

4.0 GENERAL COMMENTS AND RESPONSES

4.1 INTRODUCTION

Section 15132 of the CEQA Guidelines states that the Final EIR shall 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.

In addition to the content requirements, the Lead Agency is required to “evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response” (CEQA Guidelines Section 15088(a)).

In responding to the issues raised, the Lead Agency’s comments may take the form of a revision to the Draft EIR or may be a separate section in the Final EIR (CEQA Guidelines Section 15088(c)). The Final EIR can also provide new information added to the EIR that merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (CEQA Guidelines Section 15088.5(b)).

While the comments received did not result in substantive modifications or corrections to the analyses or conclusions of the environmental analyses, amplification and clarification of some conclusions and additional specificity for some mitigation measures was suggested. This Final EIR, including this chapter, provides additional amplification and clarification requested for aspects of the major issues addressed in the Draft EIR.

4.2 GENERAL COMMENTS

The City received a number of comment letters that addressed the same general issues of public concern. This section addresses the most commonly asked questions or comments that were similar in nature. While specific responses to comments of a general nature are not required, this section provides a good faith attempt to respond to the general issue raised. See *Browning-Ferris Industries of California, Inc. v. San Jose* (1986) 181 Cal. App. 3d 852, which states that the Lead Agency must respond to all significant environmental comments in a level of detail commensurate to that of the comment. Representative quotes from comment letters are provided and discussion and/or clarification of the environmental analyses and administrative process are given. Responses to comments include references to the appropriate general responses presented in Section 4.3.

Many of the comments submitted on the Draft EIR focused on the same or similar issues. Accordingly, "General Responses" have been prepared that incorporate in one location, information needed to respond to the various permutations of comments received from different commenters. Consequently, a particular general response may provide more information than is provided in the response that follows the individual comment. The reader is referred to General Responses when appropriate.

General responses are included in Section 4.3 of this Final EIR and in summary address the following concerns:

- 4.3.1 Consultant is Conflicted Due to Previous Employment by Vulcan
- 4.3.2 Document Preparers are not Clearly Identified on the Cover of the EIR
- 4.3.3 Background and Analysis Studies Prepared and Submitted by Vulcan are not Impartial
- 4.3.4 EIR Comment Period is too Short and Needs to be Extended
- 4.3.5 Public Comment and Information Meetings on the EIR have been Limited. There were no Town Hall or Duarte Meetings
- 4.3.6 The Purpose and Need for the Proposed Project and Materials Processed is not Stated
- 4.3.7 80 Acre Exchange is not Equal Due to the East 80 Acres Having already been Partially Disturbed and Partially Mined
- 4.3.8 Will Revegetation as Proposed on this Rock Substrate Work
- 4.3.9 Micro-benching is not a Proven Technology. The Caltrans Examples have different Physical Conditions
- 4.3.10 The Trail Options Proposed are Questionable or Infeasible
- 4.3.11 The Proposed Project will cause increases in Dust and Subsequent Breathing Difficulty
- 4.3.12 Operation Noise will be Excessive
- 4.3.13 View will be Permanently Altered
- 4.3.14 Traffic will Increase Due to Increased Mine Volume
- 4.3.15 The Analysis does not Reflect the Baseline Condition(s)
- 4.3.16 The Development Agreement (DA) was not Analyzed in the Draft EIR
- 4.3.17 Calculated Volumes are Incorrect
- 4.3.18 Biology is Inadequate
- 4.3.19 Impacts to Property Value are not Addressed in Draft EIR

4.3 GENERAL RESPONSES

4.3.1 Consultant is Conflicted Due to Previous Employment by Vulcan

Comment: It has been suggested that the EIR consultant, Lilburn Corporation, is conflicted due to the presence of Vulcan's name under the list of past clients on their website. It has also been stated that they have worked with Vulcan's legal counsel and that would infer a conflict of interest. They have also been criticized for specializing in mining.

Response: Lilburn Corporation was formed in 1989 by Stephen Lilburn and Martin Derus. The firm's areas of focus include providing environmental consulting services for the mining industry as well as commercial and residential land use development projects, solid waste facilities, and public works projects. Their mining-related experience is extensive. Within the mining industry they serve both public and private sector clients and have been actively involved in mine planning, reclamation and permitting. On behalf of lead agencies, such as cities and counties, they have conducted site inspections, condition compliance review, and financial assurance review for numerous mines throughout the State. This has included inspections of mines owned and operated by Vulcan Materials Company and their predecessor CalMat. All of these inspections were conducted on behalf of SMARA lead agencies or underlying property owners, including the City of Azusa.

Lilburn Corporation has provided mine and reclamation consulting services to numerous private sector mines. The inclusion of Vulcan on Lilburn Corporation's website was intended to show mine site experience, not a contractual relationship. The City of Azusa specifically inquired into the issue of potential conflicts of interest during the proposal process and determined that no such conflict existed.

Lilburn Corporation has worked with Vulcan legal counsel, Jeffer, Mangels, Butler, and Marmaro (JMBM) on mining related issues for clients other than Vulcan. Lilburn Corporation has also worked with Azusa's legal counsel, Best, Best and Krieger LLP (BBK), and Duarte's legal counsel, Rutan & Tucker, representing mining issues during the span of 21 years of professional experience as a consulting corporation, and 32 years of individual professional experience.

It must be emphasized that Lilburn Corporation is under contract for the preparation of the EIR for the Proposed Project with the City of Azusa, and not with Vulcan. All technical reports were peer reviewed by Lilburn Corporation, and some were revised and/or augmented at the City's direction. The document was prepared with the assistance and supervision of City staff, and represents the City's independent judgment of environmental impacts of the Proposed Project. Therefore, comments that the Draft EIR and its preparers are "biased" or conflicted are without foundation.

4.3.2 Document Preparers are not clearly identified on the cover of the EIR

Comment: The preparers of the document are not clearly identified on the front cover of the Draft EIR nor easily determined within the text of the document.

Response: The Draft EIR is a City of Azusa document, prepared by the City Staff and their contracted consultant, Lilburn Corporation. The City's name and address appears on the cover. The consultant's information is presented in the Draft EIR Section 7.1, List of Preparers, as required by State CEQA Guidelines section 15129.

4.3.3 Background and Analysis Studies Prepared and Submitted by Vulcan are not Impartial

Comment: Concerns regarding the unbiased and accurate presentation of technical background reports submitted by Vulcan were expressed by the public. They were concerned that the data would be slanted in favor of Vulcan and that critical review would not occur.

