



**MERCED COUNTY**  
**BOARD OF SUPERVISORS**

**SUMMARY ACTION MINUTES**

Continued Meeting  
THURSDAY, FEBRUARY 1, 2001  
**10:00 a.m.**

MERCED COUNTY  
ADMINISTRATION BUILDING  
2222 "M" STREET  
BOARD ROOM, THIRD FLOOR  
MERCED, CALIFORNIA 95340  
(209) 385-7366

CHAIR GLORIA CORTEZ KEENE.....DISTRICT 1  
KATHLEEN M. CROOKHAM....DISTRICT 2  
JOE RIVERO.....DISTRICT 3  
DEIDRE F. KELSEY....DISTRICT 4  
JERRY O'BANION.....DISTRICT 5  
Lydia A. Beiswanger, Chief Clerk

DEMITRIOS O. TATUM  
ACTING COUNTY ADMINISTRATIVE OFFICER

DENNIS MYERS  
COUNTY COUNSEL

*All supporting documentation is available for public review in the Office of the Clerk of the Board of Supervisors located in the County Administration Building, Third Floor, 2222 "M" Street, Merced, California, 95340  
During regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.  
(209) 385-7366*

10:00 A. M.

**PLANNING – CONTINUED PUBLIC HEARING**

**Appeal to Conditional Use Permit Application No. 99012 and Reclamation Plan**

Applicant: Calaveras Materials, Inc. - Woolstenhulme Ranch Mine  
Appeal(s) filed by: H.G. Kelsey, Barbara Burroughs on behalf of the Concerned Citizens of the Merced River School District and California Women for Agriculture

Proposal: To excavate 456 acres of a 635-acre site over a 35 year period to produce 15 million tons of Portland cement-grade concrete sand and gravel. Concurrent with mining of 14 successive phases, the perimeters of created open water bodies would be reclaimed to upland and wetland habitat. 179 acres of existing riparian habitat will be preserved. The site is located along the west side of State Highway 59, south of Turlock Road and north of the Merced River in the Hopeton area.

**REVIEW BOARD ORDER – SEE PAGE 2 and 3**

**OPENED PUBLIC HEARING, RECEIVED TESTIMONY AND CONTINUED THE PUBLIC HEARING TO FEBRUARY 2, 2001 AT 9:00 A.M.**

**PRESENT: 1, 2, 3, 5 NOT PRESENT: 4**

**BOARD ORDERS – SUMMARY ACTION MINUTES - FEBRUARY 1, 2001**

**10:00 A.M. SCHEDULED ITEM**

**2001-02-01 PLANNING – CONTINUED PUBLIC HEARING - Appeal**

The time and date previously set for a Continued Public Hearing to consider an Appeal to Conditional Use Permit Application No. 99012 and Reclamation Plan with Supervisor Kelsey not present.

Acting Planning Director Bill Nicholson briefly reviews the Staff Report and submits Letter dated January 30, 2001 'Summary Response to Written Comments for February 1, 2001 Hearing on Final EIR for Woolstenhulme Ranch Project' from Stephen Jenkins, AICP, Project Director.

Supervisor Rivero leaves the Chambers at 10:14 a.m.

Chairman Cortez Keene reviews documentation submitted to the Clerk for Board Consideration for the Continued Public Hearing Entitled No. 1 dated January 30, 2001 and No. 2 dated January 31, 2001. The Chairman states, for the record, additional documents and letters were received by individual Board Members that are not included on this list.

Supervisor Rivero returns to the Chambers at 10:20 a.m.

Stephen Jenkins, Project Director, reviews the Letter dated February 1, 2001 submitted by Acting Planning Director Bill Nicholson.

The Chairman opens the public hearing.

Steve Herum, Attorney at Law, responds to Mr. Nicholson comments and introduces H.G (Horace) and Jon Kelsey, Appellants.

Horace Kelsey, Appellant and Snelling landowner, reviews his family history and history on tailings and speaks in opposition to the Calaveras Mining application.

Jon Kelsey, Appellant and Snelling landowner, speaks in opposition to the application. He submits and reviews Ordinance No. 253 adopted by the Board on September 1, 1945 and 'Sand and Gravel in California, An Inventory of Deposits', Part A—Northern California, Bulletin 180-A and 180-B prepared by California Division of Mines.

Howard Koltermann, Principal Hydrogeologist, C.E.G., C.Hg – Pegasus Geoscience, states he was retained by the appellants, submits and reviews Pegasus Geoscience Report dated January 22, 2001 entitled – Pegasus Geoscience's Rebuttal to Calaveras Materials Inc.'s (CMI'S), and Environmental Science Associates (ESA's) Responses to Comments by Pegasus Geoscience on ESA's Draft EIR for the Woolstenhulme Sand and Gravel Mining Project. He explains the methodology for his hydrogeological evaluation of the EIR focusing on the Waterlevel drawdown and the effects of dewatering.

The Board recesses for lunch at 11:55 a.m. and reconvenes at 1:07 p.m. with Supervisor Kelsey not present.

Attorney Herum, Appellant representative, states this project should not go forward due to fatal deficiencies in the Project EIR as follows: the EIR is legally deficient by improperly characterizing itself as a Program EIR and therefore deferring mitigation, the Draft EIR failed to address and study traffic impacts, the potential impact to the groundwater is understated, The Final EIR failed to provide good faith response to comments, the EIR's discussion of alternative sites is legally inadequate. He further states the Calif. Regional Water Quality Control Board stated the groundwater issues needed re-evaluating and this needs to be done.

John Stephen Rapp, Senior Engineering Geologist for Sierra Pacific Group, submits and reviews the technical reports – Sampling and Testing of dredge tailings at the Kelsey Ranch in Merced County dated January 16, 2000 (Sierra Proj. No. 00-756.01).

Discussion is had on wet mining versus dredge tailings.

Les McCabe, Merced resident, requests the Board extend this public hearing in order for all parties to have adequate response time. He submits a letter addressing the following concerns: economic impact, revenues – mining vs. agriculture, costs – road damage, costs – slope stability and costs – environmental damage.

Barbara Burroughs, appellant on behalf of Merced River School District, speaks in opposition stating the school board has violated the Brown Act and Hopeton School Staff was not given the opportunity to address their concerns related to Phase 9 through 12 of the CMI Mining Project. She asks the Board to take a legal stand and make CMI responsible for tax losses.

Lorraine Bocks, appellant representing California Women for Agriculture (CWA) and State Land Use Director for CWA, speaks in opposition and submits and reviews the CWA Land Use Policy Recommendations adopted on March 10, 2000.

Bill Hoffknecht, Director for Merced County Farm Bureau, advises the Farm Bureau opposes the Mining Project as submitted stating the Mitigation Measures are insufficient.

Joe Mitchell, Community Alliance with Family Farmers – Project Representative, states his opposition and reviews letter dated January 23, 2001.

Rick Lundin, Consultant Archeologist, addresses mineral resources.

The Board recesses at 3:00 p.m. and continues the meeting until Friday, February 2, 2001 at 9:00 a.m.

Present: Cortez Keene, Crookham, Rivero, O'Banion

Not Present: Kelsey

