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CONSERVANCY**

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Kari Kyler Daniska
Executive Officer

PO BOX 28338
Fresno, California 93729
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March 10, 2025

Sent Via Email

County of Fresno Department of Public Works and Planning
Development Services and Capital Projects Division
David Randall Senior Planner
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

Dear Mr. Randall

**SUBJECT: Cemex Rockfield Modification Project (Project)
Draft Environmental Impact Report (DEIR)**

The San Joaquin River Conservancy (Conservancy) received a Notice of Availability of a Draft Environmental Impact Report (DEIR) from the County of Fresno Department of Public Works and Planning for the Cemex Rockfield Modification Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

We appreciate the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect the implementation of the Conservancy's mission and updated San Joaquin River Master Plan (Parkway Master Plan).

San Joaquin River Conservancy Background

The San Joaquin River Conservancy is an agency of the State of California created by the Legislature to create the San Joaquin River Parkway by: acquiring 5,900 acres from willing sellers for Parkway purposes; enhancing and restoring riparian, floodplain, and other habitats, and conserving natural and cultural resources on its lands; and developing and managing its lands for public recreational and educational uses compatible with resource protection. The Conservancy also assists other entities in conserving and improving their lands for the Parkway. The Conservancy works to facilitate the development of the Parkway, cultivate public support, and secure its future.

The Conservancy Governing Board adopted the Parkway Master Plan and certified its programmatic Environmental Impact Report in 1997 and updated the document in 2018. The updated Parkway Master Plan provides goals, objectives, and design standards for appropriate public recreational uses, trail corridors, habitat restoration, fishing and boating access, etc. on public Parkway lands. Goals, objectives, and policies consistent with the Parkway Master Plan have been adopted in the County of Fresno General Plan.

¹ CEQA is codified in the California Public Resources Code in section 2100 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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Project Description Summary

As presented in the DEIR, the Project will continue and modify its current aggregate (rock, sand and gravel) mining and processing operations located on two properties (Plant Site and Quarry Site) between North Friant Road and the San Joaquin River, in Fresno County. The current mining and processing operations have been continuous at the two sites for 108 years.

The Project would be implemented in two stages:

Stage 1: continue current operations at both the Quarry Site and the Plant Site for up to 30 years. Upon completion of mining at the Plant Site, operations at the Plant Site would cease and the site would be reclaimed as 138.5 acres of open space, riparian, and open water wildlife habitat. At this time, operations at the Quarry Site would then be modified, upon approval of the Modification project permit, to include hard rock (granite) excavation (drilling and blasting).

Upon approval of the project, the combined annual sales of aggregate from both sites are estimated to increase from the 1.4 MT/year allowed under the current permits to 2.0 MT/year within approximately five years of project approval and up to 3.0 MT/year within approximately 10 years of project approval.

Stage 2: continue hard rock mining and processing operations only at the Quarry Site for approximately 70 more years. Upon completion of mining at the Quarry Site, operations at the Quarry Site would cease and the site would be reclaimed as 352.4 acres of open space, riparian, and open water wildlife habitat.

Stage 2 operations are estimated to have annual aggregate sales of 3.0 MT/year.

The total Project life of the combined Stages (1&2) is estimated to be up to 100 years.

Comments and Recommendations

As presented in the DEIR, the Project appears to be consistent with several of the goals and policies included within the Parkway Master Plan. For example, the Parkway Master Plan encourages recreational fishing at off-stream excavated ponds (from gravel mining) and specifically supports the development of a multi-use Parkway trail, secondary trails, and a trail system on Parkway properties for a connected recreational system and connect open spaces, provide loop routes and nature trails, provide river access, and secondary trails to link to adjacent bikeways. However, the Project proposes a new activity, hard rock (granite) excavation (drilling and blasting) within the Parkway that was never previously evaluated by the Parkway Master Plan. Therefore, as sand and gravel mining operations were the only mining activity evaluated, hard rock excavation may be an incompatible activity and conflict with existing or planned Parkway land uses near the Project.

In accordance with the goals and policies of the Parkway Master Plan, the Conservancy offers the comments and recommendations below to assist the County of Fresno in the appropriate application of Parkway policies and identification and/or mitigation of the Project's significant, or potentially significant, direct and indirect impacts within the San Joaquin River Parkway. Editorial comments or other suggestions may also be included to improve the accuracy and consistency of the DEIR.

David Randall
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General Comments

The DEIR does not identify the State Lands Commission as a State Agency with jurisdiction over sovereign lands adjacent to the San Joaquin River or describe any current or potential lease for mining operations.

