CHAPTER 2

COMMENTS AND RESPONSES

CHAPTER 2 COMMENTS AND RESPONSES

Written comments received on the Livingston's Concrete Batch Plant Draft EIR include:

Letter	Author
Letter A	State Clearinghouse
Letter B	California Native American Heritage Commission
Letter C	California Department of Water Resources
Letter D	Placer County Sheriff Coroner-Marshall
Letter E	County of Placer Newcastle/Ophir Municipal Advisory Council
Letter F	Ophir Area Property Owners
Letter G	Ophir Area Property Owners
Letter H	Robert and Jennifer Allen
Letter I	Nina Applegate
Letter J	Curtiss M. Bailey
Letter K	Diana Bruno
Letter L	Murray and Judith Cannedy
Letter M	Nelson Cockrum
Letter N	Gene Davis
Letter O	Janice DeFelice
Letter P	Ron and Jan DeNello
Letter Q	Joanne English
Letter R	John D. and Sarah K. Gillmore
Letter S	Jerilyn Green
Letter T	Tom Grove
Letter U	Joan Hammon
Letter V	Don and Lynn Huber
Letter W	Carl and Louise Isaacson
Letter X	Jack and Sue Jessen
Letter Y	Elizabeth Klopotek
Letter Z	Joe R. and Peggy E. Leonard
Letter AA	Rich and Judith Maye
Letter AB	Gerald Mohlenbrok
Letter AC	Shirley Paris
Letter AD	Debby Peterson
Letter AE	Elinor Petuskey
Letter AF	Elinor Petuskey and Michael T. Leydon
Letter AG	Joyce Richter
Letter AH	Deedee Ross
Letter AI	Jack Sanchez
Letter AJ	Jim Schaefer
Letter AK	Jean Schenk

Letter	Author
Letter AL	Kurt and Gail Sjoberg
Letter AM	Sandy Snyder
Letter AN	Patricia Stinson
Letter AO	James Stuck
Letter AP	Barbara Van Riper
Letter AQ	Victoria A. Webster
Letter AR	Nola Witt

This chapter presents each of the written comments on the Draft EIR and the Lead Agency's response to each comment. Each comment letter is numbered in the margin to indicate the individual comments for which responses are provided. Each comment letter is immediately followed by the response to that letter (correspondingly numbered).

One public hearing of the Placer County Planning Commission was held during the public review period for the Draft EIR. Three individuals offered verbal comments during the hearing, however two of those individuals read from their written comments, which are included and responded to in this Final EIR as Comment Letter M and Comment Letter AP. The verbal comments from the third individual are summarized and responded to following Comment Letter AR. In addition, public comments were received from three individuals at the Newcastle/Ophir Municipal Advisory Council meeting on February 21, 2008. Those comments are also summarized and responded to following Comment Letter AR.

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

March 18, 2008

RECEIVED
MAR 1 9 2008
ENVIRONMENTAL COORDINATION SERVICES

Maywan Krach
Placer County
3091 County Center Drive #190
Auburn, CA 95603

Subject: Livingston's Concrete Batch Plant on Ophir Road (PEIR T20050072)
SCH#: 2006012090

Dear Maywan Krach:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on March 17, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

A-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

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

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2006012090
Project Title Livingston's Concrete Batch Plant on Ophir Road (PEIR T20050072)
Lead Agency Placer County

Type **EIR** Draft EIR

Description The proposed project consists of the construction and operation of a concrete batch plant on an approximately five-acre parcel. The site would include a 1,440 square-foot office building, a 1,800 square-foot warehouse building, a concrete batch plant, wash areas for concrete trucks, and parking for concrete trucks and employee vehicles. The project may also include a 900 square-foot single story apartment to be used as a caretaker's residence.

Lead Agency Contact

Name Maywan Krach
Agency Placer County
Phone (530) 745-3132 **Fax**
email
Address 3091 County Center Drive #190
City Auburn **State** CA **Zip** 95603

Project Location

County Placer
City
Region
Cross Streets Geraldson Road
Parcel No. 040-271-042
Township 12N **Range** 8E **Section** 20 **Base** MDB&M

Proximity to:

Highways I-80, SR 193
Airports
Railways UPRR
Waterways Auburn Ravine, Dutch Ravine
Schools
Land Use The General Plan Land Use Designation for the project site is Commercial. The project property is zoned C-3-UP-DC (Heavy Commercial - Use Permit required - Design Scenic Corridor).

