

# **Santa Barbara County Board of Supervisors**

## **Gordon Sand Company Appeal of Shell Guadalupe Dunes Gravel Remediation In-Lieu Proposal Project**

16APL-00000-00019

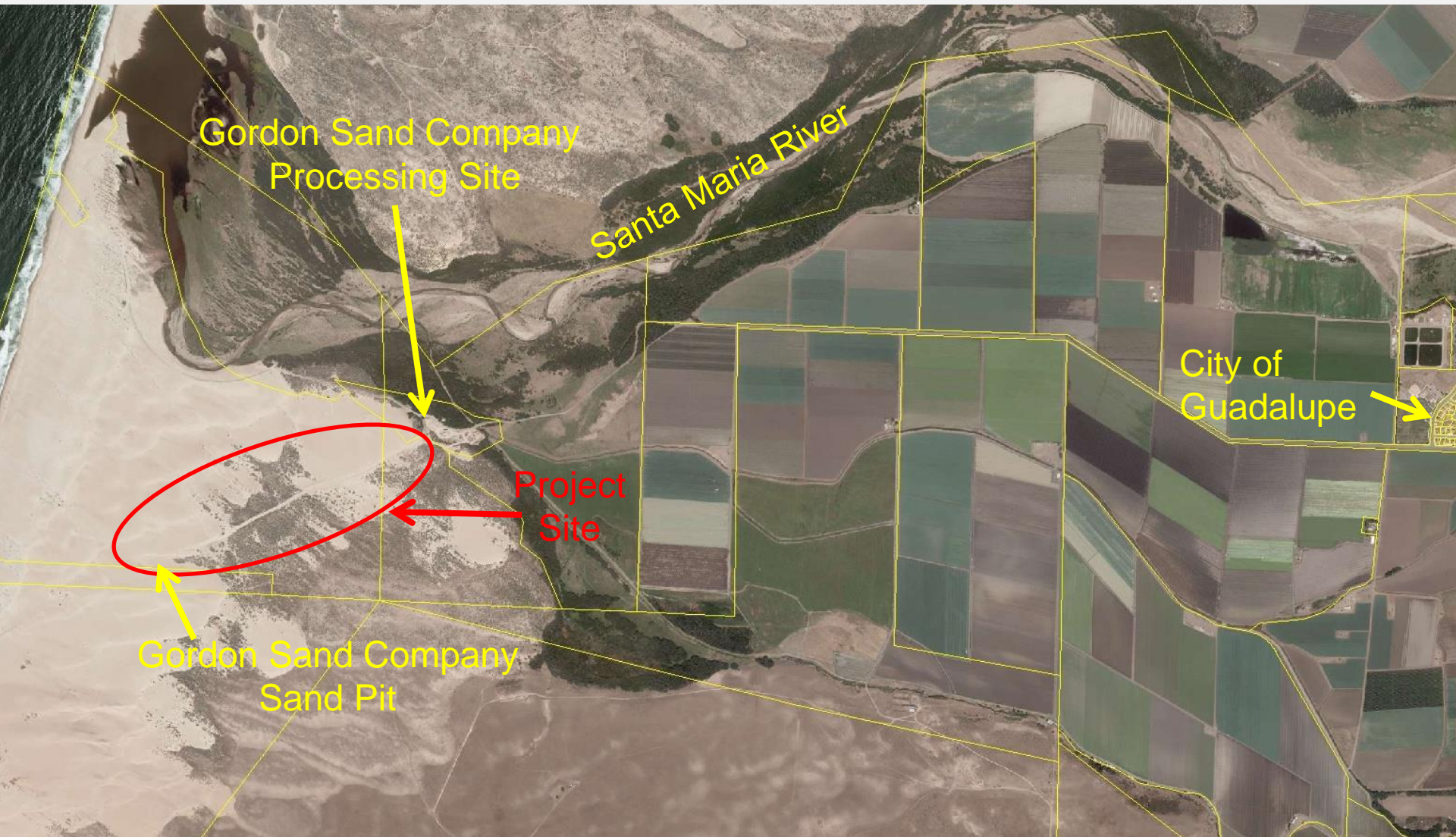
13RVP-00000-00119

14CDP-00000-00072

13EIR-00000-00005

September 20, 2016

# Vicinity Map



# Project Site



# Project Summary

- Delete Condition No. 31 from CUP (82-CP-75 [cz])
  - Would allow remnant gravel to remain on dunes
- Supplemental EIR prepared (13EIR-00000-00005)
  - Identified potentially significant impacts to:
    - Aesthetics and Visual Resources
    - Recreation
- Mitigation requires monetary contribution to County in lieu of gravel removal

