

**Attachment 3**

**Staff Report for May 11, 2011 Planning Commission  
Hearing (continued to June 14, 2011)**

**SANTA BARBARA COUNTY PLANNING COMMISSION**  
**Staff Report for a Proposed Revision to the Previously Approved**  
**Diamond Rock Mine and Processing Facility**

**Hearing Date:** May 11, 2011  
**Staff Report Date:** May 3, 2011  
**Case No.:** 11RVP-00000-00032

**Deputy Director:** Douglas K. Anthony  
**Division:** Development Review Division  
**Supervising Planner:** Zoraida Abresch  
**Supervising Planner Phone #:** 934-6585  
**Staff Contact:** Gary Kaiser, 934-6259

**Environmental Document:** Certified Final EIR and Addendum

**PROJECT APPLICANT:**

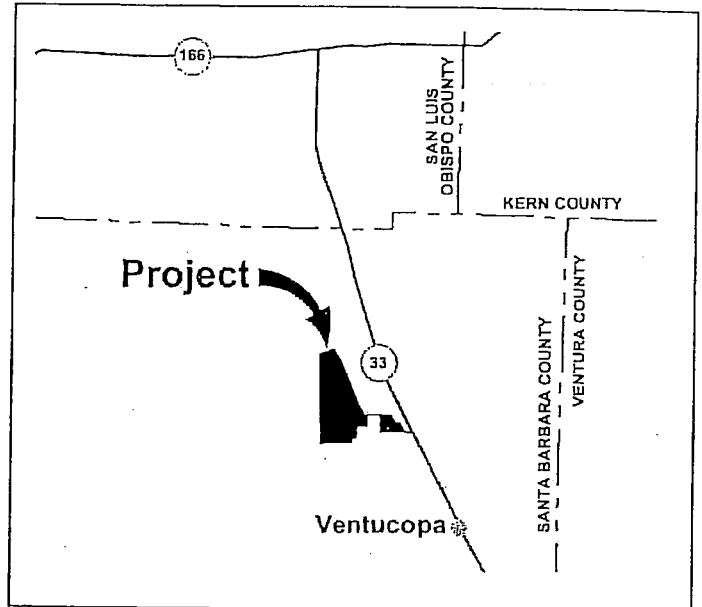
Troesh Materials, Inc.  
305 Cuyama Lane  
Nipomo, CA 93852

**PROPERTY OWNER:**

Triangle E Farms  
2830 State Route 33  
Maricopa, CA 93852

**AGENT/ENGINEERS:**

Sespe Consulting, Inc.  
John Hecht and Jane Farkas  
468 Poli Street, Suite 2E  
Ventura, CA 93001



The site would occupy approximately 132 acres in the Ventucopa area, Fifth Supervisorial District. APNs. 149-220-002; -011; & -065.

## 1.0 REQUEST

Hearing on the request of Troesh Materials, Inc., represented by Sespe Consulting, to consider Case No. 11RVP-00000-00032 for approval of a revision to the previously approved Diamond Rock Mine and Processing facility (Case No. 03CUP-00000-00037 and 03RRP-00000-00002, respectively) in compliance with Sections 35.84.040.E.2, 35.080.020 and 35.80.060 of the County Land Use and Development Code, on property zoned U (Ordinance 661) & AG-II-40; and to accept the Addendum to Environmental Impact Report (05EIR-00000-00001) pursuant to Section 15164 of the State Guidelines for Implementation of the California Environmental Quality Act. The subject site is approximately 133 acres on property that is approximately 280 acres located west of State Highway 33, approximately six miles south of its junction with State Highway 166, in the Maricopa/Ventucopa area, Fifth Supervisorial District.

## **2.0 RECOMMENDATION AND PROCEDURES**

Follow the procedures outlined below and conditionally approve Case No. 11RVP-00000-00032 based upon the project's consistency with the Comprehensive Plan and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Make the required findings for the project specified in Attachment A of this staff report, including CEQA findings;
2. Adopt the Addendum to Environmental Impact Report 05EIR-00000-00001 pursuant to Section 15164 of the State Guidelines for Implementation of the California Environmental Quality Act, included as Attachment D of this staff report.
3. Approve CUP Revision Case No. 11RVP-00000-00032 subject to the conditions included in Attachment B of this staff report.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.

## **3.0 JURISDICTION**

This project is being considered by the Planning Commission based on Sections 35.84.040.E.2 and 35.80.020 of the County Land Use and Development Code, which identifies the Planning Commission as the authority responsible for reviewing and making decisions on revised Conditional Use Permits.

## **4.0 ISSUE SUMMARY**

The Diamond Rock Mine and Processing facility was approved by the Planning Commission on May 14, 2008 and subsequently by the Board of Supervisors on September 23, 2008. The County's approval of the project was then challenged in Superior Court but on March 29, 2011 the Superior Court upheld the County's approval of the project. The approved Diamond Rock mining permit (03CUP-00000-00037) and associated reclamation plan (03RPP-00000-00002) allow for the establishment and operation of a new sand and gravel mine and processing facility in and adjacent to the Cuyama River, respectively. The permit allows mining and processing activities to occur at an average annual rate of 500,000 tons per year over a 30-year period. The approved mining area within the river channel is 84 acres wherein mining can occur to a depth of 90 feet.

However, the subsequently issued state and federal agency permits (CA Dept of Fish and Game, Regional Water Quality Control Board and US Army Corps of Engineers) are only valid for 5 years and they effectively reduce the mining area from 84 acres to only 14 acres. In addition, the state and federal permits reduced the mining depth from 90 feet to only 45 feet in depth. Because of these substantial reductions in the project, at least for the next five years, the applicant informs us that it is not economical to construct the new processing facility. After the initial 5-year monitoring period it may be possible for the applicant to extend the state and federal permits or have them renewed as a routine matter absent unexpected erosion or other adverse conditions, in which case it may be feasible to construct the new processing facility. Hence, the applicant would like to maintain existing entitlements for the full build-out of the project, but would like to have this interim Phase I "extraction and hauling only" option available for use in the meantime.

GPS is a sand and gravel mine and processing facility that has been in operation since the 1960s and it is located approximately 1000 feet north of the approved but not yet built Diamond Rock mine. GPS is running out of material but is pursuing permits that would allow access to a new mine pit (EIR is in process). In the meantime, they are interested in a Joint Venture with the Diamond Rock applicant. Under the proposed Phase I plan, raw material from the Diamond Rock mine would be hauled to the existing GPS processing facilities, which are located on the adjacent property to the north of Diamond Rock, via an existing farm road that currently connects the two use areas. The existing farm road is virtually flat and ranges from approximately 25 feet in width to approximately 60 feet in width. No substantial improvements to the existing road would be required.

~~As would be expected, and as explained in the EIR Addendum and Section 7.0 below, the Phase I "extraction and hauling only" plan would have far fewer and much reduced impacts on the environment compared to the previously approved "full build-out" project. The conversion of 14.2 acres of productive agricultural land would not occur nor would the visual impact of a new processing facility along Highway 33. GPS would cease extraction of raw materials from its property while processing the material from Diamond Rock and there would be no increase in production. Hence, truck traffic in the area would not be increased, nor doubled as currently permitted, nor would the associated air quality and noise impacts along public roads be increased.~~

All of the Conditions of Approval from the Diamond Rock CUP would remain in effect during Phase I "extraction and hauling only," including those pertaining to truck traffic. No material may be transported from the mine south on Highway 33 through Ojai.

In summary, the proposed Phase I project enables access to high-grade aggregate resources, as previously approved, with only a fraction of the environmental impacts.

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

Comprehensive Plan Designation	(Rural) Agriculture A-II															
Zoning District, Ordinance	U (Ordinance 661) & AG-II-40 (LUDC)															
Site Size	The proposed project is located on Assessor Parcels 149-220-002; -011; and -065, which have a combined area of approximately 280 acres. The proposed quarry would occupy approximately 133 acres on property that is approximately 280 acres.															
	<table border="1"> <thead> <tr> <th></th> <th><u>Parcel Size</u></th> <th><u>CUP Area</u></th> </tr> </thead> <tbody> <tr> <td>149-220-02</td> <td>117.40</td> <td>22.58</td> </tr> <tr> <td>149-220-11</td> <td>80.19</td> <td>80.19</td> </tr> <tr> <td>149-220-65</td> <td><u>82.35</u></td> <td><u>29.69</u></td> </tr> <tr> <td>TOTAL</td> <td>279.94</td> <td>132.46</td> </tr> </tbody> </table>		<u>Parcel Size</u>	<u>CUP Area</u>	149-220-02	117.40	22.58	149-220-11	80.19	80.19	149-220-65	<u>82.35</u>	<u>29.69</u>	TOTAL	279.94	132.46
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TOTAL	279.94	132.46														
Present Use & Development	A portion of the project site is presently in agricultural production. The only structural development on the site includes agricultural wells and utility poles.															
Surrounding Uses/Zoning	North: Agriculture/U (Ordinance 661) South: Cuyama River & Agriculture/A-II-40 (LUDC) East: Agriculture/U (Ordinance 661) West: Cuyama River/U (Ordinance 661) and 100-AG (Ordinance 661)															
Access	State Highway 33															
Public Services	Water Supply: Private on-site wells Sewage: Private on-site septic system Fire: County of Santa Barbara, Station #41 (New Cuyama)															

### 5.2 Description

Diamond Rock is an approved but not yet established sand and gravel mine and processing facility on a 133-acre site located in the Cuyama River channel and on the adjoining river terrace, respectively. Also approved was a Reclamation Plan to ensure that the site is restored to agricultural use upon completion of mining activities. The project will extract sand and gravel aggregate from the Cuyama River over a 30-year period, and process the material on the adjoining river terrace. The mine would produce a grand total of approximately 13,820,000 tons of material (+/- 9,210,000 yards) at an average annual production rate of 500,000 tons per year and a peak production rate of 750,000 tons per year. The material will be trucked to job sites based on demand. The project will also be a receiver site for recyclable concrete. For a detailed description of approved mining and reclamation activities please see the Conditions of Approval contained in Attachment B.

The proposed revision would modify the project by adding an interim Phase I "mining and extraction only" option whereby raw material from the Diamond Rock Mine would be hauled to the existing GPS processing facilities, which are located on the adjacent property to the north of Diamond Rock, via an existing farm road that currently connects the two use areas. The existing farm road is virtually flat and wide enough and would require very little if any improvement (although it would have to be watered regularly to control dust). GPS would cease extraction on their property while receiving and processing material from the Diamond Rock site. Likewise, Diamond Rock would cease the export of material to GPS if and when they are processing material on the Diamond Rock CUP site. All of the permit conditions placed on the Diamond Rock mine would remain in effect, including restrictions on truck routes. GPS is currently processing material. The Diamond Rock material would simply replace existing noise, dust, etc. The proposed changes would have qualified for a Director-level CUP Amendment but the applicant applied for a CUP Revision.

## 6.0 PROJECT ANALYSIS

### 6.1 Environmental Review

An Environmental Impact Report (EIR) was prepared and certified for the Diamond Rock Mining and Reclamation Plan (Case No. 03CUP-00000-00037 and 03RPP-00000-00001). The potential environmental impacts of the Diamond Rock Mine and Processing Facility were evaluated in the EIR (05EIR-00000-00001) and mitigation measures for these impacts were incorporated into the Condition of Approval for the Diamond Rock project.

CEQA Section 15162 allows the use of a previously adopted EIR unless substantial evidence would require major revisions of the previous EIR due to substantial changes in the proposed project because of: 1) new significant environmental effects or a substantial increase in the severity of previously identified significant effects; 2) substantial changes to the circumstances under which the project is undertaken due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or 3) new information of substantial importance. Section 15162 of the State CEQA Guidelines is found to be applicable to the project revisions now being proposed (Case No. 11RVP-00000-00032), as no new significant environmental effects would occur, previously identified environmental effects will not increase in severity, and no new information of substantial importance will require revisions to the previously approved ND.

05EIR-00000-00001 evaluated the potentially significant long and short-term impacts of the mining and reclamation project and found that all of these potential impacts were subject to feasible mitigation. These mitigation measures were incorporated into the Diamond Rock Conditions of Approval and adequately address potential environmental

impacts. No impacts previously found to be insignificant are now significant. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15162, preparation of a subsequent Environmental Impact Report or Negative Declaration is not required.. Section 15162 states:

*“When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*

*(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

*(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

*(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*

*(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

*(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*

*(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”*

CEQA section 15164 allows an addendum to be prepared when only minor technical changes or changes which do not create new significant impacts would result. 05EIR-00000-00001, prepared for the Diamond Rock Mine and Processing Facility project (03CUP-00000-00037 and 03RPP-00000-00002), is hereby amended for use in

consideration of 11RVP-00000-00032. The Addendum is a brief explanation supported by substantial evidence as why a subsequent EIR is not required (Attachment D).

## 6.2 Comprehensive Plan Consistency

The Planning Commission and Board of Supervisors have determined that the project is consistent with the Comprehensive Plan. No changes are being proposed that warrant a re-evaluation of consistency. Following is a summary:

Policy	Discussion
<p><b>Conservation Element.</b> “Mineral resource extraction in the County makes a relatively important contribution to the local, state, and national economies, and, as such, should be encouraged. At the same time, every effort should be made to minimize direct and indirect adverse environmental impacts, and to achieve and maintain federal and State standards of emissions controls and environmental quality.”</p> <p>“In addition to the relevant policies within this Element, all proposed surface mining operations shall be required to be consistent with the policies contained in the other elements of the Santa Barbara County Comprehensive General Plan, all relevant sections of the Santa Barbara County Code, and all relevant sections of State law.”</p>	<p><b>Consistent.</b> The proposed project would have a significant, unavoidable impact on air quality based on the County Planning and Development Department thresholds for evaluating air quality impacts; however, the proposed project incorporates mitigation measures to minimize potential environmental impacts to the maximum extent possible.</p> <p>In addition, the County of Santa Barbara LUDC (Sec. 35.82.160 Reclamation and Surface Mining Permits) also recognizes that the extraction of minerals is essential to the continued economic well-being of the County and to the needs of the society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The LUDC regulates surface mining operations, as authorized by the California Surface Mining and Reclamation Act to ensure that: 1) the adverse environmental effects of surface mining operations will be prevented or minimized and that the reclamation of mined lands will provide for the beneficial, sustainable long-term productive use of the mined and reclaimed lands; and 2) the production and conservation of minerals will be encouraged while eliminating hazards to public health and safety and avoiding or minimizing adverse effects on the environment, including but not limited to geologic subsidence, air pollution, water quality degradation, damage to</p>



Policy	Discussion
	<p>biological resources, flooding, erosion, degradation of scenic quality, and noise pollution.</p> <p>The LUDC encourages mining operations which incorporate measures to prevent or minimize its adverse environmental effects. The proposed project would comply with the LUDC requirements, including the requirements of the Surface Mining and Reclamation Act (SMARA).</p>
<p><b>Conservation Element.</b> The Conservation Element recognizes both the Blunt-nosed Leopard Lizard (<i>Crotaphytus silus</i>) and San Joaquin Valley Kit Fox (<i>Vulpes macrotis</i>) as species of particular value. The protection of important habitats is the general emphasis of the Element with regard to biological resources.</p>	<p><b>Consistent.</b> The proposed project incorporates various environmental protection and species conservation measures to protect these species from adverse impacts and take, which is prohibited under federal law. The project also includes additional mitigation measures to ensure further protection. Hence, the project appears consistent with the overall goals of the Conservation Element for these species.</p>
<p><b>Agriculture Policy I.A.</b> The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses.</p>	<p><b>Consistent.</b> The proposed Processing Area would be located on Parcel 149-220-65 (82 acres), which is has an Agricultural Commercial (AC) land use designation with a 40-320 or more acre minimum parcel size. The site is not under a Williamson Act Contract.</p>
<p><b>Agriculture Policy I.D.</b> The use of the Williamson Act (Agricultural Preserve Program) shall be strongly encouraged and supported. The County shall also explore and support other agricultural land protection programs.</p>	<p>The proposed 14.2-acre Processing Area would displace agriculture from the southern portion of the 82-acre agricultural preserve parcel for the life of the permit. The remaining 51 acres of this parcel would continue to be cultivated according to the landowner and the remaining acreage is agriculturally viable. At the end of the 30-year permit, the Processing Area would be returned to pre-project grades and available for agricultural production. The conserved topsoil would be returned to the area and cultivated once again. Reclamation of the site would be complete when productive capability of the former Processing Area is equivalent or better than the pre-mining condition for two consecutive years. Financial assurances approved by County and Office of Mine Reclamation would be posted for the life</p>

Policy	Discussion
	<p>of the project to guarantee reclamation consistent with SMARA minimum verifiable reclamation standards.</p> <p>Based on the above information, the proposed project would not permanently displace agriculture from the project site. Existing agriculture would continue on the unaffected portions of the project site, and the displacement of 14.2 acres of current agriculture would be temporary – that is, for the permit period. The reclamation plan for the proposed mining operations requires that Processing Area be returned to agricultural production at the end of the permit.</p> <p>Based on the above considerations, the proposed project would be consistent with the Agricultural Element and policies.</p> <p>In the interim, the proposed Phase I plan would not construct a new processing area and would not impact agriculture.</p>
<p><b>Land Use Development Policy 4.</b> Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.</p>	<p><b>Consistent.</b> The applicant has provided well data reports and plans for an on-site engineered septic/leach field system to demonstrate that adequate services are available for potable water, wastewater treatment, and processing water. The site has frontage on a state highway and electricity is present at the site. Hence, the proposed project would be consistent with this policy.</p>
<p><b>Hillside and Watershed Protection Policy 1.</b> Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be</p>	<p><b>Consistent.</b> The proposed project involves extensive excavation in order to implement the proposed mining plan. No significant, unavoidable geologic impacts associated with the cut and fill operations were identified in the EIR. There are no feasible alternatives to the proposed excavation that would yield aggregate resources. Hence, the proposed</p>

Policy	Discussion
<p>carried out with less alteration of the natural terrain.</p>	<p>project appears consistent with this policy.</p>
<p><b>Hillside and Watershed Protection Policy 2.</b> All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</p>	<p><b>Consistent.</b> By necessity, the proposed mining would occur in the river channel where the suitable aggregate is located. The proposed mining pit, with the mitigation measures contained in the conditions of approval, would minimize hydraulic and topographic impacts to the extent practical. Hence, the proposed project appears consistent with this policy.</p>
<p><b>Hillside and Watershed Protection Policy 6.</b> Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained onsite whenever possible to facilitate groundwater recharge.</p>	<p><b>Consistent.</b> No significant water quality impacts are expected to occur due to the in-stream mining because low flows in the river will be diverted around the mine pit, and because high flows would fill the mine pit as part of a natural riverine process. Stormwater runoff from the Processing Area will be directed to a percolation pond to remove sediments and pollutants, and to provide for groundwater recharge. No significant groundwater quality impact was identified in the EIR. Hence, the proposed project would be consistent with these policies.</p>
<p><b>Hillside and Watershed Protection Policy 7.</b> Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.</p> <p><b>Streams and Creeks Policy 1.</b> All permitted construction and grading within the stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation or thermal pollution.</p>	<p>In the interim, the proposed Phase I plan would not construct a new processing area and there would be no potentially significant impacts on water quality.</p>

Policy	Discussion
<p><b>Visual Resource Policy #2.</b> In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.</p>	<p><b>Consistent.</b> The proposed project would provide a landscaped berm along Highway 33 to screen the equipment and stockpile at the Processing Area, and reduce visual impacts to viewers along the road. The project includes mitigation measures to increase the effectiveness of the proposed screening. The mine pit in the river would not be visible to public viewers. The proposed project would be consistent with this policy.</p> <p>In the interim, the proposed Phase I plan would not construct a new processing area and there would be no impacts on visual resources.</p>
<p><b>Flood Hazard Area Policy 1.</b> All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with HUD regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation, as specified in the Flood Plain Management Ordinance.</p>	<p><b>Consistent.</b> A portion of the proposed Processing Area may occur within the boundaries of a FEMA flood hazard zone. As such, the proposed Processing Area may be exposed to localized flooding. Under Santa Barbara County's Floodplain Management Ordinance No. 3898, the construction of the shop, fuel storage facility, and scale house at the Processing Areas facilities and mining in the river will require a floodplain development permit from Santa Barbara County Public Works Department, Flood Control District. If the proposed project is approved, the applicant will need to submit an application to the County for the permit, and include pertinent hydraulic calculations and analyses. Non-residential structures, like those proposed for the Processing Area, only require floodproofing the buildings. By complying with Flood Control requirements, the proposed project would be consistent with this policy.</p> <p>In the interim, the proposed Phase I plan would not construct a new processing area and there would be no impacts on flooding.</p>
<p><b>Flood Hazard Area Policy 2.</b> Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, i.e., dams,</p>	<p><b>Consistent.</b> The proposed mining would not cause any increase in flooding. The proposed Processing Area can be modified by floodproofing to meet the County's flood</p>

Policy	Discussion
stream channelizations, etc.	<p>hazard reduction requirements. Hence, the proposed project would be consistent with this policy.</p> <p>In the interim, the proposed Phase I plan would not construct a new processing area and there would be no impacts on flooding.</p>
<p><b>Recommendation 1.</b> In the planning of land use, 65 dB Day-Night Average Sound Level should be regarded as the maximum exterior noise exposure compatible with noise-sensitive uses unless noise mitigation features are included in project designs.</p>	<p><b>Consistent.</b> No significant, unavoidable noise impacts were identified in the EIR. Hence, the proposed project would be consistent with this policy.</p> <p>In the interim, the proposed Phase I plan would not construct a new processing area and there would be no impacts on noise.</p>

### 6.3 Compliance with the County Land Use Development Code

#### Conditional Use Permit 03CUP-00000-00037

Mining and extraction of natural resources may be permitted in the "Unlimited Agricultural District" with the approval of a Conditional Use Permit under the requirements of Zoning Ordinance No. 661. Surface mining operations in excess of 1,000 cubic yards may also be permitted in the AG-II zone with the approval of a Conditional Use Permit pursuant to Section 35.21.030 of the LUDC, subject to the provisions of Section 35.82.160 (Reclamation and Surface Mining Permits).

Section 35.82.160.H of the Land Use Development Code provides performance standards for surface mine operations. The proposed project's compliance with those standards is evaluated below.

**Compliance with State Regulations.** The proposed project's compliance with the requirements of SMARA is evaluated in section 6.4 of this staff report.

**Compliance with County Standards.** This section of the LUDC provides a variety of operational requirements for surface mine projects. The proposed project's compliance with the requirements is provided below.

Appearance. This standard requires that the mine project not result in unsightly conditions resulting from accumulations of trash, junk, debris or other conditions. A proposed condition of approval would ensure compliance with the requirements of this standard.

Noise and Vibration. The proposed project would not cause noise levels at nearby sensitive receptors to exceed 65 dBA CNEL. Proposed conditions of approval are also provided to minimize the increase in ambient noise levels in the project area that would result from the proposed project. The project would not be a significant source of vibration-related impacts.

Traffic Safety. The location of the haul road between the mine pit and proposed Processing Area has been specified as required by this standard. Mitigation measures to minimize potential hydrologic and biologic impacts of the haul road have been identified and included as conditions of approval. A proposed mitigation measures would also reduce the potential for traffic safety impacts to State Route 33 caused by slow-moving trucks entering and leaving the project site.

Dust Control. Proposed conditions of approval to minimize the creation of dust at the project site would ensure compliance with the requirements of this standard.

Public Health and Safety. Due to the remote and sparsely populated area of the project site, fencing of the mine area is not required. Water that has the potential to accumulate in the mine pit would persist for a limited period of time, therefore, potential mosquito breeding impacts would not be significant. Proposed conditions of approval will limit the location and intensity of lighting at the project site, thereby reducing the potential for glare-related impacts. The proposed project would not be a substantial source of offensive fumes, heat or other nuisance.

Screening. Landscaped berms would be provided at the project site to minimize views of the Processing Area from State Route 33.

Protection of Streams and Groundwater Basins. Proposed conditions of approval have been provided to ensure that the proposed project does not result in significant hydrologic impacts to the Cuyama River, or the quality of surface and groundwater resources in the project area.

Slope Stability. Proposed conditions of approval have been provided to ensure that the side walls of the proposed mine pit do not result in significant slope stability impacts.

Annual Report. A proposed condition of approval requires compliance with the annual reporting requirements of this standard.

## **Reclamation Plan 03RPP-00000-00002**

Section 35.82.160 of the LUDC provides requirements that apply to the submittal and evaluation of proposed reclamation and mining permits. The proposed Reclamation Plan's conformance with applicable requirements of Section 35.82.160 is evaluated below.

**Section 35.82.160.D.3 Earthwork.** Reclamation grading activities at the quarry would be consistent with applicable provisions of the County Grading Ordinance. Slopes adjacent to property lines would be no steeper than 2h:1v gradient, with an overall slope no greater than 3h:1v. The gradient for slopes in the project's interior would be designed consistent with operational safety considerations, with a maximum slope of 2h:1v.

**Section 35.82.160.H.2.a Compliance with State Standards.** The proposed Reclamation Plan's compliance with applicable SMARA performance standards are evaluated Section 6.4 of this staff report.

**Section 35.82.160.H.2.b Compliance with County Standards.** The following standards apply to proposed reclamation plans, in addition to the state standards.

Revegetation. No revegetation of the in-river mining pit is proposed as the area will naturally fill with alluvial material and the area will be allowed to revegetate naturally. The proposed Processing Area would be restored by returning top soil previously removed from the area and reintroducing agricultural operations.

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Other proposed revegetation efforts would occur along the east riverbank of the project site. The proposed Reclamation Plan describes revegetation efforts to be implemented in this area, including: a description of the proposed seed mix, mulching requirements, planting procedures (seed application timing and irrigation, and site preparation), restoration monitoring and success criteria. A proposed condition of approval requires that riverbank restoration begin within five years of Land Use Permit issuance or before 20 acres are disturbed within the proposed mine pit, whichever occurs first.

Visual Resources. It is anticipated that the proposed in-river mine pit would fill with alluvial material as a result of flood flows within the river channel. Based on observations at the existing GPS in-river mine located north of and adjacent to the proposed project site, it is anticipated that the proposed mine pit would fill after one or several major flood events. After the mine pit has filled, the project area would be revegetated by natural plant recolonization.

After mining operations are concluded, on-site equipment would be removed and the Processing Area would be returned to agricultural operations, similar to existing conditions. Only facilities to be subsequently used by future agricultural operations at the project site (i.e., proposed septic system, water retention basins, stormwater percolation

swale) would be retained on the project site. In the interim, there would be no impacts under the Phase I plan.

Grading Regulations. Reclamation grading activities at the quarry would be consistent with applicable provisions of the County Grading Ordinance. Slopes adjacent to property lines would be no steeper than 2h:1v gradient, with an overall slope no greater than 3h:1v. The gradient for slopes in the project's interior would be designed consistent with operational safety considerations, with a maximum slope of 2h:1v.

Phasing of Reclamation. Proposed conditions of approval require that the restoration of 1,500 linear feet of the eastern riverbank area begin within five years of Land Use Permit issuance or before 20 acres are disturbed within the proposed mine pit, whichever occurs first. Proposed conditions of approval also require that the project applicant submit a restoration plan for a 5.35-acre stream terrace area that provides alluvial scrub habitat within six month of Land Use Permit issuance for mining activities. Reclamation of the mine pit and proposed Processing Area cannot be initiated until project-related mining operation have ceased.

#### **6.4 Consistency with the Reclamation Standards of the California Surface Mining and Reclamation Act**

The following sections provide an evaluation of the proposed Diamond Rock mine reclamation plan and it's conformance with applicable State reclamation regulations and standards included the Surface Mining and Reclamation Act (SMARA).

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##### **Surface Mining and Reclamation Act of 1975 - Section 2773.1, Financial Assurances**

A condition of approval requires the submittal of a conceptual financial assurance, and that the financial assurance be approved by the State Office of Mine Reclamation prior to final approval by the County. Within sixty (60) days of final approval of the Reclamation Plan and financial assurance, the applicant shall post the required performance security with Planning and Development for the full amount of the approved financial assurance to ensure that reclamation will proceed in conformance with the approved plan. The security for reclamation shall remain in effect until completion of reclamation, and may be adjusted over the life of the project to reflect changes in the cost of reclamation.

Financial assurances for the overall project and for the reduced Phase I project have been reviewed and approved by the Office of Mine Reclamation.



## **Surface Mining and Reclamation Act of 1975 Regulations, Article 9, Reclamation Standards**

**Section 3703 - Performance Standards for Wildlife Habitat.** The proposed project would result in the disturbance of 40 acres of alluvial scrub habitat, and approximately 71 acres of land with low habitat value (agriculture, barren river bed, etc). There is no wetland habitat located on the project site. Several wildlife species of concern have been identified on the project site, including:

- Blunt-nosed leopard lizard (state and federal endangered)
- California horned lizard (state and federal species of concern)
- San Diego desert woodrat (state and federal species of concern)

Project-related impacts to California horned lizard and San Diego desert woodrat were determined by the project EIR to be less than significant. Other species of concern that have a moderate to high potential to occur on the project site but have not been identified include the San Joaquin kit fox, nesting loggerhead shrikes and nesting Lawrence's goldfinch. Species of concern that have a low potential to occur at the project site include western spadefoot toad, California condor, golden eagle, nesting California horned lark, nesting Brewer's sparrow, and Kern primrose sphinx moth.