Response: Technical reports providing background on issues addressed in the CEQA review process were submitted by Vulcan in support of their application request. These reports were prepared by several engineering and environmental consultants, including licensed professionals, at the request of Vulcan to meet the lead agency's requirements for a competent SMARA application. The "deemed complete" project was then submitted for CEQA analysis, including a broad spectrum of environmental topics in compliance with the analysis topics listed in Azusa's CEQA Initial Study form (See Draft EIR Appendix B.1, "Initial Study"). As mentioned above, these studies were reviewed and critiqued by Azusa and its EIR consultant for thoroughness and adequacy. In several cases revisions and additional analyses were requested resulting in subsequent fieldwork and reports. All reports are referenced where applicable and presented in their original form in Draft EIR Appendix C, "Technical Studies." Since the EIR consultant is contracted with the City, and not Vulcan, to prepare the EIR, City staff supervised all work on the Proposed Project's EIR, and the technical reports were peer reviewed and revised at the City's direction, the comments that those reports are biased have no objective basis.

4.3.4 EIR Comment Period is too Short and Needs to be Extended

Comment: Both written and oral requests for an extended comment period were made by agencies, organizations and individuals.

Response: On February 1, 2010 the Azusa City Council elected to extend the review period for Azusa Rock Quarry/Modification C-89-20, Development Agreement and revised Reclamation Plan Draft Environmental Impact Report (SCH#199041005) from February 5, 2010 to February 20, 2010, a 15-day extension (see February 3, 2010 letter attached). This extension of the Draft EIR public review period was made pursuant to requests by the public and was intended to maximize public participation above and beyond that which is normally attained for most EIRs.

4.3.5 Public Comment and Information Meetings on the EIR have been limited. There were no Town Hall or Duarte Meetings

Comment: The City of Azusa was criticized for having too few opportunities for public review and comment of the Proposed Project and Draft EIR.

Response: The City of Azusa provided extensive opportunities for public participation and comment in regards to the Proposed Project and its Draft EIR. The City had a scoping hearing on the Initial Study on May 27, 2009 from 6:00 p.m. until 8:00 p.m. at the City of Azusa City Auditorium (Draft EIR p. 1-12.). The City then conducted four noticed public meetings with the Azusa Planning Commission. A study session before the Planning Commission with public testimony was held on January 13, 2010. A public hearing was then opened on January 27, 2010, and continued to a special hearing on February 3, and a regular hearing on February 10, and which time the public comment portion of the hearing was closed and the item continued to February 24, 2010. The public had opportunities to address the Planning Commission regarding the Proposed Project and its EIR at all of these meetings except for the February 24th meeting (because at that point public comment was closed). Subsequently the February 24th meeting was cancelled. On March 10th additional public testimony was taken. The cumulative amount of time devoted to public comment on the Project exceeded fifteen hours. Also, public hearings with the City Council are scheduled to occur in April of 2010, at which time the public will have opportunity to speak and participate. In combination with the extended period during which written comments on the Draft EIR would be accepted, this lengthy public hearing process demonstrates that public participation has not been limited.

In addition, Vulcan conducted 14 informational community meetings, all of which were noticed in the San Gabriel Valley Tribune and on Vulcan's project website. In addition, Vulcan sent 11,285 direct mail invites to the meetings to Azusa homes during 2009. Azusa's Chamber of Commerce and local realtors also distributed invitations throughout the community. Also, Vulcan established a website dedicated to the Project for the public and commissioned 3-dimensional models of the site to demonstrate the difference between the Proposed Plan and the existing permitted plan. The models were available at the community meetings and at public hearings. They also provided hard copy and disk versions of their Application (in English and Spanish) to the Azusa Library and to others upon request.

4.3.6 The Purpose and Need for the Proposed Project and Materials Processed is not Stated

Comment: The purpose and need for the Proposed Project and the materials that it will recover is not clearly understood or stated in the document.

Response: A specific description of the Purpose and Need of the Proposed Project appears in Draft EIR subsection 3.3.1 (pp. 3-23 to 3-25) and states that the purpose is to modify the existing 1988 mining entitlements to improve the effectiveness of the reclamation that is to be done, shift mining to less visible portions of the site, and meet the City's General Plan goals with regard to mining and areas designated Open Space. Objectives of the Proposed Project are further outlined in Draft EIR subsection 3.3.2, "Project Objectives" (see Draft EIR pp. 3-26 to 3-27.). Aside

from the purposes listed above, objectives include the continuing provision of Portland cement concrete-quality aggregate to meet the demands of the regional market, the obtaining of replacement reserves for the amount of reserves Vulcan currently is entitled to, the maintenance or increase of tax revenues to the City, and the maintenance of current levels of employment.

4.3.7 80 Acre Exchange is not Equal Exchange Due to the East 80 Acres Having Already been Partially Disturbed and Partially Mined

Comment: The exchange of the east 80 acre area for the west 80 acre area is not equal due to the disturbed nature of the east 80 acres in comparison to the west 80 acres.

Response: This comment mistakenly implies that the value of the area in the east to be exchanged for the area in the west is dependent on how much of that area is “undisturbed” versus “disturbed.” Because the 80 acres on the west side are undisturbed while some of the 80 acres on the east side are “disturbed,” the comment assumes that Vulcan is getting more than it is giving up and therefore this is not an “equal exchange.”

First, it should be noted that the Draft EIR is clear regarding the nature of the areas to be exchanged. For instance, the exchange areas are listed in Draft EIR Table 3-4 (p. 3-22) by area totals and are broken down by how much is disturbed and how much is undisturbed. Table 3-4 has been amended to provide footnotes for clarification of acreages please see Section 3.0 of this Final EIR. Draft EIR Figures 3-7 and 3-13 also show that the surface characteristics of the two parcels are different. Thus, the City does not imply that the exchange is based on surface vegetation or that the East 80 acres have not been mined.

Second, the exchange is intended not as an exchange of undisturbed surface area, but rather of volumes of aggregate. In this regard, the volumes of available aggregate as calculated for the Proposed Project and existing permitted project are roughly equivalent (in actuality, the existing permitted project contains remaining sellable reserves of approximately 106,500,000 tons and the Proposed Project was based upon obtaining sellable reserves of approximately 105,600,000 tons). See Draft EIR Table 3-6, p. 3-27, for a comparison; see also Draft EIR Section 3.3.6, p. 3-31. The amount of aggregate that ultimately can be mined is determined, however, by limitations on annual production and the 2038 mining end date. As demonstrated elsewhere, under the Proposed Project, annual production will be limited to a maximum of 6 million tons per year, as compared to 10.8 million tons per year under existing entitlements. Thus, in actuality by reducing the annual production from 10.8 million tons to 6 million tons maximum, the Proposed Project would result in a significant decrease in the maximum potential annual mining rate. The Proposed Project would impose a lifetime cap on the extraction of construction grade aggregate of approximately 105 million tons. It should be noted that if the maximum annual amount of aggregate is extracted each year, the ceiling would be reached earlier than the 2038 proposed mining end date.

