

**Zoning Administrator Tracey Ferguson**

Attn: Tim Evans

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**June 10th, 2023**

**Re: Hat Creek Construction Site Development Permit CEQA MND 686 Comment**

**Dear Ms. Ferguson,**

**Thank you for the opportunity to comment on Hat Creek Construction's Site Development Permit CEQA MND 686 and for your careful consideration of the facts.**

**These comments join and support those from our attorneys GreenFire Law as well as environmental consultants Roux Associates who have taken a close look at the IS/MND and have specific comments related to the inadequacy of the CEQA document.**

**Feather River Action! (FRA) is a group based in Eastern Plumas dedicated to defending the Feather River watershed from harm, and building community. We are also part of the Plumas Preservation Coalition, created to oppose this plan. FRA! formed two years ago in response to Hat Creek's first aborted attempt to build an asphalt plant and aggregate mine in Northeastern Portola in 2021, and to try and prevent the negative impact that plan would have had on the river and community.**

**The current Delleker plan poses an even greater threat to the river from the asphalt plant component, due to the extreme proximity of the proposed plant to the river, and the toxicity of the materials proposed to be utilized (and disturbed into the air and water) there. It is difficult to imagine a project more potentially damaging to the air and water, and local communities in a more sensitive location for wildlife and tourism. For this reason, and others, the permit should be rejected and failing that, at minimum, an EIR should be required if the applicant continues to pursue the project at the specified location.**

**Feather River Action! in particular finds problematic:**

**— There is a lack of clear description of the project in the IS/MND: no conditions of development, limits on hours/ days/ months of operation, project description is vague, unlimited and lacking specifics. Without a full description, an accurate CEQA assessment cannot be made without specific operating parameters.**

— The site is in the FEMA 100 year flood zone. Roughly 60% of the site was inundated by the adjacent Feather River only six years ago during floods (in Feb. 2017– see video links below).

These are areas that are proposed for the stockpile area, wash ponds, wash plant, and portions of the paved entry road. With a greater flood possible, made more likely by strong El Niño conditions this year (Swain, 2023), higher levels of inundation is possible, extending to areas where the asphalt plant, lime plant, and equipment parking are located. This scenario would be likely to result in significant and persistent pollution of the upper Middle Fork Feather river, a recreational and wildlife hotspot. These facts indicate a need for the kind of in depth analysis needed as part of an Environmental Impact Report.

— The IS/MND lacks specificity with regard to water and power sources, lack of binding restrictions on operating time periods, or any mitigation related to utility usage or permissible operating periods due to traffic impacts, concentration of air pollutants or noise significantly impacting nearby neighborhoods, all of which is omitted from the analysis.

— The authors of the IS/MND (Vestra) mostly ignore and downplay impacts on the communities of Delleker and Portola when presenting noise, traffic, and air pollution impacts though they are within 1/2 mile and 1 mile away, respectively, well within the area of possible significant impact from asphalt plants as acknowledged by the IS/MND (page 19). Likely significant impacts on these residential and commercial areas need to be studied in more detail in an EIR if project applicant continues to seek development at this location.

— No air pollution study was available with the IS/MND- this was only upon request from the planning department. Therefore many commenters did not have the chance to review and comment on the air quality details, one of the most critical areas of potentially significant impact. Relief is sought through an extension of the comment period another month with full distribution of IS/MND including the critical air pollution study component. It is not clear what assumptions were used to generate air quality estimates as part of the IS/MND. Furthermore, several inconsistencies exist between the text of the Air Quality Report and the IS/MND.

— The plant would be built upwind of 2 neighborhoods- Portola and Delleker- which the IS/MND failed to mention. Thus noise and air pollution would be worse in these neighborhoods.

— Would the land parcel in question be zoned heavy industrial if the decision were made today? Or would another zoning be more appropriate? The parcel acts as a buffer between the river and the existing industrial zone. Permitting development would essentially remove the buffer, and run contrary to existing and adopted plans for the river, recreation, and forest management including but

not limited to the Plumas County General Plan and the USFS Plumas National Forest Middle Fork Feather River Plan.

— Specifically which local tribes have been notified of this IS/MND? It is not clear from the document whether any tribes have been notified at all, despite nearby Greenville Rancheria, Reno Sparks Indian Colony, and Pyramid Lake. The





**Beckwourth Peak area is a sacred site and many petroglyphs and grinding holes are found throughout the area, so local tribes should be fully consulted according to respect and law.**

— p. 77 IS/MND claims that the project does not have impacts that are “cumulatively considerable” or have substantial adverse effects on human beings. Impacts have not been assessed cumulatively only piecemeal so it’s hard to understand how Vestra can make that determination. Impacts of plant including noise, air pollution, traffic hazards, water pollution, light pollution would very likely have significant impacts on human and other life in the area. Where impacts have been analyzed, less than maximum operating hours are selected for analysis even though the development permit would allow constant 24 hour operation. This makes the CEQA analysis invalid.

### **Aesthetics**

The views from Crackerjack Creek Rd. and residences across the river in the Iron



Horse area will very likely be significantly impacted by the presence of the asphalt plant.  
The

Current view below (early May 2023) of “degraded industrial area” and “urban barren landscape”

IS-MND claims that the *“highway is obscured by intervening commercial and industrial district.”* However, from approaching angles this plant would be directly visible, changing the nature, character, and view of the riverine corridor and traveler’s experience of it significantly.



**In addition, impacts on views from the Delleker residential area across Highway 70 are not even acknowledged or analyzed in the IS/MND. On p. 9, the IS/MND states that the project *“does not represent a change in the visual character of the area”* Several residences also face the proposed plant location from directly across the river. From a meadow, thick willow and sagebrush to industrial site can safely be considered a *“significant change.”***

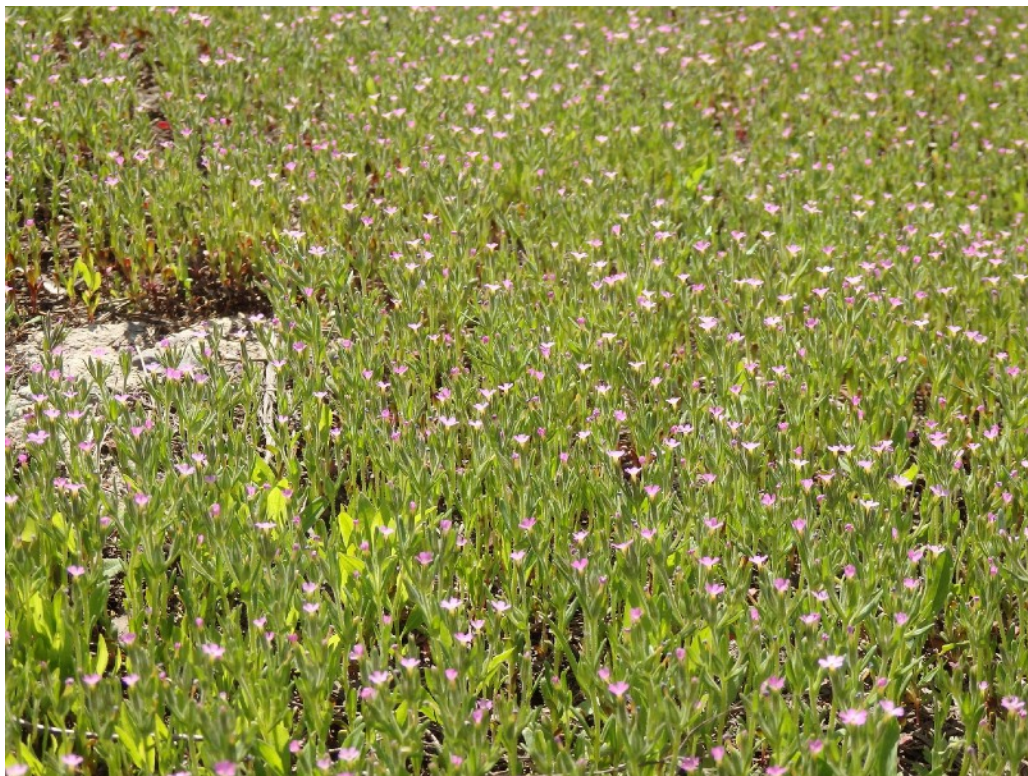
### **Wildlife**

**Though the IS/MND claims that there are no ponds along the river that would be suitable habitat for the SNYLF (Sierra Nevada Yellow Legged Frog), the project**