The proposed project includes the implementation of a blunt-nosed leopard lizard protection plan, which includes measures such as the maintenance of a suitable 16.87-acre habitat area on a stream terrace on the northern portion of the project site; the installation of permanent and temporary exclusion fences around the habitat area and active mining areas; and the installation of a mine pit access road undercrossing to facilitate lizard and other wildlife movement through the project area. With the implementation of the proposed protection plan and proposed mitigation measures, potential project-related impacts to blunt-nosed leopard lizard would be reduced to a less than significant level.

Mitigation measures have also been proposed to reduce potential impacts to San Joaquin kit fox. These measures require preconstruction surveys of kit fox dens, and if required, physically closing the dens using U.S. Fish and Wildlife Service approved methods. Other mitigation measures proposed to reduce impacts to wildlife include minimizing the rate and extent of habitat loss by requiring phased vegetation removal in the proposed mining area, limiting the disturbance of the river bed by access road use and low flow water diversion berms, non-native weed control, limitations on night-time lighting, and expanded wildlife migration corridors through the project site.

Upon the cessation of in-river mining operations, the proposed mine pit would be allowed to fill with alluvial material, and the previously disturbed area would eventually be revegetated by colonizing plants. Mining equipment would be removed from the project site and the in-river access road would be removed.

**Section 3704 - Performance Standards for Backfilling, Regrading, Slope Stability, and Recontouring.** Mechanical backfilling of the mine pit is proposed as the pit would be allowed to fill with alluvial material during flood flow events. The mine location within the river would not be suitable for the subsequent development of urban uses, therefore, no impacts related to settlement of the accumulated alluvial material would occur. Proposed final slopes adjacent to property lines would be no steeper than 2h:1v gradient, with an overall slope no greater than 3h:1v. The gradient for slopes in the project's interior would be designed consistent with operational safety considerations, with a maximum slope of 2h:1v.

**Section 3705 - Performance Standards for Revegetation.** Upon the completion of mining activities, the in-river mine pit would be allowed to fill with alluvial material, and native plants would be allowed to colonize the previously disturbed area. No additional revegetation efforts or the mine pit are proposed or required.

Upon the completion of mining activities, equipment would be removed from the Processing Area, and this portion of the project site would be returned to agricultural operations. No additional revegetation efforts are proposed or required.

The major project-site revegetation effort will be to restore approximately 1,500 feet of degraded riverbank area. The objectives of this revegetation program are to develop a stable riverbank; create a self-sustaining plant community and habitat area; minimize wind erosion; and prevent the re-establishment of invasive plant species. Proposed conditions of approval require that proposed riverbank restoration begin within five years of Land Use Permit issuance, or before 20 acres are disturbed within the proposed mine pit, whichever occurs first.

The proposed planting pallet/seed mix for this restoration area is provided on Table 6.4-1. The selected plant species include a variety of native and other plant species that are suitable for the project region. Ripping or discing of the ground surface in the restoration area is not required, and proposed ground preparation activities include methods to control weed growth. Soil testing of the restoration area, and the use of test plots are not proposed because the restoration area would not have been disturbed by grading or excavation activities, the soils would not be chemically altered, and native soil would still be located in the restoration area. The proposed seed mix would be applied in April or May after the danger of frost has passed and the soil is still moist. Irrigation water would be provided only as needed and would be delivered using a drip irrigation system. Irrigation water would be slowly tapered off and will cease with cooler weather. Additional irrigation water may be applied during extreme wind conditions if plants are experiencing critical wilt that does not dissipate during nighttime hours. No grazing occurs in the project area, therefore, no cattle exclusion fencing will be required in the restoration area.

Restoration site monitoring performance standards are summarized on Table 7 of the Reclamation Plan project description. These standards address requirements for plant coverage, weed control and minimizing erosion.

Proposed conditions of approval require the project applicant to submit a restoration plan for a 5.35-acre stream terrace area that provides alluvial scrub habitat. The restoration plan for this area must be provided within six month of Land Use Permit issuance for mining activities.

**Table 6.4-1  
Riverbank Restoration Seed Mix**

Genus and Species	Common Name	Spacing	
		Percent of Mix	Drill Rate PLS <sup>1</sup> / Acre
<b>Trees</b>			
<i>Populus fremontii</i>	Fremont cottonwood	20 to 30-foot centers	
<b>Shrubs</b>			
<i>Atriplex canescens</i>	Four-wing salt bush	5.00	2.00
<i>Atriplex polycarpa</i>	Cattle spinach	5.00	1.50
<i>Chrysothamnus nauseosus</i>	Common rabbitbrush	5.00	0.33
<i>Ephedra californica</i>	California ephedra	5.00	4.00
<i>Eriogonum fasciculatum</i>	California buckwheat	6.00	0.50
<i>Lepidospartum squamatum</i>	California scalebroom	12.00	0.75
<i>Lupinus excubitus</i>	Bush Lupine	Trace	Trace
<i>Yucca whipplei</i>	Chaparral yucca	Trace	Trace
<b>Grasses</b>			
<i>Festuca californica</i>	California Fescue	10.00	0.50
<i>Achnatherum hymenoides</i>	Indian ricegrass	30.00	6.75
<i>Nassella cernua</i>	Needle grass	10.00	0.50
<i>Achnatherum speciosum</i> ( <i>Hesperostipa comata</i> ) <sup>2</sup>	Desert Needlegrass (Needle-and-Thread grass)	2.50	.36 (1.75)
<b>Forbs</b>			
<i>Lasthenia glabrata</i>	Yellowray goldfields	Trace	0.25
<i>Lupinus bicolor</i>	Pigmy-leaved lupine	2.50	1.00
<i>Lupinus sparsiflorus</i>	Coulter's lupine	4.00	4.00
<i>Malacothrix californica</i>	Desert dandelion	2.50	0.25
<i>Oenothera californica</i>	California primrose	Trace	Trace
<i>Phacelia tanacetifolia</i>	Lacy Phacelia	0.25	0.25

<sup>1</sup> PLS = Pure Live Seed

<sup>2</sup> *Achnatherum speciosum* may not be available commercially and there is no local seed source. This species will be replaced by *Hesperostipa comata* (Needle-and-Thread), which is found in the foothills of Central California and documented to be an excellent revegetation species (Wolfe and Associates, 1996, as referenced in the County approved *Reclamation Plan for Southwest Ready Mix Ventucopa Rock Plant*, 09-30-97).

**Section 3706 - Performance Standards for Drainage, Diversion Structures, Waterways and Erosion Control.** This section requires that surface mining and reclamation activities not adversely affect downstream uses. The downstream use located closest to the Diamond Rock project site is the in-river GPS sand and gravel mine, which is approximately 1,000 feet downstream from the proposed project site. The review of potential project-related hydrologic impacts provided by the Diamond Rock project EIR determined that the proposed mine pit would intercept sediment before it reaches the GPS mine. Such an impact could potentially lengthen the time needed to replenish and fill the GPS mine pit after extraction activities cease, however, this impact was not considered to be significant. The combined operation of the Diamond Rock and GPS mines is not expected to result in significant bank erosion, river channel degradation, or upstream headcutting impacts. However, due to the uncertainty associated with river condition modeling, a condition of approval requires that a monitoring program be implemented to survey the river bottom elevation two times a year. If adverse hydraulic conditions appear to be developing, appropriate modifications to the Diamond Rock mining pit layout, or other appropriate evaluation and control measures would be required. Operation of the proposed project would not result in a decrease in groundwater recharge at the project site. Periodically, it is likely that groundwater will be exposed in the mine pit. Exposed ground is subject to evaporation and a resulting increase in total dissolved solid concentrations in the already very poor quality groundwater of the project region. This potential impact is not considered to be significant due to the expected infrequent occurrence of groundwater exposure, the short period of time groundwater would be exposed in the mine pit, and the overall surface area of exposed groundwater would be very small relative to the entire Cuyama River channel.

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Erosion, sedimentation and other potential sources of surface water pollution resulting from the proposed project would be minimized through the implementation of a required Storm Water Management Plan, and the use of the proposed percolation swale to be provided in the material Processing Area, which would aid in preventing the transport of sediment and other pollutants off of the project site. Therefore, the proposed project would not adversely affect downstream beneficial uses of water. After the conclusion of mining operations, the Processing Area would be returned to an agricultural use and would not be a significant long-term source of erosion and sediment.

A low flow control berm would be constructed around the perimeter of the proposed mine pit to divert minor river flows around the mine. Construction of the proposed berms would require approval of a Streambed Alteration Agreement by the California Department of Fish and Game, and a Clean Water Act Section 401 Certification by the Regional Water Quality Control Board. During major flood events, the berm would be washed away or overtopped, however, the berm would have the potential to cause adverse hydraulic impacts by redirecting and concentrating flows in the river, which could cause localized bank erosion. The evaluation of potential hydraulic impacts caused by the berms concluded that only isolated, temporary and relatively minor impacts may occur,

and no structures, flood control improvements or bank protection would be adversely affected.

To further reduce the potential for hydraulic impacts that may result from the proposed low flow diversion berms a recommended mitigation measure would modify the design of the southwest corner of the mine pit to provide a 900-foot wide open channel area between the west bank of the river and the berm surrounding the mine pit. The recommended channel would more than double the width as the channel that would be provided by the proposed project's design. The applicant would also be responsible for monitoring conditions within the River bed for impacts such as erosion and channel scouring during the first three years of mine operation after the low flow control berms are installed. Based on the results of the monitoring efforts, the County may require that the increased setback be made a permanent requirement, that the increased setback be maintained while more monitoring data is collected, or rescind the expanded setback requirement to allow the originally proposed setback. After mining operations at the project site have been concluded, all remaining berms would be removed.

**Section 3707 and 3708 - Performance Standards Related to Agricultural Lands.** The proposed material Processing Area would be located on approximately 14.2 acres of prime agricultural land currently in agricultural use. Prior to the start of construction activities, the thin layer of topsoil that is present in this area would be removed and stockpiled. After the completion of mining activities and the removal of the processing equipment, the soil would be reapplied to the Processing Area and agricultural uses would be re-established.

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**Section 3709 - Performance Standards for Building, Structure and Equipment Removal.** After the termination of mining activities, processing equipment, conveyors and most piping would be dismantled and removed from the project site. Equipment, a proposed fuel storage tank, and other material stored on-site would be removed in compliance with applicable regulations. An existing water well, a proposed restroom, septic system, and water retention basins would be retained on-site in support of future agricultural operations.

**Section 3710 - Performance Standards for Stream Protection, Including Surface and Groundwater.** The proposed project would implement a variety of measures to minimize the potential for water quality impacts, including the implementation of a Storm Water Pollution Prevention Plan; Storm Water Management Plan; implementation of a Spill Containment Prevention, Control and Countermeasure Plan; and installation and maintenance of runoff water collection/percolation trenches. Should groundwater rise and inundate a portion of the mine pit, operations would move to a dry area. Should the entire pit become flooded, mining operations would be curtailed until the water has receded.

Prior to the initiation of mining activities, the proposed project will be required to obtain a California Department of Fish and Game Streambed Alteration Agreement and an Army Corps of Engineers Section 404 permit. The Cuyama River is dry most of the year and does not support riparian habitat or fish populations. Although the proposed project is not expected to result in substantial impacts to the Cuyama River channel on a project-specific or cumulative basis, required and recommended mitigation measures would ensure that potential impacts to the river channel are reduced to a less than significant level.

**Section 3711 - Performance Standards for Topsoil Salvage.** The top one foot of topsoil within the 14.2-acre Processing Area would be excavated prior to the installation of mine equipment, and approximately 22,900 cubic yards of topsoil would be removed. Approximately 12,300 cubic yards of the soil would be used to construct temporary six-foot high visual screen berms along State Route 33. The berms would be landscaped with plants such as incense cedar, Coulter pine, blue oak and toyon to minimize wind and water erosion. The remaining 10,600 cubic yards of soil would be applied to the 18.14-acre agricultural field north of the Processing Area. The soil would be spread to a depth of approximately six inches.

At the conclusion of mining operations, the topsoil in the berms would be returned to the Processing Area, and the topsoil placed in the existing agricultural field to the north may be returned to the Processing Area if it is needed. After the reserved topsoil is redistributed, the Processing Area would be used for agricultural purposes.

~~**Section 3712 - Performance Standards for Tailing and Mine Waste Management.**~~ Excess mining material would be stored in stockpiles in the mining area and at the Processing Area. Material to be stored would include unsuitable fines encountered in the mining process and unmarketable fines and excess sands generated from material processing. At the end of mining operations, any remaining stockpiled material would be used in reestablishing on-site agricultural uses, sold, or placed in the mine pit.

**Section 3713 - Performance Standards for Closure of Surface Openings.** The section pertains to the closure of drill holes, water holes, water wells, and monitoring wells at the end of mining activities. The only water well used by the proposed project would be retained and used in support of future agricultural operations.

## **6.5 Clean Water Act**

The Clean Water Act requires states to set standards to protect, maintain and restore water quality through the regulation of point source and certain non-point source discharges to surface water. Those discharges are regulated by the National Pollutant Discharge Elimination System (NPDES) regulatory permit program (Section 402 of the Clean Water Act). In California, NPDES permitting authority for industrial and

construction activities is delegated to and administered by the Regional Water Quality Control Board. The Diamond Rock mine project will be required to obtain an NPDES stormwater industrial permit prior to the start of project-related activities.

Under Section 401 of the Clean Water Act, applicants for a federal permit or license for any activity that may result in a discharge of dredge or fill material to a water body must obtain a State Water Quality Certification that the proposed activity will comply with state water quality standards. The proposed project will be required to obtain a Clean Water Act Section 401 Certification from the Regional Water Quality Control Board prior to the start of project-related activities.

Section 404 of the Clean Water Act authorizes the U.S. Army Corps of Engineers to regulate the discharge of dredged or fill material to waters of the U.S. The proposed project will be required to obtain a Section 404 individual permit from the Army Corps of Engineers prior to the start of project-related activities.

## **6.6 Porter-Cologne Water Quality Control Act**

The Porter-Cologne Water Quality Control Act requires the State Water Resources Control Board and the Regional Water Quality Control Boards to adopt water quality criteria to protect State waters. These criteria include the identification of beneficial uses, narrative and numerical water quality standards, and implementation procedures. The criteria for the project area are contained in the local Water Quality Control Plan, also known as the "Basin Plan." Issuance of a Water Quality Certification by the Regional Water Quality Control Board will address compliance with the Porter-Cologne Water Quality Control Act.

## **6.7 Fish and Game Code**

Section 1601 of the California Fish and Game Code requires an agreement with the Department of Fish and Game for any project proposing to substantially divert or obstruct the natural flow or effect changes to the bed, channel or bar of any river, stream or lake. The proposed project will be required to obtain a Streambed Alteration Agreement prior to the start of project-related activities.

## **7.0 APPEALS PROCEDURE**

The action of the Planning Commission may be appealed to the Board of Supervisors within 10 calendar days of said action. The appeal fee to the Board of Supervisors is \$643.

## ATTACHMENTS

- A. Findings for Approval
- B. Conditions of Approval for CUP
- C. Troesh – GPS Joint Venture Letter
- D. CEQA Section 15164 Addendum
- E. Revised Air Quality Assessment
- F. Revised Health Risk Assessment
- G. Letter from Bumgardner Biological Consulting
- H. CA Dept of Fish and Game Streambed Alteration Permit

**UNDER SEPARATE COVER: Final Environmental Impact Report 05EIR-00000-00001, also available online at:**

**<http://www.sbcountyplanning.org/projects/03CUP-00037/index.cfm>**



ATTACHMENT B: PROPOSED CONDITIONS OF APPROVAL

**Diamond Rock Mine Conditional Use Permit  
03CUP-00000-00037**

I. A Conditional Use Permit is Hereby Granted:

II.

TO: Troesh Materials, Inc

APN: 149-220-002; -011; & -065

PROJECT ADDRESS: State Route 33, Maricopa, CA 93852

ZONE: "U" & "AG-II-40"

AREA/SUPERVISORIAL DISTRICT: Ventucopa area, Fifth District

FOR: Establishment of a new in-river sand and gravel mine.

III. This permit is subject to compliance with the following conditions:

**Project Description**

1. This Conditional Use Permit is based upon and limited to compliance with the project description presented below, compliance with the approved Reclamation Plan for this ~~mining facility, and the conditions of approval set forth below.~~ The location of project components authorized by this CUP are illustrated in Attachment F (proposed Reclamation Plan), dated May 14, 2008. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the mining plan and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval. **However, on May 11, 2011, the Planning Commission approved a Phase I "extraction and hauling only" option that allows Diamond Rock to haul raw material to GPS for processing, subject to these same Conditions of Approval (see 11RVP-00000-00032).**

**The project description is as follows:**

Aggregate would be mined from a pit located in the Cuyama River. Mined materials would be mechanically crushed, sorted by size and type using triple-deck and double-deck dry scalping screens. Sand would be washed to remove fine material. All finished products would be stockpiled, and products would be transported offsite via haul trucks with a 29½-ton capacity (~20 cubic yards). Figures depicting the proposed mining and processing areas are presented in Attachment F (proposed Reclamation Plan).

The average annual production (based on a rolling average) over the 30-year life of the project is estimated to be 500,000 tons of product per year. Under this annual rate, the average hourly and daily production would be about 103 tons per hour (16 hours of operation per day) and 1,650 tons per day (six days per week), based on 303 processing days per year. The maximum annual production from the mine would be 750,000 tons. The higher production would be achieved by higher daily production. Peak daily production would be limited to the physical capabilities of the processing equipment, which is capable of processing 9,600 tons per day (600 tons per hour). To produce 750,000 tons in a year with 303 processing days, the average hourly and daily production would increase to 154 tons per hour (16 hours of operation per day) and 2,475 tons per day (six days per week).

The actual production levels would vary over time and would be a direct function of the general regional economic conditions, the number and type of contracts obtained, and equipment usage rate and maintenance requirements. However, the maximum annual mine production would not exceed 750,000 tons per year.

Based on initial testing of the riverbed area, the deposits to be mined consist of the following materials: 38 percent gravel, 60 percent sand (estimated 55 percent marketable, 5 percent excess), and 2 percent fines. Gross volume of the aggregate proposed to be excavated from the 83.76-acre mining area is estimated to be 9,210,000 cubic yards, which is estimated to be 13,820,000 tons of material (based on an assumed density of 1.5-tons per cubic yard). The net reserves are estimated at 12,850,000 tons, assuming seven percent of the material will be unsuitable for sale as PCC-grade aggregate.

~~At the proposed average extraction rate of 500,000 tons per year, the aggregate resource would last for 27.7 years, assuming that the river does not replenish material over time. As such, the applicant has requested a 30-year permit.~~

Finished products would be PCC-grade aggregate and other aggregate products. Processing also creates "scalped fines" as a byproduct, which would be sold or placed in the mining pit as backfill. Some of the fines may also be used as a soil amendment by the landowner and others in the area.

It should be noted that the assumed material composition and quantities are based on limited data. As the deposit is mined, material may be encountered that does not match these assumptions. If this occurs, the proposed product line would be revised accordingly. However, the overall operations at Diamond Rock would not change.

**Mining Depth and Phases.** Mining would occur in the bed of the Cuyama River where a pit would be created and excavated. The mining plan has two phases and the entire pit could encompass about 84 acres. The maximum anticipated depth would be 90 feet below ground surface. Phase 1 would encompass about 46 acres and would be divided into a series of cuts and lifts as shown below in Table 1. Phase 2 would involve a single cut.

**TABLE 1**  
**SUMMARY OF MINING PHASES**

<b>Phase</b>	<b>Duration<sup>1</sup></b>	<b>Tonnage<sup>2</sup></b>	<b>Cubic Yards</b>
Pre-Production	1.4 years	690,000	460,000
Phase 1 Cut 1 Lift 1	3.3 years	1,640,000	1,090,000
Phase 1 Cut 1 Lift 2	2.5 years	1,230,000	820,000
Phase 1 Cut 1 Lift 3	1.9 years	960,000	640,000
Phase 1 Cut 2	5.9 years	2,970,000	1,980,000
Phase 2	12.7 years	6,330,000	4,220,000
<b>Total</b>	<b>27.7 years</b>	<b>13,820,000</b>	<b>9,210,000</b>

<sup>1</sup> Assumes a mining rate of 500,000 tons per year

<sup>2</sup> Assumes 1.5 tons per cubic yard.

The above description of the mining phases is based on ideal conditions, and the assumptions that the mine pit would not be flooded during the life of the project and that excavation would proceed in an orderly manner throughout the life of the project. However, it is expected the Cuyama River will periodically flood the mine pit during the life of the project, which would deposit sediment back into the mining pit. The addition of new material and water to the pit would modify the location, depth, and rate of excavation. Mining would continue in accordance with the proposed plan and within the proposed mining limits. However, it is unlikely that the full mine pit depicted in figures contained in Attachment F (proposed Reclamation Plan) would ever be achieved due to the likelihood of periodic flooding.

Under the proposed mining plan, excavation would begin at the southwest corner of the mining area by excavating a narrow pit parallel to the flow direction of the river. As each 30-to 50-foot-wide pit is completed, the next pit would be excavated parallel to and on the east side of the previous pit, incrementally further away from the river's main channel, which ensures areas of completed mining are located west of active mining areas. This eastward progression of mining also allows mining to occur in previously unmined areas during periods where there is standing water in active excavation areas.

Within each pit, the excavation would proceed through a series of cuts and lifts until excavated to final depth. Each lift would involve an excavation depth of approximately 30 feet. As the excavation of one pit drops into the second lift (approximately 31 to 60 feet), excavation on the first lift of the adjacent parallel pit to the east would commence. In this manner, when the final depth is reached on the first pit, the second pit would be at a depth of approximately 60 feet, and the third pit would be at a depth of approximately 30 feet.

It is expected that pit excavation would proceed as described above until the Cuyama River reaches flood stage, when the river floods bank-to-bank and would fill the excavated pits. In advance of such flooding, mining activities would be suspended and equipment would be moved out of the riverbed and onto the Processing Area. Following the flooding, the mine pits would be inspected. If the deposited material contains marketable aggregate, the flooded pits would be re-excavated after drying. If there is a high percentage of unmarketable fine materials, excavation would commence in the next narrow pit.

A low flood control berm would be constructed around the perimeter of the active mine pit, as shown in figures provided in Attachment F (proposed Reclamation Plan). The berm would be constructed of riverbed material, and would be approximately four feet high and 10 feet wide at the base. The berm would not be an engineered structure designed for a specific design storm. Several times each year, there are light rains in the watershed that cause sheet flows within the riverbed that may be several inches deep. The berm would divert those low flows from the mine pit. However, flooding from substantial rain events would wash away the berms or overtop them. The berm would be maintained on an as-needed basis, and would be repaired after flooding events.

Another earthen flood control berm would be constructed at the mouth of Deer Park Creek. An earthen berm, 4 to 6 feet tall, would be constructed across the mouth of the drainage to direct flows into the mine pit in a controlled manner, most likely along the access ramp. The berm would prevent erosion of the sides of the mine pit. The berm would not be an engineered structure; it would be constructed of on-site materials. The berm would be maintained on an as-needed basis, and would be repaired after flooding events. During the initial mining phase when the mine pit is not located at the mouth of the creek, the berm would divert flows downstream, away from the mine pit.

The proposed mining pit would be set back at least 50 feet from all property lines to assure that offsite property is not affected by slope failures and erosion of the pit slope cuts. Slopes adjacent to property lines would be no steeper than 2:1 (H:V), with an overall slope (including benches) no greater than 3:1 (H:V), as shown on. Active mine area slopes not along property lines would have a maximum 2:1 (H:V).

The Phase 2 mining pit would be set back a minimum of 100 feet from the confluence of Deer Park Creek (an ephemeral tributary) and the Cuyama River.

Access from the Processing Area into the riverbed would be provided by a 24-foot-wide all-weather road constructed of riverbed materials. The ramp would extend from the riverbank to the mining pit. Its length and location would vary depending on the location of the mining pit. Hence, during the initial mining phase, the road would extend across the riverbed. At the full mine pit phase, the road would serve as a ramp from the existing riverbank into the adjacent pit.

**Topsoil Salvage.** Topsoil directly under the 14.2-acre Processing Area would be excavated prior to installation of equipment and structures. Approximately 12,300 cubic yards would be used to construct temporary 6-foot-high visual screening berms along State Route 33.

At the end of the project, topsoil stored in the landscape berms would be removed and placed at the Processing Area. At that time, the Processing Area would be returned to pre-project grades and available for agricultural production.

The following materials would be stored in stockpiles in the mining area and the Processing Area: 1) excess topsoil from the Processing Area that is not spread on nearby agricultural fields; 2) unsuitable fines encountered in the mining process, particularly materials deposited from flooding in active mine pits; and 3) unmarketable fines and excess sands generated from processing. Unmarketable fines would be generated at the Processing Area from the scalping screens and from the sediments that settle within the water retention basins (estimated to comprise about two percent of mined material). Excess sand is non-marketable sand derived from processing which is estimated to be up to 5 percent of mined material, or 25,000 cubic yards over the life of the permit.

There may be one or more stockpiles of topsoil, fines, and excess sand. Prior to the discovery of the blunt-nosed leopard lizard at the project site and the need to protect its habitat, this material was planned to be used in improving soil conditions at the leopard lizard protection area for its conversion to agriculture. Material would be added to the stockpile(s) on a continuous basis, as fines are encountered during mining and/or produced during processing. Over time, stockpiles of unmarketable fines and excess sand would be placed into the finished portions of the mine pit. More than half of the topsoil would be stockpiled within the landscaping berm throughout the mining period. The remaining topsoil would either be used to further enhance the agricultural field directly north of the Processing Area; and/or used in final reclamation of the mine pit and Processing Area as a top dressing.

Topsoil stored within the 6-foot-high landscape berm will be planted to prevent wind and water erosion and to preserve soil microbes. The plant palette is shown in Table 2 and Section 4.5.2 of the Reclamation Plan. Supplemental irrigation will be applied, as needed, to establish this vegetation. These berms would also be used for visual screening.

**TABLE 2  
 LANDSCAPE BERM PLANT PALETTE**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Size</b>	<b>Quantity</b>
<i>Calocedrus decurrens</i>	Incense cedar	15 gallons	68
<i>Pinus coulteri</i>	Coulter Pine	15 gallons	27
<i>Quercus douglasii</i>	Blue Oak	15 gallons	37
<i>Heteromeles arbutifolia</i>	Toyon	5 gallons	123

**Material Processing**

The mined materials would be processed at the 14.2-acre Processing Area adjacent to State Route 33. A description of the facilities and material processing is provided below.

**Processing Equipment and Materials.** Equipment, materials, and facilities that would be located at the Processing Area are listed below:

- Conveyors
- Triple deck dry scalping screen
- Double deck dry scalping screen
- Sand washer (screw type)
- Dewatering screen
- Load-out bins (auto-loader)
- Material stockpiles
- 20,000-gallon above-ground diesel fuel tank, with secondary containment and bermed fueling and maintenance pad
- 10,000-gallon domestic water storage tank with Fire Department drafting hydrant
- Water retention basins (three, each being 80 feet x 130 feet x 10 feet deep)
- Stormwater percolation swale (design capacity of 162,000 gallons, approximately 750 feet in length, depth and width vary with an average depth of 3.8 feet and an average width of 22.8 feet)
- Water reclamation system (three-stage clarifier – each concrete basin being 80' wide x 130' long x 10' deep)
- Scale house (office and dispatch operations)
- Restroom facilities and septic system

- Truck scale (70' above-ground Toledo)
- Well (electric pump)
- Office (7,500 square feet)
- 24-foot-wide, two-lane all-weather access road and turn-around to provide haul trucks with access to the loading bins and truck scale
- Parking spaces for 12 automobiles, plus one handicapped; parking spaces for 4 trucks
- Entrance sign and perimeter fencing (6-foot-high chain link fence) around the Processing Area
- Flagging around the perimeter of the mine pit
- Caretaker/security trailer
- Electricity supplied by the power grid (power pole already onsite)

Chemicals delivered to and stored at the Processing Area onsite are listed below in Table 3.

**TABLE 3  
 ON-SITE CHEMICALS**

Chemical	Quantity	Type
6 Guardol QLT 15W-40	2 x 55 gallons	Petroleum hydrocarbon
Diesel #2	20,000 gallons	Petroleum hydrocarbon
Hydraulic Oil AW 46	2 x 55 gallons	Petroleum hydrocarbon
Waste Motor Oil	55 gallons	Petroleum hydrocarbon
Acetylene	2 x 420 cu. ft.	Acetylene gas
Grease	3 x 35 gallons	Petroleum hydrocarbon
Oxygen	2 x 420 cu. ft.	Oxygen gas
Flocculant (e.g., Nalclear)	Unknown at this time	Flocculant (organic polymers)

Onsite mobile equipment (most of which would be used in mining) would include the following:

- Three front-end loaders (two CAT 980s, one in the yard and one in the mining pit, and a CAT 988 in the mining pit)
- Water truck (4,000-gallon capacity)
- Two scrapers (33-ton capacity – CAT 633)
- Two haul trucks (40-ton capacity)
- Excavator (235 CAT)
- Man lift
- Backhoe (Case 535)
- CAT D-8 dozer
- Service truck (lubrication vehicles for periodic servicing of vehicles and equipment)
- Crane (25-ton lift)
- Welding unit

All vehicle fueling and maintenance would take place atop the fueling and maintenance pad within the Processing Area. The concrete pad would include a curbed containment berm and would be located adjacent to the fuel storage tank, which would be placed within a concrete secondary containment area.

**Processing Operations.** Processing would occur at an electrically-powered processing facility capable of processing 600 tons of material per hour. A detailed description of the sequence of processing is provided below.

