groundwater, river, or air.

Response 601-6

Blasting emissions were quantified using two emissions factor sources from San Diego APCD as presented in the 2019 (versus 1980) Air Quality, Health Risk, and Climate Change Impact Assessment. Dust emissions were calculated using the San Diego APCD

quarrying drill-and-shoot emissions factor while explosives detonation emissions were calculated using factors from San Diego APCD Drilling-Blasting Ammonium Nitrate and Fuel Oil procedure. The San Diego APCD thresholds protect public health and are beneficial to the natural environmental including groundwater, water quality and hydrology. Emissions were accounted for and do not result in any new potentially significant impacts as described in the *Revised Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment") including preparation of a Fugitive Dust Control Plan and additional health risk modeling. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR, as updated in this Final EIR. See also Draft EIR Table 4.3-24, "Unmitigated Project Health Risk Impacts," and Table 4.3-25, "Mitigated Project Health Risk Impacts," as they have been updated in the Final EIR at Appendix D-4, "Revised Section 4.3, Air Quality."

Comment 601-7

-Since there are no federal or state mining regulations that specifically address potential blast-induced impacts at surface mines such as this, who will be regulating this? What rules will the County make sure they abide by to keep us safe?

Response 601-7

Blasting is to be performed by a state of California-licensed blasting contractor meeting specific qualifications established under the State of California Department of Industrial Relations. Project blasting protocols are presented in Final EIR Appendix H-9, "Revised Blasting Protocols," in a blasting protocol document that summarizes the monitoring, control and reporting requirements for ground vibrations and air overpressures emitted from blasting at the project sites. In addition, the blasting protocol document provides "Best Practices" for the control and mitigation of flyrock from rock blasting. The Blasting Protocols are referenced and summarized in the Draft EIR (e.g., see Impact 4.9-4 on pages 4.9-19 through 4.9-21; see Impact 4.10-1 on pages 4.10-88 through 4.10-92) and Draft EIR Mitigation Measure 4.10-1 requires that the blasting protocols be implemented and that the protocols be appended to the Mitigation Monitoring and Reporting Program (MMRP) and conditions of project approval.

Comment 601-8

-The DEIR doesn't do a good job discussing the effects of digging or blasting on surrounding land or river bottom.

Response 601-8

The commenter's opinion is noted. Blasting associated with the project would occur at the Quarry Site and would maintain a minimum setback distance of 200 feet from the San Joaquin River; no blasting would occur within the river channel.

The potential environmental effects of blasting are analyzed throughout the Draft EIR based on substantial evidence. Draft EIR Section 4.4 (Impact 4.4-4, pages 4.4-55 through 4.4-58) evaluates potential effects on adjacent riparian habitat and sensitive communities. Section 4.9, "Hazards and Hazardous Materials," (Impacts 4.9-2 and 4.9-4, pages 4.9-17 through 4.9-21) addresses potential hazards associated with blasting, including chemical and mineralogical changes to groundwater and risks related to flyrock. Section 4.10 (Impact 4.10-1, pages 4.10-88 through 4.10-92) evaluates potential water quality effects, and Section 4.13, "Noise," (Impact 4.13-6, pages 4.13-65 through 4.13-67) addresses groundborne and air vibration impacts. See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections.

As discussed in Response 601-1, implementation of Mitigation Measure 4.10-1 and other applicable measures would reduce all identified blasting-related impacts to a less-than-significant level. Accordingly, the Draft EIR provides a comprehensive and adequate analysis of blasting impacts under CEQA. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Please also see Collective Response #27 regarding potential effects on adjacent parklands and recreational use areas.

Comment 601-9

Water levels:

-The DEIR claims they will monitor local wells every 6 hours, compile it into a report in 6 months, and submit that to the county in a year. By the time this process has been completed, wells could technically be completely dried out. If levels drop more than 15%, then they will investigate the cause. If they can rule out all other possible causes, of which they list many, then they may begrudgingly take responsibility. Their solution will be to try to fill up the well, to the minimum of 14.9% depletion (it states from 0 to 15% so it could be 14.9%). At best, they say they will try to fill it up to 85% of what we originally had. If unable to repair it, they will stop mining and update the reclamation with the total depth mined. That's it. There's no recourse to the homeowners who have lost their homes. Residents need to have immediate access to reports (weekly) and have the ability to force

the mining company to stop mining immediately until these wells have been fixed. Cemex doesn't get to decide if they want to take responsibility. If this gets approved, a bond would need to be set up to buy out all local homeowners at fair market value plus a reasonable increase in price had Cemex not been there and we were able to continue to live here for another 20-30 years, plus an additional amount due to forcing relocation.

Response 601-9

See Response 503-3.

Comment 601-10

Aesthetics:

-Looking at the pictures of what the views look like now and what they will look like, I found all of the pictures to look oddly identical, as if nothing were occurring for the next 100 years. In reading the report, we know that in addition to the pit, there will be hundreds more trucks, customer cars, oil drums, blasting equipment, billows of dirt, and so many other things. The visual will not improve for anyone. In the report, it states that my community will have a better view in 100 years because of some trees and a gate. If Cemex wanted to be good neighbors, they could've put up trees and a gate some time in the past 100 years. That's not much to ask. Why didn't they do it already? The promises that are being made for 100 years from now, they are aware that nobody can hold them accountable for in 100 years. And that's assuming that in 100 years, they don't ask for another 100 year extension to do much worse.

Response 601-10

Draft EIR Section 4.1, "Aesthetics and Visual Resources," assesses the projects visual impact in consideration of the anticipated change to the existing visual character that would result from project implementation. The commenter's concerns about existing conditions and methods of potential improvement to existing conditions do not pertain to the adequacy of the Draft EIR. Photographic simulations are used in the Draft EIR to provide representative views to aid in the impact analysis, but are not intended to represent all possible views and all possible visual activities over the lift of the operation. The Draft EIR clearly explains the types of activities and changes in visual character anticipated by the project and is sufficient for compliance with CEQA. See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.1. Additionally, please see Collective Response #8 pertaining to the visual resource impact analysis and mitigation.

Comment 601-11

Lighting:

-One of the reasons many chose to move out to this area was because of the lack of light pollution. The DEIR states that there will be no impact because the lights will be taken down in a few decades. Once again, the time in between has been ignored. There needs to be a real study done on the effects of light pollution to this area, when many chose to move out here to enjoy such things as star gazing.

Response 601-11

Draft EIR Section 4.1 at Impact 4.1-4 on pages 4.1-62 through 4.1-64 describes and evaluates existing lighting and proposed lighting at the Plant Site and Quarry Site. As discussed there, the analysis concludes that due to the use of high-pressure sodium and/or cut-off fixtures (or equivalent International Dark-Sky Association-approved fixtures), County Zoning Ordinance 834.4.220.I.22 which requires night lighting to be arranged and controlled so as not to illuminate public rights of way or adjacent properties, location of facilities below grade and screening, the project's lighting would not result in significant lighting impacts. Although the Draft EIR also discusses the timeframe for reclamation and removal of lighting, the analysis and conclusions of the severity of the impacts of project lighting is not dependent upon the future removal of project lights. The comment does not provide evidence of a deficiency in the Draft EIR light impacts evaluation and no changes to the Draft EIR are warranted.

Comment 601-12

Air Quality:

-The DEIR lists information from one station that's 9 miles away, and only measures distances up to 2.5 miles and the report is from 8 years ago. The air quality is significantly different here than in the middle of the City of Clovis or Fresno, and different than it was back in 2017. There are so many days that the diesel fume and dust from across the street are so bad, that we have to stay inside until dissipated. It takes Air Pollution control hours to arrive, and by that time the dust has settled. A proper mitigation would be to install a monitoring device and live camera feed directly to Air Pollution Control so that they are able to see for themselves. And in addition, there would need to be a hefty fine associated with every single day that they are in violation and put into a bond that will cover healthcare costs of local residents who suffer due to their negligence. In addition, residents need to be made aware of the days they were in violation

and have their CUP cancelled if they violate more than a certain amount of days. The DEIR claims that all of these toxins can be mitigated to be under the allowable amount, but who is monitoring that? Stating there's new equipment that's safer isn't mitigation. It also states that the cancer risk is significantly high for residents close by, but with mitigation, that won't be the cause. Who's monitoring to make sure this cancer risk is truly mitigated?

-The DEIR states that this project could increase the levels of CO, PM2.5 and PM10 to exceed the safe limits. With mitigation, they state that the levels will decrease. However, the mitigation is to buy newer trucks and tamp down the dirt with water. Considering how dangerous and life-threatening all of those are, those mitigation measures don't seem sufficient. If Cemex is aware of these protocols, why aren't they doing them now?

Response 601-12

The Draft EIR, as updated in the Final EIR, presents health risk in Draft EIR Table 4.3-24, "Unmitigated Project Health Risk Impacts," and Table 4.3-25, "Mitigated Project Health Risk Impacts," at locations where applicable guidance requires the maximum risk level to be reported. Chronic cancer and non-cancer risks are reported at structures where an individual or worker could reasonably spend a year or more. See Collective Response #11 for analysis of the cancer burden. Acute risk is reported at the fence line because there is the possibility of public access at that location for period of one-hour. Results for each receptor including those on the fence line are included in Draft EIR Appendix D-1, "Air Quality, Health Risk, and Climate Change Impact Assessment," and Appendix D-2, "Addendum No. 2 to the Air Quality, Health Risk, and Climate Change Impact Assessment," which have been updated and replaced in their entirety by Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment." The mitigation measures proposed reduce health risks to less than significant levels as shown in Table 4.3-25. Thus, additional mitigation is unwarranted. Further, the technical analysis for air quality impacts was updated to include preparation of a Fugitive Dust Control Plan and additional health risk modeling, as documented in Appendix D-3. The updated analysis identified no new impacts and did not change any of the conclusions of the Draft EIR. The resulting revisions to Tables 4.3-24 and 4.3-25 are provided in Final EIR Appendix D-4, "Revised Section 4.3, Air Quality."

CEQA Guidelines Section 15126.4 (a) requires lead agencies to consider feasible mitigation measures to avoid or substantially reduce a project's significant environmental impacts. When the analysis supports that the proposed project's potential environmental impacts would be less than significant, mitigation measures are not required. When potential impacts are reduced to less than significant levels, additional mitigation

measures are not required. While mitigation measures are not required for less than significant impacts, Fresno County will consider these suggestions as part of its deliberations.

Comment 601-13

Diesel fumes:

The DEIR states that 70% of cancer risk is from diesel fumes. Therefore, they've set up rules to mitigate which requires idling to be limited to 5 minutes. However, there are a slew of reasons they can violate that rule. So the 5 minute rule is put into place because of the dangers, but those dangers take a back seat to every possible reason they could have to idle. As someone who can see the trucks across the road, those trucks are idling first thing in the morning for approximately an hour. So does the 5 minute rule not apply to them now? I would think it's just as unsafe to idle more than 5 minutes now than it would be if the project gets approved. This is yet another reason why allowing Cemex to monitor themselves and tell us that nothing bad will happen as they have rules to follow means nothing more than words on paper. We are currently being exposed, and nobody is doing anything about it.