4.3.8 Will Revegetation as Proposed on this Rock Substrate Work?

Comment: Based on the visual condition of the existing east slope (Mayan Steps) how can the community be sure that revegetation efforts will be successful? Why does it take so long to revegetate?

Response: Both the existing and proposed Reclamation Plans are presented in Draft EIR Appendix A.8. A comparison between the 1988 Reclamation Plan and the proposed Reclamation Plan is also presented in Draft EIR Table 3-6 (p. 3-37), and the Reclamation Plan is described in Draft EIR Section 3.4. Revegetation guidelines as proposed in Appendix 11 of the Reclamation Plan (see Draft EIR Appendix C.3.3) specify the reclamation schedule and revegetation approach proposed. Typical of SMARA compliant reclamation plans in California, the proposed revegetation effort is accompanied by a monitoring and maintenance period during which established performance standards are applied to the revegetation effort. These performance standards are listed by plant category on Table 12 of Draft EIR Appendix A.8.2, along with remedial steps that are to be taken to ensure that the standards are met. Revegetation is assured through financial bonds provided by the owner/operator. The bonds would not be released until both the Department of Conservation and the Lead Agency have determined that the reclamation goals have been met. The period in which goals are met may easily exceed the project reclamation period due to site conditions. Successful revegetation can take several years due principally to the time required to achieve the stipulated plant growth. Based upon the procedures and requirements established by the proposed Reclamation Plan and the site-specific experience of Vulcan with regard to successful revegetation, the proposed revegetation efforts are deemed feasible and capable of completion.

Lastly, with regard to the revegetation of the Mayan Steps, these steps have actually been revegetated on the horizontal surfaces of the steps. However, the large vertical surfaces of the steps are extremely difficult to grow plants on due to soil stability and drainage issues. This difficulty and the resulting fact that the Mayan Steps do not appear to be vegetated demonstrates the aesthetic benefit that would be realized by utilizing the Proposed Project's micro-benching.

4.3.9 Micro-benching is not a Proven Technology. The Caltrans Examples have Different Physical Conditions

Comment: Micro-benching is not a proven technology and the Caltrans examples have different physical conditions. How can we be assured this approach will be successful?

Response: Micro-benching has been employed in California primarily by the California Department of Transportation (Caltrans) on road cuts in numerous locations throughout California for several years. Micro-benching does provide a greater surface area allowing greater opportunity for soil adherence and subsequent

vegetative growth. Caltrans does not have the restrictive demands for revegetation success criteria applied to the mining industry through SMARA, however their landscaping efforts employing native plants without irrigation supplement have been successful both visually and as erosion inhibitors. The intention of micro-benching is to reduce the linear horizontal landform associated with typical benching and the most difficult feature to camouflage with revegetation. This technique would result in a dramatic visual improvement over high wall benches in hard rock mines like those present at the existing site. As discussed in General Response to Comment 4.3.8, it is deemed that revegetation will be feasible and capable of completion, due to the Reclamation Plan's mechanism and the experience of Vulcan in revegetating disturbed areas on the site. With regard to the geotechnical feasibility of micro-benching on the site, the fact that Caltrans has micro-benched a variety of slopes throughout the State shows that the technique is adaptable to different soils and rock types. See Appendix C.1.6 of this Final EIR for sample Caltrans micro-benching conditions. Also see "Landforming: An Environmental Approach to Hillside Development, Mine Reclamation and Watershed Restoration", Schor and Gray, John Wiley & Sons, Inc. 2007, including Chapter 9, Implementation of the Landform Grading Plan, page 225. The slopes present on the site are capable of being similarly sculpted based on the fact that previous operations at the site have been successful with the materials present. It is also important to note that the Reclamation Plan requires that reclamation occur and that micro-benching be used for the concurrent reclamation of various areas, and the reclamation plan is an integral part of the Proposed Project that must be carried out in order for the CUP to remain valid.

4.3.10 The Trail Options Proposed are Questionable or Infeasible

Comment: Comments regarding potential trail realignment were expressed including location and feasibility. The EIR does not address the potential impacts associated with its alignment.

Response: The existing trail was established pursuant to an agreement between the City of Duarte and Azusa Rock dated April 13, 1998 and recorded in 1999 (the "Trail Easement"). The recorded easement (see Draft EIR Appendix C.10.1) specifies a 20-foot wide trail alignment on the Azusa Rock Property. Pursuant to the terms of the easement, Vulcan has the discretion to relocate the trail at its expense, provided that the construction of the relocated trail shall be equal to or better than the existing trail (see also Draft EIR p. 4.10-1.). The existing alignment is presented on Draft EIR Figure 4.10-1 (p. 4.10-2) and three potential alternative trail realignments were presented to the City by Vulcan at the City's request. These alignments are graphically displayed on Draft EIR Figure 4.10-2 (p. 4.10-10). The westernmost option, although within Azusa's jurisdiction, is outside the boundaries of Vulcan's property. Potential lack of rights-of-way precluded further consideration by the City. Two trail alignment options within the project boundary remain feasible. One within the western setback perimeter of the west 80 acres, similar to the existing trail; and one paralleling the eastern

alignment of Fish Creek. It should be noted that this analysis was presented in the interest of disclosure. The easement agreement is a private agreement between Duarte and Azusa Rock (i.e., Vulcan) over which the City of Azusa has no discretionary authority. Pursuant to the terms of the easement agreement, Vulcan will be responsible for selecting a new alignment for the trail consistent with the terms of the easement.

Impacts associated with these trail alignments are analyzed in Draft EIR Section 4.10-4, with reference to Impact REC-2. It is anticipated that the construction of a new trail would involve similar impacts that disturbing the site at large would have. For instance, the construction of a new trail would involve, at a minimum, potential biological resources and hydrology impacts to an alignment about 20 feet in width, similar to the existing trail. Implementation of the proposed mitigation for the Project would also mitigate impacts from construction of a replacement trail, and thus no significant impacts would be expected.

4.3.11 The Proposed Project will cause increases in dust and subsequent breathing difficulty

Comment: The Proposed Project will create dust which is already an inconvenience and a health risk in the area. The Draft EIR does not address this issue.

Response: South Coast Air Quality Management District (SCAQMD), who governs the air quality in the Southern California basin, has found that Vulcan does not contribute negatively to the air quality in the region (SCAQMD, 2008 Sampling and Analysis of Samples Report). Vulcan employs a variety of measures to minimize air emissions (including dust) in and around Azusa Rock; these measures include the use of water trucks, water spray systems, modified work practices and other air quality control systems. Water spray systems are employed at all transfer points, further controlling dust emissions

An analysis of the Proposed Project's impacts to air quality, including impacts from dust, is presented in Volume I, Section 4.2, Air Quality, Page 4.2-1. The analysis is based on technical studies presented in Volume II, Appendix C.2. Air quality is regulated in the South Coast Air Basin by the South Coast Air Quality Management District which administers both federal and state air quality policies. These policies include concerns regarding particulates that are less than 10 microns in aerodynamic diameter (PM_{10}) and particulates less than 2.5 microns in aerodynamic diameter ($PM_{2.5}$), otherwise known as dust. Federal and California ambient air quality standards are summarized in Table 4.2-1, Page 4.2-5 of the Draft EIR including PM_{10} and $PM_{2.5}$.