Material would be excavated from the riverbed using heavy mobile equipment and transported by trucks, scraper or conveyor to the loading hopper. From this point on, material would be moved throughout the Processing Area via a system of conveyors.

- Once in the loading hopper, gravel and boulders would be conveyed from the river's edge to the jaw crusher where they are reduced in size, then conveyed for placement onto the surge pile.
- From the surge pile, crushed aggregate would fall into tunnels and be conveyed to the triple deck dry scalping screen to remove oversized material.
- Material too large for the triple deck dry scalping screen would be diverted and conveyed to the adjacent cone crusher for additional crushing, and is conveyed back



- through the triple deck dry scalping screen. Material leaving the triple deck dry scalping screen would be conveyed onto the ¾" rock, ¾" rock or scalped fines stockpiles, or into the double deck dry scalping screen.
- Material entering the double deck dry scalping screen is separated into birds-eye rock and concrete sand. The bird-eye rock is conveyed onto a stockpile and the concrete sand is passed through a sand washer.
  - Concrete sand would then be conveyed through the dewatering screen before being conveyed onto the concrete sand stockpile.
  - Wash water from the sand washer and dewatering screen would flow by gravity back to the water retention basins where a flocculant is added (i.e., a triple basin clarifier, with three concrete basins 80 feet x 130 feet and 10 feet deep). While in the water retention basins, the flocculated fine material would "settle out" and 61 percent the water would be reclaimed for re-use in material washing. Fine material deposited in these basins would be removed and deposited on the fines stockpile by a front-end loader.
  - The finished product placed on the birds-eye rock stockpile would be available for sale from that location. Material placed on the scalped fines stockpile would be hauled offsite for use as soil amendments, landfill top cover, or placed within the mine pit.
  - The finished product would be placed in the concrete sand or ¾" rock stockpiles where it would fall into tunnels and be conveyed to the loading bins.
- 
- On-road haul trucks entering Diamond Rock would be loaded either at the loading bins (concrete sand or ¾" rock), a load-out area (¾" rock), or by front-end loader at the birds-eye rock or scalped fines stockpiles.
  - Concrete rubble accepted for recycling would be stockpiled and a portable crusher brought onsite to periodically crush the concrete rubble. A conveyor (or radial stacker) would transfer the crushed product into a second stockpile. On-road haul trucks entering Diamond Rock would proceed to the recycled concrete stockpile where they are loaded by a front-end loader.

In the future, it may be operationally advantageous to place the jaw crusher at the bottom of the mine pit and convey the mined materials to the surge pile from that location (Step 2).

**Water Source and Use.** Drinking water for employees and visitors at the Processing Area would be supplied by bottled water. Water for the project operations would be provided from a currently idle well (Well # 4), which is located along the southern

boundary of the site near Well #5. This non-potable water would be used for the purposes listed below:

- Replenish water trucks, which would be used to control dust on the access road to the mining pit, and in the mining pit
- Washing aggregate materials at the Processing Area
- Dust control using spray bar nozzles on the conveyors to wet aggregate materials being transported to the surge pile
- Dust control by ground watering (from a watering truck) the area where loaders operate within the Processing Area and between the mining pit and the crusher
- Dust control using sprayers at the three-deck and two-deck dry scalping screens
- Restroom facilities

Water would be introduced into the processing system from the on-site well. Most of the water would be used and then re-used as it is recycled through the aggregate processing system. Approximately 74 percent of the water used in washing and dust control would be collected and conveyed to the water retention basins where suspended solids would be removed and clarified water returned to the processing system. Water would be consumed by: 1) evaporation to the atmosphere, and 2) water included in products trucked from the project site. Water would be removed from the processing cycle through percolation, although this water would eventually become available as groundwater.

The estimated total annual water demand for average and maximum production rates were developed using the following assumptions:

- Conveyance to Surge Pile:
  - 6 material drop points (conveyance system to surge pile)
  - 6 conveyor spray bars, each with 2 nozzles spraying at a rate of 0.5 gallons per hour, operated 25 percent of the time given the inherent moisture of the mined material (i.e., operated during the hottest daylight hours)
  - 100 percent of this water is assumed lost to evaporation or held within mined material
- Aggregate Washing (Scalp Screening, Washing and Conveyance to Stockpiles):
  - 31,200 square foot surface area for water retention basins
  - 207 gallons of water used per ton for aggregate washing
  - Water used for fugitive dust control is consumed

- Water used in the product is consumed
- Water that returns to the Water Retention Basins, less evaporation, is recovered
- Water that percolates is recovered
- Dust Suppression:
  - 3.5 acres where loaders operate in the Processing Facilities Area and to and from the mining area to the crusher
  - 0.43 gallons per square yard per day
  - Surge pile watering during periods of high winds
  - 100 percent of this water is assumed lost to evaporation

Based on the above assumptions, Diamond Rock would use approximately 351,016 gallons of water per day if operated at its average production rate of 500,000 tons per year. Approximately 74 percent would be recycled and reused. About 17 percent (approximately 59,686 gallons of water per day) would be consumed during the processing, and 9 percent would percolate into the ground.

Operating at a peak production rate of 750,000 tons per year, Diamond Rock would use approximately 522,161 gallons of water per day. Recycled water would account for approximately 75 percent of the water used, with the remainder being replaced from Well #4. This equates to the consumption of approximately 83,346 gallons of water per day.

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**Administration, Security, and Public Safety.** Diamond Rock would include an administration office and dispatch/operations building for normal everyday business. Nighttime and weekend security at the Processing Area would be provided by perimeter fencing, locked gates, nighttime lighting, and a person living in a caretaker/security trailer. The office area may be alarmed. Equipment would be disabled daily at the end of the shift.

Precautionary fencing and signs would be placed around the mining pit, where needed, for mine safety. In some areas, fencing may be used with wooden or metal posts with wire, flagging, or other materials to alert people to the presence of the mining pits. Metal fencing would be placed in areas that would not be susceptible to flooding (and possibly conveyance downstream to other properties), or would be removed prior to the winter season. Alternative barriers that meet mine safety standards would also be used, such as simple sand berms.

**Hours and Days of Operation and Employment.** With the exception of truck loading operations, Diamond Rock would operate up to 303 days per year, employing eight people fulltime (i.e., five during the day shift, three during the night shift). Proposed operating hours are as follows:

- Mining/Primary Crushing. Monday through Saturday: 5 a.m. to 6 p.m. (during daylight hours)
- Processing/Secondary Crushing. Monday through Saturday: 5 a.m. (during morning daylight hours) to 10 p.m.
- Truck Loading. Daily: 24 hours per day

The co-occurrence of the various activities at the project site is summarized in Table 4.

**TABLE 4  
 ACTIVITIES AT THE PROJECT SITE**

<b>Hours</b>	<b>Mining/Primary Crushing</b>	<b>Processing<sup>2</sup></b>	<b>Truck Loading<sup>3</sup></b>
Daytime: 5 a.m. – 6 p.m. <sup>1</sup>	X	X	X
Evening: 6 p.m. – 10 p.m.		X	X
Night: 10 p.m. – 5 a.m.			X

<sup>1</sup> As daylight is available.

<sup>2</sup> Total processing time is expected to be up to 16 hours per day, within this 17 hour period.

<sup>3</sup> Loading will occur per demand, which is typically met during the day, but could occur at night for unusually larger orders.

Nighttime operations include as-needed processing until 10 p.m., and truck loading and hauling (using stockpiles at the Processing Area) on a 24-hour basis if required to meet demand (e.g., nighttime road work). No mining would occur at night. It is expected that up to 50 percent of deliveries from Diamond Rock would occur at night, primarily toward Santa Maria, to provide the PCC-grade aggregate needed for Caltrans and public works projects, night paving, and industrial and commercial buildings.

Contract requirements often require the producers of PCC-grade aggregate to provide materials on a 24-hour basis. These contracts involve large-scale projects, such as highway resurfacing by Caltrans, major public works road projects, and Corps of Engineer projects to reinforce dam toes or dikes, among others. In some instances, it may be necessary to conduct processing and loading, or only loading, on Sundays (5 a.m. to 6 p.m.).

**Project Generated Traffic.** Truck traffic generated by the project would vary with production rates, market demand, and the truck traffic restrictions of Condition No. 34. An estimate of the average daily truck trips associated with the proposed project is provided below for year-round operations (365 days per year) and the use of 29½-ton capacity hauls trucks to deliver finished products to destinations. **Average daily haul truck traffic shall be limited to:**

- Average production year – 37 exit loads, which equates to 74 one-way truck trips.
- Maximum production year – 55 exit loads, which equates to 110 one-way truck trips.

Truck trips would primarily occur during the daylight hours (5 a.m. to 6 p.m.) with up to 12 hours of loading. For certain orders, truck loading may occur through the night. The Diamond Rock mine would also accept an average of 25,000 tons per year of concrete rubble for recycling, using 25-ton capacity trucks, which would generate an estimated 6 average daily truck trips (ADT) over the year. Diamond Rock-related traffic would also include an estimated 16 ADT from the four employees working each of two shifts, and the estimated 4 ADT associated with Diamond Rock-related deliveries and service vehicles.

Total estimated Diamond Rock-related vehicle trips are summarized in Table 5 below.

**TABLE 5  
 ESTIMATED VEHICLE TRIPS**

<b>Truck Trips<sup>1</sup></b>	<b>ADT/Typical Production Year</b>	<b>ADT/Peak Production Year</b>
Aggregate deliveries	74	110
Recyclable concrete	6	6
Other Trips	4	4
Employees	16	16
Total=	100	136

<sup>1</sup> In general, most of the truck trips would occur during daylight hours. However, there may be orders which involve truck trips at night. The total number of daily truck trips would not increase. Instead, the frequency of truck trips per hour would be less.

## Mitigation Measures from 05EIR-00000-00001

### Drainage, Erosion and Water Quality

2. **Mine Pit Configuration Revision.** The proposed mining plan shall be modified to reconfigure the southwest corner of the proposed mine pit to allow for a minimum 900-foot wide open channel area between the west bank of the Cuyama River and the western edge of the berm surrounding the pit. An example of the overall intent of the modified mining plan is provided on EIR Figures 3-8 and 3-9. The applicant shall monitor river flows for the first three winters after mining has been initiated (with the use of low flow berms in the river channel). The applicant shall document the effect of the low flow berms on river flows, and the converse (effect of river flows on the berms) during these winters through the use of on-ground photographs, maps, diagrams, and/or notes from personal observations. This information shall be provided to County P&D at the end of each winter (April) for review. County P&D will review this information and determine if the additional channel width under this mitigation measure is considered necessary to avoid adverse hydraulic impacts in the river channel such as excessive berm erosion, river bank erosion, and channel scouring. The applicant shall coordinate with County P&D staff prior to the first monitoring year to ensure that the information to be provided is sufficient for evaluation purposes. At the end of three years of monitoring, if there are sufficient data, County P&D will determine if the modification of the mining pit boundary shall be continued while more monitoring data is collected, shall be considered a permanent limit, or shall be rescinded and the original proposed boundary reinstated.  
**Plan Requirements and Timing:** A stream elevation monitoring plan shall be developed and reviewed by OMR, the County and US Army Corps of Engineers staff prior to approval of a Land Use Permit. The applicant shall submit the results of the annual winter flow observations in accordance with the requirements of the approved monitoring plan to County P&D following the first three winters of operation.  
**Monitoring:** P&D shall review the information provided by the applicant and provide a final determination on the mining pit boundary following the third winter of mining.
3. **River Channel Survey Requirements.** The applicant shall survey the river bottom elevations from bank to bank each April and October at three locations: (1) 1,000 feet upstream of the current mine pit; (2) in the middle of the current mine pit; and (3) 1,000 feet downstream of the current mine pit. Elevations of the channel bottom shall be collected at survey points in three transects across the river. The number of survey points shall be sufficient to provide cross sections to compare the channel cross sections from year to year. These data shall be reviewed each year by County P&D, in consultation with County Flood Control District, during the annual SMARA inspections to determine if there is evidence of headcutting or channel degradation. If adverse hydraulic conditions are evident, or appear to be developing, which could result in off-site impacts, County P&D will confer with the County Flood Control to determine modifications to the mining

pit layout, width, and/or depth that would avoid these impacts. Given the uncertainty in ascribing these impacts to the presence of the mine pit, an incremental, multi-year approach to address these impacts by mine pit modifications would be implemented by the County P&D. **Plan Requirements and Timing:** A River Channel Survey Plan be prepared and provided to the County, OMR and the U.S. Army Corps of Engineers staff for review and approval prior to the approval of a Land Use Permit. At minimum, the plan shall:

- Provide maps depicting the location of monitoring cross section and longitudinal profiles.
- Indicate when profiles are to be developed, including the documentation of existing conditions prior to the start of mining activities.
- Identify performance criteria that are to be used to define what and when actions will be taken to mitigate adverse hydraulic conditions.

The applicant shall submit the results of the annual surveys to County P&D in April of each year, until such time that the County P&D has determined that additional surveying is not considered necessary. **Monitoring:** P&D shall review the survey data provided by the applicant and provide a final determination on the mining pit boundary following the third winter of mining.

4. **Access Road Design.** The access road from the Processing Area to the Phase 1 mining pit shall include culverts or other provisions to allow winter river flows to pass along the east side of the mine pit (EIR Figure 3-8). The low berm around the initial mine pit shall not extend across the open river channel between the mine pit and the Processing Area. **Plan Requirements and Timing:** The flow passage facilities shall be indicated on the final plans for the mine which shall be submitted to P&D for review and approval prior to issuance of a Land Use Permit. The flow passage facilities shall also be shown on the annual mining plans submitted to P&D for review and approval. **Monitoring:** P&D shall review and approve the annual mining plans that include the flow passage facilities and shall conduct visual inspections of the project site throughout the life of the permit.
5. **Deer Park Creek Grade Control Structure.** The applicant shall include an earthen berm and grade control structure at the outlet of Deer Park Creek at the edge of the river. The berm and structure shall direct flows to the river, downstream of the mine pit, during the initial mining operations. If feasible, the berm and structure shall also direct flows during the full mine pit condition to the river instead of discharging into the mine pit as proposed in order to avoid a hydraulic "jump" that would be created at the edge of the full mine pit. The County Flood Control District shall review the berm and grade control structure design to ensure appropriate materials, size, and depth to prevent failure from channel bed erosion or by-passing flows. The berm and structure shall be included in the SMARA inspections by the County. **Plan Requirements and Timing:** The berm and

grade control structure plans shall be indicated on the final plans for the mine which shall be submitted to P&D for review and approval prior to issuance of a Land Use Permit. **Monitoring:** P&D shall review and approve the annual mining plans that include the conditions of the berm and grade control structure and shall conduct visual inspections of the project site throughout the life of the permit.

6. **Floodplain Development Permit.** The applicant shall acquire a floodplain development permit from the Santa Barbara County Public Works Department, Flood Control District, for the facilities in the Processing Area. The application for the permit shall include a drainage report prepared by a registered engineer that delineates the floodplain limits associated with Deer Park Creek and the drainage from the unnamed tributary and State Route 33 (if present). The application shall include floodproofing structures at the Processing Area in accordance with the County Floodplain Ordinance. It shall also include calculations to demonstrate that the proposed spaces between the screening berms would not cause localized flooding along State Route 33, nor exacerbate flooding along Deer Park Creek west of State Route 33. **Plan Requirements and Timing:** A copy of the application for a floodplain development permit shall be submitted to P&D for review. P&D shall provide recommendations to Santa Barbara County Public Works Department, Flood Control District concerning the flood hazard mitigation measures and proposed floodproofing. **Monitoring:** P&D shall conduct visual inspections of the project site throughout the life of the permit, as necessary to verify compliance with flood mitigation measures and floodproofing.

- ~~7. **Stormwater Percolation Swale Design.** The final design of the proposed stormwater percolation swale shall include the following elements:~~

- a. The size, volume, and retention time of the percolation swale shall be designed in accordance with the design guidelines and criteria in the Storm Water Management Plan (SWMP) prepared in accordance with the County's NPDES Municipal Stormwater Permit.
- b. The percolation swale shall be maintained on a regular basis to ensure the design percolation rates are achieved. Maintenance shall include periodic removal of fines.
- c. Vegetation shall be established in the swale if it will increase the percolation rate, without significantly reducing storage volume and retention time.

In addition, excess fines shall not be placed in the mine pit that contain flocculants or that have not been washed of the flocculants prior to discharge to the mine pit. **Plan Requirements and Timing:** The design criteria for the percolation swale shall be indicated on the final plans for the Processing Area which shall be submitted to P&D



for review and approval prior to issuance of a Land Use Permit. **Monitoring:** P&D shall review and approve the annual mining plans that include the percolation swale and shall conduct visual inspections of the swale throughout the life of the permit.

### **Geologic Hazards**

8. **Mine Pit Design Modifications.** The mining plan shall be modified per the recommendations in the Hilltop Geotechnical Slope Geological Report, summarized as follows: 1) the width of benches on exterior mine slopes shall be reduced to 20 feet; 2) the width of access roads on exterior mine slopes shall be reduced to 40 feet; 3) no mining shall occur below the water table; and 4) the mine pit shall not be dewatered by pumping for the purposes of resuming mining operations – mining shall only resume after natural drawdown. **Plan Requirements and Timing:** The modifications to the proposed mining plan shall be clearly indicated on the final plans submitted to P&D for review and approval prior to issuance of a Land Use Permit. **Monitoring:** P&D shall review and approve the annual mining plans that include the slope conditions and shall conduct visual inspections of the mine slopes throughout the life of the permit.

### **Groundwater and Water Use**

No Conditions

### **Biological Resources**

9. **Riverbank Restoration Timing.** The proposed riverbank restoration shall be completed and meet the performance criteria within five years of Land Use Permit issuance or before 20 acres are disturbed in the mine pit, whichever comes first. Annual status reports shall be submitted to the County Planning and Development Department (P&D) until the restoration has been completed. **Plan Requirements and Timing:** The applicant shall submit a stand alone riverbank restoration plan, separate from the mine reclamation plan, to P&D for review and approval within 6 months of Land Use Permit issuance. The plan shall include the above requirement. **Monitoring:** P&D shall review the annual status reports on the progress of the riverbank restoration, as part of annual inspections required by SMARA.
10. **Stream Terrace Revegetation.** The disturbed portions, estimated to be about 5.35 acres, of the stream terrace adjacent to the river channel (see EIR Figure 3-19) shall be enhanced and restored to provide native alluvial scrub habitat for wildlife use during the life of the permit. The applicant shall submit a restoration plan to P&D for review and approval. The plan shall indicate the enhancement and restoration areas and describe habitat objectives, restoration methodology, performance criteria, and implementation schedule. The overall objective is to reduce the amount of non-native weeds and increase native shrub cover (using species common to alluvial scrub) in order to enhance conditions for

wildlife use. The enhancement and restoration plan shall be independent of the mine reclamation plan. The plan shall include removal of all saltcedar from the stream terrace, including the top of bank areas adjacent to the agricultural field. Saltcedar shall be removed during the period of July through February to avoid disruption of any breeding birds. Cottonwood trees shall be planted in patches in suitable locations on the bank or at the toe of the bank between the stream terrace and agricultural field to provide bird roosting habitat. These restoration activities shall be completed within seven years of Land Use Permit issuance. **Plan Requirements and Timing:** The applicant shall submit a stand alone restoration plan, separate from the mine reclamation plan, to P&D for review and approval within 6 months of Land Use Permit issuance. **Monitoring:** P&D shall review the annual status reports on the progress of the restoration in conjunction with annual inspections required by SMARA.

11. **Blunt Nosed Leopard Lizard Protection.** The 16.87-acre stream terrace to be protected for blunt-nosed leopard lizard shall be maintained in a protected state during the life of the permit, which shall include measures to prevent unauthorized use by off-road vehicles, dumping, or other habitat damaging activities. No new roads shall be constructed in the area, and no equipment or stockpiles shall be placed within the boundaries. The area shall remain in a protected state until the County has determined that the mining pit and processing area have been fully reclaimed in accordance with the approved reclamation plan and SMARA and County requirements. **Plan Requirements and Timing:** The applicant shall submit a plan describing the boundaries of the protected area, and management actions to meet the above requirements. The plan shall be submitted to P&D for review and approval within 6 months of Land Use Permit issuance. **Monitoring:** P&D shall review the condition of the protected area during the annual SMARA site inspections.
12. **Ground Clearance Phasing.** To minimize the rate and extent of habitat loss as the mine pit is developed, the areas outside the active mine pit shall not be cleared, graded, or otherwise disturbed until such time that excavation is scheduled to begin in these areas. The applicant shall use the proposed perimeter flagging to delineate the boundary of the active mine, haul road, and low flow diversion berm. The applicant shall instruct all equipment operators to remain within the boundary. The applicant shall submit an up-to-date map of the active mine pit and haul road to P&D each year. **Plan Requirements and Timing:** The applicant shall submit an annual mining and haul route plan to P&D for review and approval which would show the location of the active mine mining area. **Monitoring:** P&D shall review the annual mining and haul route plan, as well as conduct visual inspections of the mining operations during the annual SMARA site inspections.
13. **Ground Disturbance Minimization.** The applicant shall minimize the disturbance zone associated with the construction and maintenance of low flow diversion berm

surrounding the mining pit by employing grading methods that avoid extensive equipment movement in the river channel. Earthwork and equipment travel associated with the construction and maintenance of the berms shall not occur outside the project site boundaries. **Plan Requirements and Timing:** The applicant shall submit an annual mining and haul route plan to P&D for review and approval which would show the location of the low flow diversion berm and describe the construction and maintenance methods. **Monitoring:** P&D shall review the annual mining and haul route plan, as well as conduct visual inspections of the mining operations during the annual SMARA site inspections.

14. **Haul Road Alignment.** The haul road to the mine pit shall be sited in such a manner as to reduce the number of re-alignments required as the mine pit becomes larger. If possible, the initial haul road alignment shall be maintained throughout the duration of the Phase 1 mining in order to avoid unnecessarily disturbing river channel habitats prior to the expansion of the mine pit during Phase 2. **Plan Requirements and Timing:** The applicant shall submit an annual mining and haul route plan to P&D for review and approval which would show the location of the haul road. **Monitoring:** P&D shall review the annual mining and haul route plan, as well as conduct visual inspections of the mining operations during the annual SMARA site inspections.
15. **Weed Control.** The applicant shall manage aggressive non-native weeds that may periodically colonize the low flow diversion berm. Aggressive noxious species, such as Russian thistle and star thistle, shall be removed on an on-going basis using a combination of mechanical means and herbicide application. The cover of non-native aggressive weeds shall not exceed 20 percent of the total plant cover on the berms during the life of the permit. Herbicides shall only be used to manage weeds if: 1) approved aquatic herbicides are used, such as AquaMaster; 2) herbicides are not applied to open water, on saturated ground, or during the winter season when flows could remove applied herbicides (December 1 through April 1); 3) Best Management Practices (BMPs) are employed to reduce the amount of applied herbicide, including the BMPs associated with the state-wide aquatic pesticide permit; 4) a weed management plan with the selected BMPs is submitted to, and approved by, Planning & Development prior to issuance of the Land Use Permit; and 5) the applicant has acquired the required state and federal permits and approvals for the application of herbicides. **Plan Requirements and Timing:** The applicant shall submit a weed management plan to P&D for review and approval prior to the issuance of a Land Use Permit. Annual reports on the status of weed cover on the low flow diversion berm shall be submitted to P&D for review and acceptance. **Monitoring:** P&D shall review the annual weed status reports, as well as conduct visual inspections of the low flow diversion berm conditions during the annual SMARA site inspections.

16. **Night Lighting Minimization.** Nighttime lighting on the southern perimeter of the Processing Area shall be shielded and directed to reduce light impingement on the habitat area located south of, and adjacent to, the Processing Area. **Plan Requirements and Timing:** Information on the lighting at the Processing Area shall be included in final plans to be submitted to P&D for review and approval prior to issuance of a Land Use Permit. **Monitoring:** P&D shall conduct visual inspections of the Processing Area throughout the life of the permit, as necessary, to verify compliance.
17. **Haul Road Speed Limit.** A 15-mph speed limit shall be enforced on the access road from the Processing Area to the boundary of the mine pit, wherever it is located at the time. The speed limit shall be posted in both directions, and all haul truck operators shall be informed of the limit which is designed to reduce dust and collisions with wildlife. **Plan Requirements and Timing:** Speed limit signs shall be indicated on the final plans for the mine and Processing Area which shall be submitted to P&D for review and approval prior to issuance of a Land Use Permit. **Monitoring:** P&D shall conduct visual inspections of the project site throughout the life of the permit, as necessary to verify compliance. Annual SMARA inspections shall confirm that speed limit signs are in place as required.
18. **Wildlife Movement Corridor Setback.** The mining plan shall be modified to include a 75-foot setback from the toe of the east river bank to the low flow diversion berm, blunt-nosed leopard lizard exclusionary fence, or the top of the mine pit slopes (whichever comes first). This corridor shall be managed as open space with native alluvial scrub. It will allow wildlife to continue to travel uninterrupted through the project site on the east side of the river. No roads or vehicle access shall be allowed. In addition, the proposed blunt-nosed leopard lizard undercrossing for the mine pit access road (see Section 2.5.1) shall be installed and maintained (even if future studies indicate that the lizard is not present at the project site) in order to provide passage across the road for all reptiles and small mammals. **Plan Requirements and Timing:** The setback shall be indicated on the final plans for the mine and Processing Area which shall be submitted to P&D for review and approval prior to issuance of a Land Use Permit. The setback shall also be shown on the appropriate annual mining plans also submitted to P&D for review and approval. **Monitoring:** P&D shall review and approve the annual mining plans that include the setback, and shall conduct visual inspections of the project site throughout the life of the permit.
19. **Blunt Nosed Leopard and California Horned Lizard Surveys.** The applicant shall conduct field investigations to determine if the blunt-nosed leopard lizard or California horned lizard is present in the river channel or other areas to be disturbed at the project site. The field investigations shall be conducted by a qualified biologist approved by Planning & Development, using survey protocols approved by the US Fish and Wildlife

Service (USFWS) and California Department of Fish and Game (CDFG). The field investigations shall occur during each of the first five years of project operations. The results shall be provided to Planning & Development and USFWS and CDFG for review and acceptance. If the results demonstrate that lizards are absent from the river channel and unlikely to ever be present, Planning & Development will consult with USFWS and CDFG to determine if the use of exclusionary fence around the mine pit is still considered necessary. Planning & Development shall amend the conditions of approval related to the fencing in this situation. If the results indicate that blunt-nosed leopard lizards or California horned lizards are present in the river channel areas to be mined or other areas to be disturbed, the applicant shall acquire necessary permits and approvals from USFWS and CDFG to remove and relocate lizards from areas to be mined or disturbed. The applicant shall provide Planning & Development with a copy of an approved lizard relocation plan and necessary permits prior to implementation. **Plan Requirements and Timing:** The applicant shall submit the results of the annual blunt-nosed leopard lizard and California horned lizard surveys during the first five years of operations, including any correspondence with USFWS and CDFG. A final report and recommendation shall be included in the last report, including any correspondence or communication with USFWS and CDFG. **Monitoring.** P&D shall review the recommendations in the last report and make or recommend appropriate amendments to permit conditions.

20. **Blunt Nosed Leopard Lizard Protection Area Modifications.** The applicant-proposed exclusionary fence around the blunt-nosed leopard lizard protection area adjacent to the mine site shall be modified as follows. A permanent fence shall not be placed around the blunt-nosed leopard lizard protection area as planned. Instead, the exclusionary fence to prevent blunt-nosed leopard lizards from entering the mine pit or crossing the access road to the mine pit shall be placed along the perimeter of these work areas, and shall be moved as necessary as the mine pit is enlarged and the access road location is moved. This approach will allow blunt-nosed leopard lizards to move freely between the river channel and the protected area, as shown on EIR Figure 3-21 for the Phase 1 mining layout. The exclusionary fence shall be temporarily removed during the period December 1 through April 1 of each year in locations that may be susceptible to winter river flows. The exclusionary fence shall also be placed along the perimeter of the Processing Area, if the survey results from Condition of Approval No. 19 indicate a need. **Plan Requirements and Timing:** The location and description of the exclusionary fence and guidelines on annual placement shall be included in the final plans for the mine and Processing Area to be submitted to P&D for review and approval prior to issuance of a CUP. **Monitoring:** P&D shall review and approve the annual mining plans that include the locations of all exclusionary fencing, and shall conduct visual inspections of the fencing throughout the life of the permit, as necessary to verify compliance.

### Traffic and Circulation

21. **DELETED (this condition is no longer applicable to the proposed project due to the truck traffic restriction requirements of Condition No. 34)**
  
22. **State Route 33 Turn Lane.** The applicant shall design and construct a northbound left-turn lane on State Route 33 at the entrance to the project site. The applicant shall coordinate as necessary with Caltrans to acquire the necessary approvals for this facility. The turn lane shall be completed prior to initiation of contract sales of material from the processing operations. This condition may be modified or delayed by the County if evidence of Caltrans approval of a modification or delay is provided. **Plan Requirements and Timing:** The proposed mining plan shall include this facility, including evidence of Caltrans engineering and right of way approvals. **Monitoring:** Completion of the left turn lane to be verified by P&D staff no later than the second annual SMARA compliance inspection after issuance of the use permit, or by an alternative time if approved by Caltrans.
  
23. **Traffic Safety Requirements.** The following measures shall be implemented to increase truck safety along State Routes 33 and 166:
  - a. All applicant-owned trucks and independent truckers shall use headlights during the day when traveling to and from the project site along State Routes 33 and 166.  
**(This condition has been deleted because it is no longer applicable to the proposed project due to the truck traffic restriction requirements of Condition No. 34)**
  
  - b. Trucks shall be prohibited from parking, staging, or queuing along State Route 33 shoulders.
  
  - c. Truck caravans to and from the mine site on State Route 33 south of the project site shall be prohibited.
  
  - d. The applicant shall post and maintain a phone recording complaint line for residents to report possible violations. Trucks owned by the applicant shall be readily identifiable by a placard with a unique number that is sized and located on all four sides of the vehicle in order to be clearly visible to individuals wishing to make a complaint against an individual driver. Since the applicant has no direct control over the vehicles used by independent truckers, the applicant shall use the truck trip logs and the complaint logs (i.e., especially the time and date) to identify truckers against whom a complaint has been made and to resolve complaints.

**Plan Requirements and Timing:** The provisions listed in Condition 23 shall be included in the plans submitted at the land use permit stage. **Monitoring:** The applicant shall post these conditions and provide copies to all truckers (both applicant-owned and independent truckers). The applicant shall maintain daily records of all truck trips along State Routes 33 and 166 indicating the departure time and date, with clearly noted prohibited times for departures and prohibited parking locations. The applicant also shall maintain records of the phone complaint line. The County shall inspect these daily records and verify that all conditions are posted as part of the annual SMARA compliance inspection, or at any other time, to determine compliance.

### Noise

24. **On-Site Noise Attenuation Measures.** To reduce impacts of mining operations on nearby residential receptors, the following noise attenuation measures shall be implemented:
- a. Sound barriers at least 10 feet high shall be installed along the southern property line adjacent to the Processing Area to reduce noise emissions from truck loading and movements in the Processing Area that would affect the nearby residences at the Los Padres National Forest Ventucopa Work Camp, particularly at night. The preferred sound barrier would be constructed of landscaped berms, but other materials may be acceptable if the berms are infeasible. The proposed site layout shall be modified to provide for the barriers. An example is provided on EIR Figure 3-35.
  - b. Machinery associated with crushing and screening at the Processing Area shall use electric motors or have manufacturer's mufflers and other noise reduction measures to minimize noise levels on diesel engines. Localized barriers or curtains shall be used to shield and reduce noise levels from truck loading activities.
  - c. Trucks shall be prohibited from parking, staging, or queuing along State Route 33 shoulders at or near the entrance of the Processing Area.
  - d. The use of jake brakes shall be prohibited when entering the Processing Area.

**Plan Requirements and Timing:** Locations of noise producing equipment and noise barriers/details shall be shown on the Land Use Permit. Equipment and shielding shall remain in the designated locations throughout the operation of the project. **Monitoring:** Permit Compliance shall perform site inspections to ensure compliance.

25. **Traffic Noise Reduction Measures.** To reduce noise impacts of haul trucks on residential receptors along State Route 33 from the project site to Lockwood Valley Road, the following noise attenuation measures shall be implemented:

- a. Truck trips on State Route 33 south of the project site on Sundays shall be limited on Sundays to 11:00 a.m. to 6:00 p.m. Exceptions may be granted on a case by case basis by the County P&D Director and shall be limited to situations of emergency construction or repairs by Caltrans or utility companies, or other similar situations that may warrant an exception for the public interest.
- b. No more than 33 percent of the allowable daily truck trips shall occur during the period 10:00 p.m. to 5:00 a.m. Exceptions may be granted on a case by case basis by the County P&D Director and shall be limited to situations of emergency construction or repairs by Caltrans or utility companies, or other similar situations that may warrant an exception for the public interest.
- c. Trucks shall be prohibited from parking, staging, or queuing along State Route 33.
- d. Truck caravans to and from the mine site on State Route 33 south of the project site shall be prohibited.
- e. The use of jake brakes shall be prohibited on applicant-owned and independent trucks between Ozena and the project site.
- f. The applicant shall post and maintain a phone recording complaint line to report possible violations of these restrictions by residents. Trucks owned by the applicant shall be readily identifiable by a placard with a unique number that is sized and located on all four sides of the vehicle in order to be clearly visible to individuals wishing to make a complaint against an individual driver. Since the applicant has no direct control over the vehicles used by independent truckers, the applicant shall use the truck trip logs and the complaint logs (i.e., especially the time and date) to identify truckers against whom a complaint has been made and to resolve complaints.

**Plan Requirements and Timing:** Conditions shall be included as conditions of approval for Use Permit. Conditions shall remain applicable throughout the life of the project.  
**Monitoring:** Permit Compliance to conduct inspections and respond to complaints to ensure compliance.

### Air Quality

26. **Dust Control.** The following measures would reduce fugitive dust emissions during the construction of the Processing Area facilities. They are based on the standard dust mitigation measures of the APCD.
  - a. Areas subject to clearing, grading, earth moving or excavation shall be kept sufficiently moist, through use of either water trucks or sprinkler systems, to prevent dust from leaving the site. Water trucks or sprinkler systems shall also be



used to keep on-site roads (paved and unpaved) damp enough to prevent dust raised from leaving the site. At a minimum, this shall include wetting down these areas in the late morning and after work is completed for the day. At the end of the day, areas with disturbed soil shall be sufficiently moistened to create a crust. Increased watering frequency shall be required whenever the wind speed exceeds 15 mph. These areas must also be kept moist during weekends and days when no construction activities are occurring.

- b. Stockpiles and barren areas at the project site that would be disturbed on a periodic basis (at least once every 5 days) shall be kept sufficiently moist by the use of water trucks or sprinklers to prevent dust from leaving the site.
- c. Stockpiles and barren areas at the project site that would remain undisturbed for more than 5 days shall be stabilized by the use of tackifiers, soil binders, or other measures. These stabilization agents shall be replenished throughout the dry season on an as-needed basis to prevent dust emissions.
- d. On-site vehicle speeds shall be limited to 15 miles per hour or less.
- e. Gravel pads or similar devices shall be installed at the project entrance to prevent tracking of mud on to public roads.
- f. Highway 33 shall be inspected daily (midday and at the end of the day) during periods of truck hauling to determine if there is an accumulation of silt on the road that could cause fugitive dust. The highway shall be kept clean of such silt by the use of a street sweeper or watering truck.
- g. Trucks transporting fill material to and from the site shall be tarped from the point of origin or loaded in a manner that provides sufficient freeboard to prevent visible dust plumes from being emitted.
- h. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. The name and telephone number of such persons shall be provided to the APCD prior to initiation of construction. All dust control requirements shall be shown on grading and building plans.

27. **On-Site NO<sub>x</sub> Emission Reduction.** The following measures would reduce NO<sub>x</sub> emissions from construction equipment and associated truck trips during the construction of the Processing Area facilities. They are based on the standard mitigation measures of the APCD.

- a. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) should be utilized wherever feasible.

- b. The engine size of construction equipment shall be the minimum practical size.
- c. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- d. Construction equipment shall be maintained in tune per the manufacturer's specifications.
- e. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- f. Diesel catalytic converters, diesel oxidation catalysts, diesel particulate filters, or other control measures as certified and/or verified by EPA or California ARB shall be installed, as required by future rules.

**Plan Requirements and Timing:** these requirements shall be noted on all plans. Plans are required prior to approval of a Land Use Permit. **Monitoring:** Grading inspector shall perform periodic site inspections.

28. **Truck Transportation NOx Emission Reduction.** Average daily truck trips during the year shall not exceed 100 trips (50 exit loads) in order to reduce vehicular emissions below the County and APCD impact threshold for on-road NO<sub>x</sub>. Notwithstanding the traffic generation requirements of Condition 34, this limitation may be adjusted upwards if the County Planning & Development and County APCD approve an applicant-prepared haul truck emissions mitigation plan that demonstrates that higher daily truck volumes would not exceed the 25-lbs/day threshold in Santa Barbara County due to the future use of trucks by the project with lower emission rates, or other similar factors. This limitation may also be adjusted downward based on data regarding project-related truck distribution and estimated vehicle miles traveled in Santa Barbara County. This measure does not limit the total annual production directly, but would likely reduce the total annual production to about 540,000 tons per year due to limitations on truck size. The 100 truck trip limitation does not apply to the concrete recycle operations. However, the maximum annual concrete recycle deliveries shall not exceed 25,000 tons per year in order to ensure additional emissions are not created. **Plan Requirements and Timing:** These measures are to be included as conditions of approval for the Use Permit. **Monitoring:** Project applicant shall maintain logs of truck trips and production, and Permit Compliance shall periodically inspect, to ensure compliance.

29. **Diesel Exhaust Reduction.** In order to minimize diesel exhaust from on-site operations and to ensure that excess cancer risk levels from diesel exhaust remain below 10 in 1 million, the project shall incorporate a combination of measures to achieve at least an 85 percent reduction in diesel exhaust particulate matter or other controls that achieve the same limitation on excess cancer risk. One or more of the following methods may be used:

- a. Purchasing new engines/equipment (Tier 2 or better)
- b. Adding controls to existing equipment (diesel particulate filters)
- c. Electrification
- d. Other methods based on newer technology

**Plan Requirements and Timing:** The applicant shall prepare a revised health risk assessment based on the final inventory of engines to be operated and current Health Risk Assessment Guidelines, for review and approval by the County prior to occupancy or the start of operations. The effectiveness of any alternative control measures shall be confirmed by SBAPCD. **Monitoring:** Periodic inspection of proposed equipment

### Visual Resources

30. **Landscape Berm Maintenance.** The applicant shall develop and implement a monitoring and maintenance plan for the landscaping on the screening berms, and along the southern property boundary, to ensure the growth and health of the landscaping. **Plan Requirements and Timing:** The applicant shall submit a landscape monitoring and maintenance plan to County Planning & Development for review and approval prior to issuance of a land use permit. The plan shall include irrigation, fertilizing, pruning, and dust removal scheduling, and any other identified maintenance needs to ensure optimal growth. The plan shall include growth and survival performance goals for the trees for the life of the permit, including contingency plans to replant diseased or stressed trees. **Monitoring:** ~~Installation and maintenance of the screening landscaping shall be included~~ in the annual SMARA mine inspections by the County.
31. **Additional Processing Area Screening.** Additional screening shall be provided on the south side of the Processing Area to screen views from northbound viewers on State Route 33. The applicant shall modify the site layout (if necessary) and landscaping plan to provide a windrow of irrigated perennial trees between the haul road and the southern property boundary that extends at least 500 feet from State Route 33. The screening trees may include non-invasive ornamentals if no native trees would be effective in this application and location. Tamarisk shall not be used. See Mitigation Measure NS-1, Item (1) and Figure 3-35 for noise attenuation berms on the southern boundary that may provide visual screening under this measure. **Plan Requirements and Timing:** The final site layout and landscaping plans shall incorporate the additional screening landscaping and shall be submitted to County Planning & Development for review and approval prior to issuance of a land use permit. **Monitoring:** Installation and maintenance of the screening landscaping shall be included in the annual SMARA mine inspections by the County.

32. **Project Area Lighting.** Lighting installed at the Processing Area shall have a low glare design, and shall be hooded to direct light downward onto specific areas of the Processing Area. Light fixtures shall be shielded so that neither the lamp nor the related reflective interior surface shall be directly visible outside the Processing Area, and light levels at the perimeter of the Processing Area shall not exceed 0.5 foot candles. **Plan Requirements and Timing:** The applicant shall submit a lighting plan to County Planning & Development for review and approval, specifying the height, location, and intensity of all site lighting. An arrow should be included for each light fixture which indicates the direction of light being cast by such fixture. The plan shall also include a time management component which calls for the reduction of lighting to minimal security levels when there are no nighttime operations. The plan shall be submitted to County Planning & Development for review and approval prior to issuance of a land use permit. **Monitoring:** Ensuring the proper installation and use of lighting fixtures shall be included in the annual SMARA mine inspections by the County.

### **Cultural Resources**

33. **Resource Discovery.** In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements and Timing:** This condition shall be printed on the construction and mining plans. **Monitoring:** County Planning & Development staff shall check mining plans prior to approval of the land use permit.

### **Agriculture**

No Conditions

### **Project Specific Conditions**

34. **Limitations on Project-Generated Truck Trips.** Truck traffic to and from the Diamond Rock project site shall be prohibited through Ojai. The truck trips generated by the Diamond Rock mine that the project EIR assumed would travel through Ojai (20 percent of the project-generated traffic) shall not be re-routed in other directions. As a result of this condition, the average and maximum annual project-generated truck trips will be reduced by 20 percent when compared to traffic generation rates evaluated by the project EIR. Condition No. 1 (Project Description) has been revised and reflects the truck trip limitation requirements of this condition.

Any proposed change to the truck trip limitations required by this condition shall require the project applicant to file an application to modify the project's Conditional Use Permit. Planning & Development shall provide copies of the permit modification application to

the Ventura County and City of Ojai Planning Departments. The application to modify 03CUP-00000-00037 shall be considered by the Santa Barbara County Planning Commission at a publicly noticed hearing. Notice of said hearing shall also be provided to the Ventura County and City of Ojai Planning Departments, and notices shall be provided in a newspaper of general distribution in the Ojai area in accordance with Santa Barbara County noticing procedures.

35. **Project-Generated Truck Traffic Monitoring.** Daily weight receipt records for material hauling trucks leaving the project site shall be made available for inspection by the County. The weight receipts shall also indicate the origin location of the truck, destination of the truck, and the time it left the project site. The permittee shall keep at least the previous 365 days weight receipts on file at the project at all times.
36. **Regional Permit Monitoring Program.** Upon the effective date of a permit monitoring condition imposed by the County of Ventura on aggregate mines in Ventura County, the permittee shall participate in a permit monitoring program developed by the County Ventura and the County of Santa Barbara for the purpose of uniform permit condition monitoring by both jurisdictions. The program shall apply to this project as well as other relevant projects in both counties (i.e., mines for which at least 50% of the traffic uses State Route 33).
37. In regard to truck monitoring, the joint monitoring program may include, but is not limited to, the following elements:
  - a. ~~Traffic monitoring devices (counter hoses, etc) at or near the project entrance that record the timing and/or identification of trucks arriving and departing the project.~~
  - b. Use of public employees or consultants hired by the count(ies) to monitor and record truck movements in Ventura, Santa Barbara, Kern and/or San Luis Obispo Counties.
  - c. Review on demand the project weigh tickets as requested by public employees or County authorized consultants. Toward this end, the permittee shall keep at least the previous 365 days weigh tickets on file at the project at all times.

The cost of this program, including any consultant or County staff costs, shall be borne by the participating projects based on their pro rata share of the total mining traffic (i.e. previously permitted trips and any additional trips approved by this or future modifications to this permit) generated by the participating projects.

38. **Truck Identification.** Upon the effective date of a truck identification condition imposed by the County of Santa Barbara on aggregate mines in Ventura County, the permittee shall participate in a truck identification program developed jointly by the mine operators, the County of Santa Barbara and the County of Ventura that allows easy

determination of what mine the truck is utilizing. The program shall apply to product or delivery trucks traveling to, or leaving from, the site. This identification system only applies to trucks being used by customers with accounts on file with the project.

The purpose of this condition is to develop a unified vehicle identification program for mining projects in Santa Barbara and Ventura that allows designated condition compliance monitors (see Condition 36) or members of the public to easily identify the mine the truck is utilizing. Such identification will help to monitor condition limits on numbers of truck-trips, designated routes, and/or permitted hours of operation for some of the mines in the two counties.

The cost of this program, including any materials, consultant and/or County staff costs, shall be borne by the participating projects based on their pro rata share of the total traffic (i.e. previously permitted trips and any additional trips approved by this or future modifications to this permit) generated by the participating projects.

39. **Annual Report.** As part of the SMARA Annual Status Report [LUDC 35.82.160.H.1.b(9)] the permittee shall prepare and submit to the County and Conditional Use Permit compliance report that describes how all conditions and mitigation measures of this permit are being implemented, any problems with such implementation, and the proposed resolution of identified problems.
40. **Landscape Plan and Performance Securities.** Landscape plans for the proposed screening berms along State Route 33 shall be provided. **Plan Requirements/Timing:** All landscape plans shall be reviewed by P&D and BAR prior to approval of a Land Use Permit Two performance securities shall be provided by the applicant prior to approval of a Land Use Permit, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for five (5) years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in sections (a). If plants and irrigation have been established and maintained, P&D may release the maintenance security 5 years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another 5 years. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:
- a. Installation of all landscaping and irrigation with timers in accordance with the approved landscape plan prior to occupancy clearance.
41. **Water Quality Permit.** The applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. **Plan Requirements and Timing:** Prior to approval of a Land Use

Permit the applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. The objective of the SWPPP shall be to demonstrate that the proposed project would not result in a net increase in sediment discharges from the project site. A copy of the SWPPP must be retained on the project site during mining activities.

42. **Streambed Alteration Agreement Required.** No alterations to the channel or banks of the Cuyama River shall be permitted until the Department of Fish and Game has issued a Streambed Alteration Agreement. **Plan Requirements and Timing:** A copy of the approved Streambed Alteration Agreement shall be provided to Planning and Development prior to approval of a Land Use Permit.
43. **404 Permit Required.** Prior to approval of a Land Use Permit for project-related grading or fill activity activities within the Cuyama River, the applicant shall obtain a U.S. Army Corps of Engineers 404 permit. **Plan Requirements and Timing:** A copy of the approved 404 Permit shall be provided to Planning and Development prior to approval of a Land Use Permit.
44. **401 Certification Required.** Prior to approval of a Land Use Permit, the applicant shall obtain a 401 Water Quality Certification from the Regional Water Quality Control Board. **Plan Requirements and Timing:** A copy of the approved 401 Water Quality Certification shall be provided to Planning and Development prior to approval of a Land Use Permit.
45. ~~**Project Site Appearance.** Mining operations shall be conducted in a neat and orderly manner, free from junk, trash, or unnecessary debris. Where in public view, salvageable equipment stored in a non-operating condition shall be suitably screened or stored in an enclosed structure.~~
46. **Revised Reclamation Plan.** Prior to submittal of the proposed reclamation Plan to the California Office of Mine Reclamation for review and comment, the project applicant shall submit a revised reclamation plan that is consistent with the approved project description and conditions or approval.

#### Conditional Use Permit Conditions

47. This Conditional Use Permit is not valid until a Land Use Permit for the development and/or use has been obtained. Failure to obtain said Land Use Permit shall render this Conditional Use Permit null and void. Prior to the issuance of the Land Use Permit, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to approval of Land Use Permits must be satisfied. Upon issuance of the Land Use Permit, the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of expiration of the appeal period, or if appealed, the date of action by the Board of Supervisors.

48. If the Planning Commission determines at a noticed public hearing that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of Sec. 35.82.060 of the LUDC, the Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.
  49. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Land Use Permit issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit.
  50. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.
  51. Within 18 months after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until a Land Use Permit has been issued. Failure to commence the construction and/or use pursuant to a valid Land Use Permit shall render the Conditional Use Permit null and void.
  52. All time limits may be extended by the Planning Commission for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.
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53. The operator and owner are responsible for complying with all conditions of approval contained in this Conditional Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.
  54. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of issuance of a Land Use Permit.
  55. This permit is issued pursuant to the provisions of Section 35.82.060 of the LUDC and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:
    - c. If any of the conditions of the Conditional Use Permit are not complied with, the Planning Commission, after written notice to the permittee and a notices public hearing, may in addition to revoking the permit, amend, alter, delete or add conditions to the permit at a subsequent public hearing noticed for such action.



- d. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.
  - e. Said time may be extended by the Planning Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.
56. **Additional Permits Required.** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Land Use Permit from Planning and Development. This Permit is required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
57. **Signed Agreement to Comply Required.** Prior to approval of Land Use Permits for the project, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.
58. **Compliance with Departmental letters required as follows:\**
- a. Flood Control dated May 17, 2007.
  - b. Public Health dated May 22, 2007.
  - c. Santa Barbara APCD dated May 29, 2007.
  - d. Fire Department, dated March 18, 2005
59. **Print & illustrate conditions on plans.** All applicable final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
60. **Mitigation Monitoring required.** The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
  - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting

with the owner, compliance staff, other agency personnel and with key construction personnel.

- c. Pay fees prior to approval of a Land Use Permit as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

- 61. **Fees Required.** Prior to issuance of a Land Use Permit, the applicant shall pay all applicable P&D permit processing fees in full.
- 62. **Indemnity and Separation Clauses.** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Conditional Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
- 63. **Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

#### **ADDITIONAL CONDITIONS**

- 64. **Groundwater Protection.** The mine pit shall not be excavated to the level of ground water, and shall stay at least an average of 6 feet above ground water level. If ground water is encountered, material shall be replaced in the pit to a depth of 6 feet above ground water, and excavation may continue above that elevation.”

**Diamond Rock Mine Reclamation Plan 03RPP-00000-00002**  
**APNs: 149-220-002; -011; & -065**

**Project Description**

1. This Reclamation Plan is based upon and limited to compliance with the project description presented below, the Reclamation Plan dated February 21, 2008, as amended below, and the conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the reclamation plan and/or further environmental review. Deviations without the above described approval would constitute a violation of reclamation plan approval.

**The project description is as follows:**

**River Bank Restoration**

Bank Stabilization. The eastern riverbank has historically been disturbed by various erosion control measures such as tree planting, placement of riprap and old automobiles, and the establishment of berms. Tree planting included Tamarix ramosissima (saltcedar, an invasive species) and Populus fremontii (cottonwoods, a desirable species). Some of the cottonwoods are now 30 feet in height while others have not received regular irrigation and are under stress or have already died.

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The applicant would restore a 1,400-foot long portion of the eastern river bank containing buried cars within the first five years of operation. Buried automobiles would be removed and disposed offsite in compliance with local ordinances and other applicable regulations, including those of Santa Barbara County Department of Environmental Health Services. The riverbank would be reconstructed, as necessary, into a stable configuration. The bank would be graded to match the elevation of the existing adjacent bank with a 2- to 4-foot-wide top. The overall slope of the riverbank would be no greater than 3:1 (H:V), unless the use of rip-rap is permitted in the construction. The bank would be constructed of on-site materials, free of debris.

Revegetation – Trees. Existing saltcedar would be removed and an eradication program implemented to ensure they do not become re-established. Existing cottonwood currently growing on or near the riverbank would be retained, as feasible. Additional cottonwood trees (1- or 5-gallon) would be planted on 20 to 30 foot centers along the top of the riverbank or near the toe of the restored bank.

**Revegetation – Seeding.** Native shrubs and herbs from the region would be established on the stabilized banks by seeding. The preliminary list of plants to be seeded is presented in Table 6.

**TABLE 6  
 RIVERBANK RESTORATION SEEDING PRESCRIPTION**

Scientific Name	Common Name	Percent of Mix	Drill Rate PLS 1 /
<b>Shrubs</b>			
<i>Atriplex canescens</i>	Four-wing saltbush	5.00	2.00
<i>Atriplex polycarpa</i>	Cattle spinach	5.00	1.50
<i>Chrysothamnus nauseosus</i>	Common rabbitbrush	5.00	0.33
<i>Ephedra californica</i>	California ephedra	5.00	4.00
<i>Eriogonum fasciculatum</i>	California buckwheat	6.00	0.50
<i>Lepidospartum squamatum</i>	California scalebroom	12.00	0.75
<i>Lupinus excubitus</i>	Bush lupine	Trace	Trace
<i>Yucca whipplei</i>	Chaparral yucca	Trace	Trace
<b>Grasses</b>			
<i>Festuca californica</i>	California fescue	10.00	0.50
<i>Achnatherum hymenoides</i>	Indian ricegrass	30.00	6.75
<i>Nassella cernua</i>	Needle grass	10.00	0.50
<i>Achnatherum speciosum</i>	Desert needlegrass (Needle- <del><i>Hesperostipa comata</i></del> <sup>2</sup> and Thread)	2.50	.36(1.75)
<b>Forbs</b>			
<i>Lasthenia glabrata</i>	Yellowray goldfields	Trace	0.25
<i>Lupinus bicolor</i>	Pigmy-leaved lupine	2.50	1.00
<i>Lupinus sparsiflorus</i>	Coulter's lupine	4.00	4.00
<i>Malacothrix californica</i>	Desert dandelion	2.50	0.25
<i>Oenothera californica</i>	California primrose	Trace	Trace
<i>Phacelia tanacetifolia</i>	Lacy Phacelia	0.25	0.25

PLS = Pure Live Seed

<sup>2</sup> *Achnatherum speciosum* may not be available commercially and there is no local seed source. This species will be replaced by *Hesperostipa comata* (Needle-and-Thread), which is found in the foothills of Central California and documented to be an excellent revegetation species (Wolfe and Associates, 1996, as referenced in the County approved Reclamation Plan for Southwest Ready Mix Ventucopa Rock Plant, now called General Production Services, 09-30-97).

All seeding would be conducted after the temporary drip irrigation system has been installed. After seed has been applied, clean straw would be placed over the seeded area at a rate of 2.5 tons per acre. Application would only occur when wind velocities are low enough to prevent blowing the seed or straw off the slope. A tackifier would be applied,

as specified below, on the same day the seed and straw are applied. The material would be mixed to form a slurry and applied with equipment equipped with a continuous agitation system of sufficient capacity to produce a homogeneous slurry.

Seeding would coincide with the late-spring rainy season. April and May are typically a good time to seed, although the final decision would be based on the weather conditions at the time of planting. It is often preferable to seed after the first rainfall when the ground is wet.

Irrigation would be used only as needed, although supplemental drip irrigation is expected to be necessary due to the semi-arid climate. Artificially supplied water would be slowly tapered off and would cease with cooler weather, usually in late-fall to early-winter. Additional water may be needed once or twice during extreme wind conditions if plants are experiencing critical wilt (i.e., a wilt that does not vanish or lessen with nightfall).

Prior to planting and seeding, all debris and any introduced weeds that have invaded the site would be removed. This can be accomplished by hand, since the area is relatively small.

All areas would be watered so that weed seeds that are already present in the soil would germinate. After germination, and when plants are in active growth, non-selective systemic herbicide (Roundup™ or equivalent) would be applied following manufacturer's specifications. This action would reduce the amount of weeds from the revegetation area ~~prior to seeding with native plants.~~

Once irrigation is supplied, weeds from the soil and that are transported to the site by wind would compete with native plants for space and water. The presence of weeds could reduce extent of native seed germination. Hence, weeds would be controlled during the first growing season by the application of herbicide.

The success of the revegetation will be monitored for as many years as necessary to meet the performance criteria listed in Table 7 for two consecutive years without the use of supplemental irrigation and weed management.

### **Mine Reclamation**

Under the proposed reclamation plan, the mining area in the Cuyama River would be returned to natural open space and the Processing Area would be returned to irrigated agriculture.

Upon termination of the mining operation, the mining pits that are present would be graded and contoured to reduce any slopes to a 2:1 (H:V) grade with an overall slope (including benches) no greater than 3:1 (H:V). The upstream low-flow berm would be removed and disturbed areas surrounding the mine pits would be graded to match

adjacent riverbed contours. The mining pits would remain open until natural flooding and sediment transport processes have filled them with sediments.

**TABLE 7**  
**REVEGETATION PERFORMANCE CRITERIA**

<b>Seed Mix</b>	
Goal	Native vegetation attaining similar cover, density and composition as nearby undisturbed areas.
Performance Criteria	Cover: Native shrub cover greater than 5 percent. Density: Native shrub density equal to or greater than one shrub per square meter. Overall vegetative cover of at least 80 percent. Diversity: At least five native shrub species present within 100 linear feet.
Contingency Action	Reseed if density and/or diversity of native plants is low.
<b>Weeds</b>	
Goal	No interference with native plant establishment. Eradication of <i>Tamarix</i> sp. (saltcedar).
Performance Criteria	No weedy exotics present two years after irrigation is discontinued. No <i>Tamarix</i> sp. (saltcedar) present for two years.
Contingency Action	Hand weed or remove with chemical herbicide if weeds interfere with native plant establishment.  Annually inspect for <i>Tamarix</i> sp. (saltcedar) and, when encountered, cut the <i>Tamarix</i> at ground level with loppers, chainsaws, and brushhooks and treat the stumps with an herbicide and procedures acceptable to the CDFG.
<b>Erosion</b>	
Goal	Erosion does not interfere with native plant establishment. Loss of topsoil from wind erosion is minimal.
Performance Criteria	No specific criterion.
Contingency Action	Repair erosion.

The access road and ramp to the mine pit would be removed. In the riverbed, this road would be graded to match existing riverbed contours. The road across the agricultural field between the Processing Area and the mine pit would be restored to agricultural uses. Gravel and base material used to construct the road would be removed and hauled off

site. Topsoil and fines from the stockpile located in the mine pit would be placed on the road bed.

The stockpiled sand and gravel would be sold. Processing equipment, fencing, conveyors and most piping would be dismantled and removed from the site. Equipment, the fuel storage tank, and all materials stored onsite would be removed. The water well, restroom, septic system, concrete water retention basins, and a minor amount of piping would be retained to support agricultural uses on the property. Electrical service would be downsized to accommodate only that needed to support agricultural uses on the property. The fines deposited in the water retention basins would be removed for proper use and/or disposal and the water retention basins retained for use by the landowner in support of agricultural uses. To facilitate fines removal, the ends of each basin would be sloped, approximately 3:1 (H:V), to permit the entry and exit of equipment. A chain link fence may be placed around the water retention basins for safety.