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Drainage/Absorption; Geologic/Seismic; Noise; Public Services; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Landuse

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Reviewing Agencies Resources Agency; Department of Fish and Game, Region 2; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 3; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission

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Date Received 02/01/2008 **Start of Review** 02/01/2008 **End of Review** 03/17/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.

RESPONSE TO COMMENT LETTER A

Submitted by:

Terry Roberts, Director

State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit

A-1 The comment states that the State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit (State Clearinghouse) has submitted the Draft EIR to selected state agencies for review. The comment states that the review period closed on March 17, 2008, and all comments received from the listed state agencies are enclosed with the letter. The comment provides acknowledgement that the County has complied with State Clearinghouse review requirements for draft environmental documents.

No specific comments on the content of the EIR are provided in the State Clearinghouse letter, and no response is necessary. Responses to individual comments received from state agencies included as enclosures to the State Clearinghouse letter are provided separately. Specifically, the comments received from the following state agencies are responded to in this Final EIR:

The comments from the Native American Heritage Commission are included and responded to as Comment Letter B.

The comments from the Department of Water Resources are included and responded to as Comment Letter C.

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax

Arnold Schwarzenegger, Governor

February 11, 2008

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FEB 15 2008
STATE CLEARING HOUSE

clear
3-17-08
C

Maywan Krach
Placer County
3091 County Center Drive #190
Auburn, CA 95603

RE: SCH#2006012090 Livingston's Concrete Batch Plant on Ophir Road (PEIR T20050072); Placer County.

Dear Ms. Krach:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) regarding the above project. To adequately assess and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- Contact the appropriate Information Center for a record search to determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.

✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.

✓ Contact the NAHC for a Sacred Lands File Check.
  - **Check Completed with negative results. 02/11/08**
    The absence of specific site information in the Sacred Lands File does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites (see below).

✓ Contact the NAHC for a list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures.
  - **Native American Contacts List attached**
    The NAHC makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend other with specific knowledge. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received. If you receive notification of change of addresses and phone numbers from any these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information.

✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.

B-1

- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5 (e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

B-1

Sincerely,

Katy Sanchez

Katy Sanchez
Program Analyst
(916) 653-4040

CC: State Clearinghouse

RESPONSE TO COMMENT LETTER B

Submitted by:

Katy Sanchez, Program Analyst
Native American Heritage Commission

B-1 The comment states that the Native American Heritage Commission (NAHC) has reviewed the Notice of Completion for the proposed project and recommends several actions to assess and mitigate project-related impacts to archaeological resources. The comment recommends that the County conduct a records search for the project site through the appropriate Information Center, and have an archaeological survey conducted if records indicate potential for resources to occur onsite. The comment notes that the site is not listed in the NAHC's Sacred Lands File, but that this does not preclude the possibility for cultural resources to be present onsite. The comment provides a list of Native American Contacts and recommends that the County contact each individual listed for consultation regarding the proposed project. The comment also recommends measures that should be included in a cultural resources mitigation plan, pursuant to Health and Safety Code Section (§) 7050.5, CEQA Guidelines §15064.5(e), and Public Resources Code §5097.98.

The project site has been subjected to substantial disturbance associated with construction of Ophir Road and Interstate 80, and as a result of orchard operations and infrastructure placement across the property. Surface surveys of the property were determined to be unnecessary. No records search of the property was conducted by the Information Center, but review of County records indicate that no known archaeological resources occur on the project site. As noted in the comment letter, the project site is not listed in the NAHC Sacred Lands File.

The Initial Study determined that the proposed project would result in less than significant impacts to archaeological resources with implementation of *Mitigation Measure 14.1*, which requires work to stop immediately in the event of the discovery of archaeological artifacts, exotic rock (non-native), or unusual amounts of shell or bone during onsite construction activities, and further requires that an evaluation of the deposit be conducted by an archaeologist certified by the Society of Professional Archaeologists. The provisions of *Mitigation Measure 14.1* are consistent with the requirements of CEQA Guidelines §15064.5(e) and (f).