Response 601-13

In 2005, the California Air Resources Board (CARB) adopted an Airborne Toxic Control Measure (ATCM) to control emissions from idling trucks and prohibits idling for more than 5 minutes for all diesel-fueled commercial motor vehicles with gross vehicular weight ratings over 10,000 pounds that must be licensed for operation on highways. Per the CARB, the goal of this measure is to reduce public health impacts from diesel emissions and energy savings in reduced fuel consumption from unnecessary idling. As discussed in the Draft EIR, as updated by the Final EIR, project design features have been incorporated with the general assumption that the excavation and associated equipment would operate in compliance with applicable air quality regulations, including diesel engines compliance with applicable state regulations establishing an idling policy and limiting idle time to less than five minutes (13 CCR Section 2449). Fugitive dust emissions would be controlled through implementation of controls and compliance measures within SJVAPCD Rules 8011, 8021, 8031, 8041, 8051, 8061, and 8071. See also Collective Response #9 regarding the project's impact on existing air quality conditions.

Comment 601-14

Odor:

The DEIR acknowledges that odor is a significant impact if it is confirmed more than once a year for 3 years, or average of 3 unconfirmed complaints in that same time. So the odor would have to be tolerated for at least 3 years before anything could be done. Their solution is to try to use asphaltic cements with lower VOC/SVOC, to the extent feasible. So if it's not 'feasible' according to them, they could forego this mitigation. So for at least 3 years, residents may have been subjected to extremely dangerous and life-threatening toxins in the air. In addition, since SVOC doesn't have an odor, we wouldn't know it's in the air. The DEIR acknowledges cancer risk is high for local residents, but will do their best to mitigate. That's not very reassuring.

Response 601-14

Draft EIR Impact 4.3-4, as included in the Final EIR, presents the assessment of potential odor impacts of the project including odors associated with asphaltic cement production. The Draft EIR concludes that it is not anticipated that the operation of the asphalt plant on the Quarry Site could generate odors that would adversely affect a substantial number of people but conservatively concludes that the impact is potentially significant based solely on the San Joaquin Valley Air Pollution Control District's (2015) *Guidance for Assessing and Mitigating Air Quality Impacts'* presumption that significant odor impacts could occur at sensitive receptors within one mile of such plants. The Draft EIR then recommends Mitigation Measure 4.3-4, as updated in the Final EIR (see Draft EIR page 4.3-69 and 4.3-70 and Appendix D-4, "Revised Section 4.3, Air Quality") to further reduce any potential for odor impacts from the proposed operation of the asphalt plant to less than significant.

The commenter likely references Table 4.3-24, "Unmitigated Project Health Risk Impacts," which identifies the "Unmitigated Project Health Risk Impacts" in their comment that "cancer risk is high for local residents." However, mitigation measures would reduce health impacts to those seen in Table 4.3-25, "Mitigated Project Health Risk Impacts." The Draft EIR, as updated by the Final EIR, presents health risk in Tables 4.3-24 and 4.3-25 at locations where applicable guidance requires the maximum risk level to be reported. Chronic cancer and non-cancer risks are reported at structures where an individual or worker could reasonably spend a year or more. Acute risk is reported at the fence line because there is the possibility of public access at that location for a period of one-hour. Results for each receptor including those on the fence line are included in Draft EIR Appendix D-1, "Air Quality, Health Risk, and Climate Change Impact Assessment,"

and Appendix D-2, "Addendum No. 2 to the Air Quality, Health Risk, and Climate Change Impact Assessment," which have been updated and are provided in Appendix D-3, "Revised Air Quality, Health Risk and Climate Change Impact Assessment." The mitigation measures proposed reduce health risks to less than significant levels as shown in Table 4.3-25. Thus, additional mitigation is unwarranted. Further, the technical analysis for air quality impacts was updated to amplify and clarify the information presented in the Draft EIR, as described in the *Revised Air Quality, Health Risk and Climate Change Impact Assessment* (see Appendix D-3) including preparation of a dust control plan and additional health risk modeling. The analysis demonstrates no new impacts and no changes to any of the findings in the Draft EIR, as updated in this Final EIR. See also Tables 4.3-24 and 4.3-25 as they have been updated in the Final EIR at Appendix D-4, "Revised Section 4.3, Air Quality."

CEQA Guidelines Section 15126.4 (a) requires lead agencies to consider feasible mitigation measures to avoid or substantially reduce a project's significant environmental impacts. When the analysis supports that the proposed project's potential environmental impacts would be less than significant, mitigation measures are not required. When potential impacts are reduced to less than significant levels, additional mitigation measures are not required. For these reasons, the Draft EIR analysis was sufficient, and no further response is required. While mitigation measures are not required for less than significant impacts, Fresno County will consider these suggestions as part of its deliberations.

Comment 601-15

Road hazards:

-The DEIR missed a very important section about rocks/debris flying out of Cemex trucks. In the past year, I have had 3 cracked windshields. I try to avoid driving anywhere close to a Cemex truck now. If I'm able, I will pull over to give myself some distance. California code states that trucks should be covered to prevent items from flying out. I understand there are some exceptions to the rule for aggregate material, but in considering all of them, it seems that they are still in violation. Their own DEIR states that they need to cover their hauls. The fact that I have had 3 incidences in 1 year is proof that they're in violation. It is extremely jarring to have something hit your windshield so hard that it breaks. In addition, we have many bike riders that may be hit in the face while riding. This is extremely dangerous. In talking to residents all around town, I've heard many stories of the same thing happening to them. This is an extremely dangerous road hazard that needs to be addressed immediately. In addition,

as they leave the stations, they track so much dirt and gravel onto Friant Road. You can see the plume of dirt as they exit. So any car driving through that could kick up rocks on to other cars or bike riders. What is their mitigation to ensure this will not happen moving forward?

Response 601-15

Please see Collective Response #30 pertaining to roadway safety for motorists and bicyclists.

Comment 601-16

Emergency Services:

-The DEIR states that since no road closures are required and Friant Road is a 4 lane road, that their trucks would not interfere with emergency services. However, that fails to mention Cemex trucks are routinely seen on Willow cut-through to Copper Ave, Copper Ave east of Willow, and Minnewawa Ave, each having only 1 lane each way. Will Cemex vehicles be restricted from traveling on these roads? What if the emergency vehicle or a resident is in a rush to get to a hospital and wanting to go speed limit vs 15 miles an hour following behind Cemex trucks? Cemex trucks consistently cause traffic and delays and it will get worse with the addition of more vehicles. The DEIR states no mitigation is required, however I think that mitigation should either require Cemex trucks to stay off these roads indefinitely or expand them to be 4 lanes like Friant.

Response 601-16

The project would not alter existing roads or contribute to haul truck use on roads that are not or would not be used for aggregate hauling with or without the project. As discussed in the Draft EIR, the proposed project would not require the closure or partial closure of any public roads and therefore would not inhibit access by emergency vehicles or interfere with an evacuation plan. Additionally, as discussed in the Draft EIR, automobiles and trucks associated with the proposed project would be required to obey all traffic safety laws, including Section 21806(a) of the California Vehicle Code, which requires vehicles to yield the right-of-way and drive to the right side of the roadway and stop until emergency vehicles have passed. The roads referenced in the comment are routinely used for transport of construction aggregates as well as other construction materials by CEMEX and all other local and regional aggregate and construction material transporters. It is overly speculative to attribute some future potential interference with emergency response vehicles due to project trips on public roads as implicating a project

impact on emergency services and emergency response. As such, the Draft EIR's analysis of potential project effects associated with emergency services and emergency response is sufficient.

Comment 601-17

Noise:

-The current noise level is much higher than the DEIR states and common sense says it will get much worse. The berms do nothing to protect the sound traveling up and into our community. We can hear the trucks entering and leaving the quarry, so it would be highly impossible that that sound would not get worse. There is not much in the way of mitigation. And if there were, why aren't they doing it now?

Response 601-17

In addition to the response below, see Response 11-27 and Response 58-65.

The baseline noise environment described in the Draft EIR was based on extensive monitoring of ambient conditions in the immediate vicinity of both the Quarry and Plant sites (see Draft EIR, pages 4.13-40 and 4.13-43 through 4.13-44). It is recognized that some residences in the vicinity of the Quarry Site are elevated and, as a result, would not benefit from perimeter berms equally to existing residences that are essentially at the same elevation as the Plant and Quarry sites. As excavation equipment progresses deeper into the mining pit, the degree of shielding provided by perimeter topography would increase.

Mitigation Measure 4.13-3 specifically pertains to noise generated at the Quarry Site, which mitigation includes various options for industrial noise control that have been proven effective at aggregate facilities throughout the State of California, but Mitigation Measure 4.13-3 does not include the construction of earthen berms as a noise mitigation option for this site.

Comment 601-18

-Blasting 10a-2pm weekdays will make my home feel like I'm living in a war zone. They don't have any real information on explosives used or how they would mitigate the sound, the vibrations, or the damage done to the surrounding properties' home structures or windows. In addition, the vibrations even if not felt by humans will definitely be felt by wildlife animals and our pets. As most pet owners are aware, 4th of July is a very scary time for their pets. This project will condemn us to that type of disturbance on

a daily basis for the rest or our time here. We will be forced to sell and move out as that type of noise is extremely unhealthy for pets and humans with medical conditions. In addition, expanding the work hours to outside normal business hours means we won't get a break at all. The new hours state that they can work weekends, nights, around the clock. This gives them carte blanche permission to do whatever they want, whenever they want. I do not believe there is any mitigation for blasting. This should absolutely not be allowed to happen. If this gets approved, a bond would need to be set up to buy out all homeowners who feel the effect of the blasting (not for Cemex to judge but for homeowners) at fair market value plus a reasonable increase in price had Cemex not been there and we were able to continue to live here for another 20-30 years, plus an additional amount due to forcing relocation.

Response 601-18

According to the project description (Draft EIR page 2-43), blasting would occur 1-2 times per week between the hours of 10 am and 2 pm. The duration of aggregate blasts is typically approximately 2 seconds or less. As a result, the blasting would occur for a total duration of approximately 2-4 seconds per week. Mitigations Measures 4.10-1 and 4.13-6 specifically requires the Operator to implement an extensive blasting protocol, which includes predictions, monitoring, and reporting for blasting events occurring at the Quarry Site.