applicant's own hydrology report in fact refutes this observation and confirms what we ourselves observed during a site visit in May 2023: "Although the LiDAR survey supporting terrain data was collected at a time of low flow, it represents significant **ponding** in the reach adjacent to the project parcel."







— p. 8 of the IS/MND states that vegetation along the river is just “grasses and low shrubs” — this is not true. Extensive willow hedgerows were observed along with rich bird habitat. See photos above.

p. 1 of the IS/MND biological resources assessment estimates that 80,000 tons of asphalt would be produced the first and second years. This is the capacity of a large asphalt plant, an again applicant could likely expand operation without additional permits.

On. p. 12 of the IS/MND states that willow flycatchers generally arrive back in Plumas county from their migratory paths in may through june, where mating and nest building occurs from june through august. This timeframe overlaps with peak “asphalt season” when most repaving gets done. How will this impact the stretch of river habitat adjacent to the proposed plant in terms of noise, pollution, and physical disruption?

— What species would Hat Creek use to “seed to prevent erosion?” Where would these seeds be obtained?

p. 26 IS/MND: Impacts on species/ wetlands along Feather River will be significant (cumulative impacts have not been considered and have been ruled out by Vestra without sufficient analysis).

p. 33 IS/MND: “presence of a few sparse willow thickets on site could provide low quality foraging habitat— this is an unsupported value judgment. Full riparian habitat and vegetation were observed during a site visit in May 2023.





p. 34: IS/MND: yellow legged frog habitat: *“asphalt plant is “well over three meters” from the middle fork feather river and humbug creek” (lack of slow moving reliefs in the river bordering the project site.”* This is not true. On site visit, many slow moving reliefs were observed. See below.





The IS/MND claims that there is a “lack of nectar bearing vegetation within the project area” —> and thus claims no impact to western bumblebee. However on page 32, survey indicates western bumblebee and SNYLF habitat is present, and plentiful “nectar bearing vegetation” was observed. Additionally, nectar bearing vegetation is abundantly present at the site, as is evidenced in these photos. Even more nectar bearing vegetation (wild flowers) were visible during a volunteer’s site visit just yesterday.

On p. 35- the IS/MND claims they cannot take auditory surveys because of noise pollution from industrial activities- however during a site visit constant and varied birdsong was heard clearly. Industrial noise is currently sporadic, as opposed to the constant noise possible and likely from the proposed project. Such a survey is needed as part of a required EIR for the project.

The IS/MND does not specify whether any herbicides or insecticides will be used and how these might impact the wildlife on and adjacent to the site.

## **Recreation**

Many local residents walk their dogs and at least one employee of a nearby business told us he spends time fishing in the river from the beaches at the site. People in kayaks, canoes, inner tubes and rafts float only feet from the proposed asphalt plant on a “wild and scenic river designated recreation zone. Will these uses continue and will access to the river be maintained? Or will the presence of the asphalt plant crowd out what is badly needed open space and buffer between the river and the industrial area? There is no real analysis in the IS/MND to inform decision makers about the true impacts of this project on recreation, which are likely to be significant and unable to be adequately mitigated.

p. 36- The IS/MND claims the “industrial (zoning) designation” provides for industrial uses where...***surrounding land use and environmental setting will permit most uses without major adverse impacts.***” Unfortunately this a site that would have major adverse impacts to residents, visitors and businesses, and conflict with adopted plans. County private property parcels zoned S1 and S3, multi-family residential, open forest space and recreation should not have been designated as such in such close proximity to an area open to development of such an impactful industrial facility. The neg dec states that the parcel is zoned heavy industrial, a legacy zoning designation from the railroad according to Vestra. Plumas County officials never apparently have examined or approved this zoning, which in light of the proximity to the river, would not be designated as such with what we know today of the impact of heavy industrial facilities such as asphalt plants on aquatic and riparian habitats. When the railroad was built, and local zoning set, the population of the immediate area was much lower than it is today. Times have changed with increased residential and recreational development in the area, and population influx. The County needs to consider these facts, and how zoning may need to change over time to protect the goals of the General Plan and other locally relevant land use plans.

According to the USFS Plumas National Forest Middle Fork Feather River Plan (the Plan), the area under consideration for development is within the “recreational river zone” the zone of greatest public recreational use and demand.

**According to the Plan (page 5): “No new uses or activities which are inconsistent with maintaining scenic and recreation values, such as garbage dumps, gravel pits, and incompatible commercial developments, will be permitted.”**

*“From Grizzly Creek downstream to Humbug Valley the River flows through the communities of Portola and Delleker. The primary management concern for this upper portion of the River is to **insure against activities which will pollute or otherwise damage the rest of the River.** To accomplish this purpose, the Forest Service will work with local governing bodies, landowners, the State and other Federal Agencies.”*



*Public Law 90-542 90th Congress, S. 119 October 2, 1968 An Act To provide for a National Wild and Scenic Rivers System, and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act Wild and Scenic maybe cited as the "Wild and Scenic Rivers Act" (b) It is hereby declared to be the policy of the United States that certain selected rivers of the nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and **their immediate environments shall be protected for the benefit and enjoyment of present and future generations.***

*Is Plumas County aware this project is proposed on the Middle Fork Feather River which is designated as "Wild and Scenic"? Nowhere in the IS/MND is this mentioned, nor the wild and scenic rivers system law above. How is this being followed/ complied and what specific consultation with the USFS and other responsible agencies and organizations have occurred in consideration of this project?*



**Dixie Fire smoke plume as seen from the Humbug Valley (“Portola Valley” as referenced in the IS/MND), one mile away from proposed asphalt plant site (Sep. 2021). Project could spark wildfires during adverse conditions, and would add to cumulative air pollution exposure in the air basin, already in non compliance with federal air regulations.**

### **Fire Safety**

— p. 76 IS/MND claims no wildfire risk or impact due to river and rail fire breaks. (Does this adequately consider equipment, material, tar fires that could send off embers in strong winds that could fly over railroad and river to threaten nearby neighborhoods?) What mitigation has been proposed and what consultation has occurred with local first responder fire agencies and Plumas Fire Safe Council?

— p. 49 IS/MND- the wildfire risk from all equipment would not be insignificant.