All base material and fines at the Processing Area would be removed. If the topsoil underlying the Processing Area is considerably deeper than the one foot removed, a six inch layer of sand would be applied, followed by the placement of topsoil stored in the landscape berm. This would restore the site to its original grade and subsequent ripping and tilling would prepare a suitable growing medium for carrot and other crops. If, the topsoil underlying the Processing Area was not considerably deeper than one foot, it would be necessary to either recover and apply the topsoil placed on the agricultural field to the north, or import and apply the supplemental topsoil needed to restore the site to its original grade. Reclamation of the site would be complete when productive capability of ~~the former Processing Area is equivalent or better than the pre-mining condition for two consecutive years.~~

Financial assurances approved by County and Office of Mine Reclamation would be posted for the life of the project to guarantee reclamation consistent with SMARA minimum verifiable reclamation standards. Once reclamation is completed to the satisfaction of the County, financial assurances would be released.

Final mine reclamation may also require additional habitat restoration measures that would be conditions of the 404 permit issued by the Corps of Engineers and the Streambed Alteration Agreement with the California Department of Fish and Game.

**A. Name and address of operator and agent**

<b>Owner</b>	<b>Operator</b>	<b>Agent/Engineer</b>
Triangle E Farms 2830 State Route 33 Maricopa, CA 93852	Troesh Materials, Inc. 305 Cuyama Lane Nipomo, CA 93444	West Coast Environmental 1838 Eastman Avenue Ventura, CA 93003

**B. Quantity and type of minerals for which the surface mining operation is to be conducted**

The Diamond Rock mine would extract sand and gravel from a pit located in the Cuyama River. The total volume of material proposed to be mined is estimated to be 9,213,300 cubic yards, or approximately 13.82 gross tons. Assuming seven percent of the mined material will be unsuitable for sale as Portland cement concrete (PCC)-grade aggregate, the net total anticipated production is 12.85 million tons.

**C. Proposed dates for the initiation and termination of the mining operation**

At a proposed average extraction rate of 500,000 tons per year, the proposed mine could operate for approximately 27.7 years. Flooding of the mine pit by the Cuyama River and rising groundwater will periodically inundate some or all of the mining pit, which will limit or preclude mining operations. The project applicant has requested a 30-year permit to conduct mining operations.

**D. The maximum anticipated depth of the surface mining operation**

The maximum depth of the surface mine would be 90 feet below ground surface.

**E. Site Description**

1) Quarry Size

<u>APN</u>	<u>Parcel Size</u>	<u>CUP Area</u>
149-220-02	117.40	22.58
149-220-11	80.19	80.19
149-220-65	82.35	29.69
<b>TOTAL</b>	<b>279.94</b>	<b>132.46</b>

2) Legal description of the lands that will be affected by such operation

Refer to the legal description for the proposed project site included in section 2.3 of the February 21, 2008 Reclamation Plan.

3) A map that includes the boundaries and topographic details of such lands

The proposed project site plan (Reclamation Plan Figure 5) depicts the project boundaries and topographic details of the project site.



- 4) A description of the general geology of the area  
Refer to the June, 2003 Geologic Report by West Coast Environmental and Engineering, included as Attachment 4 of the February 21, 2008 Reclamation Plan.
- 5) A detailed description of the geology of the area in which surface mining is to be conducted  
Refer to the June, 2003 Geologic Report by West Coast Environmental and Engineering, included as Attachment 4 of the February 21, 2008 Reclamation Plan.
- 6) The location of all streams, roads, railroads, and utility facilities within, or adjacent to, such lands, the location of all proposed access roads to be constructed in conducting such operation  
The proposed mining area is within the riverbed of the Cuyama River. The low-flow channel of the river is to the west of the proposed mining area. When the Cuyama River reaches flood stage, it fills the riverbed bank-to-bank, which will preclude mining activity. Deer Park Creek is a small ephemeral stream located north of the proposed material processing area that drains to the River.

Access to the project site is from State Route 33, and a 24-foot wide all-weather driveway would be provided to serve the project site. There are no railroads in the project area. Electrical service is provided by lines along State Route 33.

- 7) The names and addresses of the owners of all surface and mineral interest of such lands

Triangle E Farms  
2830 State Route 33  
Maricopa, CA 93852

- F. A description of and plan for the type of surface mining to be employed and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.**

Refer to Conditional Use Permit 03CUP-00000-00037 condition of approval No. 1 for a description of proposed mine operations and phasing.

**G. A description of the proposed use or potential uses of the land after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses:**

Proposed reclamation plans for the mine pit would allow it to fill with sediment and revegetate naturally. No subsequent uses for lands within the river have been identified. Mine-related equipment would be removed from the proposed Processing Area, topsoil removed from the area would be returned, and agricultural operations would be restored. The proposed reclaimed conditions would be similar to existing conditions at the project site. Therefore, the project site would be reclaimed in a manner that would establish feasible end-uses that would be consistent with LUDC and the Comprehensive Plan.

All owners with possessory interest in the property subject to the Reclamation Plan 03RPP-00000-00002 have been notified as to the proposed uses of the land after reclamation.

**H. A description of the manner in which reclamation, adequate for the proposed use or potential uses will be accomplished.**

Refer to Reclamation Plan 03CUP-00000-0002 condition of approval No. 1, and the June 15, 2003 Reclamation Plan for a description of proposed mine reclamation activities.

**I. An assessment of the effect of implementation of the reclamation plan on ~~future mining in the area:~~**

Reclamation of the mined lands would not have an effect on the potential future mining of other sites in the vicinity. Access to potential mining sites would not be impeded by the proposed final reclamation of the Diamond Rock mine site.

**J. A statement that the person submitting the plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan:**

In accordance with SMARA Section 2772, Triangle E Farms (owner) and Troesh Materials, Inc (operator) hereby accept responsibility for reclamation of the mined lands at the Diamond Rock mine in accordance with the approved Reclamation Plan.

(Signed statement available at the County of Santa Barbara)

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By James A. and Chris Wegis (owners), June 9, 2003

(Signed statement available at the County of Santa Barbara)

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By Stephen M. Troesh (operator), June 9, 2003

## K. SMARA SECTION 2773.1, FINANCIAL ASSURANCES

The amount of financial assurance by bond, letter of credit or other methods will be assessed annually by the County of Santa Barbara based on disturbed acreage and reasonable costs to reclaim those areas to be disturbed in the succeeding year pursuant to SMARA.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as landscape plans) must be submitted for review and approval and shall be implemented as approved by the County.

### Mitigation Measures from 05EIR-00000-00001

Refer to condition numbers 2-33 of Condition Use Permit 03CUP-00000-00037

### Project Specific Conditions

- ~~34. **Disposition of Fines Material.** All fines shall be either; 1) removed from the site upon completion of operations or during site reclamation for disposal in an approved manner; or 2) mixed with native soil and used as backfill during the reclamation process and placed so that water infiltration or permeability is at least better than, or equal to, pre-mining conditions or rates for the area in which the fines are deposited.~~
35. **RWQCB Permit.** The applicant shall obtain a NPDES Storm Water permit from the Regional Water Quality Control Board (RWQCB). **Plan Requirements and Timing:** The applicant shall obtain a NPDES Storm Water permit or permit waiver from the RWQCB within one year of the approval of the Reclamation Plan. **Monitoring:** P&D staff shall review the submitted documentation to assure compliance with this requirement of State regulations.
36. **Survey Monuments.** Permanent survey monuments shall be installed at the project site. **Plan Requirements and Timing:** Prior to the approval of the Land Use Permit required for implementation of the Reclamation Plan, two permanent survey monuments shall be installed by a licensed land surveyor or a registered civil engineer at locations selected by the County in consultation with the mine operator. Detailed elevation and location information for each of these monuments shall be provided to the County at the time of installation. The monuments shall be placed at sites which will not be affected by the

mining and reclamation activities described in the Reclamation Plan. **Monitoring:** P&D staff shall meet with the applicant and select the locations for the monuments. P&D staff shall either conduct a site inspection or review photo-documentation to assure that installation of the required monuments has occurred.

37. **Aerial Photographs.** To facilitate verification that the Reclamation Plan is implemented as approved, aerial photographs of the area included in the Diamond Rock Reclamation Plan and an updated topographic map of this area shall be periodically provided to the County. **Plan Requirements and Timing:** Stereographic aerial photographs at a scale of approximately 1"=500' which incorporate the area included in the Reclamation Plan shall be provided by the mine operator to the County prior to the month of June in the year 2007 and prior to June every five years thereafter until the completion of site reclamation. An updated topographic map of the area included in the Reclamation Plan at a scale of approximately 1"=50' prepared from the required stereographic aerial photographs shall be provided by the mine operator to the County prior to the month of June in the year 2012 and prior to June every ten years thereafter until the completion of site reclamation. Prior to the approval of the Land Use Permit required to implement the Reclamation Plan, the mine operator shall provide a financial assurance to the County adequate to fund the cost of obtaining the required aerial photographs and topographic map. **Monitoring:** P&D staff shall review and approve the financial assurance proposed by the mine operator. The County SMARA Mine Inspector shall review the submitted photographs and maps to ensure that this condition is satisfied. In the event the mine operator does not provide the required items, the financial assurance shall be used to obtain these informational materials.

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### **Standard Conditions for Reclamation Plans**

38. All reclamation shall comply with the applicable provisions County's Grading Ordinance (Chapter 14 of the Santa Barbara County Code) as determined by the Director of Planning and Development.
39. The conceptual financial assurance shall be approved by the State Office of Mine Reclamation prior to final approval by the County. Within sixty (60) days of final approval of the Reclamation Plan and financial assurance, the applicant shall post a performance security with Planning and Development for the full amount of the approved financial assurance to ensure that reclamation will proceed in conformance with the approved plan. The type of performance security shall be consistent with Section 2773.1 of SMARA. The security for reclamation shall remain in effect until completion of reclamation with provision for annual renewal and adjustment to reflect changes in security requirements and/or changes in the cost of reclamation. The amount of the performance security shall be based upon the estimate by the applicant's engineer of the costs to complete the reclamation of the site. The form, amount, and duration of security shall be subject to review and approval by Planning and Development and County

Counsel staff prior to posting the security. Security shall remain in effect through completion of reclamation.

40. As part of the annual review of the reclamation plan, the form and/or amount of security may be adjusted in accordance with the applicable regional Consumer Price Index, or other appropriate index as determined by Planning and Development, to maintain the same relative value of the security over the life of the reclamation plan and to assure that performance security still reflects the actual cost for completing reclamation on-site. In addition, the amount of Financial Assurance is adjusted annually to account for physical changes on the mining site. The amount of financial assurance posted for the site must reflect the cost of reclaiming the site in a manner consistent with the requirements of the approved reclamation plan and based upon the current condition of the site. If the County determines that additional or new security must be posted, the applicant shall provide the required security within 60 days of notification of deficiency.
41. Planning and Development may declare all or part of the security for reclamation forfeited, pursuant to notice to the applicant and a public hearing, if the Planning Commission determines that the mining operation has been abandoned, the operator is financially incapable of carrying out the reclamation plan, or any provision of the approved reclamation plan is violated as noted in Section 2773.1 (B) of SMARA. No security shall be released until compliance with all applicable conditions of the reclamation plan is verified to the satisfaction of Planning and Development. At least three years of monitoring by County staff will be required to assure the successful implementation of reclamation under the approved plan. Upon completion of reclamation, ~~the County SMARA Inspector and/or Permit Compliance staff shall perform a final site inspection to verify that all requirements of the reclamation plan have been satisfied.~~ The operator shall be responsible for the costs of conducting and completing reclamation in accordance with the approved reclamation plan which are in excess of the proceeds from the forfeited financial assurances.
42. Site inspections to verify ongoing reclamation in conformance with the approved reclamation plan shall be conducted at annual intervals as required by the Surface Mining and Reclamation Act. Additional inspections may be conducted if deemed necessary by the Director of Planning and Development in order to assure reclamation of the site consistent with the approved Reclamation Plan. The applicant shall pay the cost of any required inspections by Planning and Development staff, or designated representative, based upon an hourly rate established by the Board of Supervisors, upon receipt of a bill from Santa Barbara County. Failure to pay the inspection fee within sixty (60) days of the due date shall constitute grounds for revocation of the reclamation plan by the Planning Commission and cessation of mining operations.
43. If, after conducting the inspections required under condition No. 42, Planning and Development finds that the reclamation plan is not being implemented as approved, the mining operation shall be so notified and given a reasonable time to comply with the reclamation plan as specified in Section 2774.1 of the Public Resources Code. If at the

end of this period of time, the reclamation plan is still not being implemented as approved, Planning and Development shall notify the mining operator and the Planning Commission of the continuing failure to comply. Planning and Development shall then set the matter for a public hearing before the Planning Commission. If the Planning Commission (or Board of Supervisors if appealed) determines that the reclamation plan is not being implemented as approved, the Planning Commission (or Board) shall have the authority to revoke the reclamation plan. Once the reclamation plan is revoked, all mining onsite shall cease in accordance with State law. If the Planning Commission or Board of Supervisors revoke the plan, Planning and Development shall declare all or part of the financial assurance (performance security) for reclamation forfeited in accordance with the assurance's provisions and State law.

44. Within sixty (60) days of final reclamation plan approval, the applicant shall execute and record an agreement, subject to Planning and Development approval, to complete the work outlined in the reclamation plan within the time limits of said plan and consistent with all requirements of said plan. This agreement shall bind the applicant and any future owners of the mine. This agreement shall be prepared to conform to the requirements of SMARA Section 2772(j) regarding an applicant statement of responsibility for reclamation.
45. All applicable requirements of the Surface Mining and Reclamation Act of 1975, as may be amended from time to time, are made a part of this Reclamation Plan by reference, with the same force and effect as if the provisions therein were specifically and fully set out herein.

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46. *The mine operator shall prepare and forward an annual status report on the mining operation and ongoing reclamation efforts to the State Geologist and Planning and Development on a date established by the State Geologist and upon forms furnished by the State Mining and Geology Board pursuant to Public Resource Code Section 2207.*
47. *All reclamation shall be completed within 12 months of cessation of mining operations (not including periods when the mine is idle as defined by SMARA and an interim management plan has been submitted for County review).*
48. *Any required financial assurances shall remain in effect for the duration of the surface mining operation, during any periods that the mining operation is idle, and for any additional period after mining operations have ceased, until reclamation is completed in accordance with the approved Reclamation Plan. Prior to release of all or part of the Financial Assurance for the reclamation of the site, the applicant shall have met all requirements as found in the Reclamation Plan and applicable performance standards.*
49. *Within 90 days of a surface mining operation becoming idle, as defined in Section 2727.1 of SMARA, the mine operator shall submit an interim management plan to the County for review and approval by the Planning commission. The interim*

*management plan shall fully comply with the requirements of SMARA, Section 277 (h) and shall provide measures the operator will implement to maintain the site in compliance with SMARA, including, but not limited to, all conditions of the approved Reclamation Plan.*

50. *In conformance with SMARA Section 2770(h, i), unless review of an interim management plan is pending before the Planning Commission, or an appeal is pending before the Board of Supervisors or the State Mining Board, a surface mining operation that remains idle for over one year (after becoming idle as defined in section 2727.1 of SMARA) without obtaining approval of an interim management plans shall be considered abandoned and the operator shall commence and complete reclamation in accordance with the approved Reclamation Plan.*

### County Rules and Regulations

51. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, or conducting any reclamation activities under an approved Reclamation Plan, the applicant shall obtain a Land Use Permit from Planning and Development. The Land Use Permit is required by ordinance and is necessary to ensure implementation of the conditions of approval required by the Planning Commission. Before a Land Use Permit will be issued by Planning and Development, the applicant must demonstrate compliance with all conditions of approval and obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available in Planning and Development. The approval of the reclamation plan by the County of Santa Barbara shall expire if the Land Use Permit is not obtained within 90 days of reclamation plan approval, or a time extension is requested and granted pursuant to the requirements of County ordinance.
52. Developer (mine operator) shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Reclamation Plan. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
53. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

54. Prior to approval of Land Use Permits, the applicant shall pay all applicable P&D permit processing fees in full.
55. The applicant shall ensure that the project complies with all approved plans and all project conditions. To accomplish this, the applicant agrees to:
- a. Contact P&D compliance staff as soon as possible after Reclamation Plan approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
  - b. Contact P&D compliance staff (the County SMARA Inspector) at least two weeks prior to commencement of reclamation activities to schedule an onsite pre-construction meeting with the owner, compliance staff, other agency personnel, and with key construction personnel.
  - c. Pay fees prior to approval of Land Use Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants, when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
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56. Within 90 days of approval of proposed Reclamation Plan 03RPP-00000-00002, the applicant shall obtain an updated Land Use Permit that incorporates the conditions of approval of this plan. Mining without a County-approved Reclamation Plan is prohibited by the Surface Mining and Reclamation Act.

#### **ADDITIONAL CONDITIONS**

57. **Subsurface observation and documentation.** Subsurface conditions in the mine pit shall be inspected by a registered geologist or engineer. The subsurface conditions report will be required when the mine pit reaches 50 feet in depth, and again at 70 feet and 90 feet. In addition, a slope stability update report shall be prepared every 10 years that the mine is in operation. The required subsurface and slope stability reports shall identify modifications to mining operations or the configuration of the mine pit that may be needed to address any identified slope stability or other geologic concerns. All required reports shall be submitted to Planning and Development for review and approval, and any modifications to mine operations shall be enforced in conjunction with the County's annual SMARA inspections.



58. **Groundwater Protection.** The mine pit shall not be excavated to the level of ground water, and shall stay at least an average of 6 feet above ground water level. If ground water is encountered, material shall be replaced in the pit to a depth of 6 feet above ground water, and excavation may continue above that elevation.”

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ATTACHMENT C: Troesh – GPS Joint Venture Letter

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# TROESH MATERIALS, INC.

January 19, 2011

Mr. Gary Kaiser  
County of Santa Barbara  
624 West Foster Road  
Santa Maria, California 93455

RE: Joint Venture between DIAMOND ROCK SAND AND GRAVEL MINE 03CUP-00000-00037 and GPS River Rock Products Co., 93-RP-003; CA Mine ID #91-42-0023

Dear Mr. Kaiser:

The Diamond Rock and GPS projects are two County of Santa Barbara approved stand alone mining and processing facilities that include two separate mine pit areas. The GPS site has been operating in the Cuyama Valley for over 40 years. Diamond Rock is a newly permitted facility which abuts to the GPS Operation to the south.

GPS has an active application at the County of Santa Barbara for a new mining permit (CUP). While this application is pending, the existing permit to receive and process material mined from other locations is not affected.

At this time Diamond Rock does not have a processing facility established. Due to the economic hardships in California it is not feasible to follow through with the original business plan of a mining and processing facility at this time. Also, the market does not warrant a demand for the material volumes necessary to operate at the full permitted capacity.

Diamond Rock and GPS are working together to develop a Joint Venture to utilize the Diamond Rock mined material and process it at the GPS facility. We strongly feel this is a win/win situation for the County and Community. In effect we will be consolidating the two operations in order to operate one mine pit and one processing facility as opposed to two.

Diamond Rock is approaching this as a Phasing Plan to the permitted operation. The Joint Venture operation is proposing to move the mine pit access road approximately 450 feet north of the approved location to access the existing farm road (see drawings in the attached Updated Project Description). This route is the preferred alternative because it will have the least amount of impacts as discussed below. Alternatives that we explored for hauling the material from the Diamond Rock mine pit to GPS processing area included:

- Utilizing the approved mine access road to HWY 33, traveling north, and entering the GPS site. – This alternative is economically unfeasible due to CalTrans imposed conditions, would require new roads to be constructed through the project site, and would remove existing farmland from production. Please note that this alternative would be approximately two miles longer than the preferred alternative haul route, resulting in increased air quality and noise impacts as well as additional transportation costs.

January 19, 2011

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- Hauling material up the river bed. - This option is not possible without additional State and Federal permitting, has the potential to impact BNLL movement, would potentially require several thousand feet of BNLL fencing in the riverbed, as well as other potential environmental impacts.
- Hauling through a row of agricultural land – this has less impacts than hauling through the river, but removes existing agriculture land from production.

This Joint Venture will have several environmental benefits that we've outlined below:

#### **1. Truck Traffic & Safety**

Truck traffic and safety will no longer be affected by additional truck traffic utilizing either SR 33 or HWY 166. Diamond Rock will provide GPS with material to process via an existing farm road located at the eastern project boundary and travel north to the GPS processing facilities. Material transported from Diamond Rock to GPS for processing will not travel on SR 33 or HWY 166. Material transport from GPS would not exceed current operation levels.

#### **2. Noise**

There will be no additional truck traffic on SR 33 or HWY 166 from Diamond Rock. This will limit additional ambient noise from SR 166 & HWY 33. Material processing will take place at the existing GPS facility, so there will be no need to build the processing facilities at Diamond Rock yielding no additional ambient noise impacts.

#### **3. Air Quality**

Equipment - With this joint venture there will be half the equipment running simultaneously within one mile of each other in the river.

Trucks – again no emissions from any added trucks to the area.

#### **4. Visual**

There will be no visual impact from SR 33 due to Diamond Rock stockpiling material or from processing equipment. The visible agricultural field where Diamond Rock processing facilities would be located remains as agriculture.

#### **5. Agriculture**

The 14.2 acre Diamond Rock Processing Area adjacent to State Route 33 will be undisturbed. It will remain in its current state as agricultural land.

#### **6. Economic Impact of the Diamond Rock / GPS Joint Venture**

- Based on the Santa Barbara – San Luis Obispo 50-year demand for aggregates, the region has approximately 16 years of permitted aggregate reserves available. It's imperative to keep the mines operating. Which at this time neither can operate based on individual circumstances. Together they can be feasible.
- Local job opportunities will increase plus outside opportunities such as local business stimulated by wage earners and haulers brought back to the community.
- Joint Venture will generate approximately \$328,712 in sales tax revenues of which \$63,622 will be local sales tax revenues that remain in Santa Barbara County.

January 19, 2011

Page 3

- The Joint Venture would support the State's mineral resources strategies and policies and would strengthen the County's economic base by maintaining a local source of construction grade aggregate to help meet the demand for current and projected growth.

With this Diamond Rock Phasing Plan and the Joint Venture the environmental impacts that were reviewed and analyzed extensively and conditionally approved by the County will be reduced significantly. If a filing is required, as stated in the attached Updated Project Description for the Diamond Rock operation we are asking the Director to approve the updated Project Description in conformance with Santa Barbara County Land Use Development Code Section 35.84.040, B. Minor changes to an Approved Project.

For reference and or use we have attached with this summary:

- Updated Project Description for Diamond Rock describing the Phasing Plan with maps.
- Letter from GPS certifying that their processing volumes will not change from historical volumes.

For questions regarding the Joint Venture, please contact me (805) 896-9023 or John Hecht with Sespe Consulting, Inc. (805) 275-1515.

Sincerely,



Steve Troesh  
Troesh Materials, Inc.



468 Poli Street, Suite 2E • Ventura, California 93001

January 13, 2011

Mr. Gary Kaiser  
County of Santa Barbara  
624 West Foster Road  
Santa Maria, CA 93455

Re: Diamond Rock Sand & Gravel Mine and Processing Facility  
Updated Project Description, 03CUP-00000-00037

Dear Mr. Kaiser:

On behalf of Troesh Materials, Inc. (Troesh), Sespe Consulting, Inc. (Sespe) is submitting an updated project description for the approved Diamond Rock Sand and Gravel Mine and Processing Facility, 03CUP-00000-00037.

Due to the state of the California economy, Troesh has determined that it is not economically feasible to implement the entire project as described in the approval documents during the first phase of production. Troesh is proposing to phase the development plans in order to begin the mining and river monitoring process. This will allow Troesh to delay the capital expense of building the processing facilities while still being able to begin excavation.

We request that the following be added to condition No. 1, Project Description to include an initial production phase that will consist of the following:

1. Phase the project to not construct the processing facilities during the initial production phase.
2. Redirect the excavated riverbed material to the GPS River Rock Products (GPS) processing facilities site located approximately one mile north of the approved mine pit. Please see the attached figures showing approximate location of the revised mine pit access and haul road. Please note that production levels and truck trips will not exceed approved levels at GPS and material hauling on the GPS site will occur on existing roads used historically and in current permitted operations. Diamond Rock haul route changes include;
  - a. Move the mine pit access road approximately 450 feet north of the approved location to avoid potential impacts associated with crossing Deer Park Creek.
  - b. Haul trucks would utilize the existing farm road located at the eastern project boundary and travel north to the GPS processing facilities where it would be washed, sorted and sold.
3. No farmland will be removed from production until the Processing Facilities are constructed.
4. Activities started in the initial production phase that are not in the original project description will be discontinued when the processing facility is completed at the Project Site.

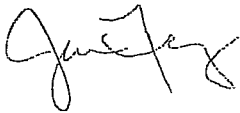
Mr. Gary Kaiser  
County of Santa Barbara

January 13, 2011

Troesh is asking the Director to approve the proposed update in conformance with the Santa Barbara County Land Use Development Code Section 35.84.040, B. Minor changes to an Approved Project. We believe that the above described project is in substantial conformity with the approved Land Use Permit, that the proposed update does not change the scope of the development, it does not change the conclusions regarding the project's specific findings, and that the environmental impacts associated with the proposed updated Project Description were analyzed in the approved project EIR and that the updated changes minimize project related impacts.

Please do not hesitate to call me or John Hecht at (805) 275-1515 if you would like to discuss the process in greater detail.

Best Regards,



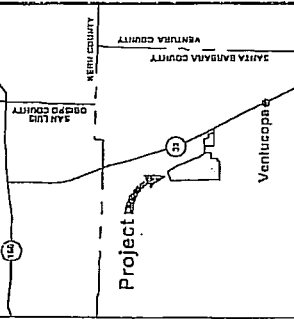
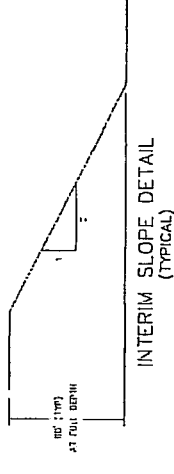
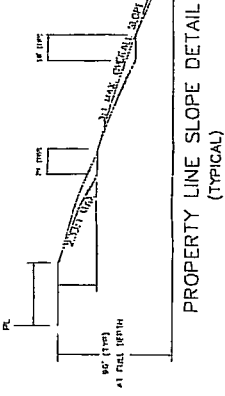
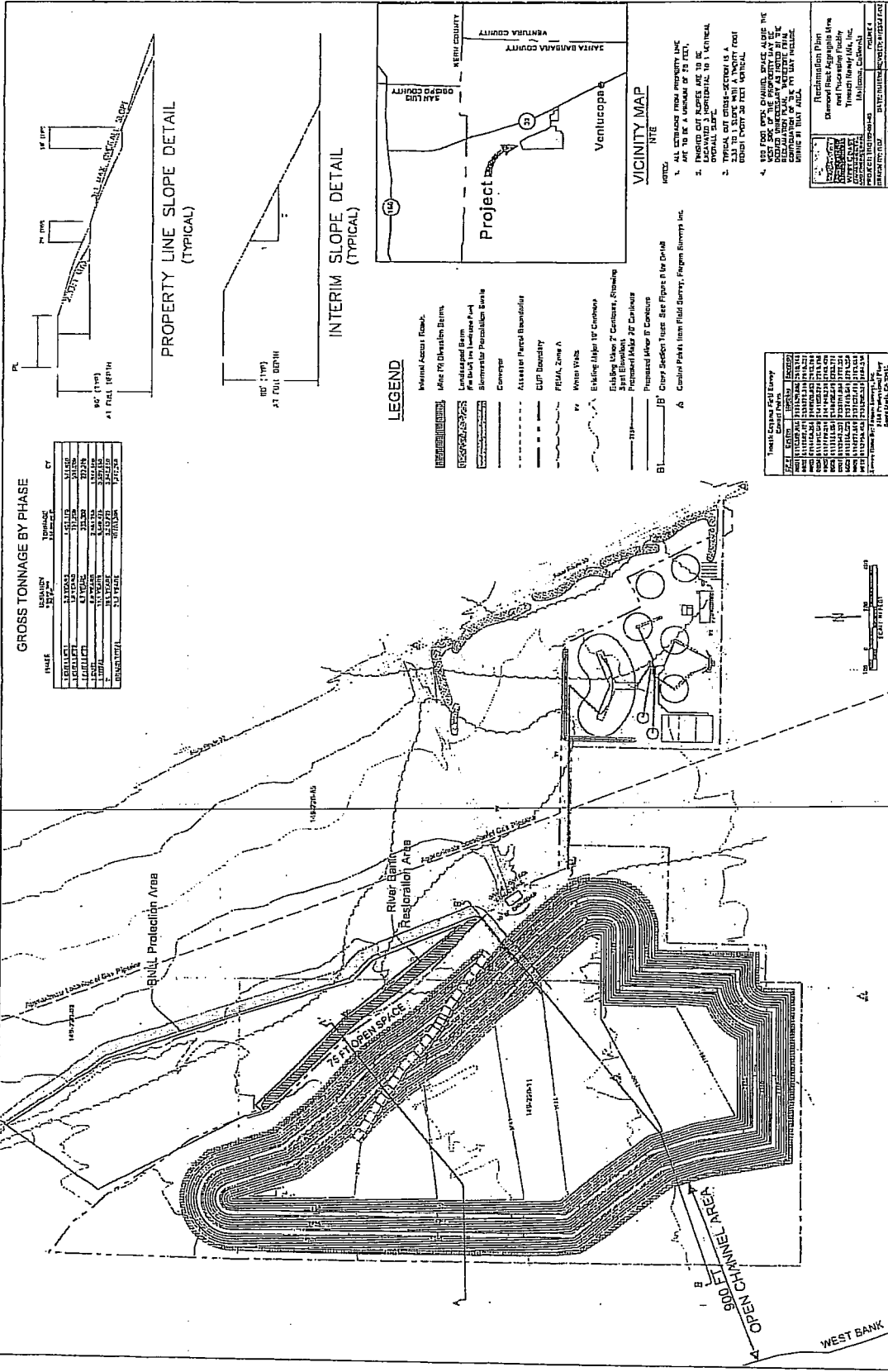
Jane Farkas  
Project Manager  
**Sespe Consulting, Inc.**

With Attachments

Copy: Steve Troesh, Troesh Materials  
Rusty Risi, GPS  
Sarah Bartling, GPS

**GROSS TONNAGE BY PHASE**

PHASE	USAGE	TONNAGE	CR
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99	GRAVEL	15,000	1.5
100	GRAVEL	15,000	1.5



- LEGEND**
- Eminent Domain Easement
  - 100' PVI Overhead Barricade
  - Unimproved Easement
  - Improved Easement
  - Seasonal Floodplain Easement
  - Easement
  - Access Easement
  - EUP Boundary
  - FEMA, Zone A
  - Wetland
  - Existing Major Irrigation
  - Existing Minor Irrigation
  - Stream
  - Proposed Major Irrigation
  - Proposed Minor Irrigation
  - 'B' Cherry Station
  - 'A' Control Point

1. ALL EXISTING ROAD IMPROVEMENTS SHALL BE MAINTAINED TO A MINIMUM OF 25 FEET.

2. PAVED CUT SLOPES ARE TO BE MAINTAINED TO A MINIMUM OF 1 VERTICAL TO 1 HORIZONTAL.

3. TYPICAL CUT SLOPE SECTION IS A 1:1 SLOPE WITH A 10% GRADE.

4. THE 100' PVI OVERHEAD BARRICADE SHALL BE MAINTAINED TO A MINIMUM OF 25 FEET.

5. THE 100' PVI OVERHEAD BARRICADE SHALL BE MAINTAINED TO A MINIMUM OF 25 FEET.

6. THE 100' PVI OVERHEAD BARRICADE SHALL BE MAINTAINED TO A MINIMUM OF 25 FEET.

**DANIEL J. PELLOW**  
**CONSULTING**

12/20/07  
07/17/03

PROJECT: DIAMOND ROCK QUARRY - END OF MINING  
PREPARED BY: WEST COAST ENVIRONMENTAL

SCALE: AS SHOWN  
DATE: 12/20/07

SCALE: AS SHOWN  
DATE: 12/20/07

SCALE: AS SHOWN  
DATE: 12/20/07

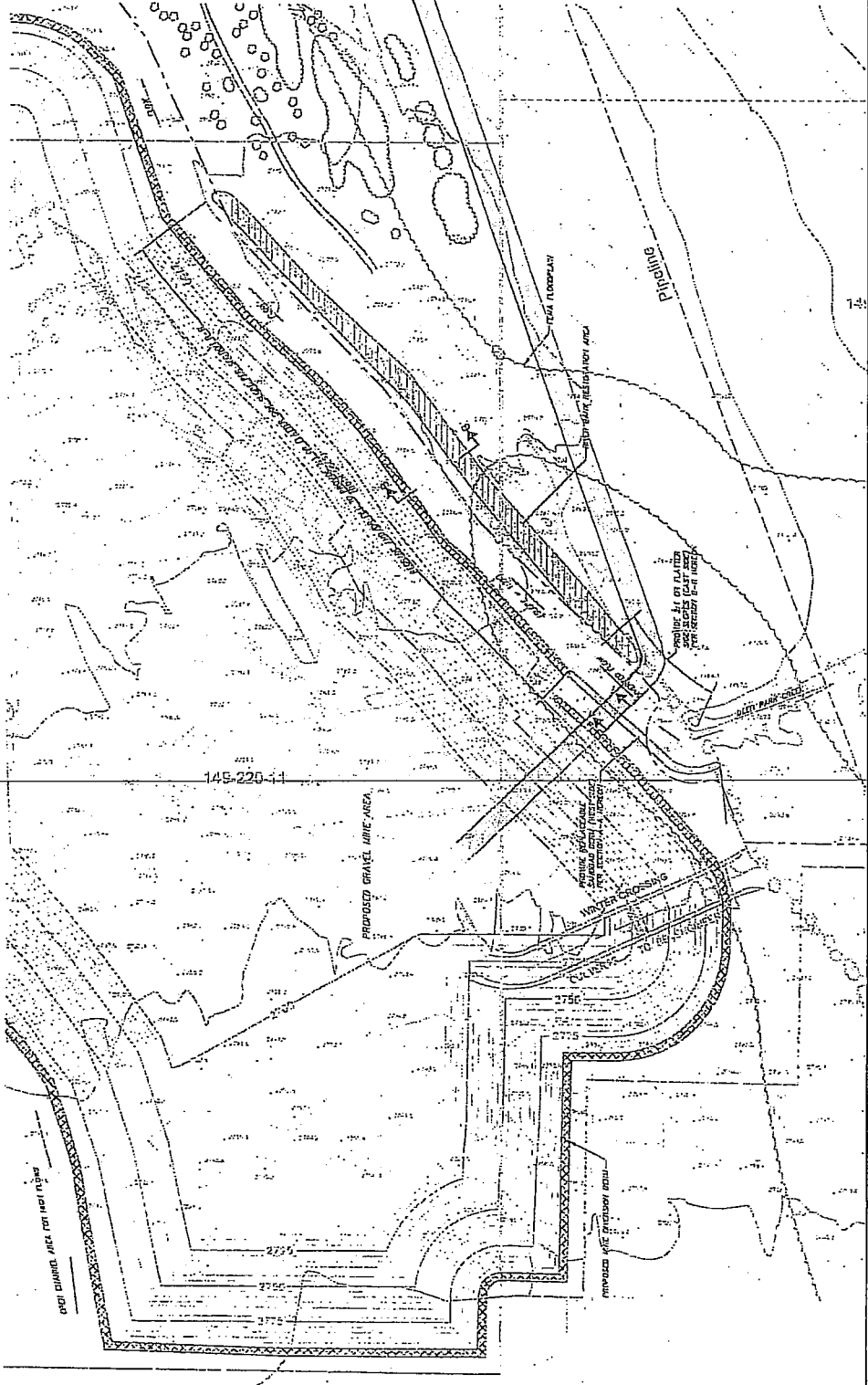
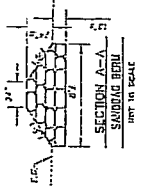
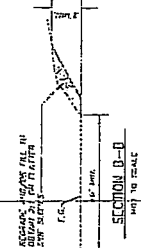
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**LEGEND**

- PTVA PROPERTY
- PROPOSED WASTE DISPOSAL POND BERM
- PROPOSED SANDWICH BERM AND ROCK CRYSTAL CONTAINING STRUCTURE 25 FEET HIGH AT INTERVAL 75



SHEET NO. 1 OF 1 SHEETS		PROJECT NO. 145-220-41 DRAWING NO. 145-220-41-1			PREPARED BY: JAMES A. JENNINGS & ASSOCIATES, INC. 100 N. 10TH ST., SUITE 200 DENVER, CO. 80202	REGISTERED PROFESSIONAL ENGINEER STATE OF COLORADO NO. 10000	CHECKED BY: D. GIBSON
PROJECT TITLE: DIAMOND ROCK AND GRAVEL MINE DEER PARK CREEK GRADE CONTROL STRUCTURE PLAN AND TYPICAL SECTIONS		DATE: 10/1/81			PROJECT NO. 145-220-41 DRAWING NO. 145-220-41-1	SCALE: 1" = 40'	SHEET NO. 1 OF 1 SHEETS



*GPS River Rock Products Co.  
P.O. Box 344 Taft, CA 93268  
(661) 765-5330 phone (661) 765-4860 fax*

January 18, 2011

*via e-mail to [gkaiser@co.santa-barbara.ca.us](mailto:gkaiser@co.santa-barbara.ca.us)*

Mr. Gary Kaiser  
County of Santa Barbara  
Planning and Development  
624 West Foster Road, Suite C  
Santa Maria, CA 93455-3623

Subject: GPS River Rock Products Co., 93-RP-003; CA Mine ID #91-42-0023  
Proposed Plan to Process Diamond Rock Materials at the GPS Ventucopa  
Rock Plant

Dear Mr. Kaiser;

GPS River Rock Products Co. (GPS) is engaged in discussion with Troesh Material, Inc. (Troesh) to develop a joint mining and processing operation for their mining facilities in the Cuyama Valley. The combined operation, as presented to you and Ms. Zoraida Abresch in our meeting on January 13, 2011, includes extraction of material from the Diamond Rock Project area transported along the existing farm and haul roads to the existing GPS facility for processing. GPS anticipates that this proposed joint operation would be conducted over a trial period of five years, beginning in 2011. The proposed plan for GPS is to excavate material from the Diamond Rock Project and process it at the existing permitted GPS processing plant.

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*Background*

Sand and gravel mining at the 80-acre GPS site has occurred since before 1969 and, as noted by you in a memorandum to Mr. Doug Anthony (October 23, 2009), is considered a vested operation. Currently, the GPS mining and processing facility is a fully permitted operation including an approved reclamation plan (93-RP-003), Land Use Permit (03LUP-00000-0051), and Air Pollution Control District Permit (PTO 10869-R3).

In September of 2003, GPS submitted an application to the County of Santa Barbara (County) for a CUP for new mine acreage to replace the then nearly exhausted aggregate reserves. Currently, the Final EIR for the replacement mine acreage is on hold with County Counsel pending judicial decision regarding Troesh's Diamond Rock Project. GPS has no acreage permitted for material extraction which has premium grade aggregate reserves (historical sand and gravel deposits). Existing permits allow material extraction from approximately 14 acres of the older Phase II/III mine area which, following full excavation, was filled in with sediment in flooding of 2005 (Figure 1). This newer infill is composed substantially of marginally marketable aggregate material which has not yet been harvested.

January 18, 2011

Proposed Operations

GPS' investment in its fully built and permitted facility and staff has incurred and continues to incur substantial financial losses due to the prolonged period without access to premium grade aggregate. Because the GPS facility is already in place, alternatives for the GPS operations are limited to access to new material. The Diamond Rock Project, which is expected to be fully permitted in the short term, would provide this new material.

Key elements of the proposal to process material harvested from the Diamond Rock Project site include:

- Mining of historic premium grade aggregate would occur in the 14-acre area under Diamond Rock permits;
- Mining and hauling would be conducted using equipment covered by GPS existing permits;
- Hauling on the GPS site would use existing permit haul roads;
- Material processing would not exceed current GPS permit levels;
- Transport of material off site would remain the same as under current operations;
- Hours of operation at GPS would not change from current operations; and
- Environmental monitoring and mitigation measures for the combined project would be in accordance with the permits pertaining to the active areas at each site.

The advantages to the proposed combined operations include:

- Alleviate a portion of the significant shortage of PCC-grade aggregate in the region;
- Eliminate temporarily, if not entirely, the environmental impacts associated with two concurrent mine pits, processing facilities, and truck transport operations; and
- Continue to provide financial benefit to the community and County.

GPS intends to limit material extraction to the Diamond Rock site in this trial period unless certain conditions occur, such as:

- Flooding of the Diamond Rock mine pit renders it inaccessible for a prolonged period (3 months);
- Full excavation (completion) of the permitted area (14 acres to 45 feet) without additional mine-acreage permits in place;
- The GPS replacement acreage is permitted and includes time constraints which require initiation of mining; or
- Economic conditions which allow Troesh to fully implement the Diamond Rock Project, and no longer conduct joint operations with GPS.

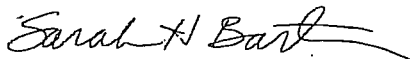
January 18, 2011

Conclusion

The proposed plan for GPS to process material extracted from the Diamond Rock site would be conducted under existing GPS permits and approvals. Hauling of material on the GPS site would occur on approved haul roads and no changes to production or off-site transport would occur. Sand and gravel material would be derived from the river bed, as in the existing project description, but from the area permitted under the Diamond Rock project. Thus, we believe the joint project on the GPS site is in substantial conformity with, and could be conducted under, the existing permits and approvals.

We request the County consider this plan and provide written concurrence that GPS is permitted to conduct the operations described herein in conjunction with County approval of the Diamond Rock elements of the proposed joint operation.

Sincerely,



Sarah H. Bartling, P.G.  
Project Coordinator

Attachment: Figure 1

Cc: R. Risi, GPS River Rock Products Co.  
Steve Troesh, Cherisse Troesh; Troesh Materials  
Jane Farkas; Sespe Consulting, Inc.

Scale: 1 Inch = 400 Feet



Pre-Phase I  
and Phase I  
Reclamation  
Area  
Approx. 35 Acres

Processing  
Area  
Approximately  
30 Acres

Haul Road  
and  
Farm Roads

Phase I  
Revegetation  
Area

Permitted  
Phase II/III  
Area - 15 Acres

Approximate OHWM  
April 2005

## ATTACHMENT D: CEQA Addendum

TO: Planning Commission

FROM: Gary Kaiser, Senior Planner  
Development Review Division, Planning and Development Department

DATE: April 27, 2011

RE: CEQA Determination for 11RVP-00000-00032: Finding that CEQA Guidelines Section 15164 (Addendum) applies to Diamond Rock CUP Revision for Phase I "extraction and hauling only." CEQA section 15164 allows an addendum to be prepared when only minor technical changes to the certified EIR are necessary and none of the conditions in CEQA Guidelines Section 15162 have occurred. The Environmental Impact Report (05EIR-00000-00001) prepared for the Diamond Rock Mine and Processing Facility (03CUP-00000-00037 and 05RPP-00000-00001), is hereby amended by this 15164 letter for 11RVP-00000-00032.

Location: The project is located on the west side of Highway 33 approximately 6 miles south of its junction with Highway 166, in the Ventucopa area, Fifth Supervisorial district (APNs. 149-220-002; -011; & -065).

Background: The Diamond Rock Mine and Processing facility was approved by the Planning Commission on May 14, 2008 and subsequently by the Board of Supervisors on September 23, 2008. The County's approval of the project was then challenged in Superior Court but on March 29, 2011 the Superior Court upheld the County's approval of the project.

### Previously Approved Project:

The approved Diamond Rock mining permit (03CUP-00000-00037) and associated reclamation plan (03RPP-00000-00002) allow for the establishment and operation of a new sand and gravel mine and processing facility on 133 acres (on parcels that total 280 acres) in and adjacent to the Cuyama River, respectively. The permit allows mining and processing activities to occur at an average annual rate of 500,000 tons per year over a 30-year period. The approved mining area within the river channel is 84 acres wherein mining can occur to a depth of 90 feet. A processing area on the adjoining river terrace was also approved as part of the project. The processing area is 14.2 acres located between the river pit and Highway 33. Please refer to 03CUP-00000-00037; 03RPP-00000-00001 and 05EIR-00000-00001 for a much more detailed project description.

### Proposed Changes in the Project:

In addition to the aforementioned County Conditional Use Permit and Reclamation Plan, the project requires permits from several other agencies. The state and federal permits (CA Dept of Fish and Game, Regional Water Quality Control Board and US Army Corps of Engineers) were subsequently issued but are only valid for 5 years. Moreover, they effectively reduce the mining area from 84 acres to only 14 acres and the mining depth from 90 feet to only 45 feet in depth.

Because of these substantial reductions in the project, at least during this initial five year evaluation period, the applicant informs us that it is not economical to construct the new processing facility. After this initial 5-year period it may be possible for the applicant to extend the state and federal permits or have them renewed routinely, in which case it would be feasible to construct the new processing facility. Hence, the applicant would like to maintain existing entitlements for the full build out of the project, but would like to have this interim Phase I “extraction and hauling only” option available for use in the meantime.

Under the proposed Phase I plan, raw material from the Diamond Rock mine would be hauled to the existing GPS processing facilities, which are located on the adjacent property to the north of Diamond Rock, via an existing farm road that currently connects the two use areas. The existing farm road is virtually flat and would require very little, if any, improvement. GPS would cease extraction on their property while receiving and processing material from the Diamond Rock site. Likewise, Diamond Rock would cease the export of material to GPS once Diamond Rock constructs a new processing facility. GPS is currently processing material. The Diamond Rock material would simply replace existing noise, dust, etc.

#### Potential Impacts of the Project Changes:

In approving the Diamond Rock project, the Board of Supervisors certified a Final Environmental Impact Report (05EIR-00000-00001) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act and adopted Findings and a Statement of Overriding Considerations relative to the project’s significant and unavoidable effect on Air Quality due to emission of oxides of nitrogen (NOx) from equipment at the project site. Findings were also adopted for significant but mitigable effects related to Drainage and Flooding, Geologic Hazards, Biological Resources, Traffic, Noise, Air Quality, Cultural Resources and Visual Resources.

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Following is a summary of the impacts that were previously identified in 05EIR-00000-00001 and explanation as to why the proposed revisions would not increase the severity of those impacts:

**Significant and Unmitigable Impact (Class I)** -- The EIR concluded that the project would result in a significant, unavoidable impact (Class I) on air quality. The project would create a new source of nitrogen oxide (NOx) and reactive organic compound (ROC) emissions due to onsite mining, onsite hauling, and processing activities. Both the average and peak daily NOx would exceed the County Planning and Development and APCD significance thresholds for combined mobile and stationary source emissions during operation (55 pounds per day for ROC or NOx). The daily ROC emissions under both the average and peak production rates would remain below the significance threshold.

**Proposed CUP Revision** – The proposed interim Phase I “extraction and hauling only” plan would defer the construction and operation of a new processing facility and therefore avoid, or at defer, this Class I impact caused by combined mobile and stationary source emissions. The mobile emissions from the use of the proposed haul road only, although longer than the previously approved haul road, would not exceed significance thresholds either NOx, SOx, Rox, or health risk, as evidenced by the air quality and health risk assessments that have been prepared for the proposed CUP revision (Revised Air Quality Assessment and Revised Health Risk Assessment, Sespe Consulting, April 21, 2011 and March 11, 2011, respectively).

GPS currently processes up to 400,000 tons of material per year with a maximum permitted rate of 500,000 tons per year. GPS will cease processing its own materials but the processing of Diamond Rock materials will remain restricted to a maximum of 500,000 tons per year. Thus, there would be no increase, and in fact there would be a considerable decrease in emissions compared to the two separate projects each producing 500,000 tons of material per year when the economy supports that. A revised Air Quality Assessment has been prepared showing the emissions from the Phase I plan alone and compared to the previous approval of a second processing facility. The phase I plan represents no increase in emissions compared to the previous approval.

**Significant but Mitigable Impacts (Class II)** -- The proposed project would also result in various significant, but mitigable impacts (Class II), which are summarized below. Mitigation measures to avoid these impacts, or to reduce them to less than significant levels, are presented in the EIR and in project Conditions of Approval.

- a. **Drainage and Flooding** -- The results of a sediment transport simulation model indicated the proposed Diamond Rock mine, combined with the nearby existing GPS mine, would create a sediment deficit in the river as mining rates exceed natural sediment replenishment rates. This condition could result in downstream channel degradation and upstream headcutting, although there is uncertainty if this impact would occur. Deer Park Creek is a tributary that will discharge at the mine pit. Significant flows in the creek could cause headcutting which could migrate upgradient to State Route 33 unless sufficient grade control is provided at the edge of the mine pit where the creek will discharge. The proposed Processing Area may be exposed to localized flooding from two sources during very wet winters with severe runoff conditions: 1) runoff from an old tributary that is parallel to the river, but which may or may not convey the same flow volume as it did prior to land development in the valley; and 2) flow from Highway 33.

**Proposed CUP Revision** -- The proposed interim Phase I "extraction and hauling only" plan would not increase the mining area and therefore would not increase the potential for a sediment deficit. In fact, the Regional Water Board and Army Corps permits have reduced the mining area and therefore reduced the potential impact. The processing area would not be built at this time and therefore the potential for flooding impacts would be avoided, or at least deferred.

- b. **Geologic Hazards** -- The proposed mining plan would involve mine slopes that would not have suitable factors of safety under seismic or saturated conditions. Although slope failure would not affect any structures or adjacent properties, the potential for failure could affect worker safety.

**Proposed CUP Revision** -- The proposed interim Phase I "extraction and hauling only" plan would not increase the depth or steepness of mine slopes and in fact the Water Board and Army Corps permits have significantly reduced the mine size (from 84 acres to 14 acres) and depth (from 90 feet to 45 feet), thereby decreasing this potential impact.



- c. **Biological Resources** -- Mining in the Cuyama River channel would remove up to 27 acres of alluvial scrub during the 30-year permit period, which would displace wildlife and reduce the amount of scrub habitat for wildlife use along this portion of the river. The time required for mixed alluvial scrub to become established in the river channel and to match pre-mining conditions is unknown, but could require 10 years or more. The lag time required for habitat recovery would extend past the permit period. The nighttime lighting at the Processing Area would adversely affect nocturnal wildlife in the habitat area located to the south, although the variety and abundance of wildlife are low. Haul trucks traveling from the mine pit to the Processing Area may inadvertently strike reptiles and small mammals. Over time, the proposed mining would extend across most of the river channel and alter the river channel habitats and topographic conditions. The mining operation in the river channel would create potential impediments to wildlife movement in the river channel and force wildlife to find new travel corridors. The endangered blunt-nosed leopard lizard occurs on the terrace adjacent to the river channel. The occurrence of this species in the river channel where mining will occur is unknown. The applicant's leopard lizard impact avoidance plan and additional mitigation measures included in this document would avoid take of the lizard during mine operations.

**Proposed CUP Revision** – The proposed interim Phase I “extraction and hauling only” plan would not increase potential impacts on biological resources as evidenced by the April 15, 2011 letter from Bumgardner Biological Consulting and the Streambed Alteration Permit issued by the CA Department of Fish and Game. The same mitigation measures would apply and the residual impacts would remain less than significant.

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- d. **Traffic** -- If all or a substantial amount of truck trips were directed to Ventura, the project would potentially have a significant impact to State Route 33 due to the addition of one or more peak hour trips on the Ojai to Casitas Springs portion of State Route 33. However, the project is prohibited from sending or receiving trucks on this section of Highway 33. The State Route 33/project driveway intersection at the project site is forecast to operate at Level of Service A, with vehicles experiencing less than 10 seconds of delay. However, Caltrans has requested a northbound left turn lane on State Route 33 to reduce future conflicts with turning trucks and fast-moving traffic. Caltrans stated that this facility would be necessary to ensure the operational integrity of the highway.

**Proposed CUP Revision** – The proposed interim Phase I “extraction and hauling only” plan would be required to avoid any transit through Ojai. The left-turn lane was required for the new processing facility which would not be built under the proposed CUP Revision. Moreover, the left hand turn lane was intended to accommodate northbound truck traffic coming from the south. According to Caltrans, as long as there is a prohibition on trucks coming from the south there would be no need for a left turn lane at either the GPS or Diamond Rock entrance.

- e. **Noise** -- The projected ambient noise levels at residential receptors near the project site during mining and processing operations would be less than 65 dBA for daytime and nighttime conditions, and would not exceed the County's 65 CNEL significance threshold. However, the increase in daytime, nighttime, and CNEL levels would range from occasionally audible (around 3 dBA) to clearly audible (6 to 9 dBA). The latter increase during the day or night, and during occasional Sundays, could cause a nuisance to nearby residences, and is considered a potentially significant impact based on the County's threshold in which a significant effect may also occur when ambient noise levels affecting sensitive receptors increase substantially but remain less than 65 dB(A) CNEL. If all mine production was hauled to Ventura County, the additional daily truck trips along State Route 33 south of the project site and north of Ojai would increase daytime and nighttime noise levels at residences along this rural highway, many of which are located within 100 feet of the road. The increased noise levels would be moderate (~5 dBA) relative to the existing ambient noise levels, and would not exceed 65 CNEL.

**Proposed CUP Revision** -- The proposed interim Phase I "extraction and hauling only" plan would avoid the potentially significant impacts previously identified, which were related to the new processing facility.

- f. **Air Quality** -- The peak daily NOX emissions from project traffic in Santa Barbara County (32.4 lbs/day, Table 3.7-16) would exceed the vehicle emissions threshold for NOX of 25 lbs/day. The results of the health risk analysis prepared for the proposed project indicate that at the point of maximum offsite exposure, the increase in cancer risk would be approximately 9 in one million. At the location of the nearest residence, approximately 2,500 feet to the southeast, the cancer risk is approximately 1.6 in one million. These results assumed that anticipated diesel exhaust control technology will be installed on both new and used pieces of equipment within the project.

**Proposed CUP Revision** -- The proposed interim Phase I "extraction and hauling only" plan would not have potentially significant impacts related to air quality, as evidenced by the air quality and health risk assessments that have been prepared for the proposed CUP revision (Revised Air Quality Assessment and Revised Health Risk Assessment, Sespe Consulting, April 21, 2011 and March 11, 2011, respectively).

- g. **Visual Resources** -- The stockpiles and equipment at the Processing Area would be visible to travelers on State Route 33. The proposed screening berms would reduce the visual impact over time as the landscaping develops. However, given the harsh climate in the Cuyama Valley, the landscape trees will need a high level of care to reach their intended screening heights. It is likely that without this care, the trees would be dwarfed (if they survived at all) and would not provide the intended screening. Additional measures to improve the screening would reduce the visual impact to less than significant. The processing operations could occur until 10:00 p.m. each night and truck loading/hauling operations could occur on a 24-hour basis (as needed) requiring the use of night lighting. The addition of significant nighttime

lighting associated with processing operations and truck loading/hauling operations could change the character of the nighttime setting in the Cuyama Valley, including the ability to view the nighttime sky in a rural setting.

**Proposed CUP Revision** – The proposed interim Phase I “extraction and hauling only” plan would defer potentially significant visual impacts, which were caused by the new processing facility. The visual impacts would be deferred because Diamond Rock would not be processing on-site until a later time.

**Beneficial Impacts** -- The eastern riverbank of the Cuyama River has historically been disturbed by erosion control measures such as tree planting, placement of riprap and old automobiles, and the establishment of berms. Tree planting included saltcedar, an invasive species, and nursery stocked cottonwoods, a desirable species. The applicant is proposing to restore an approximately 1,500-foot long portion of the eastern riverbank. Buried automobiles would be removed and disposed offsite in compliance local ordinances and other applicable regulations. The riverbank would be reconstructed, as necessary, into a stable configuration. The bank would be constructed of on-site materials, free of debris. Existing salt cedar would be removed and an eradication program implemented to ensure they do not become reestablished. Existing cottonwood trees currently growing on or near the riverbank would be retained, as feasible. Additional cottonwood trees would be planted along the top of the riverbank or near the toe of the restored bank where large rocks would afford protection from high in-stream flows. Native shrubs and herbs from the region would be established on the stabilized banks by seeding. The proposed bank stabilization and restoration would result in a beneficial impact (Class IV) to wildlife at the project site because it would increase cover and food sources. Although this restoration would benefit the environment in the long term, it may not be permitted by the resource agencies because of short-term potential impacts to Blunt Nosed Leopard Lizard.

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**Proposed CUP Revision** – The proposed interim Phase I “extraction and hauling only” plan would not diminish the project’s beneficial impacts.

**Cumulative Impacts** -- The proposed project would contribute to the following cumulative impacts associated with the proposed expansion of an existing aggregate mine, the GPS mine, located about 1,000 feet north of the proposed project in the Cuyama River:

- Reduction in sediment transport downstream of the mine sites during the mining period, and until such time that the mine pits are replenished
- NOX and fugitive dust emissions from on-site mobile equipment and highway haul trucks that contribute to the degradation of regional air quality
- Increased truck traffic and noise affecting quality of life in the area
- Loss of alluvial scrub habitat in the river channel
- Disturbance of wildlife in adjacent habitats due to noise, dust, traffic, and human activity
- Disruption of wildlife movement in the river channel due to mining

- Possible disturbance to the endangered blunt-nosed leopard lizard and San Joaquin kit fox from mining activities

The new truck trips on this portion of State Route 33 would exacerbate the noise impacts along State Route 33, and traffic safety concerns, and may have a perceived effect on the quality of life in the area. The cumulative effect on the quality of life in the area is considered a potentially significant impact that was mitigated to a less than significant level.

**Proposed CUP Revision** – The proposed interim Phase I “extraction and hauling only” plan would reduce these cumulative impacts because there would be one mining site in the river rather than two and there would be one processing facility on the river terrace rather than two. This reduces all of the previously identified cumulative impacts of two separate mining operations. The Phase I plan would be conditioned to not send or receive trucks from Highway 33 south of Lockwood Valley Road and would not increase trucks north of the site. Impacts on quality of life would be reduced during operation of the Phase I plan compared to the eventual operation of a second mine and processing facility as previously approved. In addition, the EIR considered mining activity at the Ozena Valley Ranch and made mention of a potential mine at the Richard Holding Company site. Neither of these mines are currently active nor are they actively seeking permits for new or continued mining activity.

**Findings:** The previous environmental document as herein amended may be used to fulfill the environmental review requirements of the proposed CUP Revision. A subsequent EIR is not required and discretionary processing of the proposed Diamond Rock CUP Revision (11RVP-00000-00032) may now proceed with the understanding that any substantial changes in the proposal may be subject to further environmental review.