The Blasting Protocol details requirements for the implementation of a blast monitoring program that includes ground vibration measurements and air overpressure measurements. Should significance thresholds be exceeded, the County must be notified within 48 hours, and a corrective action plan must be developed that identifies changes to the blasting program to prevent future exceedances. The Blasting Protocols also detail the requirements for complaint response procedures; record-keeping; and annual reporting of monitoring, complaints investigations, and corrective actions. Lastly, the Blasting Protocols would require the Operator of the Rockfield Quarry to develop an annual Blasting Plan that includes the proposed blasting designs for areas proposed for blasting each year. The blasting design must be supported by calculations that maintain blast-induced vibrations below the significance thresholds. The plan must be submitted to the County each year for review. Following implementation of this protocol, the Draft EIR determined that blasting noise and vibration would be less than significant at nearby sensitive land uses, and no additional mitigation beyond that included in the "blasting protocol" would be warranted.

The comment does not provide evidence or argument that the implementation of Mitigation Measures 4.10-1 and 4.13-6 are inadequate to address impacts caused by blasting activities.

The proposed hours of operation at both the Plant and Quarry sites are provided in Table 2-5, "Proposed Typical Hours and Days of Operation," on page 2-43 of the Draft EIR. Continuous 24-hour per day operation may be required for major public road projects that are required to be completed during night hours or on weekends to avoid traffic conflicts or during periods of public emergency affecting the health and safety of the community. This would not apply to blasting operations and recycle processing.

Additionally, CEMEX would not be responsible for purchasing properties, as the mitigation measures in place reduce any potential impacts to a less than significant level. For further discussion of economic impacts, including impacts to property values, please see Collective Response #7.

Comment 601-19

Traffic:

-Table 4.17-1 states that there are currently an average of 342 trucks entering and 342 trucks exiting for a total of 684 per day. However, this wrongly assumes they are working 365 days. Cemex currently works 5 days a week and closes for holidays. If we give them the benefit of 260 working days, the actual number is 480 entering and 480 exiting for a current daily total of 960. I think this is a huge difference when talking about how many trucks are out on any given day. Similarly, table 4.17-3 states that for stage 1 there will be a total of 1,074 daily truck trips. Since they don't work 365 days, the more accurate number would be 1,510 truck trips (assuming 260 days). That's a huge daily increase in traffic, and would cause irreparable harm to our roads and to all of the residents trying to get to/from work and school every day.

Response 601-19

The Annual Average Daily Truck Trips presented in Draft EIR Table 4.17-1, "Existing Annual Trip Generation at Plant and Quarry Sites ," Table 4.17-2, "Project Annual Trip Generation—Stage 1 (2.0 MT Per Year)," Table 4.17-3, "Project Annual Trip Generation—Stage 1 (3.0 MT Per Year)," and Table 4.17-4, "Project Annual Trip Generation—Stage 2 (3.0 MT Per Year)," as revised in this Final EIR, are the appropriate variables for calculation of the traffic index for pavement impacts, which are based on the actual number of truck trips over the course of one year. Those Annual Average Daily Truck Trip values are not utilized in the peak-hour operational analyses and are not intended

to represent the number of trucks that would occur at the project during a single work day. The peak-hour trips presented in Tables 4.5 through 4.12 of the TIS (see Draft EIR Appendix I-1) were utilized in the operational analyses. As such, the analyses presented in the Draft EIR are applicable and did not understate the project trips. See Final EIR Chapter 3, "Draft EIR Errata."

Comment 601-20

-When contractors build a community of homes, they're typically required to do many things such as adding lanes to roads, building schools, etc. Other than paying a small share of adding some lights here and there (the offer to expand Willow at Copper is moot since that was already done by a builder), they haven't been asked to pay for any of the inconvenience and damage. Considering their trucks will be equivalent to 2 billion passenger vehicles on the road annually, they need to pay a huge share of repairing our roads and expanding roads that will be backed up because of their operation.

Response 601-20

See Response 12-69. The project would be required to mitigate its equitable share of the impacts and would contribute funds for transportation improvements. See discussion of Impact 4.17-1 on pages 4.17-27 through 4.17-40 of the Draft EIR.

Comment 601-21

EFFECT ON LOCAL HOMEOWNERS:

-Homeowner's Insurance: I have spoken to insurance agents and was told that an insurance company would have the right to cancel policies if they found that a company was blasting across the street. They can't be sure that the blasting will not affect the structure of the home. The DEIR makes it seem like there will be tiny blasts going off and that they last for short periods of time, however, the underground vibration could affect the structure of our entire community. What will Cemex do to protect the homeowners when our policies get cancelled? If this gets approved and we lose our homeowners policies or our policies exclude certain provisions due to the mine across the street, then Cemex should have buy out homeowners at fair market value plus a reasonable increase in price had Cemex not been there and we were able to continue to live here for another 20-30 years, plus an additional amount due to forcing relocation.

-Decrease in property value: All of the above environmental concerns will also be a huge concern for any potential buyer of

homes anywhere close to this mine, and will significantly reduce the value. In speaking to realtors and asking how this would affect my sales price, I was told that it would be significant and the buyer would have to get a 'great deal' to put up with all of the nuisance of the mine and want to take the other risks that come with being this close to a blasting mine. In doing online research, it seems that homes that are within 1/4 mile saw their property values decrease approximately 30-40%. If this project gets approved, then each homeowner that's affected should be given the option of staying in their home and having Cemex pay them the loss in home value based off of fair market value in addition to loss of future gains. Since appraisers use homes with a given vicinity to value homes, that means all homes within miles will see their property values decrease. As homeowners lose value in their homes, the County and even city of Fresno and city of Clovis will also lose due to decrease in property taxes based on new lowered values.

Response 601-21

Please see Collective Response #7 pertaining to the evaluation of economic issues, including property values, under CEQA.

Comment 601-22

FUTURE DEVELOPMENT:

-The DEIR states that this will not interfere with any future projects, however, one could easily say that it absolutely will. There are land lots available on Friant Road for people to purchase and build their dream home. How many do you think will want to build right next to this mine? We have the opportunity to attract buyers who want to build their dream homes across from a beautiful river that will bring in a lot of property taxes to the County. They will not pay to build across from Cemex.

Response 601-22

The commenter's assertion that "the Draft EIR states that this will not interfere with any future projects" is unclear and no reference to any section or page of the Draft EIR is provided by the commenter. The purpose of the EIR is to evaluate and disclose environmental effects of the proposed project. The comment does not explain and provides no evidence of a project interference with future projects or an environmental effect associated with such interference.

Comment 601-23

POLICIES AND GOALS:

In reading through this document, I found many policies and goals from the agencies and feel that everything in this DEIR goes against them. I have listed some of the most important ones I feel would be violated if this project were to be approved and support my opinion of the 'No Project' option:

Policy H-G.5 states that the County shall manage development of land within and adjacent to existing neighborhoods to avoid adverse impacts on living environment.

Policy OS-G.11 states the County shall continue, through its land use planning processes, to avoid inappropriate location of residential uses and sensitive receptors in relation to uses that include, but are not limited to, industrial and manufacturing uses and any other uses which have the potential for creating a hazardous or nuisance effect.

Goal OS-G: To improve air quality and minimize the adverse effects of air pollution in Fresno County.

Policy LU-A.3.c: The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter (1/4) mile radius.

Policy OS-C.4: The County shall impose conditions as necessary to minimize or eliminate the potential adverse impact of mining operations on surrounding properties.

Goal LU-C: To preserve and enhance the value of the river environment as a multiple use, open space resource; maintain the environmental and aesthetic qualities of the area; protect the quality and quantity of the surface and groundwater resources; provide for long term preservation of productive agricultural land; conserve and enhance natural wildlife habitat; and maintain the flood-carrying capacity of the channel at a level equal to the one (1) percent flood event (100-year flood).

Goal OS-C: To conserve areas identified as containing significant mineral deposits and oil and gas resources for potential future use, while promoting the reasonable, safe and orderly operation of mining and extraction activities within areas designated for such use, where environmental, aesthetic, and adjacent land use compatibility impacts can be adequately mitigated.

Response 601-23

The commenter's opposition to the proposed project and opinion regarding the project's conflict with certain goals and policies are noted. Draft EIR Section 4.11, "Land Use and Planning," Table 4.11-1, "Project Consistent with Local Planning Documents," on pages 4.1-10 through 4.11-47 includes an assessment of the project's consistency with Fresno County General Plan goals and policies deemed applicable to the proposed project. As discussed in Draft EIR Impact 4.11-2 on page 4.11-49, the analysis concludes that the proposed project would be consistent with each of the applicable Fresno County General Plan goals and policies.

Comment 601-24

As someone who hopes to stay in this town for years to come, I truly hope we can take our river back and keep it safe for future generations to enjoy.

Mr. Randall, thank you again for taking the time to read my very lengthy letter.

Response 601-24

The commenter's interests and input are noted and will be considered by County decision-makers.

Letter #602 March 10, 2025, Patricia Wells

Comment 602-1

I have written a letter regarding the CEMEX project, attached to this email. May the future generations have the treasures that nature has provided for us.

Please take into consideration the many many species that will be impacted by this project, a project that could easily be moved to the area where you are already extracting materials.

Response 602-1

The project's potential impacts on fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." Note that the project sites are currently operated as an aggregate mine as described in Draft EIR Section 2.4, "Existing Conditions." Alternative locations for the proposed project were rejected from further consideration as discussed in Draft EIR Section 6.4.2.1, "Alternative Site Locations." See Chapter 3, "Draft EIR Errata," for proposed revisions to Draft EIR Section 4.4.

Comment 602-2

I am writing to formally express my opposition to the proposed 100-year permit for the CEMEX mining operation and to challenge the adequacy of the Draft Environmental Impact Report (EIR) prepared for this project. The EIR, as currently drafted, does not sufficiently or accurately assess the environmental, ecological, and community impacts that this long-term operation will have on the San Joaquin River and surrounding areas.

Response 602-2

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The commenter does not provide any reasoning or evidence to support the assertion that the Draft EIR is insufficient or inaccurate. The comment is noted for the decision-makers.

Comment 602-3

As someone who loves the region, I find that the EIR fails to adequately address the following concerns:

The impacts on wildlife habitat, water quality, air pollution, noise pollution, groundwater depletion, cumulative environmental impacts, or community health concerns will devastate the environment and render the area to be an undesirable place to visit, my greatest concern is how the future will unfold.

Response 602-3

The project's potential impacts on wildlife habitat and air pollution are addressed in Draft EIR Section 4.4 and Section 4.3, "Air Quality," (see Appendix D-4, "Revised Section 4.3, Air Quality"), as updated in the Final EIR, respectively. The issues of water quality and groundwater depletion are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." Noise pollution is evaluated in Draft EIR Section 4.13, "Noise," while the project's cumulative effects are discussed in Draft EIR Chapter 5, "Cumulative Impacts." The issue of community health is addressed in relation to air pollution in Section 4.3, as updated by this Final EIR (see Appendix D-4), and in relation to exposure to hazardous substances in Section 4.9, "Hazards and Hazardous Materials." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here.

Comment 602-4

For example, you sir, do you have children, grandchildren, or simply have friends with children. How will you explain why you chose to destroy this area given the availability of a region where you are already extracting material? Do the future generations

matter to you, sir? In this age of lies and deception, does it not matter that most of Fresno does not know of these plans? And finally, do the opinions of Fresno residents matter to you?