Mine operations at the existing mine site are currently permitted for production of no more than 900,000 tons per month or 10.8 million tons per year. The Proposed Project would be limited to 6 million tons per year and therefore revisions to the existing permits would not be required (see Section 4.2.2, Environmental Setting,

Page 4.2-6, Stationary Sources). Construction and operation activities are required to comply with applicable SCAQMD prohibition regulations (Regulation IV) and source specific standards for fugitive dust; these include SCAQMD Rules 403 and 1157. Compliance with these rules is achieved by application of best management practices including the application of water and chemical stabilizers, covered trucks, restricted speeds, wind speed limits and application of ground cover (see Page 4.2-7). Crystalline silica, which has an aerodynamic diameter of 4 microns (PM₄), is addressed on Draft EIR Page 4.2-9.

Regional criteria pollutant impacts are addressed in AQ-2, Page 4.2-23. Impacts to nearby receptors are presented in Table 4.2-14, Page 4.2-27 and located on Figure 4.2-3, Page 4.2-26. Mitigation measures designed to insure compliance with applicable SCAQMD operation requirements are presented in Mitigation Measures AQ-1, AQ-2, AQ-3, AQ-4. The analysis includes a health risk assessment for both cancer and non-cancer risk which compares the Proposed Project to thresholds for maximum incremental risk. Tables 4.2-16 through 4.2-18 show the results of the Health Risk Assessment, Page 4.2-23. Also see Figure 4.2-4, Page 4.2-34. The potential for health risks from the Proposed Project were determined to be less than significant.

In addition, models and methodologies have been submitted to SCAQMD in their raw data form for methodology compliance review and comment. SCAQMD responded to the DEIR with a comment letter dated February 10, 2010. Comments include recommendations for revisions to Mitigation Measure AQ-1 (4.2 Air Quality p. 4.2-29) and to incorporate PDF-5, p. 4.2-21 as AQ 1-5. These suggestions have been implemented via revisions to the Draft EIR. Please see the errata section of this Final EIR.

SCAQMD also suggested revisions to the air quality analysis to include:

- Documentation of more stringent emission factors presented in Appendix C.2., subappendix II-B.
- Utilize a 95 percent NO_x to 5 percent non-methane hydrocarbons (NMHC) split in the mitigation methodology or secure a letter from equipment vendors that equipment meets the proposed NO_x emissions.
- Recalculate the project emissions assuming non-compliance with SOON program emission.

Regarding emission factors: Sub-appendix I-B of the DEIR Appendix C.2.2 contains a table printed from the CARB website showing the emission factors for the off-road equipment. For convenience and clarity, the CARB Executive Orders for engine families 9CPXL32.0ESX, 9CPXL11.1ESK, 9CPXL12.5ESX, and 9CPXL27.0ESK are presented in Volume II, Appendix C.2.5.

Regarding NO_x mitigation methodology, the 85% NO_x / 15% NMHC split was estimated based upon emissions reported in Table 2-2 of the 2009 CARB Almanac. The Table shows 2008 emissions from the commercial/industrial sub-category of off-road diesel engines to be 448 tons NO_x and 65 tons ROG. Adjusting the ROG emissions for the higher weight of NMHC yields an estimate of 86% NO_x / 14% NMHC. One would expect NO_x to be even further reduced due to the fact that the Project will buy new equipment which should exhibit reduced NO_x over the average diesel engine in the 2008 fleet. Thus, the ratio was rounded to 85% NO_x / 15% NMHC which was used in the DEIR. This assumption corresponds to an activity weighted fleet average NO_x emissions factor of 3.57 g/hp-hr.

The above facts provide the basis for the 85%/15% assumption. However, as suggested by the AQMD, Vulcan will also obtain information from the manufacturer to verify that the equipment to be used at the site matches this assumption.

Regarding SOON: The SOON Program was addressed in the DEIR for disclosure purposes only, the SOON Program does not affect the impact calculations in any way. As discussed in the response to Response to Comment A11-4, the emission factors for the off-road equipment are based on CARB Executive Orders (i.e. actual engine data), not the SOON Program.

SCAQMD also suggested, with regard to the health risk analysis, that the AERMOD dispersion models be run with flat, level terrain parameters, and default and non-default options. The City has complied with this request. The subsequent report entitled "Additional Air Quality Information, Azusa Rock Draft Environmental Impact Report (Draft EIR), SESPE, February 22, 2010 is included in Appendix C.4.2.5 of this Final EIR.

To summarize, the additional health risk analysis requested by SCAQMD concludes that impacts will be less than significant in all cases. In particular, the analysis concludes that impacts to Valley View School would remain unchanged and less than significant. Under this analysis, the incremental change in health risk due to the Proposed Project may actually be a reduction in health risk because newer engines will be used. In any case, health risk impacts are estimated to be orders of magnitude less than the applicable significance thresholds with simple or complex terrain modeling.

Consequently, the facility does not pose a health risk to individuals at the school and the incremental change in health risk due to the Proposed Project is clearly less than significant. The additional analysis also concludes that the level of health risk would potentially increase substantially if the Proposed Project is not approved.

4.3.12 Operation noise will be excessive

Comment: The public expressed a concern that operational noise levels will be excessive and need to be addressed in the Draft EIR.

Response: Noise and vibration were analyzed in Draft EIR Section 4.9, “Noise and Vibration,” and supporting technical studies presented in Draft EIR Appendix C.9. The inquiry into noise impacts included analysis of the modified quarry boundary on existing receptors (see Draft EIR Figure 4.9-1, p. 4.9-10). These were compared to applicable standards in both Azusa and Duarte (see Draft EIR Impact N-1, p. 4.9-9). The resulting maximum noise levels were determined to be 4 dB below the City of Azusa’s standard of 65 dB, and 9 dB below the City of Duarte’s standard of 70 dB for peak single events for blasting events (Page 4.9-11). Operational noise was analyzed by phase and mitigation measures to reduce potential noise levels in Phases I-W and II-W are proposed to reduce impacts to a level of less than significant (Mitigation Measure N-1, N-2, and N-3, Page 4.9-16). (Also see Mitigation Measure AES-1, Section 4.1, Aesthetics).

4.3.13 View will be permanently altered

Comment: Visual analysis of the Proposed Project indicates that views will be permanently altered. One of those views, Viewpoint 5 from residences on Greenback Avenue in Duarte cannot be mitigated to less than significant.