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**ATTACHMENT E: Revised Air Quality Assessment**

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**REVISED AIR QUALITY ASSESSMENT**

Diamond Rock Sand and Gravel Mine and Processing Facility  
03CUP-00000-00037  
Santa Barbara County, CA

April 21, 2011

**1.0 INTRODUCTION**

This Revised Air Quality Assessment (Revised AQAs) has been prepared at the request of the Santa Barbara County Planning and Development Department (Planning). It has been prepared to quantify and determine the significance of criteria pollutant emissions associated with implementation of Phase 1 of the updated Project Description (Phase 1) for the Diamond Rock Sand and Gravel Mine and Processing Facility (Facility).

Pursuant to Condition 29 of the Facility's Conditional Use Permit (03CUP-00000-00037), Sespe has prepared a separate report that quantifies the health risk associated with Phase 1 (dated March 11, 2011).

**2.0 PROJECT DESCRIPTION**

The scope of this Project has been updated since the Environmental Impact Report (EIR) was prepared (May 2007). The Project Description has been updated to include Phase 1, in which excavated riverbed materials will be redirected to the nearby GPS River Rock Products processing facilities site approximately one mile north of the approved mine pit. Please note that a detailed updated Project description was submitted to Planning on January 13, 2011.

Phase 1 includes the following operations:

- An excavator will be used to remove materials from the Cuyama River bed and load the material into haul trucks.
- The haul trucks will transport the materials along the existing terrace haul road (private farm road) for processing at the GPS River Rock Products facility (SBAPCD Permit #10868-R2) located directly north of Diamond Rock.
- There will be no stationary processing equipment (conveyors, crushers, etc.) at the Diamond Rock site.
- Stockpiles will be located on the GPS site. Staging of materials on the river bed floor may occur while waiting for return of empty haul trucks. The material volume will be enough for each load and will not be accumulated beyond the last load each day (no overnight piles).
- Other on-site mobile equipment will include a water truck and occasionally a fuel truck, which will return to the GPS facility after fueling the excavator.
- GPS will not process material at their facility in excess of their existing permit limits.

Please note that Kaitlin McNally of the Santa Barbara County Air Pollution Control District (APCD) confirmed on March 24, 2011 that a stationary source permit would not be required for Phase 1.

Based the Phase 1 of the updated Project Description, the following changes are represented in this Revised AQA:

- **Elimination of all stationary processing facilities and on-road haul trips.** Previously, Diamond Rock planned to transport excavated materials from their pit to an on-site processing plant to be processed and sold directly. In Phase 1, Diamond Rock will transport excavated materials from their pit via haul trucks to the nearby GPS River Rock Products facility. GPS will process and sell the material from their Facility.
- **Reduction in Peak Annual Throughput.** Previously, the Project’s maximum annual throughput was 750,000 tons per year. The Phase 1 maximum annual throughput is 500,000 tons per year, based on GPS’s SBCAPCD permit limit.
- **Reduction in Combustion Equipment.** Phase 1 will utilize less combustion equipment than was considered previously. The following table compares the previous and current equipment lists. Note that the specific equipment models are subject to change, but if any changes are made, the emissions characteristics of the new equipment (i.e. Tier or model year) will be equivalent to or better than those presented in this Table.

**Table 1 – Combustion Equipment Comparison**

Previous Equipment List	Current Equipment List
3 Front End Loaders	
2 Scrapers	
1 Dozer	
1 Excavator	1 Excavator (Cat 325 CL, MY 2001)
1 Backhoe	
2 Haul Trucks	2 Haul Trucks (Cat D350E Series 2, MY 2005)
1 Manlift	
1 Crane	
1 Welding Unit	
1 Water Truck	1 Water Truck (4,000 gallon, 3 axle, MY 1985)
1 Utility Truck	1 Utility Truck (Ford F250, MY 1981)

- **Elimination of Employee Commutes.** Existing GPS employees will be used to conduct the mining. Phase 1 will not create additional employee trips.

### 3.0 EMISSION CALCULATIONS

Emissions were calculated for the following sources associated with Phase 1:

- On-site mobile equipment
- Fugitive dust from material transfers and travel over unpaved roads

The following sources of emissions were included in the original Project Description, but are *not* included in Phase 1.

- Aggregate processing
- On-road haul trips
- Worker commutes
- Fugitive dust from material stockpiles

Emissions were calculated based on the Environmental Protection Agency's (EPA) emissions standards for off-road equipment (i.e., Tiers), the California Air Resources Board's (CARB) EMFAC2007, and the original Air Quality Impact Assessment prepared for the EIR for fugitive dust (which was based on the EPA's AP-42).

The emissions calculations, including additional details regarding the methodologies used, are included in Attachment 1. The following key assumptions were utilized to calculate emissions for Phase 1:

- Conservatively assume that all off road construction equipment (excavator and haul trucks) operates for 12 hours per day on the peak day.
- The haul distance from the center of the Diamond Rock pit to the GPS River Rock Products aggregate plant is 1 mile.

### 4.0 UPDATED PROJECT SIGNIFICANCE DETERMINATION

Tables 2 summarizes the air quality impacts associated with Phase 1 of the update Project Description.

**Table 2 – Phase 1 Criteria Pollutant Emissions (Peak Day)**

Source	CO (lb/day)	NOx (lb/day)	ROC (lb/day)	PM10 (lb/day)
On-Site Mobile Equipment	35.5	47.0	3.9	1.9
Fugitive Dust	---	---	---	58.5
<b>Total Vehicle Emissions (On-Road)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Total Facility Emissions</b>	<b>35.5</b>	<b>47.0</b>	<b>3.9</b>	<b>60.4</b>

These emissions are compared to those calculated for the original Project as well as the significance thresholds in Tables 3 and 4. The significance thresholds are based on the SBCAPCD's *Scope and Content of Air Quality Sections in Environmental Documents* (June 2010) and the County of Santa Barbara's *Environmental Thresholds Guidelines Manual* (October 2008).



**Table 3 – On-Road Vehicle Emissions Comparison (Peak Day)**

Source	CO (lb/day)	NOx (lb/day)	ROC (lb/day)	PM10 (lb/day)
Original Project <sup>1</sup>	11.0	32.8 <sup>2</sup>	2.0	1.2
Phase 1	0.0	0.0	0.0	0.0
Significance Threshold	---	25	25	---
<b>Phase 1 Significant Impact?</b>	---	<b>No</b>	<b>No</b>	---

<sup>1</sup> Only includes emissions within Santa Barbara County.  
<sup>2</sup> The EIR proposed a mitigation that would reduce NOx emissions to below the significance threshold.

**Table 4 – Total Emissions Comparison (Peak Day)**

Source	CO (lb/day)	NOx (lb/day)	ROC (lb/day)	PM10 (lb/day)
Original Project	90.0	215.8	13.0	68.3
Phase 1	35.5	47.0	3.9	60.4
Significance Threshold	---	55	55	80
<b>Phase 1 Significant Impact?</b>	---	<b>No</b>	<b>No</b>	<b>No</b>

## 5.0 CONCLUSION

All impacts associated with Phase 1 of the updated Project Description are below the impacts presented in the EIR, as well as the applicable significance thresholds. Note that, while the EIR includes a significant impact for NOx emissions, Phase 1 of the updated Project Description eliminates this significant impact.

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**ATTACHMENT 1**  
**EMISSION CALCULATIONS**

### Onsite Mobile Source Emission Calculations

Equipment	HP <sup>1</sup>	Load Factor <sup>2</sup>	Peak Hours / Day <sup>3</sup>	EF Tier <sup>4</sup>	EF (g/hp-hr) <sup>4</sup>			Emissions (lb/day)				
					CO	NOx	ROC	CO	NOx	ROC	PM10	
325 CL Excavator (2001)	188	0.38	12	1	8.50	6.90	1.00	0.40	16.1	13.0	1.9	0.8
D350E Series 2 Truck (2005) #1	355	0.38	12	2	2.60	4.56	0.24	0.15	9.3	16.3	0.9	0.5
D350E Series 2 Truck (2005) #2	355	0.38	12	2	2.60	4.56	0.24	0.15	9.3	16.3	0.9	0.5
<b>Subtotal:</b>									<b>34.6</b>	<b>45.5</b>	<b>3.6</b>	<b>1.8</b>

Equipment	VMT / Day <sup>5</sup>	EF (g/MT) <sup>5</sup>			Emissions (lb/day)			
		CO	NOx	PM10	CO	NOx	PM10	
Water Truck (1995)	24	17.458	27.466	1.935	0.9	1.5	0.3	0.1
Utility Truck (1981)	4	1.352	1.575	0.311	0.0	0.0	0.0	0.0
<b>Subtotal:</b>				<b>0.9</b>	<b>1.5</b>	<b>0.3</b>	<b>0.1</b>	

**Total:**    **35.5**    **47.0**    **3.9**    **1.9**

**Notes:**

- 1 Equipment horsepower based on Caterpillar specifications.
- 2 Equipment load factors based on Appendix D (OSM and Summary of Off-Road Emissions Inventory Update) of the ARB's "Proposed Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements". This document can be found in the ARB's Board Book for the December 17, 2010 meeting (<http://www.arb.ca.gov/board/meetings.htm>). See Attachment 2 for an excerpt of the updated load factors.
- 3 Peak operating hours per day conservatively assumed to be 12 for all construction equipment.
- 4 Off road equipment emission factors based on federal emissions standards (Tiers). NOx fraction of NMHC+NOx is conservatively assumed to be 95%
- 5 Truck emissions factors based on EMFAC2007 runs (see Attachment 2).
- 6 Assume water trucks travel one round trip (2 miles) each hour (12 hours) and utility truck travels two round trips per day to fuel excavator.

### Fugitive Dust Emission Calculations

#### Unpaved Road Emissions

Emission Source	Daily One Way Trips <sup>1</sup>	One Way Distance <sup>2</sup> (miles)	VMT (miles/day)	PM10 EF <sup>3</sup> (lb/VMT)	Control Factor <sup>3</sup>	PM10 Emissions (lb/day)
Haul Road Dust	240	1	240	1.19	80%	57

1 Daily trips conservatively based on 5 roundtrips per hour per truck, 2 trucks operating simultaneously, and a maximum operating schedule of 12 hours/day.

2 Distance from center of pit to the GPS mine is approximately 1 mile.

3 PM10 EF and control factor based on Air Quality Impact Assessment prepared for the EIR. Control factor based on watering multiple times daily.

#### Material Transfer Emissions

Material Drop	Daily Loads <sup>1</sup>	Truck Capacity (tons)	Throughput (tpd)	PM10 EF <sup>2</sup> (lb/ton)	PM10 Emissions (lb/day)
Excavator to Trucks	120	35	4,200	0.000327	1.4

1 Daily loads based on 5 loads per hour per truck, 2 trucks per day, and a maximum operating schedule of 12 hours/day.

2 PM10 EF based on Air Quality Impact Assessment prepared for the EIR.

Total Fugitive Dust:  lbs/day

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**ATTACHMENT 2**  
**BACKUP DOCUMENTATION**





Table D-7: Original OFFROAD and New Load Factors (LF) by Equipment Type

Category	Equipment	OFFROAD Load Factor	Proposed Load Factor
Airport Ground Support Equipment (GSE)	A/C Tug Narrow Body	0.8	0.54
	A/C Tug Wide Body	0.8	0.54
	Baggage Tug	0.55	0.37
	Belt Loader	0.5	0.34
	Bobtail	0.55	0.37
	Cargo Loader	0.5	0.34
	Cargo Tractor	0.54	0.36
	Forklift (GSE)	0.3	0.20
	Lift	0.5	0.34
	Other GSE	0.5	0.34
	Passenger Stand	0.59	0.40
Construction and Mining	Bore/Drill Rigs	0.75	0.50
	Cranes	0.43	0.29
	Crawler Tractors	0.64	0.43
	Excavators	0.57	0.38
	Graders	0.61	0.41
	Off-Highway Tractors	0.65	0.44
	Off-Highway Trucks	0.57	0.38
	Other Construction Equipment	0.62	0.42
	Pavers	0.62	0.42
	Paving Equipment	0.53	0.36
	Rollers	0.56	0.38
	Rough Terrain Forklifts	0.6	0.40
	Rubber Tired Dozers	0.59	0.40
	Rubber Tired Loaders	0.54	0.36
	Scrapers	0.72	0.48
	Skid Steer Loaders	0.55	0.37
	Surfacing Equipment	0.45	0.30
	Tractors/Loaders/Backhoes	0.55	0.37
	Trenchers	0.75	0.50
Industrial	Aerial Lifts	0.46	0.31
	Forklifts	0.3	0.20
	Other General Industrial Equipment	0.51	0.34
	Other Material Handling Equipment	0.59	0.40
	Sweepers/Scrubbers	0.68	0.46
Oil Drilling	Drill Rig (Mobile)	0.75	0.50
	Workover Rig (Mobile)	0.75	0.50



**ATTACHMENT F: Revised Health Risk Assessment**

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**REVISED HEALTH RISK ASSESSMENT  
CUP CONDITION OF APPROVAL 29**

Diamond Rock Sand and Gravel Mine and Processing Facility  
03CUP-00000-00037  
Santa Barbara County, CA

March 11, 2011

**1.0 INTRODUCTION**

This Revised Health Risk Assessment (HRA) has been prepared pursuant to Condition 29 of Diamond Rock Sand and Gravel Mine and Processing Facility's (Project) Conditional Use Permit (03CUP-00000-00037). The Facility is located near Ventucopa in Santa Barbara County, CA.

Condition 29 of the CUP states:

***Diesel Exhaust Reduction.** In order to minimize diesel exhaust from on-site operations and to ensure that excess cancer risk levels from diesel exhaust remain below 10 in 1 million, the project shall incorporate a combination of measures to achieve at least an 85 percent reduction in diesel exhaust particulate matter or other controls that achieve the same limitation on excess cancer risk. One or more of the following methods may be used:*

- a. Purchasing new engines/equipment (Tier 2 or better)*
- b. Adding controls to existing equipment (diesel particulate filters)*
- c. Electrification*
- d. Other methods based on newer technology*

***Plan Requirements and Timing:** The applicant shall prepare a revised health risk assessment based on the final inventory of engines to be operated and current Health Risk Assessment Guidelines, for review and approval by the County prior to occupancy or the start of operations. The effectiveness of any alternative control measures shall be confirmed by SBAPCD.*

***Monitoring:** Periodic inspection of proposed equipment.*

This HRA uses the final inventory of engines and follows the SBAPCD's *Modeling Guidelines for Health Risk Assessments* (June 2010). It demonstrates that emissions from the proposed Project result in health risk impacts less than the applicable SBAPCD thresholds (10 in a million cancer risk and 1.0 hazard index).

**2.0 PROJECT DESCRIPTION**

The scope of this Project has changed since the previous health risk assessment was prepared by West Coast Environmental (WCE) on September 6, 2006. The Project Description has been revised to include an initial production phase, which includes the following changes to Project operations:

- **Elimination of all stationary processing facilities.** Previously, Diamond Rock planned to transport excavated materials from their pit to their processing plant to be processed and sold directly. In the revised Project, Diamond Rock will transport excavated materials from their pit via haul trucks to the nearby GPS River Rock Products facility (SBAPCD Permit #10868-R2). GPS will process and sell the material from their Facility.
- **Reduction in Peak Annual Throughput.** Previously, the Project’s maximum annual throughput was 750,000 tons per year. The new maximum annual throughput is 500,000 tons per year, based on GPS’s SBAPCD permit limit.
- **Reduction in Combustion Equipment.** The revised Project will utilize less combustion equipment than was considered previously. The following table compares the previous and current equipment lists. Note that the specific equipment models are subject to change, but if any changes are made, the emissions characteristics of the new equipment (i.e. Tier or model year) will be equivalent to or better than those presented in this Table.

**Table 1 – Combustion Equipment Comparison**

Previous Equipment List	Current Equipment List
3 Front End Loaders	1 Excavator (Cat 325 CL, MY 2001)
2 Scrapers	2 Haul Trucks (Cat D350E Series 2, MY 2005)
1 Dozer	1 Water Truck (4,000 gallon, 3 axle, MY 1985)
1 Excavator	1 Utility Truck (Ford F250, MY 1981)
1 Backhoe	
<del>2 Haul Trucks</del>	
1 Manlift	
1 Crane	
1 Welding Unit	
1 Water Truck	
1 Utility Truck	

Based on the above changes, the Projects total diesel particulate matter emissions (DPM) have been reduced substantially for the initial production phase. For this reason, the aggressive DPM control measures considered in the WCE HRA are no longer required to meet the SBAPCD health risk thresholds.

After the initial production phase, the Project may increase operations to what was originally contemplated in the Project Description. Prior to installing stationary processing facilities, increasing peak annual throughput, or increasing the amount of combustion equipment used, an updated health risk assessment will be prepared to ensure that the health risk levels remain below the applicable thresholds.

### 3.0 EMISSION CALCULATIONS

The expected hours of operation and vehicle miles traveled for the equipment presented in Table 1 were calculated using material throughputs, site characteristics, and Caterpillar specifications. See Attachment 2 for more detail regarding these calculations.

Toxic Air Contaminant (TAC) emissions for the equipment identified in Table 1 were calculated based on federal emission standards (Tiers) for the off road equipment and EMFAC2007 for the on road equipment. For acute risk assessment, diesel emissions were speciated based on the California Air Resources Board's (CARB) speciation profiles. For modeling purposes, the emissions were divided into pit sources and the haul road sources.

### 4.0 MODELING

Dispersion modeling was conducted using HARP's ISCST3 module according to the specifications in the SBAPCD's *Modeling Guidelines for Health Risk Assessments* (June 2010). Screening meteorological data was used to ensure that worse case results are predicted. The pit was divided into three separate area sources to accurately represent the extents of mining. The haul road was divided into 25 separate volume sources, per the guidelines in the EPA's *ISC Users Guide*. Additional information regarding the dispersion modeling parameters used is provided in Attachment 3. Figure 1 in Attachment 1 illustrates the modeled source configuration.

Risk assessment was conducted using HARP's risk assessment module. Multipathway exposure via home grown produce; dermal absorption; soil ingestion; pigs, chickens, and eggs; and mother's milk was included in the assessment per the SBAPCD Guidelines. Additional information regarding the risk assessment parameters used is provided in Attachment 3.

### 5.0 RESULTS

The following table presents the results of the HRA. Note that all impacts are below the applicable thresholds. Figure 2 in Attachment 1 presents the 10 in a million cancer risk contour. The modeling files are included in Attachment 4 on CD.

**Table 2 – Initial Production Phase Health Risk Assessment Results**

Receptor	Cancer (cases in a million)	Chronic (H.I.)	Acute (H.I.)
PMI	8.60	0.01	0.27
R1 – Residential*	4.07	0.00	0.22
R2 – Residential	2.14	0.00	0.16
R3 – Residential	0.50	0.00	0.07
R4 – Residential	0.78	0.00	0.11
Threshold	10	1	1
Exceeds Threshold?	No	No	No
*Note: Residence R1 is owned and occupied by the Project landowner.			

**Attachments:**

- Attachment 1 – Figures
- Attachment 2 – Equipment Usage and TAC Emission Calculations
- Attachment 3 – Model Input Parameters
- Attachment 4 – Modeling Files on CD

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**ATTACHMENT 1**

**FIGURES**



**SESPE**  
CONSULTING, INC.

FIGURE

1

Modeled Sources  
Diamond Rock  
Santa Barbara County, CA

PROJECT #:	TR01.09.03	DATE:	3/1/11
SCALE:	not to scale	DRAWN BY:	GLZ



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**ATTACHMENT 2**

**EQUIPMENT USAGE AND  
TAC EMISSION CALCULATIONS**



### Off Road Equipment Usage Calculations

#### Off Road Equipment Excavation and Loading

##### Caterpillar 325 CL Excavator Use

Throughput	500,000 tpy	Based on GPS Permit Limit
Bucket size	2 cy	Based on Caterpillar specifications for similar model with same horsepower (324D L)
Soil density	1.5 tons/cy	Assumption
Bucket size	3 tons	Bucket size x soil density
Cycles Required	166,667 cycles/year	Throughput / bucket size
Total Cycle Time	0.29 minutes	Based on Caterpillar specifications for similar model with same horsepower (324D L)
Total Loading Time	806 hours/year	Cycles x cycle time

#### Off Road Haul Truck Usage

##### Caterpillar D350E, Series II Dump Truck

Throughput	500,000 tpy	Based on GPS Permit Limit
Haul Truck Capacity	35 tons	Based on Caterpillar Specifications
Loads	14,286 loads/year	Throughput / Capacity
One Way Trips	28,571 trips/year	Loads x 2

Parameter	In-Pit	Haul Road	Unit
One way distance	0.15	0.9	miles
Total Distance	4,286	25,714	miles/year
Avg Speed	15	25	mph
Travel Duration	285.7	1,028.6	hours/year
Total Loading Time	806	0	hours/year
Time to dump	0	0.017	hours
Total dumping time	0	238	hours/year
Total Operation	1,091.3	1,266.7	hours/year

Distance from road to center of pit / pit to GPS plant  
One way distance x one way trips  
Assumed average travel speeds  
Total distance / average speed  
Based on excavator cycle time above  
Based on 1 minute dump time  
Time to dump x loads  
Travel duration + total loading time + total dumping time

#### On Road Equipment

##### Water Truck

Parameter	In-Pit	Haul Road	Unit
One way distance	0.15	0.9	miles
One way trips	6	6	trips/day
VMT/day	0.9	5.4	VMT/day
Days of Operation	300	300	days/year
Travel Distance	270	1,620	VMT/year

Distance from road to center of pit / pit to GPS plant  
Assumes water truck waters each area 3 times a day  
Distance x trips  
Conservative assumption (4 hrs/day with 2 dump trucks)  
VMT/day x days of operation

##### Utility Truck

Parameter	In-Pit	Haul Road	Unit
One way distance	0.15	0.9	miles
One way trips	4	4	trips/day
VMT/day	0.6	3.6	VMT/day
Days of Operation	300	300	days/year
Travel Distance	180	1,080	VMT/year

Distance from road to center of pit / pit to GPS plant  
Assumes utility truck fuels excavator 2 times a day  
Distance x trips  
Conservative assumption (4 hrs/day with 2 dump trucks)  
VMT/day x days of operation

### Emissions Calculations

#### Pit Sources

##### Off Road Sources

Equipment	HP <sup>1</sup>	Load Factor <sup>2</sup>	Hours/hr	Total Hours/yr	EF Tier	EF (g/hp-hr) <sup>3</sup>		Emissions (lb/hr)		Emissions (lb/yr)
						PM <sub>10</sub>	VOC	PM <sub>10</sub>	VOC	PM <sub>10</sub>
325 CL Excavator (2001)	188	0.38	1	806	1	0.4	1.0	0.063	0.157	50.70
D350E Series 2 Truck (2005) x2	355	0.38	2	1,091	2	0.15	0.7	0.089	0.428	48.64
<b>Total:</b>								<b>0.152</b>	<b>0.585</b>	<b>99.34</b>

##### On Road Sources

Equipment	Vehicle Miles Traveled		EF (g/VMT) <sup>4</sup>		Emissions (lb/hr)		Emissions (lb/yr)
	VMT/hr	VMT/yr	PM <sub>10</sub>	VOC	PM <sub>10</sub>	VOC	PM <sub>10</sub>
Water Truck (1995)	15.0	270	1.935	5.577	0.064	0.184	1.15
Utility Truck (1981)	15.0	180	0.311	0.369	0.010	0.012	0.12
<b>Total:</b>					<b>0.074</b>	<b>0.196</b>	<b>1.27</b>

##### Emissions per Modeled Source

Modeled Source	Area <sup>5</sup>	Emissions (lb/hr)		Emissions (lb/yr)	
		PM <sub>10</sub>	VOC	PM <sub>10</sub>	
101	442,726	0.056	0.192	24.72	
102	577,624	0.073	0.251	32.25	
103	781,494	0.098	0.339	43.64	
<b>Total:</b>		<b>1,801,844</b>	<b>0.226</b>	<b>0.782</b>	<b>100.62</b>

#### Haul Road

Equipment	HP <sup>1</sup>	Load Factor <sup>2</sup>	Hours/hr	Total Hours/yr	EF Tier	EF (g/hp-hr) <sup>3</sup>		Emissions (lb/hr)		Emissions (lb/yr)
						PM <sub>10</sub>	VOC	PM <sub>10</sub>	VOC	PM <sub>10</sub>
D350E Series 2 Truck (2005) x2	355	0.38	2	1,267	2	0.15	0.7	0.089	0.428	56.46
<b>Total:</b>								<b>0.089</b>	<b>0.428</b>	<b>56.46</b>

##### On Road Sources

Equipment	Vehicle Miles Traveled		EF (g/VMT) <sup>4</sup>		Emissions (lb/hr)		Emissions (lb/yr)
	VMT/hr	VMT/yr	PM <sub>10</sub>	VOC	PM <sub>10</sub>	VOC	PM <sub>10</sub>
Water Truck (1995)	25.0	1,620.0	0.936	2.219	0.052	0.122	3.34
Utility Truck (1981)	25.0	1,080.0	0.214	0.254	0.012	0.014	0.51
<b>Total:</b>					<b>0.063</b>	<b>0.136</b>	<b>3.85</b>

##### Emissions per Modeled Source

Modeled Source	Emissions (lb/hr)		Emissions (lb/yr)	
	PM <sub>10</sub>	VOC	PM <sub>10</sub>	
201-2.25 (25 sources)	0.006	0.023	2.41	
<b>Total:</b>		<b>0.152</b>	<b>0.564</b>	<b>60.3</b>

#### Notes:

1 Equipment horsepowers based on Caterpillar specifications.

Amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements". This document can be found in the ARB's Board Book for the December 17, 2010 meeting (<http://www.arb.ca.gov/board/meetings.htm>). See attached excerpt of the updated load factors.

3 Off road equipment emission factors based on Tiers. Fraction of NMHC fraction of NMHC+NOx is assumed to be 15%

4 On road equipment emissions factors based on EMFAC2007 runs (see attached).

5 Area of modeled off road equipment sources used to proportion emissions between sources.

### Diesel Speciation for Acute Risk

#### DPM Speciation (lbs/hr)

Source	DPM	Ammonia	Arsenic	Chlorine	Copper	Mercury	Nickel	Vanadium
Fraction		3.37E-03	5.00E-06	3.44E-04	2.50E-05	3.00E-05	1.90E-05	2.90E-05
101	0.056	1.9E-04	2.8E-07	1.9E-05	1.4E-06	1.7E-06	1.1E-06	1.6E-06
102	0.073	2.4E-04	3.6E-07	2.5E-05	1.8E-06	2.2E-06	1.4E-06	2.1E-06
103	0.098	3.3E-04	4.9E-07	3.4E-05	2.5E-06	2.9E-06	1.9E-06	2.8E-06
210-225	0.006	2.1E-05	3.0E-08	2.1E-06	1.5E-07	1.8E-07	1.2E-07	1.8E-07

#### Diesel VOC Speciation (lbs/hr)

Source	VOC	Benzene	Toluene	Xylenes	Formaldehyde	Acrolein	Methanol	MEK	Styrene
Fraction		2.00E-02	1.47E-02	1.04E-02	4.7E-01	2.64E-04	3.00E-04	1.48E-02	5.80E-04
101	0.192	3.8E-03	2.8E-03	2.0E-03	2.8E-02	5.1E-05	5.8E-05	2.8E-03	1.1E-04
102	0.251	5.0E-03	3.7E-03	2.6E-03	3.7E-02	6.6E-05	7.5E-05	3.7E-03	1.5E-04
103	0.339	6.8E-03	5.0E-03	3.5E-03	5.0E-02	9.0E-05	1.0E-04	5.0E-03	2.0E-04
210-225	0.023	4.5E-04	3.3E-04	2.3E-04	3.3E-03	6.0E-06	6.8E-06	3.3E-04	1.3E-05

ROG speciation fractions based on CARB diesel speciation for diesel fueled farm equipment, except acrolein, which is from AP42 Section 303.

DPM speciation based on CARB diesel speciation for diesel fueled automobiles.





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**ATTACHMENT 3**  
**MODEL INPUT PARAMETERS**

HARP Model Input Parameters

Source			Source Parameters			
Name	HARP ID	Source Type	Release/Stack Height (ft)	Width (ft)	Length (ft)	Initial Vert. Dlm. (ft)
Pit Source 1	101	Area	16.4	362.0	1,223.0	---
Pit Source 2	102	Area	16.4	350.5	1,648.0	---
Pit Source 3	103	Area	16.4	402.5	1,941.6	---
Haul Road	201-225	Volume	16.4	100	100	7.6

Met Data:

File Name: scrnmet.met
Location: Screening

Grid Receptors:

Grid Dimensions (# of)	x = 55
	y = 51
Grid Spacing (m)	50
Flagpole Ht (m)	1.5

Elevation Data:

Source: http://data.geocomm.com
Locations: cuyamapeak.dem

Building Height

N/A
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Deposition:

HARP ISC Mod.	No
HARP Risk Mod.	Yes

Boundary Receptors:

Receptor Spacing (m)	20
Flagpole ht (m)	1.5

ISC Control Options:

Complex Terrain	Both	Complex terrain is defined as terrain above the final plume height. Simple terrain is terrain below the final plume height. Selecting both will cause HARP to perform both calculations and select the higher impact.
Rural or Urban	Rural	Use urban if more than 50% of land in 3km radius is industrial, commercial or multi family residential or if the population density in that radius is greater than 750 people/km <sup>2</sup> .
Include Building Downwash	No	Building downwash takes into account the downward movement of a plume passing over a building caused by strong turbulence and downward mixing on the lee side of the building. Building downwash should be used if the building is within 5L of the source, where L is the lesser of the building height or width.
Regulatory Default	No	Yes will use regulatory default settings
<sup>1</sup> Gradual Plume Rise	Yes	Considers that the plume rises gradually as it travels downwind. If disabled, the model assumes the plume is at the final plume height everywhere.
<sup>1</sup> Stack Tip Downwash	Yes	Include the small downward movement of a plume as it leaves a stack caused by a negative pressure on the lee side of the stack
<sup>1</sup> Buoyancy Induced Dispersion	No	Take into account the plume rise due to the thermal buoyancy of the exhaust.
<sup>1</sup> Calms Processing	No	Allows the model to calculate short term averages during periods of calm wind activity.
<sup>1</sup> Missing Data Processing	No	Allows the model to handle missing met data in the processing of short term averages.
<sup>1</sup> Half Life	None	Half life used for exponential decay
<sup>1</sup> Lowbound option	No	Calculates lower bound concentration or deposition values for downwash subject to enhanced lateral plume spread by super-squat buildings (width is more than five times the height).
Include Rate Factors	No	Rate factors are used to include time dependent emission rates
Include deposition	No	Include the removal of pollutants from the air by deposition on the surface or scavenging by falling raindrops.