A project of this scale and duration requires a far more comprehensive environmental review that includes thorough scientific analysis, long-term cumulative impact assessments, and meaningful mitigation strategies. The EIR, as it stands, does not meet these standards, and I urge Fresno County to require revisions that fully account for the long-term consequences of extending CEMEX's mining operations.

I request that the Planning Department reconsider this permit in light of the inadequacies of the EIR and demand a more thorough environmental review before any decisions are made.

Thank you for your time and consideration.

Response 602-4

The public was properly notified of the project and the Draft EIR as described in Final EIR Section 2.2, "Public Review Period and Notifications." Public comments and opinions on the project were accepted by the County during the review period and are responded to herein. The commenter does not provide reasoning or evidence to support the assertion that the Draft EIR does not meet the stated standards. The commenter's opposition to the proposed project is noted for the consideration of the decision-makers.

Letter #603 March 10, 2025, Tom and Anna Wielicki

Comment 603-1

I have been a resident of Fresno Bluffs for the last 30 years and had numerous close calls while driving on Friant Road due to the heavy truck traffic generated by the CEMEX company in the middle of residential area.

Response 603-1

The issues of traffic congestion and safety are evaluated in Draft EIR Section 4.17, "Transportation." See also Collective Response #29 regarding the project's truck trips and traffic congestion and Collective Response #30 regarding traffic safety.

Comment 603-2

Vast majority of Fernans believe that a city at our location needs to pivot from polluting heavy industry to a service economy. Why don't you guys?

I can tell you that extension of operating permits for CEMEX will make many of my neighbors in the Bluffs REALLY angry and we will not hesitate to show it.

Please, make a smart decision that is aligned with the will and interest of your constituency and stop CEMEX from operating in our neighborhood.

Response 603-2

No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment, and the commenter's opposition to the proposed project, are noted for the consideration of the decision-makers.

Letter #604 March 10, 2025, Christine Williams

Comment 604-1

I want to voice my opposition to the proposed CEMEX Expansion.

I have been a resident of Woodward Lake since 1988. I have always enjoyed the peace and quiet and the beauties of nature which this area provides. At first, we had no noise pollution except an occasional noisy truck on Friant Road. Eventually, we started being buzzed several times a day by an unwelcome helicopter (Cty or Highway Patrol?). This noise pollution is unsettling and interferes with the peaceful life that I value very much.

NOW, we are in danger of far more noise pollution from unexpected blasting sounds and an increase in truck traffic on Friant Road! Birds and other wildlife could diminish in numbers because they, like us, do not thrive when they are frequently bombarded by unexpected loud sounds.

When the birds and wildlife diminish or disappear altogether, the ecosystem of the San Joaquin River will be negatively affected,

Response 604-1

The comment describes existing noise conditions which are not required to be evaluated in the Draft EIR. The project's potential noise impacts are evaluated in Draft EIR Section 4.13, "Noise." See Impact 4.13-1 for discussion of traffic-related noise effects and Impact 4.13-6 for discussion of groundborne vibration effects of the proposed blasting. See Collective Response #13 regarding the project's operational effects on wildlife in areas surrounding the project sites.

Comment 604-2

Adding to the degradation of the River ecosystem will be more dust in the air and water, further eroding the health of the fish and wildlife in the area. This is an unsustainable situation which will only worsen over time. Possibly there will be additional mining chemicals released into the water and air that could prove to be deadly or affect the health of humans and wildlife alike.

Please do not approve the CEMEX Expansion!

Response 604-2

The issue of dust is addressed as an air emission in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), and in terms of erosion and sedimentation in Section 4.10, "Hydrology and Water Quality." The issue of hazardous materials contamination is addressed in Draft EIR Section 4.9, "Hazards and Hazardous Materials." The impacts identified in these sections were each determined to be less than significant with incorporation of the mitigation measures presented in this EIR. See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Letter #605 March 10, 2025, Darlene Young (handwritten)

Comment 605-1

I am writing to express my concerns to the proposed 100 yr. permit for the CEMEX mining operation.

For the last 34 yrs, I have resided near Friant Rd. and depend on its access for daily use. Granting the permit to CEMEX as proposed will significantly impact traffic, air quality from equipment exhaust and increase health risks.

Response 605-1

The project's potential impacts related to traffic congestion are addressed in Draft EIR Section 4.17, "Transportation." See also Collective Response #29 regarding the project's truck trips and traffic congestion. The issue of air quality and associated health risks is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Comment 605-2

The vibration and dust created by drilling near recreational areas will impact the wildlife habitat and those of us who use the trails near by.

I respectfully request your consideration to these concerns.

Response 605-2

The issues of vibration and dust are addressed in Draft EIR Section 4.13, "Noise," and Section 4.3, as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), respectively. The issue of disturbance to wildlife is addressed in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for proposed revisions to the Draft EIR sections referenced here. See also Collective Response #27 regarding the project's operational effects on users of nearby parks and trails. This impact is noted for the consideration of the decision-makers.

Letter #606 March 10, 2025, Sean Zweifler

Comment 606-1

Dear Mr. Randall, thank you for taking my comments on the draft EIR for the CEMEX expansion project. I have numerous concerns about the environmental impacts that this draft EIR does not adequately address.

Response 606-1

The commenter's concerns are noted and will be considered by County decision-makers. Please see Response 606-2 through 606-11 below for further discussion of the commenter's specific concerns.

Comment 606-2

1. Tricolor blackbirds have been recorded throughout this region, more study is needed to see how land use changes and blasting noises will affect these critically imperilled [sic] birds. The EIR completely dismiss the possibility of them utilizing the sites which seems unlikely.

2. Yellow warblers are not even mentioned, despite being a special status species that occurs along the San Joaquin River.

Response 606-2

The Draft EIR discusses tricolored blackbird in Section 4.4, "Biological Resources," including Table 4.4-1, "Special-Status Wildlife Species," which identifies a low potential for occurrence on the project sites. As reflected in Table 4.4-1, the California Natural Diversity Database (CNDDB) search—expanded to include the surrounding 9-quadrangle area—did not identify any known occurrences of tricolored blackbird in the vicinity of the project sites. In addition, the disturbed nature of the Plant Site and Quarry Site does not provide suitable habitat for the species. Therefore, the project would not result in a significant impact to tricolored blackbird.

Mitigation Measure 4.4-1c requires pre-construction clearance surveys for nesting birds, including tricolored blackbird, and would further ensure that any potential impacts to nesting birds are reduced to less than significant. Please also see Response 58-37 and Collective Response #15 for additional discussion of potential impacts to bird species.

The yellow warbler is a California Species of Special Concern but is not state or federally listed as threatened or endangered. The species was not identified in the CNDDB records for the project area (including the expanded 9-quadrangle search) and was not observed during habitat assessments. In addition, the disturbed conditions at the project sites limit the suitability of habitat for this species. In any event, implementation of Mitigation Measure 4.4-1c would reduce any potential impacts to nesting birds, including yellow warbler, to less than significant.

Comment 606-3

3. *Sagittaria sanfordii* is documented throughout the Fresno region, including a number of manmade habitats such as irrigation canals. To treat this plant as presumed absent is inappropriate. It is quite likely this species occurs in ponds, ditches or other water features throughout the two sites. A focused survey should have been done.

4. *Delphinium hansenii* **ssp.** *ewanianum* is documented in valley grassland throughout the Fresno region. To treat this plant as presumed absent is inappropriate. A more focused survey for this plant should have been conducted.

5. *Cryptantha hooverii* this plant has been documented on the Madera side of the river in valley grassland. To treat this plant as presumed absent is inappropriate and a more focused survey should have been conducted.

Response 606-3

The Draft EIR presumed the Sanford's arrowhead (S*agittaria sanfordii*) to be absent because it was not found on the plant site and only grows in swamp or marsh conditions which are not found on the project sites (see Appendix E-1, "Plant Site habitat assessment"). This comment does not provide evidence to show that the project sites would support Sanford's arrowhead. A plant species' potential presence in the area must be considered in the baseline only if it could occur in the project area, which is not the case here (see *Nassiri v. City of Lafayette* (2024) 103 Cal.App.5th 910, 931 citing Guidelines Section 15332(c)). If the site has no value as a habitat for a listed species, then analysis of impacts to those species do not need to be made (*Id.* at 926). For further discussion of Sanford's arrowhead, please refer to Response 58B-9.

Ewan's larkspur (*Delphinium hansenii ssp. ewanianum*) was presumed absent due to lack of suitable habitat within the project site and was also not observed on site (see Draft EIR Appendix B-1, "Surface Mining and Reclamation Plan," and Appendix C, "Visual Impact Analysis"). Hoover's cryptantha (*Cryptantha hooveri*) was presumed absent because the project sites are out of the elevation range of this species and was also not observed on site (see Draft EIR Appendix B-1 and Appendix C). As such, the Draft EIR did not need to analyze impacts to these species.

Comment 606-4

6. In general the reports from consultants that inform this dEIR are riddled with errors. Plant names are misspelled, non native plants are listed as native, habitat descriptions are incorrect. For example **"The area between the river banks and the project site, support upland vegetation, primarily extensive non-native grasses (*Stippa* spp.) and scattered valley oaks woodlands."** Stippa is not a plant, Stipa is, but it's a native bunchgrass. Likely meant Bromus.

Response 606-4

Please see discussion of Quarry Site Vegetation on page 4.4-7 of the Draft EIR, which details the plant community located in, and along, the eastern boundary of the Quarry Site abutting North Friant Road. See also the Draft EIR's discussion of riparian habitat and upland vegetation adjacent to the Plant and Quarry sites on page 4.4-8. Some Stipa species are native to California, but some Stipa species are not native. The commenter does not specify how the habitat descriptions provided in the Draft EIR are incorrect.

Comment 606-5

7. The dEIR makes no mention of Kern brook lamprey ***Lampetra hubbsi,*** a species known to occur in the adjacent stretch of the San Joaquin River and the Friant-Kern canal. It is quite likely to occur in the delivery ditch at the plant site as well.

Response 606-5

The comment asserts that the Kern brook lamprey (*Lampetra hubbsi*) may occur in the San Joaquin River, the Friant-Kern Canal, and potentially within the existing river water delivery ditch at the Plant Site. The potential presence of this species in these waterways is an existing condition, and the proposed project would not modify the existing ditch, alter its operation or use, or increase water demand or water conveyance between the San Joaquin River and the Plant Site. Accordingly, the project would not create or increase the potential for Kern brook lamprey to use the ditch or otherwise affect the species through changes to the existing water delivery system. Therefore, the project would not result in a significant impact to Kern brook lamprey or other fish species. Furthermore, the Kern brook lamprey is not a state or federally listed threatened or endangered species, but is a California Species of Special Concern. See Draft EIR Section 4.10, "Hydrology and Water Quality," regarding the project's potential impacts to hydrologic resources.