## Road safety/ Traffic Impacts



On the IS/MND page 63 at the top they state based on Caltrans data that they recorded 206 trucks per day. Then we add the 150 round trip (assuming 300 single truck trips) of Asphalt Plant traffic, plus the original 206 trucks per day, that adds up to the asphalt plant resulting in an approximately 246% increase in truck traffic, perhaps more during peak paving periods. This appears to be a significant impact to the community, based solely on the traffic impacts to local roads and State Highway 70. Note that if the asphalt plant were located elsewhere, the traffic impacts would be limited to Highway 70 and would not necessarily congest local roads as they would with the current plan.

- **Highway 70/ South Delleker Rd. intersection:** Asphalt plant related trucks could be exiting onto Highway 70 at least every 4 minutes (150 trips per 10 hour day). This would add to the existing 4850 traffic (AADT) and create safety hazards at this intersection as slow accelerating trucks turn left from S. Delleker onto the highway while traffic approaching from the East would have to slow suddenly and significantly due to the presence of the single lane and lack of merge lanes. The approach from the east on 70 is a blind curve and a rise that inhibits visibility (see left of photo above). Turn lanes from 70 onto Delleker Rd. are substandard length and require rapid deceleration if oncoming traffic is present. There are no acceleration lanes for slow moving trucks turning onto 70 either to the west or the east. These adverse conditions combined with heavy additional truck traffic generated by the project would significantly increase the chance of traffic accidents. An full traffic impact study should

be required, as specified by Caltrans requirement for a traffic impact study for “*non-standard sight distance considerations*.” (IS/MND page 68)

- The IS-MND (pg. 6) states a maximum of 150 asphalt truck round-trips per day with an estimated 2000 truck trips in Year 1 and 4000 trips Year 2. Since the plant will operate 20 days and 40 days in Years 1 and 2, the maximum truck trips could be 3000 and 6000 truck trips for Years 1 and 2. This must be considered for traffic and air pollution mitigation calculations. Since no binding restrictions on operating hours and capacity are presented within the IS/MND, the maximum scenario must be considered under CEQA. Peak hour truck trips would exceed thresholds that require a full Transportation Impact Analysis. (TIA)
- p. 69 IS-MND claims that using a Reno plant instead of Delleker plant would double Vehicle Miles Traveled (VMT) Where is the analysis to back up this statement? Need to have a cumulative analysis of plant and 70 projects etc.
- On p. 63 of the IS/MND it states that the project will nearly double existing truck traffic on Highway 70, up to 150 truck trips daily to/ from the site. This significant increase increases the likelihood of head on collisions and other hazards to the traveling public.
- Currently, traffic backs up leading to the waste disposal site, and this could be a problem if there is new significant truck traffic heading south of the waste site, as traffic could gridlock and there is not enough room for two way truck traffic carrying asphalt etc. and a lane of traffic waiting to enter the IMD site and also turning into the cardboard recycling center. IS/MND did not even consider these types of conflicts, nor what might be needed to mitigate them.
- Traffic (and accompanying noise, fumes and danger) affecting safety and businesses on Delleker Rd. (waste transfer station and recycling center, tire center, auto repair businesses, gas station and other businesses which are frequented by many residents daily) who spend time there as well as employees etc.
- No pedestrian or bicycle facilities exist in the area of the plant or approach to highway 70. Safety conditions would significantly deteriorate in the area without such separate designated space. What about school bus pick ups and drop offs? How would the asphalt plant traffic impact safety on the routes to schools? IS/MND does not consider these impacts nor what may be needed to mitigate or prevent them.
- The access roadway to the site crosses at-grade railroad tracks owned by Union Pacific and used for freight including highly volatile oil, coal, and other toxic substances. An uncontrolled Railroad crossing would be used by hundreds of trucks arriving at and leaving the proposed site. Trains carrying crude oil and many other hazardous chemicals routinely on rail line. Perry Thompson of Hat Creek stated at public meeting that they spent \$25K on permit application with Union Pacific Railroad (UP) to get a flagger for an uncontrolled crossing. Perry Thompson said at public



meeting that he would use the Humbug Creek access if trains were blocking the rail line. The Humbug Creek access (road going under the rails) is not tall enough to accommodate trucks and is also flooded most of the year, with the Humbug Creek running right beneath it. The quantity of truck traffic, combined with the toxicity of both the truck loads of asphalt with whatever the train is carrying in such proximity to the sensitive waterway depended on for drinking water, sets up the potential for incidents that threaten the region's water supply. At grade crossings with high HGV traffic even with automated crossing arms are implicated in many collisions. Relying on an at grade railroad crossing with a busy railroad and with so many thousands of trucks crossing needs a closer look through a TIA.

Below is a report on CHP collision data provided by Plumas Preservation Coalition:

***“10-year CHP collision data for Highway 70 & Delleker Dr./S. Delleker Rd.***

*Collision data obtained from the California Highway Patrol (full report attached in appendix, see table below for synopsis), for the years 2012 through 2022, at the intersection of Highway 70 and Delleker Rd./S. Delleker Dr., reveals that there were 25 separate collisions in this 10 year time-frame. There were 33 people involved, with 9 injuries. Of those 9 injuries, 6 were severe. Property damage occurred in all 25 collisions. 24 days out of the 25 days where collisions took place had dry and non-hazardous road conditions, and 1 out of the 25 was raining with wet road conditions. 10 of the 25 collisions were known to have involved turning in the intersection, while the other 15 involved drivers traveling straight through the intersection.*

*This is an average of 2-3 serious collisions / year and this would be expected to increase with the addition of 150+ truck trips daily during operation of the proposed asphalt plant. According to the IS/MND, there would be “an estimated 2000 total trucks in year one and 4000 total trucks in year two.” As stated before in this document, there would be trucks entering and exiting Highway 70 at Delleker road approximately every 2.4 minutes during working hours. Also stated before, this is a highly problematic and unsafe intersection already, adding this many trucks to the roadway at this intersection constitutes a major hazard to public safety and therefore this application must be denied.*

*Page 63 of IS/MND states that based on Caltrans data there are currently a recorded 206 trucks per day. Adding the 150+ truck trips resulting from the proposed asphalt plant, assuming these are round trips, plus the current 206 trucks, results in an approximately 246% increase in truck traffic, perhaps even more during peak paving periods. Please also refer to the information found in the “Road Safety Traffic Impacts” section of Feather River Action!’s comments to the IS/MMND for further analysis of this increase. **A comprehensive TIA (Traffic Impact Analysis) as part of a full EIR is needed in order to accurately assess the traffic hazards inherent with this already unsafe intersection, and to protect the public from increased traffic safety risks that would be caused by the proposed asphalt plant and resulting truck traffic.”***

Collisions at Highway 70 & Delleker Dr./S. Delleker Rd.. 2012-2022							
Date	Description	Involving turn?	Severity	Road cond.	# persons involved	Injuries	Severe?
11/7/2012	Improper turn, hit fixed object	Y	Property Damage (PD) Only (PDO)	Dry	1		
05/19/2012	DUI, hit object		PD & Injury	Dry	1	1	1
08/21/2014	Improper turn, overturned vehicle	Y	PDO	Dry	1		
10/11/2014	Sideswipe, hit other vehicle	Y	PD & Injury	Dry	2	2	2
10/17/2014	Hit other vehicle		PDO	Dry	2		
08/22/2016	Improper turn, hit fixed object	Y	PD & Injury	Dry	1	1	0
08/24/2016	Hit other object		PDO	Dry	1		
10/21/2016	Left turn, broadside hit other vehicle	Y	PD & Injury	Dry	2	1	0
04/20/2017	DUI, ran off road, hit fixed object		PDO	Dry	1		
07/21/2017	Hit animal		PDO	Dry	1		
07/30/2017	Hit animal		PDO	Dry	1		
08/24/2017	Hit animal		PDO	Dry	1		
10/24/2017	Hit animal		PDO	Dry	1		
06/11/2018	Hit animal		PDO	Dry	1		
09/01/2018	Speeding, rear end, hit and run	Y	PDO	Dry	2		
12/24/2018	Improper turn, hit fixed object	Y	PDO	Wet	1		

