



# Public Notice

US Army Corps  
of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Number: 200500673

Date: August 3, 2006

Comments Due: September 2, 2006

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Madera Ranch Quarry project, which would result in the loss of approximately 1.39 acres of waters of the United States, including wetlands, in or adjacent to the Hildreth Creek. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

**AUTHORITY:** This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

**APPLICANT:** Jackson Baker  
Madera Ranch, Incorporated  
Post Office Box 994248  
Redding, California 96099  
530-241-2112

**LOCATION:** The 148-acre project site is located in a rural location in Sections 4, 9, 16, 21, 28, 33, Township 10 South, Range 20 East, MDB&M, Madera County, California, and can be seen on the Little Table Mountain USGS Topographic Quadrangle.

**PROJECT DESCRIPTION:** The applicant is proposing to construct a new hardrock quarry along with associated access and transportation roads on approximately 121 acres of the 540-acre Madera Ranch site. Within the 121-acre mine site would be an aggregate processing facility, a hot mix asphalt plant, an administration complex, parking areas, an on-site haul road, and various other stockpile and processing areas. Additionally, a 1/4 mile two-lane paved haul road from the processing area to County Road 29, a water pipeline, and an 80,000 gallon water storage tank between an existing well and the storage site are proposed for construction. The project would also entail substantial upgrades and realignment of County Road 209 to County and California Department of Transportation standards.

The Madera Mine would be in operation for up to 50 years, through several mining phases. The initial phase would be preliminary site clearing in immediate work areas, along with topsoil removal and storage, and would be anticipated to last 5 to 10 years, depending on market conditions and other economic factors. Use of portable equipment and improvements to County Road 209 and the paved haul road will commence concurrently with this phase of mining. Once the permanent processing area is complete, the second phase will involve establishment of a larger capacity, stationary plant site. Phase 3 includes the diversion of the intermittent drainage channel and completion of quarry mining. When sufficient material has been removed from the quarry, the intermittent drainage channel will be diverted from the point where it enters the

quarry. The new channel will proceed northward to the north side of the mine area and then westerly and then south to rejoin the original channel. Once the diversion is in place, the balance of the site will be mined. At the conclusion of aggregate production, a three-year final reclamation phase would occur, extending the projected project lifespan to about 53 years. The maximum proposed aggregate production during the project life would be 900,000 tons per year.

Based on the available information, the overall project purpose is to develop and operate a hardrock quarry, and to construct associated operations facilities, and to conduct road improvements to adjacent haul roads in the rural Madera County area. The applicant believes there is a need for mined hardrock and aggregate materials. The attached drawings provide additional project details.

### **ADDITIONAL INFORMATION:**

**Environmental Setting.** There are approximately 1.93 acres of jurisdictional waters on the project site, including 0.64 acres of seasonal wetland, 0.07 acres of riparian wetland, 0.04 acres wetland swale, 0.01 acres of wetland seep, 0.87 acres of intermittent drainage, 0.003 acres of ephemeral drainage, and 0.30 acres of Hildreth Creek, a seasonal stream, within the project area. The site is characterized by gently rolling to moderately steep granitic foothills of the western slope of the southern Sierra Nevada Mountains. The northern half of the 4.9 mile long Road 209 improvement/realignment corridor occurs within the Hildreth Creek floodplain. The southern half of the corridor heads due south towards State Highway 41 through annual grassland habitat. Vegetation types include annual grasslands, blue oak woodlands, blue oak-gray pine woodlands, and valley foothill riparian woodlands. The area is primarily rural and undeveloped. The main tributary through the project area is Hildreth Creek, which is tributary to Cottonwood Creek, and ultimately to the San Joaquin River. The intermittent drainages on-site are tributary to Hildreth Creek. The proposed impacts include a total of 1.39 acres of riverine and wetlands habitat.