Comment 606-6

8. This project conflicts with the San Joaquin River Parkway master plan in a way that would likely make it unfessible [sic] to ever complete the parkway and multi-use path. While the EIR makes vague statements about easement availability, in the absence of any clear plan or commitment to mitigate these impacts this is highly unlikely to occur. In addition this project, even with easements for a trail, would severely detract from the beauty and enjoyment of this trail.

Response 606-6

Please see Collective Response #18 pertaining to the project's consistency with San Joaquin River Parkway Master Plan, and please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 606-7

9. The EIR makes no mention of impact to bicycle traffic along Friant and Willow roads. These are heavily trafficked by bicycle riders, and increased truck traffic as well as increased gravel spillage on the roads would contribute to

making these stretches significantly more dangerous for cyclists.

Response 606-7

Please see Collective Response #30 pertaining to roadway safety.

Comment 606-8

10. The draft EIR fails to address how increased aggregate availability would impact development patterns in the region and lead to increases in traffic, decreases in air quality, loss of habitat, and other negative effects in our region.

Response 606-8

As discussed in the Draft EIR, the demand for aggregate for construction projects within the region would exist with or without the project (Draft EIR, page 4.17-24). As explained in the Department of Conservation California Geological Survey's (CGS) "Map Sheet 52 (Updated 2018) Aggregate Sustainability in California" (CGS 2018) when there is more demand in a region than can be met by local production, the demand is typically met by importing construction aggregate from neighboring aggregate producing regions (CGS 2018, page 18). Thus, a shortage of local aggregate availability does not implicate slowed or restricted development and, instead, implicates longer haul distances, increased costs, and increased environmental effects associated with aggregate transport from more distant locations (e.g., air pollutant and greenhouse gas emissions) and an adequate local supply of aggregates can serve to avoid or minimize transport of aggregate from more distant locations.

Draft EIR Section 7.4, "Growth Inducing Analysis Overview," provides evaluation of potential growth inducing effects of the proposed project and concludes the proposed project is not considered growth inducing and would therefore not result in potential environmental effects associated with induced growth. The comment does not provide evidence of a deficiency in the Draft EIR's evaluation of potential growth inducement, and the comment does not provide evidence that the project's supply of aggregate would impact development patterns in a manner that would cause adverse environmental effects.

Comment 606-9

11. The draft EIR fails to take into account white root sedge *Carex barbarea* beds as a cultural resource. This is a really important material for basketry and is known to occur in culturally significant sized patches near the project site and should be taken into account.

Response 606-9

The comment does not provide evidence of occurrence of white root sedge within the project sites or evidence that the project would have any effect on white root sedge or access to white root sedge. *Carex barbarae* (also known as Valley Sedge or Santa Barbara Sedge) was not observed at the Plant or Quarry sites (see Draft EIR Appendix E-1, "Plant Site Habitat Assessment," and Appendix E-2, "Quarry Site Habitat Assessment").

Comment 606-10

12. The draft EIR fails to take into account expanded minings [sic] impacts on recreation on the river, such as fishing and floating down the river.

Response 606-10

The comment does not provide evidence that the project would have an environmental effect associated with San Joaquin River surface water recreational uses. The proposed project would not significantly impact the San Joaquin River or associated recreational uses of the San Joaquin River. See discussion of Impact 4.10-1 and Impact 4.10-12 beginning on page 4.10-88 of the Draft EIR.

Comment 606-11

13. The draft EIR completely fails to take into account the impact of the noise of blasting on birds breeding off of the project site.

Response 606-11

Blasting activities would be brief (lasting one to two seconds) and would not significantly impact wildlife (Draft EIR page 4.4-53). Response 58-42 addresses the project's potential noise impacts upon wildlife, including birds. Please also see Responses 58-37, 58-38, 58-40, 58-41, 58-42, 65-8, 65-12, 65-16, and 65-17 for further discussion of blasting impacts to wildlife.

Letter #607 March 10, 2025, Jericho Guansing

Comment 607-1

Hello, I am Jericho Guansing. I have lived in the Central Valley for my whole life and I am an advocate for preserving the health of not only the environment of the valley, but the people living in it. The San Joaquin Valley has many elderly people and young children living in it. The drilling by CEMEX is something I oppose as it threatens the health of the people living in the valley. Firstly, the drilling will cause slopes and the ground to become unstable. This instability of the ground will inevitably cause

particulate matter like dirt to pollute and spread through the air. The valley's air quality is already terrible as is and places like Bakersfield and Fresno are constantly dealing with high levels of tropospheric ozone and particulate pollution. The two sites that CEMEX is planning will create a large amount of air pollution. This air pollution, on top of the already existing pollution, will create conditions unsuitable for the health of the citizens living here as it will worsen health conditions like asthma and even cause health conditions. I would like to speak about a personal experience with growing up with asthma. My sister and I both personally had terrible asthma and it was only worsened with the air quality. If we were to grow up with the worsened air pollution from CEMEX, who knows how our health would be now? I am fortunate enough that my asthma doesn't impair my health now, but what about the other children who are just like me? Their health will be significantly impacted by the CEMEX drilling. This project will span over 100 years and the effects will be devastating for the younger generation. A whole generation of kids from the central valley will be facing major health problems like asthma, bronchitis, and other respiratory issues. I would also like to speak about the elderly population. My grandma was recently diagnosed with cancer and is currently being treated for it. Many other elderly people are facing the same diagnosis as my grandmother. Many are also facing other health conditions besides cancer. It is key to preserve the health and allow the elderly to live the rest of their lives out of harm. CEMEX threatens this as the air pollution will also negatively affect the elderly generation. I am personally concerned for the recovery and health of my grandma that could potentially be harmed by the drilling. I want this project to be reconsidered and thoroughly evaluated as the health impacts will be devastating for the people who call the Central Valley home.

Response 607-1

The commenter's opposition to the proposed project is noted for the consideration of the decision-makers. The issue of dust and associated health risks is addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"). See also Collective Response #9 regarding the project's potential to worsen the region's existing air quality conditions and Collective Response #11 regarding the analysis of population-wide cancer burden in the Draft EIR, and as updated by this Final EIR. Note that the project sites are currently operated for mining extraction, and no new areas of disturbance are proposed. The commenter's personal experiences and concerns regarding public health are noted for the consideration of the

decision-makers. However, no specific comments related to the adequacy of the Draft EIR were made, and no further response can be provided.

Letter #608 March 11, 2026, Marie Motta

Comment 608-1

I am writing to express my concerns regarding the Draft EIR No 7763 on the CEMEX Project. This projects threatens the San Joaquin River, local water quality, air quality, wild life, public safety, and local recreation.

Response 608-1

The project's potential impacts to the San Joaquin River and local water quality are addressed in Draft EIR Section 4.10, "Hydrology and Water Quality." Potential impacts related to air quality, wildlife, and local recreation are addressed in Draft EIR Section 4.3, as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.4, "Biological Resources," and Section 4.16, "Recreation," as updated by this Final EIR, respectively. The issue of public safety is addressed in multiple sections across the Draft EIR including Section 4.7, "Geology and Soils" (seismic shaking and landslide), Section 4.9, "Hazards and Hazardous Materials" (hazardous substances and emergency access), Section 4.10 (flooding), and Section 4.15, "Public Services." See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections.

Comment 608-2

1. Building a 6-story hole next to a river that can flood which can cause water loss and contamination raises serious concerns.

Response 608-2

See Draft EIR Section 4.10 for discussion of the project's hydrology-related impacts. See also Collective Response #17 regarding riverbank stability and the potential for breach and flooding and Collective Response #25 regarding seepage from the San Joaquin River resulting in reduction of river flow.

Comment 608-3

2. Building a 6-story hole next to where the San Joaquin River Parkway is to be built raises serious concerns. How will the 300-foot buffer be met?

Response 608-3

See Collective Response #18 regarding the project's consistency with the Parkway Master Plan and Collective Response #22 regarding proposed trail easements.

Comment 608-4

3. Also of concern is blasting, drilling, and crushing hard rock so close to the river, the Parkway, and the road to Millerton Lake. How will these be able to be used during these activities?

Response 608-4

The potential effects of project operations are evaluated throughout the Draft EIR. See Section 4.10, Section 4.13, "Noise," and Section 4.17, "Transportation," for related analyses. See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections. See also Collective Response #27 regarding the project's operational effects on users of nearby parks and trails. No specific comments related to the adequacy of the Draft EIR were made, and no further response can be provided.

Comment 608-5

The above stated activities have impacts on birds, fish, and other wild life that have not been adequately analyzed.

Response 608-5

The project's potential impacts to fish and wildlife species are evaluated in Draft EIR Section 4.4, "Biological Resources." See Chapter 3, "Draft EIR Errata," for revisions to Draft EIR Section 4.4. See also Collective Response #13 regarding the project's operational effects on wildlife in areas surrounding the project sites. The commenter does not provide reasoning or evidence to support the assertion that the Draft EIR fails to adequately analyze impacts to fish and wildlife species. The comment is noted for the decision-makers.

Comment 608-6

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional, stronger mitigation measures, and financial guarantees from CEMEX.

Response 608-6

As determined necessary in this Final EIR, additional mitigation measures have been added to address project impacts. See Chapter 3, "Draft EIR Errata," for the proposed changes to the Draft EIR. See also Collective Response #4b regarding liability and funding

for the remediation of environmental damage caused by the project. No specific comments related to the adequacy of the Draft EIR were made and no further response can be provided. However, the comment is noted for the consideration of the decision-makers.

Letter #609 March 11, 2025, Shirinnaz (Shauna) and Kyan Salehi

Comment 609-1

As residents and property owners on Bluff Avenue, we are writing to you to express that we are entirely opposed to CEMEX'S mine proposal along the San Joaquin River based on the following:

Response 609-1

The commenters' opposition to the project is noted and will be considered by County decision-makers.

Comment 609-2

CEMEX's argument that if the project isn't approved, the Fresno region will lose the economic and environmental benefits of locally sourced materials is completely meritless.

Per Fresnoland investigation, based on thousands of pages of technical documents, environmental reports, and state geological records, CEMEX'S mine proposal is a needless assault on the San Joaquin River to extract materials. State records reveal that the Fresno area already has a staggering surplus of locally sourced gravel which is one of the largest in the state. According to the California Geological Survey, the Fresno metro area currently has nearly 200% more gravel than is needed for the next SO years coming from local mines. The Kings River has roughly 2 billion tons of easily available surface gravel (enough for 500 years at Fresno's current 4 million-ton annual rate). As such, CEMEX's proposal to blast a new massive crater is completely unnecessary and is purely based on corporate greed. If the Board of Supervisors approve the mine, the asset value claimed by the company would skyrocket. At current gravel prices ($10-$50 per ton), the total gravel forecasted by CEMEX to come from the site could be valued at $2 billion to $10 billion.

Response 609-2

Please see Collective Response #3 pertaining to regional aggregate demand and supply.

Comment 609-3

CEMEX'S mine proposal will have a devastating impact on the San Joaquin River.