Risk Calculation Options (HARP Risk Mod.):

Enable multipathway	Yes	Multipathway should be used if significant increase in risk will result from multipathway exposure
Cancer Risk Resident	70 Year	Indicates duration of exposure to TACs
Cancer Risk Analysis Method	Derived Adj.	Derived (Adjusted) method of calculating cancer risk.
Chronic Risk Analysis Method	Derived OEHHA	Derived (OEHHA) method of calculating chronic risk.

Multipathway Exposure Options (HARP Risk Mod.):

Drinking water	No	No nearby water sources
Fish water	No	No nearby water sources
Beef/dairy	No	No nearby beef/dairy sources
Home grown produce	Yes	Include risk of consumption of pollutant containing produce
<sup>1</sup> Fraction of consumed produce	0.052	EPA recommendation for urban locations
Pigs, Chickens, Eggs	Yes	Include risk of consumption of contaminated animals
Dermal	Yes	Include risk of absorbing contaminants through skin
Soil Ingestion	Yes	Include ingestion of contaminated soil
Mothers Milk	Yes	Include exposure due to consumption of mothers milk
Deposition (m/s)	0.02	.02 for PM controlled sources and .05 for un-controlled sources. Combustion sources are generally considered to have small particle size, thus use .02

1 Regulatory Defaults\*: 1) gradual plume rise is NO (i.e. use final plume rise); 2) stack tip downwash is YES; 3) buoyancy induced dispersion is YES; 4) calms processing is YES; 5) missing data processing is NO; 6) no exponential decay for rural mode; 7) Lowbound option for building downwash is NO

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**ATTACHMENT 4**

**MODELING FILES ON CD**



**ATTACHMENT G: Letter from Bumgardner Biological Consulting**

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# Bumgardner Biological Consulting

April 15, 2011

Jane Farkas  
Sespe Consulting, Inc.  
468 Poli Street, Suite 2E  
Ventura, CA 93001

Dear Ms. Farkas:

As per your request of January 14, 2011, I have reviewed the proposed changes to the project description for the Diamond Rock Sand and Gravel Mine and Processing Facility (03CUP-00000-00037) to determine if any of the proposed changes would result in any biological resource impacts/effects that have not been previously evaluated in both the *Final Environmental Impact Report (FEIR) for the Diamond Rock Sand and Gravel Mine and Processing Facility (2007)* and *Biological Opinion (BO) for the Proposed Troesh Ready Mix, Inc. Sand and Gravel Extraction and Processing Facility, Santa Barbara County, California (PAS 1628.1929.2482) (2006)*.

The proposed changes to the project description, based on your January 13, 2011 letter to Gary Kaiser (Santa Barbara County), include the following:

- 1) Phase the project to not construct the processing facilities during the initial production phase.
- 2) Redirect the excavated riverbed material to the GPS River Rock Products (GPS) processing facility located approximately one mile north of the approved Diamond Rock mine pit. Note that production levels and truck trips will not exceed approved levels at GPS and material hauling on the GPS site will occur on existing roads used historically and in currently permitted operations. The Diamond Rock haul route changes include:
  - a) Moving the mine pit access road approximately 450 feet north of the approved location to avoid potential impacts associated with crossing Deer Park Creek.
  - b) Utilizing the existing farm road located at the eastern project boundary for travel north to the GPS processing facilities where material would be washed, sorted and sold.

- 3) Remove farmland on the project site from production only after the Diamond Rock processing facilities are constructed.
- 4) Discontinue activities started in the initial production phase that are not in the original project description when construction of the Diamond Rock processing facility is completed.

It is my opinion that most of the proposed changes to the project description would have no effect on biological resources associated with the project site. The only changes that could be considered to have any effect are those changes associated with realignment of the haul route and potential impacts/effects to blunt-nosed leopard lizard (BNLL). However, these changes would not result in any impacts/effects that have not already been sufficiently addressed in the FEIR and BO. This opinion is based on the following:

- 1) The proposed haul route is an existing unimproved dirt road that is bounded to the east by farmland (which does not provide suitable habitat for BNLL [see page 8 of the BO]).
- 2) A permanent BNLL exclusionary fence between the stream terrace and land uses to the east that are not suitable for BNLL has already been committed to by the project applicant via the *Blunt-nosed Leopard Lizard Impact Avoidance Program* that is part of the existing project description.
- 3) The location of the permanent BNLL exclusionary fence will not change other than it will now extend further to the north and be greater in length.
- 4) The BNLL exclusionary fence will function as it was originally proposed (i.e., to prevent inadvertent incursion of project equipment and personnel into the suitable BNLL habitat on the stream terrace).
- 5) The BNLL exclusionary fence will also now function to prevent BNLL from wandering onto the haul road and being struck by haul trucks or other equipment moving to and from the mine pit.
- 6) All other aspects of the *Blunt-nosed Leopard Lizard Impact Avoidance Program* (as revised in the FEIR) will continue to be implemented as originally proposed.

Consequently, the proposed changes to the project description will not result in any biological resource impacts/effects that were not previously addressed in the FEIR and BO, will not result in any change in magnitude of those biological resource impacts/effects that were previously addressed in the FEIR and BO, and will not affect the efficacy of the mitigation measures and measures that are part of the existing project description that are intended to address impacts/effects to biological resources (in particular BNLL).

April 15, 2011  
Page 3

Should you have any questions or require clarification about this review and evaluation, do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Michael Bumgardner". The signature is written in black ink and is positioned below the word "Sincerely,".

Michael Bumgardner

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**ATTACHMENT H: CA Dept of Fish and Game Streambed Alteration Permit**

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CALIFORNIA DEPARTMENT OF FISH AND GAME  
SOUTH COAST DISTRICT  
4949 VIEW RIDGE AVENUE  
SAN DIEGO, CA 92123



LAKE or STREAMBED ALTERATION AGREEMENT  
NOTIFICATION No. 1600-2009-0104-R5  
Cuyama River

STEVEN M. TROESH  
DIAMOND ROCK SAND AND GRAVEL MINE FACILITY

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Game (DFG) and Steven M. Troesh of Troesh Materials Inc. (Permittee).

#### RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) Section 1602, Permittee notified DFG on December 16<sup>th</sup>, 2009, that Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC Section 1603, DFG has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the project in accordance with the Agreement.

#### PROJECT LOCATION

The project is located southwest of State Route 33, Maricopa Highway, approximately 5.9 miles southeast of the intersection with State Route 166, in the Cuyama River, within the County of Santa Barbara, State of California; Latitude 34: 51' 34.72", Longitude 119: 29' 36.36" or Section 18, Township 9N, Range 24W, U.S. Geological Survey (USGS) map: Cuyama Peak. (Thomas Brothers Guide page 346, grid 9E).

#### PROJECT DESCRIPTION

The Permittee intends to alter the river to extract aggregate of various sizes to produce up to a daily production of an average of 500,000 tons per year but not to exceed

750,000 tons per year. Aggregate extraction consists of removal of flood-washed alluvial material from the Cuyama River. Extraction will be conducted with excavators, bulldozers, loaders and dump trucks. Aggregate would be scraped or excavated from the river surface and hauled to an approved rock crushing and separating facility, which is located at GPS, a neighboring mining facility, located one mile north of Troesh. The trucks shall use the existing farm road located at the eastern project boundary and travel north of the GPS processing facility. Mining will occur in the bed of the river from a 14 acre pit in the center of the 84 acre project site, and will have a maximum depth of 45 feet. If the water table is contacted, the Permittee shall reestablished a cap of 6 feet above the water table and shall stay a minimum of 6 feet above the water table at all times. The pit shall have a slope of 5:1 on the upstream side, and a 3:1 slope for the rest of the pit, to allow for any wildlife to escape. Surveys for the depth of the water table shall be done once a year, just prior to the first day of excavation of the year. Survey data may be obtained from existing wells located on the property. The haul road will be moved 450 feet north of the approved location to avoid impacts with crossing Deer Park Creek. Fencing for the blunt nosed leopard lizard will erected along the western portion of the existing haul road. Fencing may be made of aluminum or hard plastic material so that the lizards can not climb over the fence. Four culverts shall be placed in the access road to direct flows from Deer Park Creek, downstream and to allow the blunt nosed leopard lizards movement within the project boundary, but not within the construction area. Restoration includes 1.5 acres of vegetation of Deer Park Creek, a sandbag grade control structure at the mouth of the creek, and 1,000 linear feet of the east bank of the Cuyama River. For more information, contact Jane Farkas, Consultant Sespe Consulting Inc, at 805-275-1515.

## PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: **amphibians:** southwestern pond turtle (*Emys marmorata pallida*); **reptiles:** side-blotched lizard (*Uta stansburiana elegans*), blunt-nosed leopard lizard (*Gambelia sila*), coast horned lizard (*Phrynosoma coronatum*), San Joaquin whipsnake (*Masticophis flagellum ruddocki*), kingsnake (*Lampropeltis getula californiae*), Pacific rattlesnake (*Crotalus viridis helleri*); **birds:** California condor (*Gymnogyps californianus*), LeConte's thrasher (*Toxostoma lecontei*), Lawrence's goldfinch (*Carduelis psaltria*), golden eagle (*Aquila chrysaetos*), prairie falcon (*Falco mexicanus*), loggerhead shrike (*Lanius ludovicianus*), burrowing owl (*Athene cunicularia*), turkey vulture (*Cathartes aura*), crow (*Corvus brachyrhynchos*), raven (*Corvus corax*), cliff swallow (*Petrochelidon pyrrhonota*), sage sparrow (*Amphispiza belli*), dove (*Streptopelia risoria*); **mammals:** San Joaquin kit fox (*Vulpes macrotis mutica*), American badger (*Taxidea taxus*), Coyote (*Canis latrans*), gray fox (*Urocyon cinereoargenteus*), desert cottontail (*Sylvilagus audubonii*), blacktail jackrabbit (*Lepus californicus*), black tail deer (*Odocoileus hemionus*), mountain lion (*Felis concolor*); **native plants:** arroyo willow (*Salix lasiolepis*), cottonwood (*Populus fremontii*), coyote brush (*Baccharis pilularis*), mulefat (*Baccharis salicifolia*), deerweed (*Muhlenbergia rigens*), **insects:** Kern primrose sphinx moth (*Euproserpinus euterpe*); and other aquatic and wildlife resources in the area.

These resources are further detailed and more particularly described in the reports entitled "Supplemental Biological Resources Assessment" dated June 2009, prepared by West Coast Environmental; the Alternatives Analysis (WCE), dated February 26, 2009, River Channel Survey and Monitoring Plan (WCE), dated February 26, 2009, Potential for Head Cutting and Erosion, Hawks & Associates, dated February 20, 2009 and the Notification Package for the Troesh Materials Inc., Diamond Rock Aggregate Mine, and shall be implemented as proposed unless directed differently by this Agreement.

## **MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES**

### **1. Administrative Measures**

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to DFG personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify DFG if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, DFG shall contact Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that DFG personnel may enter the project site at any time to verify compliance with the Agreement.

### **2. Avoidance and Minimization Measures**

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below.

#### **Vegetation removal and restoration**

- 2.1 Tree removal: Any oaks, CA black walnuts, alders and sycamores which are damaged or removed during construction operations shall be replaced in kind at a 10:1



ratio. Valley oaks shall be replaced in kind at a 15:1 ratio. Elderberry, cottonwood, and willows shall be replaced at 5:1.

2.2 Success ratios: All planting shall have a minimum of 80% survival the first year and 100% survival thereafter and/or shall attain 75% cover after 3 years and 90% cover after 5 years for the life of the project. Prior to the mitigation site(s) being determined successful, they shall be entirely without supplemental irrigation for a minimum of 2 years, no single species shall constitute more than 50% of the vegetative cover, no woody invasive species shall be present, and herbaceous invasive species shall not exceed 5% cover. If the survival, cover and other requirements described in this Agreement and in the submitted documents have not been met, the Permittee is responsible for replacement planting to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for 5 years after planting.

2.3 Irrigation: The Permittee shall provide irrigation when natural moisture conditions are inadequate to ensure survival of plants. Irrigation shall be provided for a period of at least two years from planting. Irrigation shall be phased out during the fall/winter of second year unless unusually severe conditions threaten survival of plantings. All plants must survive and grow for at least three years without supplemental water for the restoration phase of the project to be eligible for acceptance by the Department. All planting shall be done between October 1 and April 30 to take advantage of the winter rainy season.

2.4 Plant sources: Any replacement tree stock, which cannot be grown from cuttings or seeds, shall be obtained from a native plant nursery, and shall be ant free. The Permittee shall provide a list of all materials which must be obtained from other than onsite sources.

2.5 Exposed areas: Restoration shall include the revegetation and/or reseeding of all stripped or exposed work areas with vegetation native to the area, if applicable.

2.6 Limits of disturbance: Disturbance or removal of native vegetation shall not exceed the limits approved by the Department.

2.7 Project delineation: The work area shall be flagged or marked to identify its limits within the stream and reservoir. Vegetation shall not be removed or intentionally damaged beyond these limits.

2.8 Vegetation removal: In areas of temporary disturbance, where vegetation must be removed, native trees and shrubs, with DBH of 3 inches or less, shall be cut to ground level with hand operated power tools rather than by grading.

2.9 Vegetation stock piles: Vegetation removed from the stream shall not be stockpiled in the stream bed or on its bank. The sites selected on which to push this material out

of the stream should be selected in compliance with the other provisions of this Agreement.

2.10 Oak root protection: No equipment shall be operated within the dripline of oaks. Protective fencing shall be placed around the dripline of oaks to prevent compaction of the root zone, if applicable.

### **Wildlife protection**

2.11 Bird nesting season: The Permittee shall not allow any vegetation removal or mining operations within the site from March 1<sup>st</sup> to August 15<sup>th</sup>, the recognized breeding, nesting and fledging season for most bird species. If vegetation has to be removed or mining has to occur within these dates, a qualified biologist shall conduct bird surveys for nesting birds. If a listed species is found, a qualified biologist shall conduct 8 bird surveys, 10 days apart, in compliance with Fish and Wildlife Service protocols. If listed bird species, such as least Bell's vireo, are found, the Permittee shall not allow any activity within the site from March 1<sup>st</sup> to September 1<sup>st</sup>. If no breeding/nesting birds are observed, site preparation and construction activities may begin. If breeding activities and/or an active bird nest is located, the breeding habitat/nest site shall be fenced or flagged a minimum of 300 feet (500 feet for raptors) and this area shall not be disturbed until the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, and the young will no longer be impacted by the project.

2.12 Storm season: The Permittee's activities within the stream course shall be limited to the dry period of the year from May 1 to December 1 or when the stream is not actively flowing, or at its lowest flow, and no measurable rain is forecasted within 48 hours. If measurable rain is predicted within 48 hours during construction, all activities shall cease for the season, or if before December 1<sup>st</sup>, until storm flows have returned to pre-storm conditions, and protective measures to prevent siltation or erosion shall be implemented/maintained.

2.13 T&E species surveys: The Permittee certifies by signing this agreement that the project site has been surveyed and shall not impact any rare, threatened or endangered species; or the Permittee certifies that such a survey is not required for the proposed project. If it is determined later that rare, threatened or endangered species occur within the proposed work area, within 500 feet, or could be impacted by the work proposed, the Permittee shall cease immediately, all activities and consult with the Department and obtain any required State and/or Federal permits, and/or submit plan to avoid any impacts.

2.14 Monitoring: A qualified biological monitor, having the appropriate permits, shall be on site at least once a month during normal operations and shall survey for species prior to construction. The monitor shall be on site on a daily basis during the start of construction, during water diversion, and if listed species are present within 500 feet of

any work. If any species are found in the path of construction, the monitor shall relocate the species to a safe location. Relocation areas shall be identified prior to the start of construction, and are subject to the Department's approval. If any species are found in the path of construction, the monitor shall relocate the species to a safe location. The monitor shall have the ability to stop activities if continued activities will impact resources.

2.15 Exclusionary fencing: Exclusionary fencing or sheet piling shall be erected to prevent the migration into or the return of species into the work site. Exclusionary fencing for the blunt-nosed leopard lizard and the kit fox shall be erected to prevent the migration into or the return of species into the work site. Passages for the lizard shall be located under the haul roads per the designs approved by the Fish and Wildlife Service Biological Opinion. Fencing of the pits shall be installed and maintained after March 15 or after three consecutive days of ground temperatures reaching 77 degrees, whichever is first. Fencing of the pits will continue until the extraction is completed for the year. Field notes shall be kept and submitted to the Department after the first week of operations and upon completion of the project.

2.16 Aquatic organisms: Vehicles shall not be driven or equipment operated in water covered portions of a stream or lake, or where wetland vegetation, riparian vegetation, or aquatic organisms may be destroyed, except as otherwise provided for in the Agreement.

### **Wildlife passage**

2.17 Water flows: When any temporary dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code Section 5937.

2.18 Barriers: When any structure/culvert placed within a stream where fish or other aquatic organisms do/may occur, shall be designed, constructed and maintained such that it does not constitute a barrier or a trap to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish that impedes their upstream or downstream movement. This includes but is not limited to the supply of water at an appropriate depth, temperature, and velocity to facilitate upstream and downstream migration.

### **Equipment and access**

2.19 Ramps: Access to the work site shall be via existing roads and access ramps. If no ramps are available in the immediate area, the Applicant may construct a ramp or a road in the footprint of the project. Any ramp shall be removed upon completion of the project.

2.20 Contaminated equipment: All equipment shall be washed and free of weed seeds prior to delivery to the site.

### **Structures**

2.21 Obstructions: Any temporary dam, diversion or other artificial obstruction shall only be built from materials such as clean gravel/rock/boulders which will cause little or no siltation, and shall be approved by the Department prior to construction. A grade control structure, made of sand bags, may be constructed at the mouth of Deer Park Creek, but shall not become a barrier to wildlife migration. The structure shall not be higher than 12 inches above the invert. If a greater height is required, then two or more small structures shall be placed in the creek instead of one.

### **Sedimentation**

2.22 Spoil sites: Permanent spoil storage sites shall not be located within a stream, where spoil can be washed back into a stream/lake, or where it will cover aquatic or riparian vegetation.

2.23 Disturbed soils: Areas of disturbed soils with slopes toward a stream or lake shall be stabilized to reduce erosion potential. Planting, seeding and mulching is conditionally acceptable. Where suitable vegetation cannot reasonably be expected to become established, non-erodible materials, such as coconut fiber matting, shall be used for such stabilization. Any installation of non-erodible materials not described in the original project description shall be coordinated with the Department. Coordination may include the negotiation of additional Agreement provisions for this activity.

2.24 Wash water: Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.

### **Pollution and clean up**

2.25 Waste: No debris, soil, silt, sand, bark, slash, sawdust, rubbish, construction waste, cement or concrete (wet or dry) or washings thereof, asphalt, paint, oil or other petroleum products or any other substances which could be hazardous to aquatic life, or other organic or earthen material from any logging, construction, or other associated project related activity shall be allowed to contaminate the soil and/or enter into or placed where it may be washed by rainfall or runoff into, waters of the State. Any of these materials, placed within or where they may enter a stream or lake, by the Permittee or any party working under contract, or with the permission of the Permittee, shall be removed immediately. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream or lake.

2.26 Clean up: The clean-up of all spills shall begin immediately. The Department shall be notified immediately by the Permittee of any spills and shall be consulted regarding clean-up procedures. If vacuum trucks or pumps are used to clean up any contamination in water, or for any other use, the vacuum hose shall be placed in a 3 to 4 square foot area, protected on all side by exclusionary fencing to lower velocities and to prevent the uptake of any aquatic life.

2.27 Dust control: No stream water may be used in construction, such as in dust control. All construction water shall be from developed sources.

2.28 Litter: The Permittee shall comply with all litter and pollution laws. All contractors, subcontractors and employees shall also obey these laws and it shall be the responsibility of the operator to insure compliance.

2.29 Equipment checks: Any equipment or vehicles driven and/or operated within or adjacent to the stream/lake shall be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life.

2.30 Staging areas: Staging/storage areas for equipment and materials shall be located outside of the stream/lake.

2.31 Stationary equipment: Stationary equipment such as motors, pumps, generators, and welders, located within or adjacent to the stream/lake shall be positioned over drip pans. If welders are used, fire suppression equipment shall be on site at all times the welder is being used.

2.32 Equipment maintenance: No equipment maintenance shall be done within or near any stream channel or lake margin where petroleum products or other pollutants from the equipment may enter these areas under any flow.

2.33 Debris: The Permittee shall remove all human generated debris, such as yard and farm cuttings, broken concrete, construction waste, garbage and trash. The Permittee shall remove washed out culverts, and other construction materials, that the Permittee places within, or where they may enter the stream.

## **Diversion**

2.34 Buffer zone for the low flow channel: An earthen berm shall be constructed and maintained between the active pits and the low flow channel. This berm shall have no less than a 20 foot buffer from the structure, to the water. A 50 foot buffer zone shall be retained from the toe of the berm facing the pit, to the active pit area. The berm shall be wide enough to prevent the low flow channel from migrating into the pit areas. No temporary dams or other artificial obstructions shall be built in the river which will impede or obstruct water flows.

2.35 Flow diversion specifications: When work in a flowing stream is unavoidable, the entire stream flow shall be diverted around the work area by a barrier, temporary culvert, new channel, or other means approved by the Department. Location of the upstream and downstream diversion points shall be approved by the Department. Construction of the barrier and/or the new channel shall normally begin in the downstream area and continue in an upstream direction, and the flow shall be diverted only when construction of the diversion is completed. Channel bank or barrier construction shall be adequate to prevent seepage into or from the work area. Diversion berms shall be constructed of onsite alluvium of low silt content, inflatable dams, sand bags, sheet pile, or other approved materials. The enclosure and the supportive material shall be removed when the work is completed and removal shall normally proceed from downstream in an upstream direction. The Permittee shall obtain all written approvals from the Department prior to initiation of construction activities. The Department will have up to 30 days to review all plans.

2.36 Flows through diversions: Flow diversions shall be done in a manner that shall prevent pollution and/or siltation and which shall provide flows to downstream reaches. Flows to downstream reaches shall be provided during all times that the natural flow would have supported aquatic life. Said flows shall be sufficient quality and quantity, and of appropriate temperature to support fish and other aquatic life below the diversion and the flows shall meet or exceed baseline conditions. Baseline conditions shall be established prior to construction and monitored upstream of any work area. Normal flows shall be restored to the affected stream immediately upon completion of work at that location.

### **Exotic species control**

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2.37 Non-native plant removal: The Permittee shall remove any non-native vegetation (tree tobacco, castor bean, giant cane), from the work area and shall dispose of it in a manner and a location which prevents its reestablishment. Removal shall be done at least twice annually during the spring/summer season, as needed, through the term of restoration. Giant cane (*Arundo*), if present, shall be cut to a height of 6 inches or less, and the stumps painted with an herbicide approved for aquatic use within 5 minutes of cutting. Herbicides shall be applied at least three times during the period from May 1 to October 1 to eradicate these plants. Where proposed methods for removing giant cane deviate from this procedure, the Permittee shall present the alternate methods, in writing, to the Department for review and approval, prior to construction.

2.38 Herbicide use: Invasive species shall be removed by hand or by hand-operated power tools rather than by chemical means.

2.39 Non-native wildlife: The Permittee shall remove all non-native aquatic animals from the work area, if present, as part of the restoration of the site. Target animals include bullfrog, African clawed frog, non-native turtles, and crayfish. Compliance with this condition may be subject to a sport fishing license from the Department.

## **Maintenance**

2.40 Maintenance of berm: The Permittee may repair the diversion berm during operations if needed.

## **3. Compensatory Measures**

To compensate for adverse impacts to fish and wildlife resources identified above that cannot be avoided or minimized, Permittee shall implement each measure listed below.

3.1 Mitigation for permanent disturbance: The Permittee shall mitigate for permanent impacts, if any occur to wetland habitats by restoring or creating riparian and/or scrub habitat and a 5:1 ratio. An area of 1.5 acres of Deer Park Creek shall be vegetated with native species suitable to the area.

3.2 Mitigation for areas of temporary disturbance: The Permittee shall mitigate with enhancement, restoration and or creation of kit fox and blunt-nosed leopard lizard habitat, restoration of the drainage channel on the property line, revegetation of the eastern bank of the Cuyama River for a linear distance of 1,400 feet, removal of the old cars dumped on the bank and removal of all trash, broken concrete and waste within the property. The location and type of the mitigation shall be approved by the Department prior to execution of this agreement.

## **4. Reporting Measures**

Permittee shall meet each reporting requirement described below.

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4.1 Annual report: An annual report shall be submitted to the Department by Jan. 1 of each year for 5 years after planting. This report shall include the survival, % cover, and height by species of both trees and shrubs. The number by species of plants replaced, an overview of the revegetation and exotic plant control efforts, and the method used to assess these parameters shall also be included for any mitigation. Photos from designated photo stations shall be included. The report shall also contain water table depth for the year, amount of material removed, amount of material deposited by the river each year, and any plans for the following year.

## **CONTACT INFORMATION**

Any communication that Permittee or DFG submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or DFG specifies by written notice to the other.

To Permittee:

Steven M. Troesh  
Troesh Materials Inc.  
Diamond Rock Sand Gravel Mine & Aggregate Processing Facility  
P.O. Box 2805, Pismo Beach, 93448-2805,  
2280 Hutton Road, Nipomo, 93444  
805-357-2288  
stroesh@troesh.com

cc:

To DFG:

Department of Fish and Game  
South Coast Region

Attn: Lake and Streambed Alteration Program  
Natasha Lohmus  
Notification #1600-2009-0140-R5  
805-684-6281  
nlohmus@dfg.ca.gov

**LIABILITY**

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute DFG's endorsement of, or require Permittee to proceed with the project. The decision to proceed with the project is Permittee's alone.

**SUSPENSION AND REVOCATION**

DFG may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before DFG suspends or revokes the Agreement, it shall provide Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide Permittee an opportunity to correct any deficiency before DFG suspends or revokes the Agreement, and include instructions to Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused DFG to issue the notice.



## **ENFORCEMENT**

Nothing in the Agreement precludes DFG from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects DFG's enforcement authority or that of its enforcement personnel.

## **OTHER LEGAL OBLIGATIONS**

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC Sections 2050 et seq. (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

## **AMENDMENT**

DFG may amend the Agreement at any time during its term if DFG determines the amendment is necessary to protect an existing fish or wildlife resource.

Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by DFG and Permittee. To request an amendment, Permittee shall submit to DFG a completed DFG "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in DFG's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

## **TRANSFER AND ASSIGNMENT**

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective,

unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter DFG approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall submit to DFG a completed DFG "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in DFG's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

## **EXTENSIONS**

In accordance with FGC Section 1605(b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to DFG a completed DFG "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in DFG's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). DFG shall process the extension request in accordance with FGC 1605(b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code, § 1605, subd. (f)).

## **EFFECTIVE DATE**

The Agreement becomes effective on the date of DFG's signature, which shall be: 1) ~~after Permittee's signature; 2) after DFG complies with all applicable requirements~~ under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC Section 711.4 filing fee listed at [http://www.dfg.ca.gov/habcon/ceqa/ceqa\\_changes.html](http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html).

## **TERM**

This Agreement shall expire on 11/1/2014, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC Section 1605(a) (2) requires.

## **EXHIBITS**

The documents listed below are included as exhibits to the Agreement and incorporated herein by reference.

Supplemental Biological Resources Assessment dated June 2009, prepared by West Coast Environmental; the Alternatives Analysis (WCE), dated February 26, 2009, River Channel Survey and Monitoring Plan (WCE), dated February 26, 2009, Potential for Head Cutting and Erosion, Hawks & Associates, dated February 20, 2009 and the Notification Package for the Troesh Materials Inc., Diamond Rock Aggregate Mine.

#### **AUTHORITY**

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

#### **AUTHORIZATION**

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify DFG in accordance with FGC Section 1602.

#### **CONCURRENCE**

The undersigned accepts and agrees to comply with all provisions contained herein.

**FOR [INSERT NAME OF PERMITTEE]**

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Steven M. Troesh  
Owner

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Date

**FOR DEPARTMENT OF FISH AND GAME**

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Helen R. Birss  
EPM

---

Date

Prepared by: Natasha Lohmus  
Environmental Scientist