Project Description

During the Conservancy's review of the submitted materials, it was noticed that the project description/operational statement and the project description within the DEIR contain conflicting information. Specifically, it was noted that the project description/operational statement identifies that Stage 1 will reclaim 122 acres of open space, riparian and open water wildlife habitat and Stage 2 would create approximately 349 acres of open space, riparian and open water wildlife habitat. However, in the project description of the DEIR, Stage 1 is identified as reclaiming 138.5 acres of open space, riparian, and open water wildlife habitat with Stage 2 creating 352.4 acres of open space, riparian, and open water wildlife habitat.

In Section 2.4.2.2 Quarry Site Existing Conditions, under the Screening, Parking, Lighting and Fencing sub-section, it is mentioned that there is perimeter fencing surrounding the Quarry Site and does not mention fencing at the Conservancy owned property known as Beck Ranch. Presence or absence of fencing should be identified.

In Section 2.5.2.2 Quarry Site Mine Plans, under the Screening, Parking, Lighting and Fencing sub-section, it is mentioned that the remainder of the north property line would be fenced with minimum four-foot high, ranch fencing consisting of metal T-posts and at least three strands of barbed wire. The Conservancy owns Beck Ranch, which is adjacent to the north property line and is managed as a conservation area. For fencing the boundary between the north property line and Beck Ranch, 5-strand barbed wire with a wildlife friendly, smooth top and bottom wire is preferred and recommended.

In Section 2.5.8 Trail Easements, it is mentioned that the applicant is in discussions with the Conservancy's Executive Officer towards providing potential easements at the Plant Site and Quarry Site. This statement is misleading. It would be more appropriate to say that discussions are being reinitiated, as there has been no recent communication on proposed easements, until March 6, 2025, after the DEIR was released.

4.1 Aesthetics and Visual Resources

The DEIR provides a substantial amount of information on impacts to aesthetics and visual resources; however, the DEIR does not adequately address the effects of the Project on adjacent, Conservancy owned properties. Therefore, it appears that the Project is inconsistent with the Parkway Master Plan goals and policies by omitting analysis for Conservancy owned properties and/or negatively impacting quality scenery, aesthetics, and viewsheds.

In Section 4.1.1.4 Identification of Potentially Sensitive Viewpoints, under the Public Parks/Recreation Facilities sub-section, there is no mention of the Conservancy's owned property, known as Ball Ranch, which is adjacent to the Plant Site. Ball Ranch is open to the public 7-days a week for recreation and public access.

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Table 4.1-2, Summary of Potentially Sensitive Viewpoint Locations, does not include the Conservancy owned property, known as Beck Ranch, which is a viewpoint located adjacent to Lost Lake Regional Park, north/northwest of the Quarry Site. The table also provides inaccurate information on both Ball Ranch and Ledger Island, stating that they are not currently accessible to the public. Both Conservancy owned properties have been open to the public 7-days a week for recreation and public access.

Table 4.1-3, U.S. Bureau of Land Management Visual Project Impact Ratings at Nearby Viewpoints, does not include the Conservancy owned property, known as Beck Ranch, which is a viewpoint located adjacent to Lost Lake Regional Park, north/northwest of the Quarry Site. Beck Ranch is also omitted in the following discussion and analysis.

To minimize impacts to adjacent, Conservancy owned properties, the Conservancy recommends the following avoidance and minimization measures:

- Revegetation, habitat enhancement, and amenity plantings should be implemented in such a way to screen views between the Project and surrounding land uses.

The Conservancy requests that the County of Fresno requires the applicant to implement the above recommendations, at a minimum, to minimize impacts to adjacent, Conservancy owned properties.

The Conservancy supports and encourages the conservation of habitat on private lands and recommends planting native vegetation on pond berms and controlling/removing non-native/invasive plant species from the Project as a feasible mitigation measure.

The Conservancy supports and encourages minimizing lighting associated with Parkway development and encourages land use policies that minimize light impacts in the floodplain. Apart from safety, preclude lighting in the vicinity of the wildlife corridor or a natural reserve, to the greatest extent possible.

4.3 Air Quality and 4.8 Greenhouse Gas Emissions

The DEIR provides a substantial amount of information on impacts to air quality; however, the DEIR does not adequately address the effects of the Project on adjacent Conservancy owned properties.

As stated in the DEIR, the Project can provide a potential source of odor due to the hydrocarbons that are emitted from asphaltic concrete at elevated temperatures. The Conservancy owned properties known as Ball Ranch, Ledger Island and Beck Ranch were not considered as potential model receptor locations. Significant odor impact could occur at the adjacent, Conservancy owned properties and additional analysis should be undertaken to determine the extent of the impacts and appropriate mitigation measures. It appears that the Project is inconsistent with the Parkway Master Plan goals and policies by omitting analysis for Conservancy owned properties and/or negatively impacting regional air quality and greenhouse gas emissions.