Response: Due to the visual nature of the existing and proposed activities and public concern expressed in the scoping hearing, a review of the aesthetic impacts associated with the Proposed Project was prepared in the Draft EIR. This analysis is presented in Section 4.1, Aesthetics. Technical reports submitted with the application and at the request of the City are presented in Volume II, Appendix C.

The original technical report’s analysis provided a comparison of the existing project at the completion of reclamation in comparison to the Proposed Project from seven viewpoints within the viewshed. The BLM scenic quality rating criteria (see Draft EIR Appendix C.1.4) was applied to the simulations and rated for impacts to visual quality. At the request of the City, additional analysis was conducted comparing the existing conditions (current baseline) to the Proposed Project and progress interval simulations at 5, 10, and 20 years. These simulations were rated using the same BLM methodology. The impact to Viewpoint 5 (Greenback Avenue) (see Draft EIR p. 4.1-32), would remain significant due to short-term construction exposure and alteration to the existing ridgeline despite the implementation of Mitigation Measure AES-1. The short-term impacts would be reduced by application of micro-benching reclamation techniques. However, utilizing the BLM rating criteria, the ridgeline alteration in this view does not benefit from reclamation efforts visible in the eastern quarry as seen in other viewshed simulations analyzed. In this viewshed, the impact is not offset by reclamation to the east and the cultural modification score (see Figure 4.1-26,

Page 4.1-40) reduces the total score in the rating criteria. The impact remains significant since the proposed mitigation does not compensate for the altered ridgeline and cannot be mitigated to a level of less than significant.

In comparison, Viewpoint 3, Figure 4.1-17, Page 4.1-28, results in a ridgeline alteration in the western extent of the proposed Reclamation Plan; however, the viewpoint clearly shows improvements in reclamation in the eastern quarry compared to existing conditions. This improvement equalizes the rating criteria in the cultural modification category resulting in an equal total score for the rating criteria. The impact associated with the Proposed Project following mining and application of reclamation techniques, is therefore mitigated to a level of less than significant.

Analysis of the existing permitted project in comparison to the Proposed Project is presented in the alternatives section of the Draft EIR, Section 5.0 Alternatives, 5.4.1 No Project Alternative, Page 5-7.

4.3.14 Traffic will increase due to increased mine volume

Comment: Traffic analysis does not reflect the baseline conditions of the existing project. Traffic will increase with increased production resulting in increased traffic.

Response: The Draft EIR correctly notes that the transportation of materials off-site will remain the same as currently is the case, as mining materials will continue to be transported from the Quarry to the Reliance Plant in Irwindale. As such, there will be no haul trucks leaving the Project Site with aggregate materials. Further, employee and other vehicular access to the Project Site will remain at current levels.

The traffic impacts associated with hauling finished product from the Reliance Plant were evaluated in the 1990 conveyor system EIR/EA certified by the City of Azusa. Specifically, the 1990 EIR/EA analyzed the traffic impacts associated with (i) transporting 6 mtpy of mining materials from the Azusa Rock site via the conveyor system and 1 mtpy from the Azusa Rock site via the off-site haul road, (ii) processing those materials at the Reliance Facility and the Owl Rock Plant, and (iii) hauling finished aggregate products in trucks via Foothill Blvd. The 1990 EIR/EA concluded that the traffic impacts associated with the conveyor project were less than significant.

Because the truck traffic associated with the Proposed Project is indirect and part of the previously analyzed and approved conveyor project, the potential traffic impacts of the Proposed Project are subject to the provisions of Public Resources Code § 21166, which prohibits agencies from requiring subsequent or supplemental environmental review unless one or more of the conditions specified therein occur. Specifically, an agency may not require supplemental environmental analysis unless (a) substantial changes are proposed in the original

project, or (b) substantial changes occur with respect to the circumstances under which the project is being undertaken, or (c) new information which was not known and could not have been known at the time the EIR was certified becomes available, that require major revisions to the previously-certified EIR due to the involvement of new or substantially more severe environmental effects. See also CEQA Guidelines, § 15162.

As stated above, the 1990 EIR/EA for the conveyer project assumed that 6 mtpy would be received from the Azusa Rock Quarry via the conveyor. Under the Proposed Project, production at the Quarry would be limited to 6 mtpy, all of which would be transported to the Reliance Plant via the conveyor. Thus, the Proposed Project will not substantially change the conveyor project.

Moreover, there has been no change in circumstances or new information that would require major revisions to the 1990 EIR/EA due to the involvement of new or substantially more severe environmental impacts. In this regard, it should be noted that the Owl Plant has closed since the 1990 EIR/EA for the conveyor project was certified. The effect of this closure has been to reroute the 3 mtpy assigned to the Owl Plant to the Reliance Plant. This does not effect the validity of the conveyor system EIR/EA's traffic analysis, as the net result of this was to move the Owl Plant's truck trip-entry point to Foothill Boulevard about 900 yards to the west, to the Reliance Plant's entrance onto Foothill Boulevard. This minor change does not disturb the EIR/EA's traffic analysis or conclusions.

Therefore, the Draft EIR properly concluded that no change in traffic impacts would occur from the approval of the Proposed Project, and no further analysis is required.

4.3.15 The analysis does not reflect the baseline condition(s)

Comment: Both written and oral comments expressed a concern that the technical analysis did not reflect existing baseline conditions for comparison to the Proposed Project. The analysis compared the existing reclaimed condition to the Proposed Project.

Response: Existing Project. The Azusa Rock Quarry is an existing project that has been in operation since the 1920s. The City of Azusa granted the Quarry a Special Use Permit in 1956 (see Resolution No. 3546). Thus, at the time CEQA was enacted in 1970, the Quarry had already been in operation for at least 40 years. In 1988, the City ratified the original SUP and added additional conditions of approval, at which time the City Council found the Quarry to be categorically exempt from CEQA as an existing facility (see Resolution No. 8553). The SUP was amended again in 1990 (see Resolution No. 8978) with the same categorical exemption invoked. As can be seen from this history, the core of the Quarry operation has always been considered to be an existing project for the purposes of CEQA and,

accordingly, the environmental impacts from the mining of aggregate from the Quarry has always been treated as part of the environmental baseline.

Critical to the assessment of what constitutes the “scope” of the existing project are the following limitations:

1. Existing Production Limitations. The ability to mine as much aggregate as desired by the mine operator was never capped until a permit under the Clean Air Act was issued by the South Coast Air Quality Management District (SCAQMD) in 2001. The SCAQMD Permit limited annual production to no more than 900,000 tons per month or 10.8 million tons per year. This remains the only production limitation on the existing project (i.e., the Azusa Rock Quarry).
2. Existing Transportation Limitations. There is no formal, legal limitation on the amount of aggregate that can be transported off of the site. On a practical basis, however, there are capacity issues related to the method of transporting mined materials offsite for processing (aggregate) or disposal (overburden) that is used.

Specifically, the conveyor system that has been installed between the Quarry and the Reliance Plant can handle about 6 million tons per year of mining materials. On this basis, the 1990 EIR/EA for the conveyor system assumed a total of 6 million tons per year, plus an additional 1 million tons to be hauled via an off-site haul road running parallel to the conveyor system. A total of 7 million tons per year of mining materials was therefore contemplated. The entitlement to utilize the off-site haul road for transporting mining materials was abandoned in 2004 via Resolution 047-C71. (Please note that the transport of mining materials on Encanto Parkway is also prohibited.) Thus, the transportation of mining materials is limited, on a practical basis, to 6 million ton per year via the conveyor system (note that the Proposed Project would convert this 6 million tons per year limitation into a legal limit on production).

It is important to emphasize that, under existing entitlements, even with a practical transportation limitation of 6 million tons per year, the Quarry can still produce up to 10.8 million tons per year. This is because the Quarry has the ability to stockpile materials onsite for transport later. Obviously, production above 6 million tons per year is only sustainable for a period of time, since on a practical basis stockpiling large amounts of mining materials onsite would be burdensome. However, the two types of limitations are technically distinct and do allow for production at a rate that exceeds the rate at which Vulcan is allowed to transport the materials offsite.

Formulation of the Baseline for Environmental Analysis. The Proposed Project consists of the proposed modification of the Azusa Rock Quarry project, which,

as noted above, is an existing facility/project for the purposes of CEQA. The Quarry has been an existing project since the enactment of CEQA. Under established judicial precedent from the California Supreme Court and the Court of Appeal, the activities that occur as a part of the existing project are part of the baseline for environmental analysis. This includes projects, such as mines, which feature a fluctuation in the amount of production for various reasons. In the case of mines, this fluctuation is often due to the fact that demand for the processed product varies with the business cycle.

The City considered setting the baseline at either 10.8 million tons per year (which is the legal limitation on the production of mining materials) or 6 million tons per year (which is the practical limitation on the amount of transportation of mining materials). These figures, as limitations or entitlements of the existing project, were discussed throughout the DEIR in the abstract. However, with the exception of traffic (which is discussed in General Response 4.3.14), the EIR utilizes a baseline that is representative of existing conditions, and not a baseline of 10.8 million tons per year or 6 million tons per year. Existing conditions at the Quarry include the production and transportation of 1.1 million tons per year of mining materials¹. The errata to the Draft EIR contained in the Final EIR clarifies references to the existing production limitation of 10.8 million tons per year, the existing practical limitation on transportation of 6 million tons per year, and the actual baseline that is used for the analysis.

The following discussion generally summarizes the baselines used in the Draft EIR for each impact area, as clarified in the Final EIR. It should first be noted that the existing project, as proposed to be modified by the Proposed Project, is a complicated endeavor with many different facets, and thus the manner in which the existing physical conditions were established will differ, depending upon the actual impact that is being analyzed. For instance, impacts to Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Hydrology and Water Quality are characterized by the specific effects that a project causes to a particular location. For these issue areas, the analysis in the Draft EIR assessed the effect the Proposed Project would have by mining on the west side of Fish Creek Canyon, which includes initiating mining on the westernmost 80 acres of the Quarry, which are currently undisturbed. Thus, the "baseline" for the analyses of these potential impacts is the existing physical conditions in the affected area as of the date environmental study of the Proposed Project commenced. Use of the existing physical conditions as the baseline for analysis of these potential impacts is a conservative approach, since it assumes no mining activities within the affected area as part of the baseline conditions.

¹ The figure of 1.1 million tons per year was based upon the level of production in the fourth quarter of 2006 and the first three quarters of 2007. This was the latest available data at the point in time that air quality reports were begun in connection with the Proposed Project. This production level has been used throughout the EIR in order to keep the analysis consistent.

The potential impacts of the Proposed Project in other respects, including Air Quality, Noise, Utilities, and Greenhouse Gases/Climate Change, depend upon the amount of material produced at the Quarry. As discussed below, the analysis of these potential impact areas generally assumed a "baseline" production of 1.1 mtpy.

Air Quality. As noted on page 4.2-1, the Quarry is currently entitled to produce 10.8 million tons per year, the Proposed Project would limit production to 6 million tons per year, and existing conditions constitute the production of 1.1 million tons per year. "The 1.1 mtpy is used as the CEQA Baseline for the assessment of potential impacts of the Proposed Project." (DEIR, p. 4.2-1.) This baseline was used in the analysis of Impacts AQ-2 and AQ-3, as can be seen by examining the tables used in those analyses. Deviations from this baseline within Air Quality are as follows:

- Impacts with regard to AQ-4, which concern the exposure of sensitive receptors to substantial pollutant concentrations, was done according to a "zero activity" baseline. This was done because the methodology of preparation requires Health Risk Assessments to analyze the entire effect of a TAC emitter, and not just an incremental health risk attributable to a proposed modification to the emitter. The effect of this methodology is to yield a more conservative analysis, since, strictly speaking, the EIR need only examine the health risk impacts of the Proposed Project that would result above the existing condition, 1.1 mtpy, baseline.
- Impact AQ-5, with regard to odors, cannot be strictly said to be analyzed with regard to a 1.1 mtpy baseline, as it would be difficult to differentiate the odors directly attributable from the Proposed Project as opposed to the existing project; hence, the odor impacts characterized are those from the entire mine after implementation of the Proposed Project. The effect of this methodology is to yield a more conservative analysis, since, strictly speaking, the EIR need only examine the odor impacts of the Proposed Project that would result above the existing condition, 1.1 mtpy baseline.
- Lastly, Impact AQ-1 makes a determination of the Proposed Project's consistency with the SCAQMD's Air Quality Management Plan ("AQMP"). Since this analysis calls for the determination of the Proposed Project's consistency with a planning document, it inherently calls for an assessment of whether the maximal implementation of the Project would be within the planning assumptions of the document; in this type of inquiry, the "baseline" used is meaningless because the focus is on the consistency of the Project after implementation.

Thus, the Air Quality analysis utilized an existing condition, 1.1 mtpy baseline for all the relevant impacts. To the extent that this baseline was not used, this was justifiable because 1) the nature of the impact renders the use of any baseline irrelevant (see Impact AQ-1); 2) the methodology of the analysis requires the

assessment of the whole of the emitter's impact (see Impact AQ-4); or 3) the impact is impossible to objectively segment into existing project and Proposed Project segments (see Impact AQ-5). It is noteworthy that in the last two situations, a more conservative analysis was yielded. Thus, the EIR's approach in addressing Air Quality impacts is justified and yields accurate, meaningful results.