CEMEX's plan targets a 300-acre stretch of the San Joaquin River which is already ranked among America's most polluted waterways. Decades of extraction have left virtually no surface gravel intact, according to reporting by The Fresno Bee. The significant additional extraction by the CEMEX's mine proposal would have a massive negative impact on the river's flow, salmon runs and wetlands.

Response 609-3

The Draft EIR analyzes impacts to hydrologic resources in Section 4.10, "Hydrology and Water Quality," and impacts to biological resources, including salmon, in Section 4.4, "Biological Resources." As per these sections of the Draft EIR, the proposed project would not significantly impact the San Joaquin River flow and would not significantly impact salmon. Furthermore, the project would not significantly impact adjacent riparian habitats as operations would stay within the existing footprint. See Chapter 3, "Draft EIR Errata," for revisions to the Draft EIR sections referenced in this response. See also Collective Response #25, regarding the potential for the project to reduce river flows, and Collective Response #16, regarding potential impacts to salmon populations.

Comment 609-4

CEMEX'S mine proposal will have a significant negative impact on the traffic on Friant Road.

If approved, CEMEX's project would double its gravel output, sending an estimated 400,000 trucks down Friant Road annually (up from 100,000 in the 1980s and 250,000 in 2023). Each truck causes wear equivalent to 5,000 cars, meaning the project would add the impact of 2 billion car trips to north Fresno's streets every year in a region already deadlocked over how to pay for its existing road quality crisis.

The road and traffic conditions on Friant Road are already dreadful. There have been many fatalities at every intersection of Friant. Woodward Park attracts significant number of pedestrians and bicyclists. CEMEX's mine proposal and the significant additional traffic it brings would make Friant Road substantially more unsafe.

Wherefore, we request that CEMEX's mine proposal be denied.

Thank you for your attention.

Response 609-4

Please see Collective Response #29 pertaining to project traffic. Please see Collective Response #30 pertaining to roadway safety, including bicyclist and pedestrian safety.

The commenters' request for denial of the project is noted and will be considered by County decision-makers.

Letter #610 March 12, 2025, Bryan Hamer

Comment 610-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River, local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 610-1

The commenter's concerns are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures. The project's potential impacts to water quality, air quality, recreation, wildlife, and hazards and hazardous materials are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.16, "Recreation," Section 4.4, "Biological Resources," and Section 4.9, "Hazards and Hazardous Materials," Respectively. See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections. Please see Response 610-2 through 610-11 for further discussion of the commenter's specific concerns.

Comment 610-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 610-2

See Response 329-2.

Comment 610-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 610-3

See Collective Response #17 related to bank stability and flooding.

Comment 610-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 610-4

Refer to Collective Response #26 and Response 484-6. As described in Collective Response #26, the data used in the Draft EIR was collected over a period that included both low and high flows. As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the project area. Collective Response #25 further demonstrates that Department of Water Resources criteria for interconnected surface water are not met at the project site.

Comment 610-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.

- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access

- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 610-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 610-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 610-6

Please see Collective Response #19 pertaining to public accessibility to parks. Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 610-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 610-7

Please see Collective Response #8 pertaining to the Draft EIR's visual resource impact analysis and mitigation.

Comment 610-8

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on how mitigation takes place is just one example of the inadequacy of the DEIR.

Response 610-8

Please see Collective Response #29 pertaining to project traffic impacts and road maintenance. Please see Collective Response #30 pertaining to roadway safety.

Comment 610-9

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 610-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project. See also Collective Response #9 regarding the project's impact on existing air quality conditions and Response 528-9.

Comment 610-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 610-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, as revised in Chapter 3, "Draft EIR Errata," the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (Draft EIR pages 4.4-49 through 4.4-50).

The Western red bat was not observed on site during the habitat assessment; however, moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). As discussed in Chapter 3, "Draft EIR Errata," the Final EIR provides additional analysis of potential impacts to bats and adds Mitigation Measure 4.4-1d to require pre-construction surveys and measures to avoid or minimize impacts to active bat roosts. With implementation of Mitigation Measure 4.4-1d, potential impacts to bats, including the Western red bat, would be less than significant.

In any event, blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR, as revised in this Final EIR, therefore adequately evaluates potential impacts to the species discussed above.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Draft EIR Section 4.4 need not be rewritten or recirculated.

Comment 610-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and

recirculated for public review before the finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 610-11

The project would not result in significant impacts to the San Joaquin River, wildlife, public safety, or air quality. The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the potential environmental impacts of the proposed project and provides mitigation measures where necessary to reduce the severity of potentially significant impacts, in accordance with CEQA. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required.

Letter #611 March 12, 2026, William Podolsky

Comment 611-1

I would like to urge you and Fresno county to reject the CEMEX Rockfield Expansion and its DEIR. My concerns are many, including my belief that the DEIR does not adequately evaluate the damage to our community, including the city of Fresno, adjacent county areas, the San Joaquin Parkway, and the river. Damage will occur due to heavy traffic, noise, air pollution, and probable water pollution of the river and aquifers. There is no need for such a radical and long-term manipulation of the ground and river near large populations.

Response 611-1

The issues of traffic and noise are addressed in Draft EIR Section 4.17, "Transportation," and Section 4.13, "Noise," The issues of air pollution as well as surface water and groundwater pollution are addressed in Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), and Section 4.10, "Hydrology and Water Quality," respectively. See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections. The commenter does not provide any reasoning or evidence to support the claim that the Draft EIR provides inadequate analysis of these issues. The comment is noted for the decision-makers.

Letter #612 March 12, 2025, Nathan Schramm

Comment 612-1

I am writing to express my concerns regarding Draft Environmental Impact Report (DEIR) No. 7763 for the proposed CEMEX Rockfield Expansion Project. This project threatens the San Joaquin River,

local water quality, air quality, public recreation, wildlife, and public safety. Many of the proposed mitigation measures are inadequate, and some impacts lack any mitigation at all.

Response 612-1

The commenter's concerns are noted and will be considered by County decision-makers. The comment is introductory and does not provide evidence of a deficiency in the adequacy of the Draft EIR or mitigation measures. The project's potential impacts to water quality, air quality, recreation, wildlife, and hazards and hazardous materials are evaluated in Draft EIR Section 4.10, "Hydrology and Water Quality," Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), Section 4.16, "Recreation," Section 4.4, "Biological Resources," and Section 4.9, "Hazards and Hazardous Materials," respectively. See Chapter 3, "Draft EIR Errata," for revisions to these Draft EIR sections. Please also see Response 612-2 through 612-11 below for further discussion of the commenter's specific concerns.

Comment 612-2

Impacts on Water Quality & the San Joaquin River

The project involves deep mining next to the San Joaquin River, raising serious concerns about water loss and contamination. The DEIR acknowledges that mining could reduce river flows, yet fails to provide clear solutions.

The DEIR should identify impacts to downstream water users from the dewatering of the pits and potential capture of the river during flood events.

Response 612-2

See Response 329-2.

Comment 612-3

- What is CEMEX's plan if major flooding, like the 1997 flood, breaches the levee and captures the quarry pit?
- Who will be responsible for cleanup and long-term damage if the pit becomes part of the river system?

Response 612-3

See Collective Response #17. As discussed in Draft EIR Section 4.10, the project includes a detailed Hydrologic Analysis prepared by Chang Consultants which evaluated flood conditions along the San Joaquin River. Modeling results demonstrate that the onsite

berm elevations are higher than the 100-year flood water surface elevations, which would prevent overtopping or breaching during extreme flood events. The 1997 flood, which reached a flow rate of 60,300 cfs, was less severe than the 100-year flow rate of 71,000 cfs used in the project's flood analysis. As such, the analysis and information documented within the Draft EIR provide a conservative flood model and the potential for breaching of the pit is not reasonably foreseeable.

Under Title 14 CCR Section 15088, responses to comments must address "the major environmental issues" in a Draft EIR. The second bullet point of this comment refers to cleanup if the pit becomes part of the river ecosystem, references a scenario that is outside of the scope of the Draft EIR. Collective Response #17 details how the 100-year flood analysis conducted as part of the Draft EIR shows that the current project design is sufficient to withstand an event such as the 1997 flood.

Comment 612-4

Additionally, the groundwater data used for the DEIR was conducted during a low river flow period. The DEIR should evaluate the groundwater data at different flow rates since the document identifies the fact that there is groundwater/surface water interaction at both sites.

Response 612-4

Refer to Collective Response #26 and Response 329-4. As described in Collective Response #26, the data used in the Draft EIR was collected over a period that included both low and high flows. As discussed in Collective Response #25, due to the relatively low permeabilities of the underlying weathered rock and hard rock units, short-term intermittent flows do not result in any substantial additional movement of surface water to groundwater in the project area. Collective Response #25 further demonstrates that Department of Water Resources criteria for interconnected surface water are not met at the project site.

Comment 612-5

Impacts on the San Joaquin River Parkway & Recreation

CEMEX has referenced potential trail easements for public use, yet the DEIR lacks clear commitments or a timeline.

- The DEIR should identify the timeframe and exact location of the trail to be constructed.

- The DEIR should describe how the proposed trails meet the San Joaquin River Parkway Master Plan's requirement for a 300-foot buffer between mining operations and public access

- The DEIR should identify that CEMEX is responsible for constructing and maintaining the trail if the trail is used as a community benefit of the project.

Response 612-5

Please see Collective Response #22 pertaining to the project's proposed dedication of trail easements along the San Joaquin River.

Comment 612-6

The DEIR uses out of date information when identifying recreational sites in close proximity to the quarry. The Noise from rock crushing, blasting, and drilling will negatively impact visitors to Lost Lake Park, Ledger Island, and Sumner Peck Ranch, but these noise impacts are not evaluated. The DEIR should fully analyze these impacts and identify appropriate mitigation measures for the impacts.

Response 612-6

Please see Collective Response #19 pertaining to public accessibility to parks. Please see Collective Response #27 pertaining to potential effects on adjacent parklands and recreational use areas.

Comment 612-7

Lack of Mitigation for Visual, Traffic, and Air Quality Impacts

The DEIR identifies several unavoidable negative impacts, including:

- **Scenic Degradation:** The project will harm scenic views, with proposed mitigation occurring only after the harm takes place (rock staining after mining phases) This constitutes an inappropriate deferral of mitigation which is not allowed under CEQA.

Response 612-7

Please see Collective Response #8 pertaining to the Draft EIR's visual resource impact analysis and mitigation.

Comment 612-8

- **Traffic Congestion:** Significant traffic impacts are expected, yet there is no guaranteed funding or timeline for necessary road improvements. How will the County ensure that CEMEX is held accountable for road damage, including truck debris and safety hazards? The lack of detail on *how* mitigation takes place is just one example of the inadequacy of the DEIR.

Response 612-8

Please see Collective Response #29 pertaining to project traffic impacts and road maintenance. Please see Collective Response #30 pertaining to roadway safety.

Comment 612-9

- **Air Quality:** The DEIR underestimates the project's impact by comparing emissions to current operations rather than a no-project scenario. Why was this approach taken instead of analyzing the full environmental cost of continued mining?

Response 612-9

Please see Collective Response #10 pertaining to the baseline used for evaluation of potential air quality impacts of the project. See also Collective Response #9 regarding the project's impact on existing air quality conditions and Response 528-9.

Comment 612-10

Threats to Wildlife

The DEIR fails to adequately analyze the impact on species like Swainson's hawk, Tricolored blackbird, Burrowing owl, and Western red bat. Drilling, blasting, and excavation could disrupt nesting and migration patterns, but those impacts are not identified or evaluated. The proposed mitigation measures do not comply with existing regulations for protection.

Additionally, the DEIR uses Alaska-based standards to assess fish protection instead of California-specific guidelines. Are these standards appropriate for protecting spring-run Chinook salmon in the San Joaquin River?

The biology section of the DEIR leaves more questions than it answers, and therefore does not fulfill the CEQA requirements to fully evaluate and disclose impacts, and propose mitigation measures that will reduce those impacts. This section should be completely rewritten and recirculated for public comment.

Response 612-10

Mitigation Measure 4.4-1c requires the implementation of pre-construction surveys for nesting birds, including the Swainson's hawk and tricolored blackbird, prior to the initiation of a mining phase as shown on Draft EIR Figure 2-7, "Proposed Plant Site Mining Plan," and Figure 2-8, "Proposed Quarry Site Mining Plan." Extensive measures are described in detail regarding actions to be taken upon observation of these species for their protection (Draft EIR at pages 4.4-50 through 4.4-51). Mitigation Measure 4.4-1a requires the implementation of pre-construction surveys for the burrowing owl, including consultation with CDFW and relocation of any species discovered (Draft EIR, page 4.4-51). With implementation of Mitigation Measures 4.4-1c and 4.4-1a, as amplified in Chapter 3, "Draft EIR Errata," the potential for the proposed project to result in adverse impacts to the Swainson's hawk, tricolored blackbird, or burrowing owl at or near the Plant Site and Quarry Site would be less than significant (Draft EIR pages 4.4-49 through 4.4-50).

The Western red bat was not observed on site during the habitat assessment; however, moderate potential exists for suitable foraging and roosting habitat (see Draft EIR, page 4.4-27). As discussed in Chapter 3, "Draft EIR Errata," the Final EIR provides additional analysis of potential impacts to bats and adds Mitigation Measure 4.4-1d to require pre-construction surveys and measures to avoid or minimize impacts to active bat roosts. With implementation of Mitigation Measure 4.4-1d, potential impacts to bats, including the Western red bat, would be less than significant.

In any event, blasting activities would be brief, with each blasting event occurring for approximately one to two seconds, and are not expected to result in sustained or long-term impacts. The project sites are already disturbed by ongoing mining activities and would not have a significant increase in activity. The Draft EIR, as revised in this Final EIR, therefore adequately evaluates potential impacts to the species discussed above.

Regarding the use of Alaskan Blasting Standards for analyzing the project's potential impacts to salmon, see Response 65-13 and Collective Response #16. Draft EIR Section 4.4, "Biological Resources," does not need to be rewritten or recirculated.

Comment 612-11

Conclusion

Given the significant impacts to the river, wildlife, public safety, and air quality, the County should require additional analysis, stronger mitigation measures, and financial guarantees from CEMEX. The additional information will need to be drafted and

recirculated for public review before the finalizing the environmental impact report for the project.

Thank you for your time and consideration.

Response 612-11

The commenter's concerns and request for additional analysis and mitigation and for recirculation of the Draft EIR are noted. The Draft EIR sufficiently analyzes the potential environmental impacts of the proposed project and provides mitigation measures where necessary to reduce the severity of potentially significant impacts, in accordance with CEQA. As discussed in Chapter 3, "Draft EIR Errata," the County has determined that recirculation of the Draft EIR is not required.

Letter #613 March 10, 2025, Elsa Mejia, City of Madera District 5 Councilmember

Comment letter originally missorted as an Agency comment letter and moved to Letter 613 from Letter 14.

Comment 613-1

I am writing to formally express my opposition to the proposed 100-year permit for the CEMEX mining operation and to challenge the adequacy of the Draft Environmental Impact Report (EIR) prepared for this project. The EIR, as currently drafted, does not sufficiently or accurately assess the environmental, ecological, and community impacts that this long-term operation will have on the San Joaquin River and surrounding areas.

Response 613-1

The commenter's opposition to the project and concerns regarding the Draft EIR are noted and will be considered by County decision-makers. The comment does not provide substantial evidence of a deficiency in the Draft EIR, and no further response is warranted here. Please see below for responses to specific issues.

Comment 613-2

As someone with lifelong familiarity with the location, I find that the EIR fails to adequately address the following concerns:

1. Impacts on wildlife habitat

Response 613-2

Draft EIR Section 4.4, "Biological Resources," presents evaluation of potential biological resources impacts of the proposed project. Please also see Collective Response #12 pertaining to San Joaquin River restoration efforts, Collective Response #13 pertaining to

impacts to offsite wildlife, Collective Response #14 pertaining to Swainson's hawk, Collective Response #15 pertaining to non-nesting birds, and Collective Response #16 pertaining to Salmon. The comment does not provide evidence of a deficiency of the Draft EIR's analysis of biological resources, including impacts on wildlife habitat.

Comment 613-3

2. Water quality

Response 613-3

Draft EIR Section 4.10, "Hydrology and Water Quality," presents evaluation of potential surface and groundwater impacts of the project including those associated with the San Joaquin River. Please also see Collective Response #23 pertaining to groundwater quality, Collective Response #24 pertaining to groundwater monitoring, and Collective Response #25 pertaining to the proposed project's relationship and potential effects associated with surface water and groundwater interconnectivity. The commenter does not provide substantial evidence of a deficiency in the EIR's analyses of hydrology and water quality.

Comment 613-4

3. Air Pollution

Response 613-4

Draft EIR Section 4.3, "Air Quality," as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), presents evaluation of potential air quality impacts of the proposed project including those associated with air pollutant emissions from onsite mining activities and offsite aggregate transport. The comment does not provide evidence of a deficiency in the Draft EIR air quality evaluation. Please see Collective Response #9 pertaining to air quality for additional discussion.

Comment 613-5

4. Noise pollution

Response 613-5

Draft EIR Section 4.13, "Noise," presents evaluation of potential noise impacts associated with the project. Impacts 4.13-1 through 4.13-4 on Draft EIR pages 4.13-49 through 4.13-69 assess potential noise impacts associated with onsite activities and offsite project-related vehicle trips in consideration of surrounding communities including consideration of 5 representative sensitive receptor locations in association with the Plant Site (see Draft EIR Figure 4.13-1, "Nearest Sensitive Receptors to Plant Site") and 15 representative sensitive receptor locations in association with the Quarry Site (see Draft

EIR Figure 4.13-2, "Nearest Sensitive Receptors to Quarry Site"). The Draft EIR identifies that potentially significant noise impacts associated with operations at the Plant Site would be reduced to less than significant with implementation of Mitigation Measure 4.13-2 presented on Draft EIR page 4.13-58 and 4.13-59 and the Draft EIR identifies that potentially significant noise impacts associated with operations at the Quarry Site would be reduced to less than significant with implementation of Mitigation Measure 4.13-3 presented on Draft EIR page 4.13-61 and 4.13-62. The comment does not provide evidence of a deficiency in the Draft EIR noise analysis.

Comment 613-6

5. Groundwater depletion

Response 613-6

Draft EIR Section 4.10, "Hydrology and Water Quality," provides detailed analyses of potential groundwater effects of the proposed project. The analyses are based on the Hydrology and Water Quality Analysis Report (Draft EIR Appendix G-5, "Hydrology and Water Quality Analysis Report") which utilizes information from groundwater conditions reports included as Appendix G-3, "Groundwater Conditions at the Plant Site," and Appendix G-4, "Groundwater Conditions at the Quarry Site," of the Draft EIR and groundwater and surface water monitoring and sampling data collected for the project sites to draw conclusions on the existing groundwater hydrology conditions on the project sites and to evaluate the potential impacts to groundwater hydrology under the proposed project. Detailed methodology and findings are provided in Appendix G-5. As discussed, and presented in Draft EIR Section 4.10, mitigation measures are identified in the Draft EIR that require groundwater quality protection measures and groundwater monitoring and adaptive management (see Mitigation Measure 4.10-1 on Draft EIR page 4.10-92, Mitigation Measures 4.10-5a and 4.10-5b on Draft EIR pages 4.10-96 through 4.10-98, and Mitigation Measures 4.10-10 and 4.10-10b on Draft EIR pages 4.10-108 through 4.10-111). The comment does not provide evidence of a deficiency in the Draft EIR analysis of groundwater impacts or the efficacy of mitigation measures.

Comment 613-7

6. Cumulative environmental impacts, and

Response 613-7

Draft EIR Chapter 5, "Cumulative Impacts," provides a comprehensive analysis of the project's incremental effects to be significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future

projects, in accordance with CEQA. The comment does not explain or provide evidence of any deficiency in the Draft EIR's cumulative impact analysis.

Comment 613-8

7. Community health concerns

Response 613-8

Draft EIR Section 4.3, as updated in the Final EIR (see Appendix D-4, "Revised Section 4.3, Air Quality"), provides evaluation of potential air quality impacts of the project, including consideration of potential effects associated with fugitive dust and toxic air contaminants and health risk at Impact 4.3-3 (see Appendix D-4). The impact evaluation quantifies estimated unmitigated project health risk impacts (see Appendix D-4, Table 4.3-24, "Unmitigated Project Health Risk Impacts") and mitigated project health risk impacts (see Appendix D-4, Table 4.3-25, "Mitigated Project Health Risk Impacts"). Please also see Collective Response #9 for additional discussion pertaining to potential effects on air quality and Collective Response #11 pertaining to community cancer risk. The comment does not provide evidence of a deficiency in the Draft EIR nor does the comment provide evidence of any community health issues associated with the project that require evaluation in the EIR.

Comment 613-9

8. Cultural Resources

Response 613-9

Draft EIR Section 4.5, "Cultural Resources," describes cultural resources associated with the project setting, presents the regulatory framework within which cultural resources are evaluated, and analyzes the potential impacts to cultural resources from the mining, processing, production, and reclamation activities of the proposed project. Mitigation Measures 4.5-2 and 4.5-3 are provided to protect cultural resources and human remains, respectively, in the event of inadvertent discovery. The comment does not explain or provide evidence of any deficiency in the Draft EIR's cultural resources impact analysis or mitigation measures.

Comment 613-10

A project of this scale and duration requires a far more comprehensive environmental review that includes thorough scientific analysis, long-term cumulative impact assessments, and meaningful mitigation strategies. The EIR, as it stands, does not meet these standards, and I urge Fresno County to require revisions

that fully account for the long-term consequences of extending CEMEX's mining operations.