<b>03/16/2019</b>	Hit animal		PDO	Dry	1		
<b>01/28/2020</b>	Left turn, sideswipe hit other vehicle	Y	PDO	Dry	2		
<b>09/05/2020</b>	Left turn, broadside hit other vehicle	Y	PD & Injury	Dry	3	3	2
<b>12/08/2020</b>	Broadside hit other vehicle		PDO	Dry	2		
<b>12/28/2020</b>	Improper turn, hit fixed object	Y	PDO	Dry	1		
<b>09/29/2021</b>	Speeding, hit parked vehicle		PDO	Dry			
<b>10/15/2021</b>	Hit animal		PDO	Dry	1		
<b>11/27/2021</b>	Hit animal		PDO	Dry	1		
<b>08/08/2022</b>	Speeding, hit other vehicle		PD & Injury	Dry	2	1	1
<b>TOTALS</b>	<b>25 total reported collisions</b>	<b>10</b>	<b>25 w/ PD</b>	<b>24 Dry 1 Wet</b>	<b>33</b>	<b>9</b>	<b>6</b>





### **Flooding / Water Pollution**

- **We dispute the assertion that the project will not have impacts to the WOTUS (Waters of the United States). Roux Associates analysis indicates inadequate berms and possible inundation of the project site.**
  - Proposed Asphalt Plant Site is clearly within the FEMA 100 year floodplain. The Negative Declaration acknowledges that the site is in the floodplain but states that the FEMA designation is wrong. Everyone local knows this area floods frequently.
  - Video showing flooding at site from Feb. 2017, especially the footage at the end with clear shot of site just south of RR tracks (see screenshot above also): <https://www.youtube.com/watch?v=ygOKPLp95os>
- p. 54 What evidence exists that the runoff will not simply percolate and end up in the Feather River just yards away? Soil is identified as high or moderately high permeable. Where do the toxins go apart from directly into the river?
- IS/MND claims that *“less than one acre of ground will be disturbed”* yet on the site diagram far more land is set aside for development. What is the actual figure? Why the discrepancy? Won't most of the features on the site result in some level of ground disturbance?
  - What guarantee is there that the project will in fact be temporary? No condition of development or limitation is included in this ISA/ MND, as referenced by our attorneys GreenFire Law in their submission dated Friday June 9th. Current IS/ MND and development application allows Hat Creek Construction to use the site without any constraints, even neighbor complaints and clear environmental damage.

- There is a real potential risk for erosion and siltation into river from disturbed soil associated with project activities especially with heavy precipitation events such as thunderstorms that can occur year round and atmospheric river type flooding events. This potential has not been adequately analyzed and any impacts glossed over by the IS/MND.
- IS/MND claims *“the asphalt plant will be constructed on the area of the site that has no risk of inundation.” Really? ZERO percent risk? Absolute certainty of safety even though it is so close to the river? What is this assertion based on? What about other parts of the plant? What likelihood do they have of inundation and what would the results and impacts of such an event be? Would this represent a “significant impact” that the county would need to consider under CEQA?*

**El Niño:** according to weather expert Daniel Swain at [weatherwest.com](http://weatherwest.com):

*“El Niño continues to rapidly develop in the tropical Pacific, and the most likely outcome still appears to be a strong event by autumn.”*

According to the LA Times El Niños are associated with a greater likelihood of extreme precipitation events in California:

*“A [similarly strong El Niño in the winter of 1997-98](#) saw powerful precipitation in California, including a series of storms that ended with 17 deaths and more than half a billion dollars of damage in the state. And in the [winter of 1982-83](#), El Niño was linked to near record-setting precipitation in the northern Sierra and one of the state’s costliest flood seasons in decades, including decimated piers and thousands of damaged homes.”*

p. 52 IS/MND: Project site is within the FEMA 100 year flood plain (though these levels are often regularly met with new climate conditions)

- Hat Creek’s asphalt project may interfere with groundwater recharge if enough water is taken from river- or even from the nearby utility. However there is no analysis of this possibility, or in fact of any impacts from increased and significant water consumption in the area.

IS/MND: “Majority of the project area is within Zone A- **Area Subject to Inundation**”

p. 53 IS/MND states: surface water quality impacts IF exposed soils are exposed to precipitation.... do you mean **WHEN (as precipitation including heavy precip is a given)?**

p. 45 IS/MND does not mention increasingly common and severe spring, summer, and fall thunderstorms and subsequent runoff and what impacts these may have on the site and the adjacent river.

These videos show the actual site during one of the latest flood events in 2017. The site has a large percentage of the property underwater.

**February 10, 2017**

Aerial footage of the Feather River at Flood Stage <https://www.youtube.com/watch?v=ygOKPLp95os>

Subject Site at :50-1:00

13,800 CFS 4:00PM per Portola monitoring station. per CANV River Forecast Center

**February 13, 2017**

Aerial footage of the Feather River receding back to its boundaries two days after it crested

<https://www.youtube.com/watch?v=zqUPSP7eyE>

Subject Site at :55-1:46 where you can see the proposed underpass at Humbug Creek.

3,490 CFS 1:00 PM per Portola monitoring station. per CANV River Forecast Center

- *Is the county aware the hydrology report references USGS Scientific-Investigations Report 2012-5113 for their analyses that is based on up to 2006 flows (pre-2017 flood event)?*

p.5 IS/MND admits portions of site are located in 100 year flood plain- level was lowered further by mining putting facility operations (approx. 4-6 feet lower according to info on p. 42)

- EIR needed- analysis of impact of all ingredients held on site washing into Feather River during a flood, which appears a real possibility in light of video from 2017 showing the river flooding more than half the site underwater. This would include: ***“liquid asphalt, hydrated lime, a 3000 gallon tank of diesel fuel, one 55 gallon barrel of motor oil, one 55 gallon barrel of hydraulic fluid, and 15 gallons of various lubricating oils.” If this is not a “significant impact” then what exactly is significant?***
- ***What would impact on river habitat be? Fish? Otters and birds? Asphalt is a petroleum product which is harmful long term to nature. Think Exxon and Prince William Sound.***

***Soils are analyzed as “well drained” so will drain all contaminants that fall onto the ground directly into the Feather River watershed?***

***What about materials kept on site during the winter and potential high flow events? (El Niño etc.)***

p. 49 IX a) project would create a significant hazard to the public through likely flooding of land from adjacent river and washing away of hazardous materials. Should be “potentially significant impact.” A, B, and G should be potentially significant.



*Asphalt plants are well known polluting facilities. The plant would be located right on the Feather River – a major clean water source for California drinking and agriculture. Toxic pollutants would be deposited in the river and adjoining riparian areas.*

*This could have unforeseen impacts on keystone species critical for ecosystem health, such as beavers. The CA Fish and Wildlife Service recently recognized the ecological value of beavers in their revised policy encouraging co-existence:*

<https://wildlife.ca.gov/Default.aspx?tabid=4127&c=650&ce=437231209&view=preview#lcpreview>

*Downstream damage to ecosystems is a real risk and has not been analyzed at all through this IS/MND report.*

*The Central Valley Water Quality Control Board said in its comments about the IS/MND: “there is no information provided if any water will be used during the batch plant operation, if any wastewater would be produced, and, if so, how wastewater would be managed.” This information is necessary to determine possible impacts on the adjacent Feather River.*

The site of the proposed project is entirely located within the FEMA 100 year flood zone. This is confirmed by the FEMA flood maps and the applicant's Hydrology Consultant.