The Conservancy supports and encourages the applicant to use alternative fueled construction equipment, minimize idling time, and required that equipment is properly maintained and tuned to prevent or minimize impacts to air quality and reduce greenhouse gas emissions.

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4.4 Biological Resources

The Conservancy supports and encourages coordination with federal and State environmental regulatory and permitting agencies, including, but not limited to, the California Department of Fish and Wildlife, the California Department of Water Resources, and the Regional Water Quality Control Board to develop adequate avoidance and minimization measures to impacts on biological resources within the Projects area of impact.

To minimize impacts to adjacent, Conservancy owned properties, the Conservancy recommends implementation of the following buffers:

- Provide native vegetation for screening wildlife from human activity as necessary to accommodate less width for a buffer zone.
- Provide a 700-foot buffer between any Parkway improvement and sensitive habitat. (Sensitive habitat includes areas of special biological significance that provide habitat for locally unique biotic species/communities; that are adjacent to essential habitats of rare, endangered or threatened species; or any natural community vulnerable to environmental effects of projects).
- Avoid more intensive recreational or other uses within 1500 feet of rookeries where feasible.
- From the river wildlife corridor, encourage 100-foot buffers from agriculture/pasture; 150-foot buffers from rural residences (less than .05 unit per acre); 300-foot buffers from medium density rural residences (.05 units per acre to less than 1 unit per acre); 600-foot buffers from business/industry or urban density development (more than 1 unit per acre); and 700-foot buffers for any development from sensitive habitat.

To minimize impacts to adjacent, Conservancy owned properties, the Conservancy recommends the following avoidance and minimization measures:

- Avoid, minimize, and ensure pollution prevention and compliance in the use of herbicides.
- Incorporate construction best management practices for stormwater quality management, including erosion and sedimentation controls and spill prevention and control, into all applicable permits and as part of Project implementation.
- Properly maintain stormwater quality management post-construction controls.

The Conservancy requests that the County of Fresno requires the applicant to implement the above buffers and recommendations, at a minimum, to minimize impacts to adjacent, Conservancy owned properties.

4.5 Cultural and 4.18 Tribal Resources

The Conservancy supports and encourages the protection of cultural resources within the Project impact area and recommends additional tribal consultation or outreach prior to completion of the Final EIR based on the known and likely cultural and archaeological resources, including human remains.

The Conservancy recommends the following best management practices:

- If any cultural resources, such as structural features, unusual amounts of bone or shell, flaked or ground stone artifacts, historic-era artifacts, human remains, or architectural remains are encountered during any project construction activities, work shall be suspended immediately at

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the location of the find and within an appropriate radius of at least 50 feet. A qualified archaeologist shall conduct a field investigation of the specific site and recommend mitigation necessary for the protection or recovery of any cultural resource concluded by the archaeologist to represent a historical resource or unique archaeological resource.

- If human remains are accidentally discovered during the proposed Project's construction activities, the requirements of California Health and Human Safety Code section 7050.5 must be followed. Potentially damaging excavation must halt in the area of the remains, with a minimum radius of 50 feet, and the local County Coroner must be notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code section 7050.5(b).) If the Coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code section 7050 (c)). Pursuant to the provisions of the PRC section 5097.98, the NAHC shall identify a Most Likely Descendant (MLD). The MLD designated by the NAHC shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods.

4.9 Hazards and Hazardous Materials and 4.20 Wildfire

To minimize the risk of loss of life, injury, and damage to property and natural resources resulting from fire hazards, the Conservancy recommends the following avoidance and minimization measures:

- Perform fire prevention measures including thinning or mowing, reducing ladder fuels, and weed abatement on property boundaries, access roads, and around parking areas and/or structures.
- Provide 600-foot buffers between business/industry or urban density development (more than 1 unit per acre) and Conservancy owned properties.

The Conservancy requests that the County of Fresno requires the applicant to implement the above recommendations, at a minimum, to minimize impacts to adjacent, Conservancy owned properties.

4.10 Hydrology and Water Quality

The Conservancy supports and encourages coordination with federal and State environmental regulatory and permitting agencies, including, but not limited to, the California Department of Fish and Wildlife, Department of Water Resources, and the Regional Water Quality Control Board to develop adequate avoidance and minimization measures to impacts on hydrology and water quality resources within the Projects area of impact.