I request that the Planning Department reconsider this permit in light of the inadequacies of the EIR and demand a more thorough environmental review before any decisions are made.

Thank you for your time and consideration.

Response 613-10

The commenter's concerns and request for additional analysis and mitigation are noted. Draft EIR Chapter 3, "Project Description," provides a detailed description of the project including the scale and duration, and the Draft EIR environmental impact analyses properly evaluate the project as proposed. For additional discussion regarding the project duration, please see Collective Response #5. The comment does not provide evidence of a deficiency in the Draft EIR project description, analyses, mitigation measures, or alternatives evaluations. The commenter's concerns and requests are noted and will be considered by County decision-makers.

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5—LIST OF PREPARERS

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5—LIST OF PREPARERS

5.1 LEAD AGENCY STAFF

Fresno County
Department of Public Works and Planning
2220 Tulare Street
Fresno, CA 93721

5.2 CONSULTANTS AND OTHER INDIVIDUALS INVOLVED IN THE PREPARATION OF THE EIR

5.2.1 EIR Consultant

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5.2.2 EIR Subconsultants

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San Ramon, CA 94583

InContext
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915 Highland Pointe Drive, Ste. 250
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Taylor Environmental Services, Inc.
5122 Bolsa Avenue, Ste. 101
Huntington Beach, CA 92649

VRPA Technologies
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µg	micrograms
µm	micrometers
µg/L	micrograms per liter
µmhos/cm	micromhos per centimeter
AADT	annual average daily trips
AB	assembly bill
AC	asphaltic concrete
ADF&G	Alaska Department of Fish and Game
AE-20	Exclusive Agriculture, 20-acre minimum parcel size zoning designation
AERMOD	American Meteorological Society/Environmental Protection Agency Regulatory Model
Air District	San Joaquin Valley Air Pollution Control District
ANSI	American National Standards Institute
APN	assessor's parcel number
CARB	California Air Resources Board
ATCM	Airborne Toxic Control Measure
ATP	active transportation plan
BACT	best available control technology
bgs	below ground surface
BIOS	Biogeographic Information and Observation System
BLM	Bureau of Land Management
BMPs	best management practices
BO	biological opinion
BRA	Biological Resources Assessment

BTU	British thermal unit
C	Celsius
CAA	Clean Air Act
CAAQS	California ambient air quality standards
CAISO	California Independent System Operator
CAL FIRE	California Department of Forestry and Fire Protection
CalEEMod	California Emissions Estimator Model
Cal/OSHA	California Occupational Safety and Health Administration
Caltrans	California Department of Transportation
CAFE	corporate average fuel economy
CAIT	Climate Analysis Indicators Tool
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CARE	California Air Risk Evaluation Program
CCAA	California Clean Air Act of 1988
CCAR	California Climate Action Registry
CCR	California Code of Regulations
CDFG	California Department of Fish and Game (former)
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CEQ	White House Council on Environmental Quality
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act

CEMEX	CEMEX Construction Materials Pacific, LLC
CFR	Code of Federal Regulations
cfs	cubic feet per second
CGS	California Geological Survey
CH_4	methane
CHRIS	California Historical Resources Information System
ClWMB	California Integrated Waste Management Board
CMB	crushed miscellaneous base
CMP	Congestion Management Program
CNDDB	California Natural Diversity Database
CNEL	community noise exposure level
CNPS	California Native Plant Society
CNRA	California Natural Resources Agency
CO	carbon monoxide
CO_2	carbon dioxide
CO_2E	carbon dioxide equivalent
COG	council of governments
County	Fresno County
CPF	cancer potency factor
CPUC	California Public Utilities Commission
CRHR	California Register of Historical Resources
CSA	community service area
CUP	conditional use permit
CUPA	Certified Unified Program Agency
CV-SALTS	Central Valley Salinity Alternatives for Long-Term Sustainability

CWA	Clean Water Act
dB	decibels
dBA	A-weighted decibels
DBH	trunk diameter at breast height
DBCP	dibromochloropropane
DDT	Dichlorodiphenyltrichloroethane
DO	dissolved oxygen
DOC	California Department of Conservation
DOE	U.S. Department of Energy
DOT	U.S. Department of Transportation
DSoD	California Department of Water Resources Division of Dam Safety
DWR	California Department of Water Resources
EIA	United States Energy Information Administration
EIR	environmental impact report
EISA	Energy Independence and Security Act of 2007
EPA	U.S. Environmental Protection Agency
°F	Fahrenheit
FAM	financial assurance mechanism
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FESOP	Federally Enforceable State Operating Permit
FHA	Federal Highway Administration
FICON	Federal Interagency Commission on Noise
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FIRM	flood insurance rate map

FMMP	Farmland Mapping and Monitoring Program
FPA	Forest Practice Act
fps	feet per second
FTA	Federal Transit Administration
GHG	greenhouse gases
GIS	geographic information system
gpd/ft	gallons per day per foot
gpd/ft^2	gallons per day per square foot
gpm	gallons per minute
GPS	Global Positioning System
gr/dscf	grains per dry standard cubic foot of gas
GSA	groundwater sustainability agency
GVWR	Gross Vehicle Weight Rating
GWP	global warming potential
H_2O	water vapor
HCD	California Department of Housing and Community Development
HCP	Habitat Conservation Plan
HDPE	High-density polyethylene
HFCs	Hydrofluorocarbons
HI	hazard index
HMA	hot mix asphalt
HMBP	hazardous materials business plan
hp	horsepower
HRA	health risk assessment
HSWA	Hazardous and Solid Waste Amendments

HUD	United States Department of Housing and Urban Development
HWCL	Hazardous Waste Control Law
Hz	hertz
IAQ	Indoor Air Quality
IDA	International Dark-Sky Association
IEPR	Integrated Energy Policy Report
in/sec	inches per second
IPCC	Intergovernmental Panel on Climate Change
KOP	key observation point
kWh	kilowatt hours
lbs	pounds
LAMP	local area management plan
LCFS	Low Carbon Fuel Standard
LDAMDV	light duty auto – medium duty vehicle
Ldn	day-night average noise level
Leq	equivalent noise level
LOS	level of service
LUP	land use permit
LUST	leaking underground storage tank
MBTA	Migratory Bird Treaty Act
MCL	Maximum Contaminant Levels
MEIR	maximum exposed individual sensitive receptor
MEIW	maximum exposed individual off-site worker
mg/L	milligrams per liter
mg/m^3	milligrams per cubic meter

MLD	Most Likely Descendent
MMBtu/hr	million British thermal units per hour
MMRP	mitigation monitoring and reporting program
MMT	million metric tons
$MMTCO_2E$	million metric tons of CO2E
mph	miles per hour
MPO	Metropolitan Planning Organizations
MRP	monitoring and reporting program
MRZs	Mineral Resource Zones
msl	above mean sea level
MT	million tons
Mt.	Mount
MTBE	methyl tertiary butylether
MTY	million tons per year
MW	megawatt
MW	monitoring well
Mw	moment magnitude
N_2O	nitrous oxide
NAAQS	national ambient air quality standards
NAHC	Native American Heritage Commission
NAS	National Academy of Sciences
NCAR	National Center for Atmospheric Research
NCCP	Natural Community Conservation Plan
NEHRP	National Earthquake Hazards Reduction Program
NEPA	National Environmental Policy Act

NF_3	nitrogen trifluoride
NHTSA	National Highway Traffic Safety Administration
NO	nitric oxide
NO_2	nitrogen dioxide
NO_x	oxides of nitrogen
NOA	notice of availability
NOAA	National Oceanic and Atmospheric Administration
NOC	notice of completion
NOP	notice of preparation
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NSPS	National Society of Professional Surveyors
NWPR	Navigable Waters Protection Rule
O_3	ozone
OEHHA	Office of Environmental Health Hazard Assessment
OPR	Governor's Office of Planning and Research
ORP	oxidation-reduction potential
OSHA	Occupational Health and Safety Act
OSMRE	Office of Surface Mining Reclamation and Enforcement
OWTS	Onsite Wastewater Treatment Systems
P&O	prioritization and optimization
PCB	polychlorinated biphenyl
PCC	Portland Cement Concrete

PCE	Primary Constituent Elements
pCi/L	picoCuries per liter
PDA	Priority Development Areas
PFCs	perfluorocarbons
PG&E	Pacific Gas and Electric Company
pH	potential of hydrogen
PM_{10}	respirable particulate matter
$PM_{2.5}$	particulate matter
PMI	point of maximum impact
pou	publicly owned utilities
ppm	parts per million
ppmv	parts per million volume
PPV	peak particle velocity
PRC	Public Resources Code
PSD	prevention of significant deterioration
R	Range
RACT	Reasonably Available Control Technology
RAP	recycled asphalt product
RCIS	Regional Conservation Investment Strategy
RCNM	Roadway Construction Noise Model
RCRA	Resource Recovery and Conservation Act
REL	reference exposure level
RFS	Renewable Fuel Standard
RHNA	Regional Housing Needs Assessment
RMS	root mean square

ROAR	Responsible Official Affirmation of Reporting
ROG	reactive organic gases
RPS	Renewables Portfolio Standard
RTAC	Regional Targets Advisory Committee
RTP	Regional Transit Plan
RWQCB	Regional Water Quality Control Board
SAFE	Safer Affordable Fuel-Efficient
SARA	Superfund Amendments and Reauthorize Act
SB	Senate Bill
SCS	sustainable communities strategy
SF_6	hexafluoride
SGMA	Sustainable Groundwater Management Act
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SJVAPCD	San Joaquin Valley Air Pollution Control District
SJRC	San Joaquin River Conservancy
SMARA	Surface Mining and Reclamation Act
SMRP	Surface Mining and Reclamation Plan
SNMP	Salt and Nitrate Management Plan
SOx	oxides of sulfur
SOI	sphere of influence
SO_2	sulfur dioxide
SPCC	Spill Prevention Control and Countermeasure
SR	state route
SRRE	source reduction and recycling element

SSJVIC	Southern San Joaquin Valley Information Center
SVP	Society of Vertebrate Paleontologists
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
T	township
TACs	toxic air contaminants
TCP	trichloropropane
TIZ	traffic impact zone
TDS	total dissolved solids
TMDL	Total maximum Daily Load
TPF	tree protection fencing
tpy	tons per year
TSCA	Toxic Substances Control Act
UCMP	UC Berkeley Museum of Paleontology
USDA	United States Department of Agriculture
USACOE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank
VdB	vibration decibels
VDE	visible dust emissions
VDECS	Verified Diesel Emission Control Strategies
VERA	Voluntary Emission Reduction Agreement
VOCs	Volatile Organic Compounds
VMT	vehicle-miles traveled

WCI	Western Regional Climate Action Initiative
WDR	waste discharge requirement
WRCC	Western Regional Climate Center
yr	year
ZEV	zero emission vehicle

BENCHMARK RESOURCES

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