Should human remains be discovered during project construction, *Mitigation Measure 14.1* requires that the Placer County Coroner and NAHC be contacted and that work may only proceed after authorization is granted by the Placer County Planning Department. Treatment of any human remains would be required to comply with the provisions of Health and Safety Code §7050.5, CEQA Guidelines §15064.5 (e), and Public Resources Code §5097.98. *Mitigation Measure 14.1* provides that authorization to proceed with work after discovery of archaeological artifacts, exotic rock, unusual amounts of shell and bone, or human remains may be accompanied by additional development requirements to provide protection of the

site and/or additional mitigation measures necessary to address the resources discovered.

The proposed project requires no amendment to the Placer County General Plan and requires no federal agency approvals and is therefore not subject to consultation requirements of Senate Bill 18 or Section 106 of the National Historic Preservation Act. The CEQA Guidelines and Statutes include no specific requirement for consultation with Native American individuals or tribal representatives in determining presence or absence of cultural resources or determining impacts to cultural resources that could potentially result from a proposed project.

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF WATER RESOURCES
1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 942360001
(916) 653-5791

March 5, 2008

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MAR 11 2008
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Maywan Krach
Placer County
3091 County Center Drive
Auburn, California 95603

Livingston's Concrete Batch Plant on Ophir Road (PEIR T20050072)
State Clearinghouse (SCH) Number: 2006012090

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control. You may refer to the California Code of Regulations, Title 23 and Designated Floodway maps at http://recbd.ca.gov. Please be advised that your county office also has copies of the Board's designated floodways for your review. If indeed your project encroaches on an adopted food control plan, you will need to obtain an encroachment permit from the Central Valley Flood Protection Board prior to initiating any activities. The attached Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly. C-1

If after careful evaluation, it is your assessment that your project is not within the authority of the Central Valley Flood Protection Board, you may disregard this notice. For further information, please contact me at (916) 574-1249.

Sincerely,

for Christopher Huitt
Staff Environmental Scientist
Floodway Protection Section

Enclosure

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

Encroachment Permits Fact Sheet

Basis for Authority

State law (Water Code Sections 8534, 8608, 8609, and 8710 – 8723) tasks The Central Valley Flood Protection Board ("The Board") with enforcing appropriate standards for the construction, maintenance, and protection of adopted flood control plans. Regulations implementing these directives are found in California Code of Regulations (CCR) Title 23, Division 1.

Area of The Central Valley Flood Protection Board Jurisdiction

The adopted plan of flood control under the jurisdiction and authority of The Board includes the Sacramento and San Joaquin Rivers and their tributaries and distributaries and the designated floodways.

Streams regulated by The Board can be found in Title 23 Section 112. Information on designated floodways can be found on The Board's website at http://www.recbd.ca.gov/maps/index.cfm and CCR Title 23 Sections 101 - 107.

Regulatory Process

The Central Valley Flood Protection Board ensures the integrity of the flood control system through a permit process (Water Code Section 8710). A permit must be obtained prior to initiating any activity, including excavation and construction, removal or planting of landscaping within floodways, levees, and 10 feet landward of the landside levee toes. Additionally, activities located outside of the adopted plan of flood control but which may foreseeable interfere with the functioning or operation of the plan of flood control is also subject to a permit of The Board.

Details regarding the permitting process and the regulations can be found on The Board's website at http://recbd.ca.gov/ under "Frequently Asked Questions" and "Regulations," respectively. The application form and the accompanying environmental questionnaire can be found on The Board's website at http://www.recbd.ca.gov/forms/index.cfm.

Application Review Process

Applications when deemed complete will undergo technical and environmental review by The Board and/or Department of Water Resources staff.