To minimize impacts to adjacent, Conservancy owned properties, the Conservancy recommends the following avoidance and minimization measures:

- Provide erosion control and slope stabilization measures in any area where erosion could lead to sedimentation of a waterbody.
- Perform major vehicle maintenance, repair jobs, and equipment washing at appropriate off-site locations.
- Regularly maintain equipment to prevent fluid leaks. Any leaks shall be captured in containers until the equipment is moved or repaired.
- Prepare a spill prevention and response plan prior to construction.

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- Designate one area, well away from streams or storm drain inlets, for auto and equipment parking and routine vehicle and equipment maintenance;
- Clean-up spilled dry materials immediately and dispose appropriately.
- Use the minimum amount of water necessary for dust control.
- Clean-up liquid spills on paved or impermeable surfaces using “dry” cleanup methods (e.g. absorbent materials such as cat litter, and/or rags).
- Clean-up spills on dirt areas by removing and properly disposing of the contaminated soil.
- Store stockpiled materials, wastes, containers and dumpsters under a temporary roof or secured plastic sheeting where they cannot enter into or be washed by rainfall or runoff into waters of the U.S./State or aquatic habitat.
- Properly store containers of paints, chemicals, solvents, and other hazardous materials in garages or sheds with double containment during rainy periods.
- Avoid operating equipment in a live stream channel.
- Apply best management practices for treating, detaining, and percolating stormwater runoff, such as bioswales, bioretention areas and seasonal wetlands.

The Conservancy requests that the County of Fresno requires the applicant to implement the above recommendations, at a minimum, to minimize impacts to adjacent, Conservancy owned properties.

4.11 Land Use and Planning

As previously stated, the Project proposes a new activity, hard rock (granite) excavation (drilling and blasting) within the Parkway that was never previously evaluated by the Parkway Master Plan.

Therefore, as sand and gravel mining operations were the only mining activity evaluated, hard rock excavation may be an incompatible activity and conflict with existing or planned Parkway land uses near the Project.

To minimize land use impacts to adjacent, Conservancy owned properties, the Conservancy recommends implementation of the following buffers:

- To the extent feasible, acquire, enhance, restore and maintain a continuous riparian/wildlife corridor throughout public Parkway lands with a minimum width of 200 feet upland from the ordinary low-water mark and gaps of no greater than 200 feet or the minimum necessary to allow for infrastructure (e.g. roads, bridges, boat launches, etc.).
- Build trails or provide easements for bikeways and other recreation areas at least 300 feet from the boundary of active mining operations and processing plants, separate them by physical barriers, and avoid trail/bikeway crossings of active haul routes.
- Where feasible, provide a minimum width of 100 feet for the Parkway multi-use trail corridor.
- From the river wildlife corridor, encourage 100-foot buffers from agriculture/pasture; 150-foot buffers from rural residences (less than .05 unit per acre); 300-foot buffers from medium density rural residences (.05 units per acre to less than 1 unit per acre); 600-foot buffers from business/industry or urban density development (more than 1 unit per acre); and 700-foot buffers for any development from sensitive habitat.

The Conservancy requests that the County of Fresno requires the applicant to implement the above recommendations, at a minimum, to minimize impacts to adjacent, Conservancy owned properties.

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Additionally, please note that the property referenced in the DEIR that is south of the Quarry Site, known as Sumner Peck Ranch, is not owned by the Conservancy – it is owned by the San Joaquin River Parkway and Conservation Trust. Please see that attached Parkway Public and Non-Profit Property Ownership map for clarification on ownership within the Parkway.

4.12 Mineral Resources

The Parkway Master Plan directs the Conservancy to work with gravel mining companies to develop reclamation plans that enhance and compliment Parkway goals, while not conflicting with sand and gravel mining operations. The Project proposes a new activity, hard rock (granite) excavation (drilling and blasting) within the Parkway that was never previously evaluated by the Parkway Master Plan. Therefore, as sand and gravel mining operations were the only mining activity evaluated, hard rock excavation may be an incompatible activity and conflict with existing or planned Parkway land uses near the Project.

4.13 Noise

Project noise generated at the Quarry Site may exceed applicable noise standards. Based on distance to closest receptors, the analysis appears to have excluded the recreating public at adjacent, Conservancy owned properties (Ball Ranch, Ledger Island, Beck Ranch).

To minimize impacts to adjacent, Conservancy owned properties the Conservancy recommends the following avoidance and minimization measures:

- Minimize excessive noise generating activities to reduce disturbance to the nearest sensitive land uses, including the adjacent, Conservancy owned properties, which provide habitat for sensitive wildlife, recreation, and public access.
- Minimize excessive vibration generating activities to reduce disturbance to the nearest sensitive land uses, including the adjacent, Conservancy owned properties, which provide habitat for sensitive wildlife, recreation, and public access.