**Alternatives.** The applicant has identified two off-site locations, Jamison Ranch, and Wagner Ranch, and one on-site alternative, besides the proposed project site. The applicant has provided information concerning project alternatives. The applicant has provided information for both on-site and off-site alternatives. Off-site alternatives include Jamison Ranch and Wagner Ranch. Jamison Ranch is located 6 miles southeast of the proposed project location, and is 1,112 acres. The mine would comprise approximately 100 acres of that area. While the geology of the site is appropriate, the current owner reports that the rock is too soft for good aggregate quality, and the amount of water available on-site is insufficient for mining operations. The applicant states that development of this site would result in a loss of approximately 4.78 acres of waters through direct impacts from quarry and plant development. Additional impacts could occur from haul road construction and road improvements. Wagner Ranch is approximately 1 mile northeast of the proposed project site, and comprises 466 acres, of which the mine site would consist of about 100 acres. The rock quality at the site is unknown. The property is surrounded on three sides by small residential acreages. The quarry would be in clear view of State Highway 41. The applicant states that a county Conditional Use Permit could be difficult to obtain, and that there is low water production in the area, and water would probably not be sufficient for quarry operations. The applicant states that access to the site would be insufficient for the proposed traffic, 400 trucks per day. Approximately 1.58 acres of waters would be directly impacted within the site, and additional waters may be affected through the development of haul roads and road improvements.

One onsite alternative is located approximately 1500 feet west of the proposed project location and comprises approximately 100 acres, the applicant states. This site was considered because there is already a permitted quarry present within the area, there is plenty of water available, and transportation access would be easier since the terrain is flatter. The site would require less topsoil removal and expansion of the facility would be easier because of the terrain. The applicant states that from a mining standpoint, this alternative is preferred and within the onsite alternative, the quarry that is already operational is permitted for removal of 5,000 tons of rock per year, and contains high-quality rock. County Road 209 is adjacent to this alternative site along much of its western border, providing easy access for vehicles, and eliminating the need to build a haul road to the mine, thus decreasing the cost. The terrain is flatter, and the amount of topsoil needing to be removed is similar to the proposed. An onsite well produces approximately 250 gallons per minute, which is sufficient for quarry operations. The disadvantage of this site is that it is very exposed. There are homes on ridgetops less than 1 mile away that would have a direct line of sight to this alternative, and since the site is not located in a canyon, noise would travel further. Neighboring landowners would likely have more objections to this alternative. The applicant states that obtaining a Conditional Use Permit may be unlikely. Approximately 1.76 acres of waters would be lost by this alternative, with additional losses associated with haul road construction. Improvements to Road 209 would be expected, and would result in an additional 0.051 acres of discharge into waters of the U.S. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

**Mitigation.** The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to grant a permanent conservation easement, or to dedicate fee title, to the County or a land trust or other qualified non-profit entity, such as the Sierra Foothill Conservancy, to a proposed 132-acre parcel located north of the project site.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Regional Water Quality Control Board (RWQCB), is required for this project. The applicant has indicated they have applied for certification, and for a Conditional Use Permit and CEQA compliance from Madera County and a Streambed Alteration Agreement from California Department of Fish and Game.

**HISTORIC PROPERTIES:** The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, as appropriate.

**ENDANGERED SPECIES:** The proposed activity may affect Federally-listed California tiger salamander (*Ambystoma californiense*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) or designated critical habitat. The Corps has initiated consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act.

**ESSENTIAL FISH HABITAT:** The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**SUBMITTING COMMENTS:** Written comments, referencing Public Notice 200500673, must be submitted to the office listed below on or before September 2, 2006:

Renee Spenst, Project Manager  
US Army Corps of Engineers, Sacramento District  
San Joaquin Valley Office  
1325 J Street, Room 1480  
Sacramento, California 95814-2922  
Email: [renee.spenst@usace.army.mil](mailto:renee.spenst@usace.army.mil)

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Renee Spenst, 916-557-7889, [renee.spenst@usace.army.mil](mailto:renee.spenst@usace.army.mil). You may also contact the applicant's consultant, Joyce Hunting of Pacific Municipal Consultants, with any questions, 916-361-8384, [jhunting@pacificmunicipal.com](mailto:jhunting@pacificmunicipal.com)

Attachments: 4 drawings