We reference Bill Reid's comments (below) and research on flooding potential of the site, as well as Roux Associates hydrology comments indicating a serious risk of inundation.

*“As indicated in the Flood Study report prepared by Pacific Hydrologic Inc.  
Page 1*

*“The proposed facility is located adjacent to the Middle Fork Feather River in a reach having flood risk mapped by FEMA using approximate study methods (Zone A). The development site is located within the Special Flood Hazard Area (SFHA)”*

*The report goes on to say that the FEMA report is incorrect and that the site is above the floodplain.*

*“...however recent topographic mapping indicates that ground at the location of anticipated structures is likely to be above the 100-year flood.”*

*The report proceeds to justify the inaccuracies of the published FEMA flood maps using methods unfamiliar to those of us outside the world of Hydrology.*

*I can only interpret this report as claiming the FEMA flood zone maps are incorrect and that the county should believe the consultant over FEMA. The last sentence is concerning in that it's left to the county to determine if the FEMA maps should be*

*revised. Clearly, it would be prudent for the county to require this as a condition of approval. Regardless, with the following information the county would be placing the Feather River, its water, and its ecosystem in jeopardy with numerous consequences stretching statewide.*

*Over the course of nearly thirty years in recent history, Plumas County has experienced major flood events and a variety of other flood and high water events. As we know 1997 was a catastrophic year for the county and twenty years later in 2017 mother nature reminded us of how vulnerable we can be to flooding. In February of 2017, the flooding impacted the City of Portola and the Dellker Area. This event was nowhere near the 100-year level but a true testament to how this project site performs in high water conditions. The two video links provided show exactly how the site performs and at the documented CFS by the closest monitoring station. Here you can see in the middle of the event on 2/10/17 and towards the end where the video is titled "receding" 2/12/17. As you can see the useable portions of the site is primarily underwater especially when considering the railroad easements.*

*As previously mentioned the Hydrology Consultant has used complex methods and calculations in an attempt to refute the documented FEMA flood maps. Perhaps these methods are accepted within the CEQA process but there is no escaping the value of real-life evidence versus other hypothetical methods to justify a project, especially an industrial-level project on the banks of a protected river that serves the entire state its water supply.*

*Within Vestra Report, Page 52, Hydrology Table, items d) and e) indicate No Impact. Based on the simple fact that it's in a flood plain and then factoring in the presented information above its hard to imagine this project has no potential impact. On the contrary, if this site floods like it has these items should be classified at the opposite end of the scale as "Potentially Significant Impact".*

*Within Vestra Report, Page 53, item b) indicates water will be diverted from the Feather River for its use. Has it been confirmed that the property has water rights to the Feather River? In contrast on Page 6, 2.7, the report states "Water will be supplied by the local utility district". Which is it?*

**Some questions for the county:**

- Is the county aware the hydrology report references USGS Scientific-Investigations Report 2012-5113 for their analyses that is based on up to 2006 flows (pre-2017 flood event)?*
- Has the county considered information demonstrating actual flood/flow conditions vs. hypothetical analyses refuting FEMA data by applicants' consultants? such as publicly available video examples (provided) and flow data.*
- Is the county aware this project is proposed on a river designated as Wild and Scenic? I mention this since nowhere in the Vestra report is this mentioned.*

- *Is the county aware the applicant proposes a secondary egress using the railroad underpass within the bed of Humbug Creek, a tributary to the MF Feather River?*
- *Who has the ultimate authority on approving the project specific to Flood Management and how does the county mitigate its exposure to liability with property owners, the state, and the federal NFIP requirements knowing that the site floods?"*

### **Air quality**

- Portola and surrounding area is in "non attainment" status by the EPA for PM 2.5 and PM 10. Air quality is measured and monitored by the Northern Sierra Air Quality Management District (NSAQMD). See: <https://www.cityofportola.com/sites/g/files/vyhlf6976/f/pages/10- air quality element nsaqmd.pdf>
- We do not see how the NSAQMD can approve permit since we are already past the PM 2.5 limit and no new sources of particulates are enter the air basin. The report does not include dust from unpaved roads. Also, **the report in the Neg Dec bases its emissions on 10 hours of daily operation, but the application states that the plant could run up to 24 hours/day**. Where is the analysis on that?
- p.12 appendix B- no significant analysis of PM 10 or 2.5 levels averaged out over the year were conducted.
- p. 15 appendix B: "recreational uses are considered sensitive to air pollution."

**— There are potential unforeseen impacts related to reduced recycling and transfer station usage/ more dumping / difficulty retaining staff / closing businesses in Delleker. How will local economy change/ respond? Will more small businesses dry up?**

**— Greenhouse Gas emissions from the proposed asphalt plant appear to be potentially significant, if analyzed with the methodology utilized by the Placer County Air Pollution Control District (Appendix B page 26). Regardless, any strategic level attempt to reduce carbon from road maintenance operations needs to analyze the impacts of the manufacture of materials as well as sourcing and installation together to achieve reductions in waste as well as lower impacts on communities. An analysis that compared different locations for production, as well as mobile vs stationery plants would lead to a meaningful comparison analysis.**

The report states that there would be a 'maximum of 100 round truck trips per day' for Year 1 and 2. Their air analysis was based on this figure of 100 truck trips that is inconsistent with the IS-MND's 150 trips. This would lead to lower air pollution numbers. Therefore, the Air Quality Report is underestimating the air pollution impact. And where are the Year 3 numbers?



p. 18: According to figures provided in the IS/MND, Nox (Nitrogen Oxide) is very close to the significance threshold using 10 hours/ day assumptions. What about when the plant operates at 24 hours/ day? During an inversion layer? How would that change significance thresholds? Many sources report exponential increases in concentrations of pollutants during inversion events. Potentially thousands of people who live in and around the valley could be exposed to hazardous levels of Nox, particulate matter, and ROG in these scenarios. Inversion layers are notorious for trapping toxic industrial contaminants near the ground. See: <https://www.ehn.org/winter-inversion-air-pollution--2649414867.html> It's important to be accurate and thorough.

IS/MND discusses “sensitivity of “receptors” — do you mean people? Receptors are machines that function as measuring devices, whereas humans are living sentient beings with lives, loves and families, just to make sure we are “on the same page” here.

**p. 19 IS/MND states: “Notably the primary wind direction is from the southwest. Therefore, the primary wind direction is from the residences toward the project site.”**

**This is extremely misleading!** Many more Delleker residents (seven hundred according to [https://en.wikipedia.org/wiki/Delleker,\\_California](https://en.wikipedia.org/wiki/Delleker,_California)) are directly downwind of the asphalt plant (less than half mile). Portola is only a mile away, also downwind to the east of the plant, along the river. All of Delleker, the vast majority of Iron Horse and some parts of Portola are within the one mile significant impact area of an asphalt plant, as referred to on page 19 of the IS/MND. This would impact well over 1000 people.

- Calm, still, inversion conditions exist most mornings in the area of the proposed plant, but there is no discussion or analysis of how this will impact pollution concentrations, particularly likely significant impacts on nearby residences in Delleker, Portola, Iron Horse, or how mitigations may be required to respond to local environmental conditions. See photos on this page depicting inversion layer / near ground/ ground level fog taken evening of June 6th/ morning of June 7th, 2023.



Air quality analyses in the IS/MND lack local context and information, downplay or fail to mention impacts on nearby residential areas, don't mention nearby commercial and light industrial uses and are focused on shoe-horning the emissions under the maximum permitted levels, which are not a reflection of operating conditions described by the IS/MND.



p. 20: “operations would avoid the winter when PM 2.5 emissions are the greatest in the area.” In essence, the plant would bring PM 2.5 and PM 10 levels in the spring and summer higher so there would be more likelihood of year round significant pollution impacting local populations and depriving them of clean air. Spreading around the same pollution levels does not improve health.

Local government air quality policies often consider the impacts of inversions on local environmental conditions and thresholds. See: <https://www.visalia.city/civicax/filebank/blobdload.aspx?BlobID=30493>

*“High CO levels develop primarily during winter when periods of light winds combine with the formation of ground-level temperature inversions (typically from the evening through early morning).”*

It is reasonable to expect that Hat Creek will violate certain regulations related to emissions from the site, as has occurred at other asphalt plants throughout California, like this one in Mendocino County which has racked up multiple air quality violations:

<https://www.willitsnews.com/2015/11/18/state-confirms-asphalt-violations/>

p. 21. Does anything limit Hat Creek/ Caltrans from increasing production beyond 2000 tons/ day? What would impacts of this be? Where is the calculation?

p. 22 IS/MND claims that their Ward Lake Facility in Lassen County is comparable to the proposed Delleker plant- there are many hundreds of homes within one mile of the Delleker plant, with most downwind. Ward Lake is much more sparsely populated. This is not an apples to apples comparison.

-*“Plumas County noted no addl. facilities that are similar”* We believe that this proposed Delleker Asphalt plant would be the first one in Plumas County. Why is one needed now, but roads have been paved for nearly 100 years?

p. 23 In order to reduce emissions from the proposed project, utility pole power should be utilized at the earliest feasible point- AQ-5 project applicant should have a connection agreement in hand, along with water connection. Using water from the river and relying solely on generators long term if there were an issue with connecting to PSREC would have impacts that are not analyzed in this document. Specificity on details of water/ power aspects of this project needed; EIR should be required if impacts deemed significant.

**The proposed site is only 500 feet away and upwind of the IMD waste transfer site, a public access site that is required to recycle in the county. The cumulative dust, pollution and odor from the waste transfer site and asphalt plant may make the waste site inaccessible to some members of the public, and may violate OSHA standards for particulate concentrations at the workplace for employees.**

**The air pollution from the plant and trucks will have further and significant detrimental impacts to Portola and surrounding area's air quality, especially when considered together with wood fires, wildfires, railroad emissions, and other sources, with serious risks posed to local quality of life and health particularly for our kids.**

According to the World Health Organization (2002) over 2.4 million deaths annually worldwide can be attributed to polluted air. Asphalt production is one specific point source of contamination that impacts communities, that can be located away from communities to minimize impacts. (<https://chej.org/wp-content/uploads/Asphalt-Plants-PUB-131.pdf>)

As referenced in Hart, 2011:

*"Air pollutants, as one would expect, have a wide range of human health impacts. These include lung and eye irritation, cancer, and various damage to the circulatory, reproductive, nervous, and kidney systems. (Chatterjee, 2007) These health impacts can be particularly severe on pregnant women, the elderly and young children. (WHO, 1998) In one study in San Diego, it was found that children living near busy roads suffered significantly higher rates of asthma. (English et al, 1999 as cited by Green et al, 2004) Another study found a 10-20% increased risk of low birth weight and preterm birth in infants born to women living close to heavily trafficked roadways. (Wilhelm and Ritz, 2003) From an environmental justice perspective, such impacts are of particular concern as non-white, economically disadvantaged people predominantly live, work, and are educated near heavy traffic and other sources of air pollution. (Green et al 2004)"*

The Northern Sierra Air Quality Management District responded to Hat Creek Construction's initial permit application for the North Portola mine/ asphalt plant proposal by stating, *"there does not appear to be room in the Portola federal PM2.5 Nonattainment Area's emissions inventory for the project to proceed, due to federal laws and regulations."*



The Air District's report goes on to say: *"The California Air Resources Board (CARB) has noted that the estimated new emissions from the proposed mine would make it impossible to demonstrate Attainment."*

*It has yet to be demonstrated by the applicant or their hired firm Vestra that the Portola basin's air quality thresholds— already failing to meet minimum health standards, would be able to absorb the new and additional emissions of TAC's into the surrounding neighborhoods associated with a new asphalt plant, without seriously and significantly compromising the health of the population (nearly 2500 who live within a 3 mile radius of the proposed Delleker plant, vs. 235 who live within 3 miles of Hat Creek's Litchfield Plant, a more than ten fold difference (according to data provided by Bill Reid population analysis Portola vs. Litchfield)).*

According to news reports, asphalt operations in places such as Hoopa and Longvale, CA have led to *"such poor air quality that residents were forced to avoid outdoor activity."* These conditions were exacerbated by inversion layer weather patterns common in mountain valleys.

See: <https://kymkemp.com/2018/12/07/asphalt/>

## **Noise**

### **We concur and support the following noise-related comments submitted by Plumas Preservation Coalition under separate cover:**

*"Noise pollution poses serious threats to human, animal, and insect health. The health impacts of noise pollution on humans are well documented, and include stress and stress related illnesses, cognitive impairment, fatigue, sleep loss, cardiovascular disease, heart attacks, speech interference, high blood pressure, headaches, agitation, poor concentration, racing pulse, colitis, gastritis, and tinnitus just to name a few. Whether or not individuals are able to fully understand the various health impacts of noise on their bodies, people (with hearing) know when their well-being is impacted by too much noise. At the very least it disrupts our peace and quiet and our sense of tranquility and relaxation that makes our region special and sought after. The increase in noise pollution that would be caused by the proposed asphalt plant would drastically change the area, disturbing and harming people and seriously impacting their way of life, as well as their property values. Some people would simply not be able to afford to move to a quieter place. To partially diminish the noise pollution in their homes, people would have to shut their windows and doors and would therefore not be able to air out their homes, the primary method of cooling homes in our region during the warmer months. Stagnant and poor indoor air quality would result which would have further negative health impacts resulting from the noise pollution.*

*In addition to the operational noise, there would also be additional noise from traffic resulting from up to 150 truck trips daily. Noise from traffic is seriously impactful, and*

would echo throughout the valley. "Noise pollution is one of the most serious (yet frequently overlooked) effects of motorized traffic on physical and mental health, and general quality and enjoyment of life. Noise pollution is associated with a wide range of human health and quality of life impacts, including annoyance, cognitive performance degradation, sleep disturbance, heart disease, hearing loss, depression and hypertension. (Simpson, 2007)"

The additional sources of noise that would be created by the proposed asphalt plant would greatly impact the communities of Iron Horse, Delleker, and Portola, as well as Gold Mountain, Mohawk Vista, Mabie, and C-Road. The geographic nature of the Humbug Valley and the Feather River basin is such that loud noises are able to travel and be heard over large distances. The current local condition is that this is a rural area with predominantly quiet conditions and only intermittent noise. Whereas the proposed asphalt plant would produce very loud noises during operation, which could occur constantly, up to 24 hours/day. These would be brand new sources of noise pollution and there are no conditions of the permit that would limit the hours of operation regardless of the noise impacts.

Therefore, the impacts of noise from the proposed plant would be very significant, dramatically changing the current local conditions and affecting the thousands of people who live, work, visit, and do business in the area. Furthermore, persons recreating on the Feather River, a Wild and Scenic River which is zoned for recreation in the area of the proposed site, would be greatly impacted by the close proximity of the river to the noise generated by the plant's operations, which at this proximity would be above acceptable levels.

On page 2 of the Air Quality Report in the IS/MND, it is stated that "The applicant has a similar facility in Ward Lake in Lassen County, which contains an asphalt hot mix plant, aggregate processing plant, diesel generators, and off road equipment (Permit # PTO-19-140). The proposed project would be similar (with less material throughput and without the aggregate processing) to the Ward Lake facility."

On page 18 of the same document, it is stated that "The project applicant has an existing facility in Ward Lake in Lassen County which has similar equipment (including asphalt plant and off road equipment and haul trucks) with higher daily and annual throughput levels. The Ward Lake facility also has residences nearby and with predominate wind direction which blows from the nearby residence towards the facility (which is also similar to the proposed project)."

However, it is important to note that there is a substantial difference when comparing population within a one and three mile radius of the two sites. The Ward Lake facility has just 26 people living within one mile of the site, and just 235 living within three miles of the site. Whereas there are **257 people living within one mile of the proposed site and 2,485 people living within three miles of the proposed site**. Clearly, the noise impacts (as well as all other impacts) would impact far more people than the Ward Lake facility if the plant were to be in operation. Again, the lack of limitations as to when the

*plant would be able to operate would mean these impacts would significantly affect the people and wildlife in the area, altering the area completely from the current normal conditions.*

*Furthermore, the prevailing winds during the proposed months of operation flow east into the city of Portola, which is apparently the opposite of the Ward Lake facility in relation to surrounding residences. Wind direction has a great impact on the ability for noise to travel, and greatly increases the distance it can travel; in addition to the negative noise impacts which would be noticed by residents in the direct vicinity of the plant, residents and visitors throughout the entire greater Portola area and Humboldt Valley would be subject to the noise pollution emanating from the plant.*

*The IS/MND does not properly consider the communities of Delleker, Iron Horse, and Portola who are well within the area of possible significant impacts. An EIR is required if Hat Creek is to develop an asphalt plant so close to the residences and businesses within at least a one mile radius from the proposed site.*

*On page 35 of the IS/MND, the applicant states that auditory surveys of the area are not possible due to current industrial activities. This is not the case. Actually heard from the site are the gentle sounds of the Feather River flowing, bird song, and insects buzzing. The noise calculations for the project were not made properly, as described by Andrew Shapero of Roux Associates in their memo dated June 8, 2023, which has been submitted as part of the public record.*

*An EIR must be completed to adequately address the impacts of operational noise at this site and to fully understand all of the impacts to people's health, lifestyle, and property values, as well as the environmental impacts and impacts to tourism, recreation, and the local economy."*

**Note that along with air pollution, noise is exacerbated by inversion layers that form in mountain valleys- see: <https://sites.google.com/site/kundaparkneighbours/news-about-noise>**

—p. 60 IS/MND noise levels would be “normally unacceptable for surrounding land uses. Considering Roux Associates analysis of noise level adjustments needed for nearby residential and recreational uses, at all hours of the day and night, during any season, this again indicates a significant impact particularly when combined with air, water, traffic, aesthetic, recreational, and other effects of the project.

— Noise will likely exceed normally acceptable standards for closest recreational and domestic uses, putting significant limits on people's outdoor activity on their properties, but will also significantly impact a wider area, given prevailing quiet conditions with sources such as the railroad and existing industrial zone being intermittent rather than constant.



— p. 59 IS/MND does not mention how far N. Iron Horse Dr. is to the project site for noise purposes, nor the significance of the very noisy conditions being introduced at a parcel with immediate boundaries on suburban, multi-family residential and recreational zoned land.

Homes Across the River (as seen from the site) Look Directly Down on the Site, with greater exposure to air and noise pollution, and aesthetic impacts

Views from the Iron Horse Neighborhood down to the site are of a natural river corridor with willow hedgerows, grass and flowering plants. Asphalt plant would significantly and dramatically change an impacted, though rewilding site to a noisy, polluted, heavy industrial zone.

### **Light Pollution**

- strength (wattage), type of bulb, and number of lights proposed for the site is not presented. night lights could change surrounding and wash out view of night sky, posing a significant alteration eg. from Chalet View, Nakoma, other local wedding or vacation spots where industrial lighting at night is not appropriate or welcome. Is stadium, or wide area lighting proposed, or just “building lighting” as stated in the IS/MND. One cannot make an assessment based on the limited, cursory information provided in the IS/MND.
- LED bright blue lights can disrupt melatonin production resulting in lost sleep in humans and other animals. Many residents work early shifts in Reno and this could have significant impacts on neighborhood physical and mental health and economic livelihoods.
- Bright lights at night disrupt insects and birds — eg willow flycatchers and other birds nesting near river. The cumulative impact of noise, pollution, dust, water runoff and chemicals, and bright lights needs to be analyzed. The analysis is currently just piecemeal with boilerplate language regarding areas which have not been visited.

### **Property Values**

**According to some analyses, asphalt plants reduce local property values by 11% (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4847734/>). Other studies peg the figure at 27% losses.**

Positioning an asphalt plant in its proposed location in Delleker represents a taking of private property value over a wide area. Nearly two and a half thousand people live within 3 miles of the proposed plant location, unlike the sparsely populated surroundings of Hat Creek’s existing asphalt plant in Litchfield. Many have moved to this area to escape stressful city noises and enjoy the peace and quiet of a rural area. Some, including our large population of veterans, suffer from post traumatic stress disorder (PTSD) and may be more particularly sensitive to noise pollution and do not have the economic resources to relocate if conditions become unbearable. If Hat Creek

constructs this facility, any profit they take in would only be possible because the very real environment costs of their facility would be unjustly and unreasonably externalized onto the residents of Eastern Plumas, who would pay the price that a new industrial facility would exact in terms of reduced rents, property values, reduced visitation and tourism, reduced business opportunity from degraded river environments, diminished quality of life, air quality deterioration, heavy truck traffic, and possible 24 hour noise. Since there are few services nearby in this area, our natural environment is the draw to people out of the area. If that is taken away through industrial contamination and noise, so are the visitors and lifeblood of the local economy. They will simply go elsewhere. Hat Creek and Caltrans' project would represent a *taking* of private property value, economic potential, and quality of life from thousands of residents in the area.

### **Water Usage**

**The Utilities and Service Systems Questionnaire in the IS/MND is ridiculous and is filled with inaccuracies. Since the applicant has not secured utility service, how can the potential impact of utility service be analyzed properly?**

1. The IS-MND (pg. 6) states that 'water will be supplied by the local utility district'. Yet on page 53, the IS-MND states that water will be diverted from the Middle Fork Feather River. Which is it?

p. 6 "will typically operate" but not again no covenants, restrictions, hard limits. It's open season.

— IS/MND states that 14,555 gallons of water will be needed every day. It's not clear whether this would come from river, or Grizzly CSD?) Is that an additional 6000 or is that included in the 14,555? "Water will be supplied by the local utility district" Evidence?