The Conservancy requests that the County of Fresno requires the applicant to implement the above recommendations, at a minimum, to minimize impacts to adjacent, Conservancy owned properties.

4.16 Recreation and 4.17 Transportation

The Project is consistent with the Parkway Master Plan goals and policies by encouraging low-intensity use and habitat conservation and connections to other regional recreational trails, open spaces, and land uses; trail systems that enhance non-motorized commuting and transportation. However, these sections should be revised to include current information and analysis on both Ball Ranch and Ledger Island, which are currently open 7-days a week for recreation and public access.

To minimize impacts to adjacent, Conservancy owned properties, the Conservancy recommends the following avoidance and minimization measures:

- Improve safety and reduce pedestrian and bicycle traffic between Old Friant Road to Lost Lake campground by assisting the Conservancy in creating the Lewis S. Eaton Trail expansion segment and/or rehabilitation of Ledger Island Bridge.

The Conservancy requests that the County of Fresno requires the applicant to implement the above

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recommendations, at a minimum, to minimize impacts to adjacent, Conservancy owned properties.

The Conservancy supports and encourages continued discussions between the applicant and the Conservancy's Executive Officer, towards providing potential easements at the Plant Site and Quarry Site, which will link public Parkway lands and provide a continuous, multi-use trail. For consistency with the Parkway Master Plan, were feasible, a minimum 100ft multi-use Parkway trail corridor is preferred.

Alternatives

The Conservancy supports and encourages an evaluation of a range of reasonable Project Alternatives prior to selecting a preferred Project Alternative. The current mining and processing operations along the San Joaquin River have been limited to sand and gravel mining excavations, and have been continuous at the two sites for 108 years. The Project proposes a new activity, hard rock (granite) excavation (drilling and blasting) within the Parkway that was never previously evaluated by the Parkway Master Plan. Therefore, as sand and gravel mining operations were the only mining activity evaluated, hard rock excavation may be an incompatible activity and conflict with existing or planned Parkway recreation near the Project.

The DEIR considers several Project Alternatives, all of which include hard rock excavation except for the No Project Alternative. The Conservancy recommends that additional alternatives that provide for sand and gravel mining operations, consistent with the Parkway Master Plan, be evaluated and considered.

Section 6.3.1 lists ten project objectives. The Conservancy concurs with the project objectives within its purview, specifically:

8. Maintain consistency with the San Joaquin River Parkway Master Plan.
9. Reclaim both sites to wildlife habitat in a manner similar to the reclaimed mine sites that make up the majority of the San Joaquin River Parkway properties.
10. Provide potential Parkway trail easements.

In addition to the objectives listed in this Section, the Conservancy would also support adding "maintaining consistency with the County of Fresno General Plan" as part of the 8th objective or as a standalone project objective.

Conclusion

The Conservancy appreciates the opportunity to comment on the DEIR for the Project and recommends that the County of Fresno Department of Public Works and Planning address the Conservancy's comments and concerns in the Final EIR.

Due to the issues presented in this letter, the Conservancy concludes that the DEIR does not adequately identify or mitigate the Project's impacts on environmental resources and that the Project may not be consistent with the Parkway Master Plan. The Conservancy recommends that the Draft Environmental Document discuss additional potential safe, public access opportunities within the San Joaquin River Parkway to accommodate the reasonable and foreseeable impacts to adjacent open space areas, intended for recreation and public access. Increasing safe, public access to the Parkway will also meet policies and objectives that are set forth in the Parkway Master Plan and Open Space and Recreation Element of the City of Fresno General Plan.

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The Conservancy also requests to be consulted during the development any reclamation and revegetation plans to ensure that the plans enhance and compliment Parkway goals.

Pursuant to Public Resources Code sections 21092 and 21092.2, the Conservancy requests written notification of proposed actions and pending decisions regarding the Project. Written notifications shall be directed to:

San Joaquin River Conservancy
Kari Kyler Daniska, Executive Officer
PO Box 28338
Fresno, CA 93729

The Conservancy requests an opportunity to review and comment on any response that the County of Fresno has to our comments and to receive notification of any forthcoming hearing date(s) for the Project.

If you have any questions regarding the comments provided in this letter or wish to schedule a meeting, please contact me at (559) 287-2650 or by email at kari.daniska@sjrc.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to be 'Kari Daniska', written over a horizontal line.

Kari Kyler Daniska
Executive Officer

cc: Governor's Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov