



**RESOURCE  
MANAGEMENT AGENCY  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

ALLEN ISHIDA  
District One

CONNIE CONWAY  
District Two

PHILLIP A. COX  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** May 8, 2007 - REVISED

Public Hearing Required	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>						

CONTACT PERSON: Celeste Perez    PHONE: 559-733-6291

**SUBJECT:** Public Hearing regarding the appeal by Valley Citizens for Water on Surface Mining Permit and Reclamation Plan No. PMR 02-002 for the Kaweah South surface mining project, located east of SR 245 between Avenue 332 and the Kaweah River, approximately 1 mile south of the city limits of Woodlake.

**REQUEST(S):**

That the Board of Supervisors:

1. Hold a public hearing to reconsider the appeal regarding PMR 02-002;
2. Close the public testimony, and continue the hearing to a date certain to enable staff to prepare appropriate documentation regarding:
  - a) Denial of the appeal filed by Valley Citizens for Water regarding the Planning Commission's approval of Surface Mining Permit No. PMR 02-002.
  - b) Certification that the Board has reviewed and considered the information contained in the Final Revised Environmental Impact Report (FREIR) and the previous Final Environmental Impact Report (FEIR) as a single integrated document prepared for PMR 02-002; approval of the FREIR and FEIR for the Kaweah South Project (SCH 2002-051039) as being in compliance with the California Environmental Quality Act and

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adoption of project findings, a mitigation monitoring and reporting plan, and a statement of overriding considerations; and

- c) Approval of Surface Mining Permit and Reclamation Plan PMR 02-002 subject to conditions and mitigation measures.

**SUMMARY:**

Kaweah River Rock Company, Inc. (KRRC) has applied for approval of a surface mining permit and reclamation plan with the Tulare County Resource Management Agency (RMA) for the proposed Kaweah South Project. KRRC is proposing to mine sand and gravel from an area located in Tulare County near the Kaweah River, south of its existing mining operation. The Tulare County RMA has prepared and considered an Environmental Impact Report (EIR) that describes the project, alternatives to the project, the adverse impacts of the project, and mitigation measures that would substantially reduce or avoid those impacts. The EIR is intended to inform decision-makers and the public of the adverse environmental impacts that would result from implementing the proposed project. The County's approval of the surface mining permit will allow KRRC to conduct mining operations in the proposed project area.

**ANALYSIS:** The County (RMA) completed the Draft EIR on the project in April 2004, and completed a Final EIR on the project in October 2004. In January 2005, the County Planning Commission certified the Final EIR and approved the Project (PC Res. No. 8089). The Planning Commission's decision was appealed to the Board of Supervisors. The Board held public hearings and, on May 24, 2005, certified the Final EIR, denied the appeal, and approved the project (BOS Res. No. 2005-0300). A citizens' group sued the County, alleging that the County had not complied with the California Environmental Quality Act (Valley Citizens for Water v. Tulare County (Superior Court No. 05-215123)). On March 27, 2006, the Superior Court ruled that the County's EIR was adequate in certain respects, and inadequate in other respects.

In response to the Court's ruling, in August 2006, the County rescinded its certification of the EIR, rescinded its approval of the project (BOS Res. No. 2006-0674, attached), and directed the County RMA to revise the EIR to address the deficiencies identified in the Court's ruling. In accordance with that direction, in September 2006, the County RMA published a Revised Draft EIR. The Revised Draft EIR contained additional information and analysis regarding those areas found to be deficient by the Superior Court. In particular, the Revised Draft EIR contained information on the following topics:

- Direct air quality impacts from the proposed project;
- Indirect air quality impacts from the project;

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- Cumulative air quality impacts from the proposed project;
- Impacts associated with potential batch plants at the site;
- Efficacy of mitigation measures to address flooding impacts; and
- Efficacy of the proposed groundwater recharge system.

The Revised Draft EIR revised those sections of the previous Draft EIR addressing these specific issues. The Revised Draft EIR did not revise other sections of the previous Draft EIR. Thus, the Revised Draft EIR and previous Draft EIR are designed to serve as a single, integrated document addressing the impacts of the proposed project.

The County circulated the Revised Draft EIR for a period of just over two months. The County received ten letters commenting on the Revised Draft EIR. In April 2007, the County RMA published the Final Revised EIR and provided notice to connecting agencies as required by the CEQA Guidelines. The Final Revised EIR provided responses to all comments submitted on the Revised Draft EIR.

CEQA requires the lead agency to make written findings whenever it decides to approve a project for which an EIR was certified (Public Resources Code Section 21081). The findings explain how the lead agency approached the significant impacts identified in the EIR. These findings are currently in preparation and will be submitted to your Board following the close of public testimony.

**FISCAL IMPACT/FINANCING:**

There will be no net county costs.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

Evaluation of the Kaweah South Project and the FREIR/FEIR conformed to County Strategic Initiatives: #2 Economic Well Being by addressing a project which could help address infrastructure needs and growth patterns for the future.

**ALTERNATIVES:**

1. Grant the appeal, in which case the item will need to be continued for preparation of findings.
2. If new substantive testimony is received on matters not covered in the Final EIR, close public testimony and direct staff to prepare responses to that testimony for consideration at a future meeting.

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**INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:**

Since your Board has retained jurisdiction on the appeal, the Planning Commission has not considered the Final Revised EIR. See correspondence in staff report and the Administrative Record addressing the roles of other departments or agencies in review of the project.

**ADMINISTRATIVE SIGN-OFF:**

  
George Finney  
Assistant Director – Planning

  
Henry Hash  
Director

cc: Auditor/Controller  
County Counsel  
County Administrative Office (2)

Attachment(s)

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF HOLDING A )  
PUBLIC HEARING ON THE APPEAL ) RESOLUTION NO. \_\_\_\_\_  
REGARDING PMR 02-002 )

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD ON MAY 8, 2007, BY  
THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: C. BRIAN HADDIX  
COUNTY ADMINISTRATIVE OFFICER  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

1. Held a public hearing on the appeal regarding PMR 02-002;
2. Closed the public testimony, and continued the hearing to a date certain to enable staff to prepare appropriate documentation regarding:
  - a) Denial of the appeal filed by Valley Citizens for Water regarding the Planning Commission's approval of Surface Mining Permit No. PMR 02-002.
  - b) Certification that the Board has reviewed and considered the information contained in the Final Revised Environmental Impact Report (FREIR) prepared for PMR 02-002; approved the Final Revised Environmental Impact Report for the Kaweah South Project (SCH 2002-051039) as being in compliance with the California Environmental Quality Act and adopted

project findings, mitigation monitoring and reporting plan,  
and a statement of overriding considerations; and

- c) Approval of surface mining permit and reclamation plan PMR 02-002  
subject to conditions and mitigation measures.