Noise. For the noise analysis, a baseline was used that reflects the operational activities at the Quarry that are necessary to achieve the existing production level of 1.1 million tons per year. This translates to a specific mix of equipment and activities, as specified in DEIR Table 4.9-4, "Equipment Noise Levels" (see the columns under "Existing Conditions"), and as described on DEIR pp. 4.9-11 to 4.9-12 with regard to onsite blasting. Since the noise levels experienced by a specific receptor vary based upon not just the type of equipment used, but also how far away they are located and what the terrain is like in the intervening distance, the City calculated baseline noise level by placing these noise sources at the existing "Acoustic Noise Center" (the current location of the crusher) and the "Existing Nearest Mining," which is the closest point of existing mining. (See DEIR Figure 4.9-1.)

Based on this information, comparisons between the impacts of the Proposed Project and baseline existing conditions were made, thereby resulting in the incremental impact of the Proposed Project with regard to the noise levels that would be experienced by the nearest sensitive receptors. This was the approach utilized by Impacts N-1, N-3, and N-4. With regard to vibration impacts, the analysis of Impact N-2 utilizes an analysis that assessed vibration impacts under existing conditions and under the Proposed Project. However, rather than take the incremental difference between the two scenarios, the entire amount of vibrations produced by a blasting event was compared with an absolute threshold of significance, since the incremental difference between existing conditions and the Proposed Project would be indistinguishable. As shown in the analysis, both existing conditions and the Proposed Project result in vibration impacts that are less than significant. Thus, for all of the impacts analyzed in the Noise section of the Draft EIR, reference was made to existing conditions at the Quarry mine, and not the currently-allowed "6 mtpy" scenario.

Utilities. Changes to the analysis contained in the Utilities section of the Draft EIR section have been made, via the Final EIR errata section, to clarify the effect of increasing the utilization of utilities from a 1.1 mtpy level to the level of usage that would occur with the Quarry producing 6 mtpy of mining materials. As can be seen, all impacts would remain less than significant. Please note that this revised analysis is provided in the interest of responding to public comments; as discussed above, the status of the Proposed Project as a modification of an existing project justifies the usage of a 6 mtpy (indeed, even a 10.8 mtpy) baseline. Either way, no significant impacts would result with respect to utilities.

Greenhouse Gases/Climate Change. Changes have been made to the Greenhouse Gases/Climate Change section of the Draft EIR to clarify the baseline that was used in the analysis, and the meaning of Table 4.13-2. As discussed in the Draft EIR in connection with Impacts GHG/CC-1, GHG/CC-2, and GHG/CC-3, the analysis assessed the difference between an existing condition, 1.1 mtpy baseline and execution of the Proposed Project at 6 mtpy. Thus, the analysis did not take emissions at the 6 mtpy production level as the “existing condition.” The Draft EIR’s analysis found impacts to be less than significant, and, moreover, even if the entire emissions of the Quarry were assessed, as modified by the Proposed Project, the amount of emissions would still be underneath the SCAQMD’s threshold of significance for greenhouse gas emissions from industrial facilities. Thus, the discussion and conclusions of the Draft EIR, as clarified, are valid and accurate.

Conclusion. In conclusion, the Draft EIR utilized the existing environment setting (which includes an existing mining operation producing 1.1 mtpy of aggregate) as the baseline for analyzing the potential impacts of the Proposed Project in all areas except Traffic. With respect the Traffic (see General Response 4.3.14), the City has properly evaluated the Proposed Project under the standards contained in Public Resources Code § 21166 and CEQA Guidelines § 15162, and has determined on the basis of substantial evidence that subsequent or supplemental environmental review of the truck traffic associated with the Reliance Plant is not warranted.

Furthermore, as demonstrated above, the analyses of Air Quality, Noise, Utilities, and Greenhouse Gas impacts all show that there would be no significant impacts resulting from the Proposed Project, regardless of whether a currently entitled (i.e., 6 mtpy or 10.8 mtpy) baseline or an existing condition (i.e., 1.1 mtpy) baseline are used, and the analysis of the other environmental impact areas was done taking into account the existing condition of the land (i.e, whether it is disturbed or not) that is to be mined. Therefore, the contention made by several commenters that an incorrect baseline has been used and that significant impacts were consequently hidden is not correct.

4.3.16 The Development Agreement (DA) was not analyzed in the Draft EIR

Comment: The Proposed Project description includes a Development Agreement. Although described in the Draft EIR it was not included in the document nor analyzed for potential environmental impacts.

Response: The Development Agreement is described in Draft EIR Section 3.3.1. It is a “contract between the City and Vulcan” which vests rights for the Applicant and provides benefits to the City should the City elect to approve the proposed application. Certain drafts of the Development Agreement have been included in Planning Commission agenda packets preceding and during the public hearing process. The Development Agreement, once finalized and executed, would be a

legal instrument that helps to carry out the Proposed Project, the physical impacts of which are described in the Draft EIR. The Development Agreement does not propose any activities that would result in any impacts that go above and beyond those proposed in the CUP and the Reclamation Plan. Consequently, the Draft EIR is sufficient to address the CEQA compliance requirement for the Development Agreement even though that Agreement is not yet finalized.

4.3.17 Calculated Volumes are Incorrect

Comment: Vulcan has miscalculated the total aggregate reserves in the 1988 Plan. Volumetrics derived from an unpublished report (Greystone, 2005) indicate a 125 million net ton reserve on 270 acres. This, according to the commenter(s) indicates the East Quarry volumes are inaccurate leading to a fundamental flaw in the Draft EIR analysis.

Response: The 121.5 million ton reserve figure stated in the Applicant's 1988 Conditional Use Permit and Reclamation Plan ("1988 Plan") is an estimate of total, *in-situ* sellable reserves available from mining the 190-acre tract covered under the 1988 Conditional Use Permit and Reclamation Plan, not the entire 270-acre reserve. The circa-1988 reserve calculation was performed by non-computerized methods (such as planimeter and hand-drawn cross-sections), and was subsequently confirmed in 1990 by an outside consultant utilizing computer-based calculations from a digitized mine plan for the permitted 190-acre tract.

The 125 million net ton reserve discussed in the Greystone Report was based on information provided by the Applicant in its 2005 Azusa Rock Amended Reclamation Plan ("2005 Plan"). Unlike the 1988 Plan, which was an estimate of total, *in-situ* reserves on the 190-acre tract, the 2005 Plan provided a projected sales-based estimate of total production to be obtained from the entire 270-acre property based on average production levels (dependent on market conditions) over the life of the operation and was not a calculation of *in-situ* reserves on the 270-acre site. For example, the 2005 Plan described estimated annual production as "approximately 2 to 5+ million net tons averaged over a time span [the 33 years then remaining in the permit], dependent on market conditions..." Using an average of 3.75 net million tons per year times the 33 years then remaining for the permit, the net production anticipated was 125 million net tons.