Technical Review

A technical review is conducted of the application to ensure consistency with the regulatory standards designed to ensure the function and structural integrity of the adopted plan of flood control for the protection of public welfare and safety. Standards and permitted uses of designated floodways are found in CCR Title 23 Sections 107 and Article 8 (Sections 111 to 137). The permit contains 12 standard conditions and additional special conditions may be placed on the permit as the situation warrants. Special conditions, for example, may include mitigation for the hydraulic impacts of the project by reducing or eliminating the additional flood risk to third parties that may caused by the project.

Additional information may be requested in support of the technical review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include but not limited to geotechnical exploration, soil testing, hydraulic or sediment transport studies, and other analyses may be required at any time prior to a determination on the application.

Environmental Review

A determination on an encroachment application is a discretionary action by The Board and its staff and subject to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et seq.). Additional environmental considerations are placed on the issuance of the encroachment permit by Water Code Section 8608 and the corresponding implementing regulations (California Code of Regulations – CCR Title 23 Sections 10 and 16).

In most cases, The Board will be assuming the role of a "responsible agency" within the meaning of CEQA. In these situations, the application must include a certified CEQA document by the "lead agency" [CCR Title 23 Section 8(b)(2)]. We emphasize that such a document must include within its project description and environmental assessment of the activities for which are being considered under the permit.

Encroachment applications will also undergo a review by an interagency Environmental Review Committee (ERC) pursuant to CCR Title 23 Section 10. Review of your application will be facilitated by providing as much additional environmental information as pertinent and available to the applicant at the time of submission of the encroachment application.

These additional documentations may include the following documentation:

- California Department of Fish and Game Streambed Alteration Notification (http://www.dfg.ca.gov/1600/),
- Clean Water Act Section 404 applications, and Rivers and Harbors Section 10 application (US Army Corp of Engineers),
- Clean Water Act Section 401 Water Quality Certification, and
- Corresponding determinations by the respective regulatory agencies to the aforementioned applications, including Biological Opinions, if available at the time of submission of your application.

The submission of this information, if pertinent to your application, will expedite review and prevent overlapping requirements. This information should be made available as a supplement to your application as it becomes available. Transmittal information should reference the application number provided by The Board.

In some limited situations, such as for minor projects, there may be no other agency with approval authority over the project, other than the encroachment permit by The Board. In these limited instances, The Board may choose to serve as the "lead agency" within the meaning of CEQA and in most cases the projects are of such a nature that a categorical or statutory exemption will apply. The Board cannot invest staff resources to prepare complex environmental documentation.

Additional information may be requested in support of the environmental review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include biological surveys or other environmental surveys and may be required at anytime prior to a determination on the application.

RESPONSE TO COMMENT LETTER C

Submitted by:

Christopher Huitt, Staff Environmental Scientist
Department of Water Resources

C-1 The comment notes that the proposed project may be within a Designated Floodway and may encroach on the State Adopted Plan of Flood Control. The comment refers to a website providing maps of Designated Floodways.

Review of the maps of Designated Floodways at the website provided in the comment letter indicates that the proposed project is located well outside of any designated floodway. The only Designated Floodway map in Placer County at the referenced website is Dry Creek, which is located in western Placer County, west of the City of Roseville. This more than 15 miles west of the project site. The proposed project would not encroach on the State Adopted Plan of Flood Control and would not require an encroachment permit from the Department of Water Resources.

PLACER COUNTY
SHERIFF
CORONER-MARSHAL

EST. 1851

MAIN OFFICE
2929 RICHARDSON DR.
AUBURN, CA 95603
PH: (530) 889-7800 FAX: (530) 889-7899

TAHOE SUBSTATION
DRAWER 1710
TAHOE CITY, CA 96145
PH: (530) 581-6300 FAX: (530) 581-6377

EDWARD N. BONNER
SHERIFF-CORONER-MARSHAL

DEVON BELL
UNDERSHERIFF

LAW ENFORCEMENT IMPACT REPORT
Prepared by the Placer County Sheriff's Department
DAVID KEYES/FIELD OPERATIONS COMMANDER

I. NAME OF PROJECT: Livingston's Concrete Batch Plant (PEIR T20050072)

II. LOCATION: Approx 70 ft north of I-80, 150 ft east of the Ophir Rd and Geraldson Rd intersection, Ophir.

III. AGENICIES/FIRM REQUESTING REPORT:
Maywan Krach
Environmental Coordination Services
Community Development Resource Agency
3091 County Center Drive, Suite 190
Auburn, CA 95603

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IV. COMMERCIAL:

A. Construction and operation of concrete batch plant, 1,440 sq ft office building, 1,800 sq ft warehouse, 15,000 gallon water storage tank, wash area for concrete trucks, and parking for concrete and employee vehicles. May also include 900 sq ft single story apartment as caretaker's residence.

B.

RESIDENTIAL

A.

B.

V. BUDGET IMPACT:

A. Personnel (sworn)

1. At three (3) Deputy hours per week
   (1 x 3 x 52) = 156 Deputy hours for field operations per year
2. At two (2) Jail deputy hours per month
   (1 x 2 x 12) = 24 Hours per year

Total sworn hours per year: 180 @ $72.72 per hour = $ 13,090.00

B. Personnel (non-sworn)

1. Dispatch = 1 hour per year
2. Records = 1 hour per year
3. Clerical = 1 hour per year

Total support personnel hrs year: 3 @ $43.91 per hour = $ 132.00

C. Equipment
Vehicles, gasoline, maintenance, printing, weaponry, training, jail buildings
(sworn amt. + support amt. / 3) = **$ 4,407.00**

VI. ANNUAL BUDGET INCREASE

Sworn Personnel	$ 13,090.00
Support Personnel	$ 132.00
Equipment, etc.	$ 4,407.00
TOTAL PER YEAR	**$ 17,629.00**

VII. SPECIAL PROBLEMS: none noted at this time.

VIII. RECOMMENDATIONS: Many of the potential crime problems dealing with circulation systems and structures may be reduced by utilizing the concepts of "Crime Prevention Through Environmental Design" (CPTED). By working closely with law enforcement during all stages of this development, design features that encourage criminal activity can be identified and solutions found to mitigate problem designs.

IX. WILL SERVE:
The Placer County Sheriff's Department's ability to handle law enforcement needs generated by this development are dependant on the Board of Supervisors authorizing funding equivalent to the needs mentioned in this report. Without the additional personnel, equipment, etc., appropriate service will be severely impaired.

D-1

EDWARD N. BONNER
SHERIFF/CORONER/MARSHAL

prepared by: A. Rogers/Crime Prevention
Placer County Sheriff/Auburn Justice Center
(530) 889-6922 03/11/08

RESPONSE TO COMMENT LETTER D

Submitted by:

Edward N. Bonner, Sheriff/Coroner/Marshal
Placer County Sheriff

D-1 The comment calculates the estimated annual budget impact associated with providing Sheriff's services to the proposed project. The comment also suggests working with law enforcement early in the project planning process to avoid potential crime problems through project design. The comment states that in order to provide for the law enforcement needs generated by the proposed project, funding authorized for the Sheriff's Department must allow for the costs identified in the letter.

No specific comments are provided on the Draft EIR and no revision to the Draft EIR is necessary. The analysis provided in the Initial Study stated that the proposed project would not include uses generally associated with generating a high demand for law enforcement services and concluded that impacts associated with the ability to provide for the increased demand generated by the proposed project for law enforcement services would be less than significant. It is also noted that the proposed project is consistent with land use and zoning designations for the project site, and is generally consistent with budget and law enforcement needs associated with buildout of the general plan.

COUNTY OF PLACER
NEWCASTLE/OPHIR MUNICIPAL ADVISORY COUNCIL

March 16, 2008

Maywan Krach
Placer County Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive, Ste 190
Auburn, CA 95603

RE: **Livingston's Concrete Batch Plant Draft Environmental Impact Report**

Dear Ms. Krach:

On February 21, 2008 and March 13, 2008, the Newcastle/Ophir Municipal Advisory Council (MAC) met and considered, among other issues, the above draft report. Much input from the public was received at both meetings, the overwhelming majority of which was negative.

During the February 21 meeting, County staff was present and a list of public comments was compiled. Action by the MAC was tabled to the March 13 meeting, during which more public comment was received. As Chairman of the MAC, I was directed to convey to you the following summarized comments from MAC members as well as from members of the public: E-1

1. The draft EIR does not address sealing the concrete paved areas or onsite retention basin to assure that hazardous concrete additives from operational, waste and truck wash operations do not impact ground or surface water. A two-page list of concrete additives which could pose a significant impact is attached. E-2
2. The final EIR should provide assurances that the additives mentioned above do not enter into the ground water, Auburn Ravine drainage, or impact neighbors to the north and below the proposed site.
3. The project alternatives discussed in section 2.6 do not include a discussion of alternative locations. In 2004 the Placer County Office of Health and Human Services (Environmental Health Services Division) suggested just such recourse due to the lack of public sewer and water. Alternative sites should be discussed in the final EIR. E-3
4. The compatibility of the project with surrounding land uses (Impact 4.3) is incomplete and incorrect, and should be addressed in greater detail. Most of the surrounding land uses are residential and retail, while this project would dramatically increase impacts on area transportation, water quality, noise, and airborne contamination. E-4
5. The evaluation of Impact 4.4 is incomplete and/or incorrect. The draft EIR correctly indicates that the project is in conflict with Placer County general Plan E-5

Policy 1.E.1. However, the draft assumes – without any supporting evidence or analysis – that the conflicts will be short-term. The final EIR should define "short-term", and address the environmental impacts on groundwater supply and quality should the violation of county policy exceed that period – to include never complying with Policy 1.E.1. E-5

6. The final EIR should clearly indicate whether or not any or all of the mitigation measures indicated in Tables 2.3 apply to the project or not. E-6
7. The draft EIR concluded that Less Than Significant impacts to existing transportation and circulation patterns would result from this project. However, that conclusion is based upon data submitted by the applicant summarized in Table 5.4 and Table 5.5. This data does not indicate whether or not the peak hour data correlates to the peak hour data indicated on page 5-4 of the draft EIR. E-7
8. Further, given the daily production capacity of 300 cubic yards per day (page 3-6), and an assumed concrete delivery truck capacity of 9 cubic yards, the draft EIR data seems to indicate as many as 66 concrete delivery truck trips per day will be occurring at the facility, without addressing trips for employees or vehicles delivering raw materials. Rather than accepting a snippet of applicant selected data to drive a "less than significant" conclusion, the final EIR should examine the detailed trip generation of this proposed plant over its entire anticipated 60 hour weekly operation. E-8
9. Although a project objective is to serve the general Auburn area (page 3-6), Chapter 5 of the draft EIR fails to address the project generated traffic impact on sixty six (66) percent of the adjacent intersections impacted by that objective. No analysis of the impact on intersections Ophir & Lozanos Roads, Ophir & Werner Roads (a major ingress/egress point for the Baltimore Ravine project), Ophir & Wise Roads, or the Ophir Road/Interstate 80 interchange at Old Town Auburn has been conducted. The final EIR should study the transportation impacts on all these affected intersections, and propose relevant mitigating measures. E-9
10. Mitigation Measure 5.4a is incomplete and/or inaccurate. The measure calls for the construction of a dedicated left-turn lane <u>into</u> the project site driveway. However, the project site plan (Figure 3 of Appendix A, at page 4) clearly indicates the applicant only intends to construct a left-turn lane for vehicles <u>leaving</u> the facility. The final EIR should require dedicated left turn lanes <u>into and out of</u> the facility, or address with specificity why such a measure is unnecessary. E-10
11. The draft EIR does not include any data to support its claim that a 10,000 gallon per day well on the project site will not have a negative impact on the surrounding groundwater supply. The final EIR should include that supporting data or require appropriate mitigation measures. E-11
12. The draft EIR does not address the cumulative impacts of this project, including the impacts associated with the proposed Baltimore Ravine development and the pending Placer County Water Agency pipeline projects, not to mention current CEQA projects relating to A&A Stepping Stone and Robinson Sand & Gravel. The final EIR should – at a minimum – address these issues. E-12
13. The draft EIR does not address the current status of providing public sewer and water to the project site and neighboring businesses. The best available data E-13