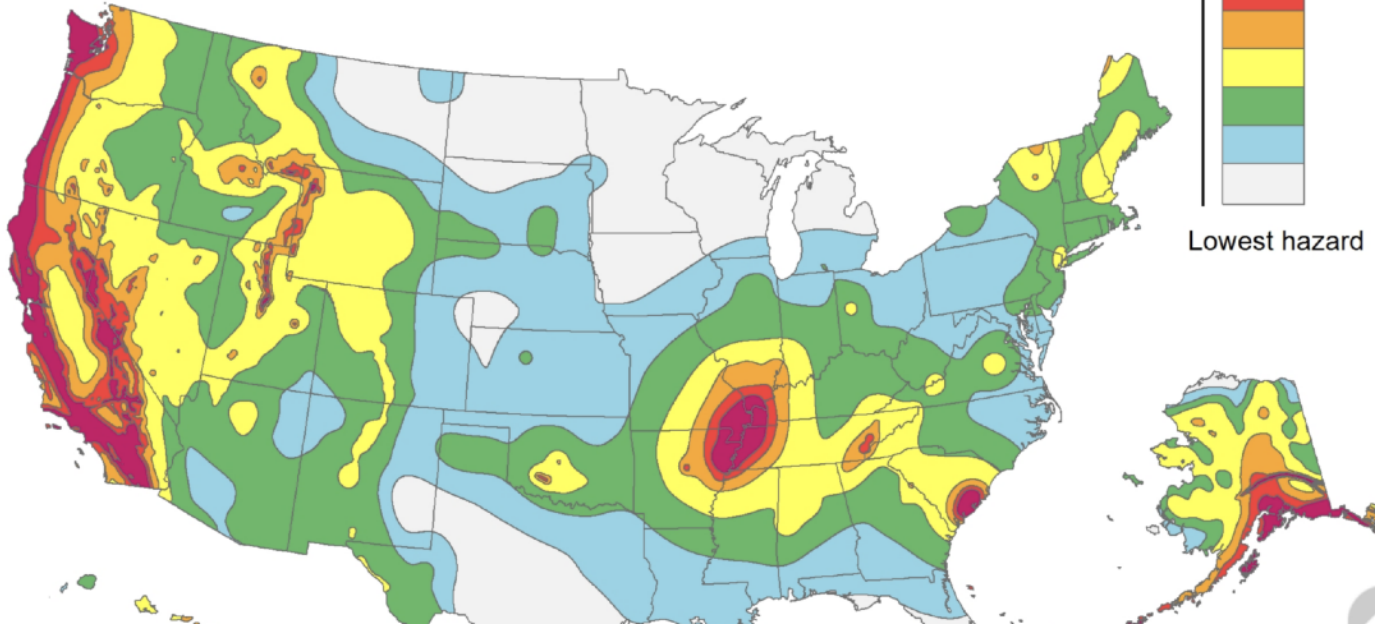
— water is "consumed" in the process? Will there be zero wastewater generated? That is hard to fathom. No plan for wastewater is provided as others have noted.

— p. 74 IS/MND states that the plant will use over 1.3 million gallons of water, from "unspecified" sources. Are we to believe that none of this will end up as wastewater, and that a 2 foot berm will prevent contamination of the Feather River and prevent river water from penetrating plant area and carrying away contaminants?

### **Soil:**

p.42: faultlines 500 feet west of project site, and 5.8 miles west active fault— possible liquefaction of fluvial soils

p. 43: IS/MND claims Plumas County is in an area of "low hazard potential" In fact according to USGS, the area for the proposed plant is located in the second to highest hazard level in the United States, of 7 hazard exposure levels. See graphic below.



p. 44 IS/MND claims the area “has low potential for ground shaking required to induce liquefaction.” What is evidence to back up this statement? Plumas County USGS maps indicate a high potential of ground shaking, contrary to what the IS/MND states. What is the factual basis for this assertion, and the implications for liquefaction and damage to the site and resulting pollution in a major seismic event?

### **Economic Development**



The most valuable feature to enhance our economic wellbeing in the county is our natural environment. The quiet, unspoiled nature and open space we currently enjoy is an attraction to city dwellers who do not have access to such a high quality of life

- An asphalt plant in Delleker would undermine economic development of E. Plumas County, through:

- devaluation of property resulting in reduced property tax revenue
- reduction of recreational visitation
- people moving out of the area, reducing business revenue
- people choosing not to move here to work remotely due to degraded environment

37 realtors took a stand against the North Portola mine/ asphalt plant (and reported people dropping out of escrows/ terminating renovation plans when notified of the project)

- In June 2023, more than 1500 bicycle riders descended on Portola for the 2023 Gravel Grinder Bike Race. They camped along the Feather River and throughout town.

- Do these visitors come to the "Lost Sierra" to breathe asphalt fumes from a plant only a mile upwind?

- Noise and pollution would be 24 hours/ day during peak summer times- (which also happens to be peak tourism season)

- Beckwourth Peak Trail — this 20 mile, world class multi-use trail is drawing visitors from around the country and world, and features panoramic views of Sierra and Humbug Valleys and Lakes Basin beyond.

"A 1998 report by the Center for the Continuing Study of the California Economy found that conservation of open space and higher density development were essential to preserve a higher quality of life, an important factor in attracting employers and employees to California localities."

"In a 2002 survey of recent home buyers sponsored by the National Assn. of Realtors and Natl. Assn. of Home Builders, trails ranked as the second most important community amenity out of a list of 18 choices"

### **Other issues**

- Use of a generator instead of connecting to utility (Liberty Utilities NOT PSREC apparently as stated in IS/MND) may be used in order to cut costs at the expense of neighbors. A generator will be noisy and emit air pollution. Fire risk, too. County can require project applicant to connect with water and power utilities but is not currently doing so.
- 27 million Californians get drinking water from Feather River (flows to Lake Oroville and beyond). Even far away water districts such as Dublin/ San Ramon depend on quality water from the Feather River via Lake Oroville. See <https://www.dsrsd.com/outreach/water-conservation/our-connection-to-oroville>



- Property values are likely to decrease esp. the hundreds of homes within one mile of the plant, there will likely be lost economic opportunities as recreation in the area takes a hit, negative impacts to tourism, real estate, blight, real estate industry are likely and have not been analyzed in this IS/MND.

### Archeology

The California Historical Resources Information System reports that “the project area is archeologically sensitive and has potential for discovery of additional resources...more research is needed.” An EIR could include any additional requirements for archeological investigations prior to ground disturbance.

### Did Vestra ever contact Native American Heritage Commission (NAHC)?

An asphalt plant at the Delleker location, run by Hat Creek, would be an environmental disaster, it would also be an environmental *injustice and toxic nuisance* for Portola and surrounding area. This area already struggles with poor quality and toxicity from existing industrial activities. The people of Portola have pride in our community and will not be treated like a depository for industrial effluent.

If the plan was to have a large industrial asphalt plant at this location, then residential development in the area should have been restricted. It was not, and the promise to these residents made by the Plumas County General Plan of certain livability and quality of life basic conditions must be honored and the permit for this “Hat Creek Construction Site Development Permit CEQA MND 686”: must be denied. If the county wishes to approve the project then a full EIR is required to address the numerous and significant impacts identified by facts herein.

Thank you for your attention to this matter.

Sincerely,

Joshua Hart MSc (Masters in Transportation Planning,  
University of the West of England, 2008)  
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