The commenters' approach to estimating the Applicant's current reserves by using the Greystone Report leads to a substantial under-estimate of Vulcan's currently permitted reserves on the site, and to a misallocation of reserves on the East and West Sides of the quarry. In addition to the commenters' use of an erroneous assumption about the mined acreage behind the 1988 reserve statement, the conceptual mine plan shown in the Greystone Report features 45-degree pit slopes (compared to 51 degree pit slopes in the permitted 1988 mine plan) and has curving, contoured slopes (compared to relatively straight slopes in the permitted plan). The differences in geometric features on their own, irrespective of the

acreage issue or calculation method, lead to a much smaller rock yield for the conceptual plan, when compared to the rock yield of the actual (currently permitted) mine plan for the site. Thus, the commenters' estimate of currently permitted reserves for the site ends up being undervalued by a wide margin.

As of the application date, the Applicant estimates remaining sellable reserves for the existing project site (190 acres) at approximately 106,500,000 tons, with 80% of the reserves located on the East Side of Fish Creek, and 20% of the reserves located on the West Side of the quarry. The *in-situ* reserve estimate for the currently permitted 190-acre tract is reviewed by Vulcan on a regular basis, and was re-calculated by computer-based methods as recently as February 2010; this re-calculation affirmed the 106.5 million ton in-situ reserve estimate. Under the Proposed Project mining and reclamation plan, sellable reserves are estimated at 105,581,000 tons, which make the existing (approved) and proposed plans essentially equivalent with respect to the volume of aggregate that can be mined.

Note that, on a practical basis, the Proposed Project will limit annual production to 6 million tons per year over the life of the project. Any additional mining would require a new application for a revision to the CUP and Reclamation Plan that would be subject to environmental review and Lead Agency review and approval.

4.3.18 Biology is Inadequate

Comment: Biology methodology used in assessing the existing conditions at the site were inadequate. This included areas of non survey and survey with binoculars resulting in determinations of non significance for sensitive species. See Technical Appendices C.1.3.

Response: Biological Resources analysis was conducted on-site on six occasions, resulting in reports including:

- September 2008 Biological Resource Assessment
- February 2009 Gnatcatcher Survey
- September 2008 Jurisdictional Delineation of Fish Creek and the Reclamation Area
- May 2006 Streambed Delineation Study
- October 2009 Watershed Impacts Analysis
- August 2003 Revegetation Guidelines
- CDFG Streambed Alteration Agreement

These reports are presented in Vol. II, Appendix C.3

Surveys included standard field methodologies including:

- Transects

- 100% physical and visual inspection surveys of accessible areas
- Visual inspections of climax vegetation and vegetative communities
- Records and literature search
- Survey of available biological database
- Search of the California Natural Diversity Database (CNDDDB)

Seasonal and off-seasonal standard protocols were applied to the field surveys. The steep, disturbed slopes are not safely accessible for biologists to conduct a foot survey. Therefore, a foot survey was not possible on all areas so binoculars were used to survey inaccessible slopes for evidence of plants exhibiting the flowers and/or growth habits of the sensitive species with a potential to occur on the site. The sheer, disturbed slopes that are primarily rocky with little topsoil available for plant establishment do not represent good habitat for most of the sensitive species that have a potential to occur. The botanists were very familiar with the target species and they were confident that none of the sensitive species were present on the sheer, rocky slopes. By moving earth materials, the mining equipment can create access to areas that are currently inaccessible by foot allowing for future preconstruction surveys.

The status of plants and animals on the Proposed Project Site are clearly stated in

- Table 4.3-2, “Special Status Plants,” Draft EIR p. 4.3-11.
- The vegetative communities were mapped and graphically presented on Figure 4.3-2, Draft EIR p. 4.3-5.
- Table 4.3-3, “Special Status Wildlife,” Draft EIR p. 4.3-13.

The reclamation plan/revegetation plan is presented in Vol. II, Appendix A.8 and C.3.3. These plans include:

- Identification of plants for seed and plant collection.
- Identification of goals for plant distribution and density including proposed success criteria that will be monitored.
- Regular monitoring of programmed reclamation (minimum annual) will result in compliance confirmation.

Documented compliance with the revegetation success criteria is required prior to the release of the financial assurances that cover those obligations.

To further support the conclusions contained in the Draft EIR, the principal biologist submitted a supplemental letter dated March 4, 2010. In that letter, the principal biologist further describes the field approach utilized in assessing the biological conditions of the site (attached here and included in Volume II, appendices, C.3.1). In summary, she states her confidence in the methodology and the results of the biological surveys conducted on the site. In addition to study results, the City’s EIR consultant accompanied the team of biologists on the site during the preparation of the draft document. This was done to confirm the field

results and understand the methodologies and assumptions incorporated in the biological assessment documentation.

Consequently, the biological studies were sufficient and proper to support the conclusions and mitigation measures set forth in the draft EIR. No further mitigation measures or analysis is required.

4.3.19 Impacts to Property Value are not Addressed in Draft EIR

Comment: Potential impacts to viewsheds are identified in the Draft EIR with particular emphasis on viewpoints in Duarte. This will impact property values to homes within the impact area. The Draft EIR does not recognize nor assess these impacts.

Response: Several commenters speculated that substantial reductions in housing values would occur as a result of the Project. However, CEQA does not require the analysis of economic impacts that do not result in physical effects on the environment. In order for impacts to property values to be properly within the scope of the Draft EIR, it would have to be shown that such a large drop of property values would occur and that urban blight, such as chronic vacancies and dilapidated conditions, would be introduced to the area. There is no evidence that such conditions would occur due to the Proposed Project. First, the site has been mined since the 1920s, and the mine (e.g., the Mayan Steps) is visible to motorists on Encanto Parkway, which is a primary access route to the neighborhoods closest to the site. Despite the fact that aesthetic impacts from the mine have been present for years, no signs of urban blight are evident in these neighborhoods and thus it is by no means established that there is such a strong relationship between the value of these homes and the aesthetic impacts associated with the mine. Second, the Proposed Project would, through its usage of micro-benching, eliminate much of the adverse aesthetics impacts that would occur under the existing entitlements (notwithstanding the significant impact to the ridgeline visible from Duarte), thereby resulting in better aesthetic conditions, particular with regard to existing disturbed areas such as the Mayan Steps (see the discussion in Draft EIR Section 5.0 regarding the No Project Alternative). Taking this into account, it would seem probable that the Project would result in an increase in property values, as compared to existing conditions and as compared to future No Project scenarios. Thus, in summary, there has been no documented evidence that past aesthetic impacts from the mine have resulted in blight impacts, and it appears probable that the Proposed Project would improve aesthetic values and thereby improve property values.