# Planning Commission Action

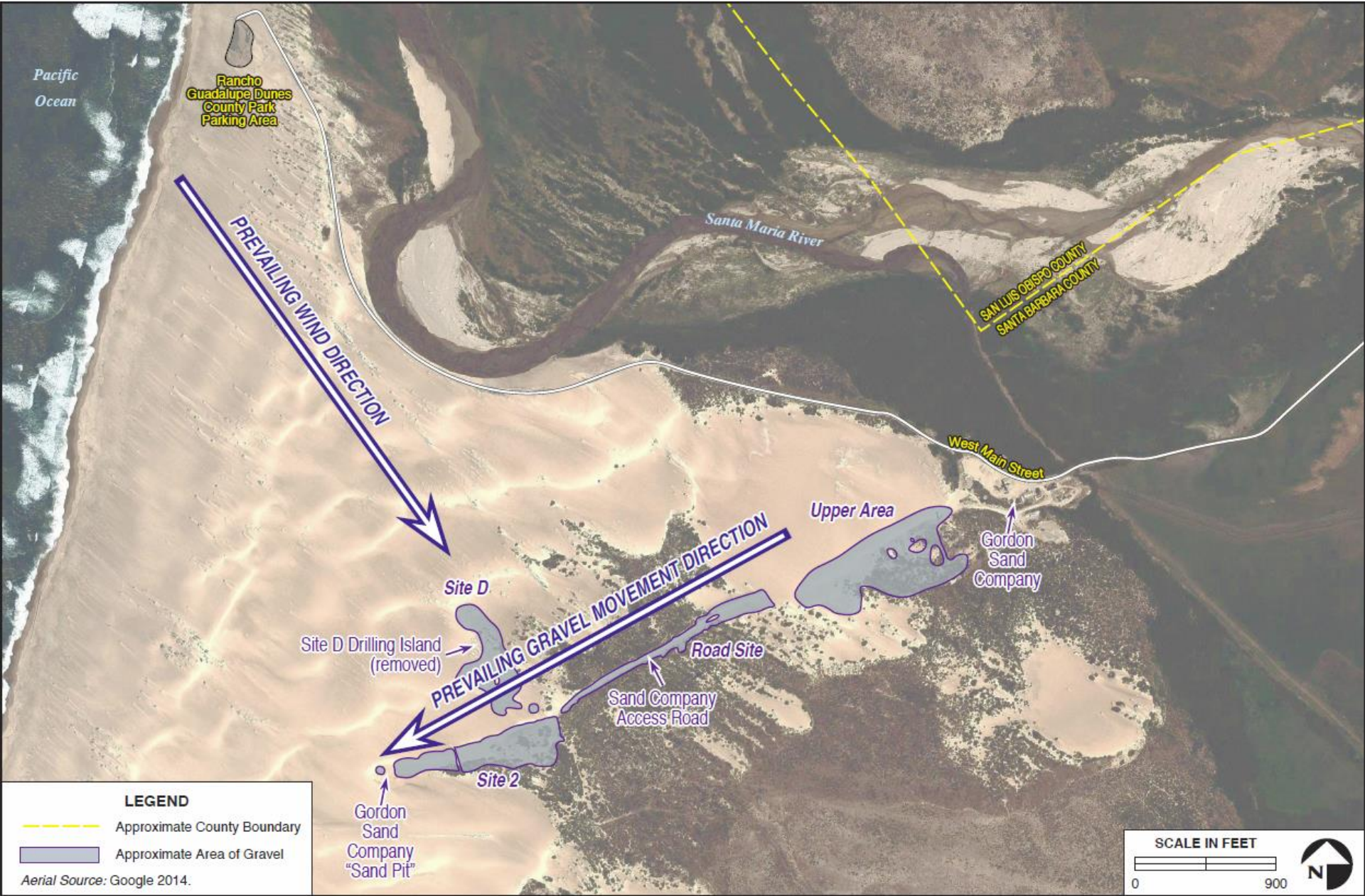
- Planning Commission approved the Project on June 29, 2016
  - Vote of 4-0-1 (Brooks abstaining)
- Gordon Sand Company filed appeal

# Appeal Issue #1

## SEIR Fails to Address a Significant Physical Change in the Environment

Claim: Natural coastal processes have moved and would continue to move remnant gravel and cobbles onto property they own and use for their mining operation.

# Staff Response: Appeal Issue #1



# Appeal Issue #2

## SEIR Fails to Consider Impacts to an Important Mineral Resource

Claim: The proposed Final SEIR fails to recognize the significant environmental impacts that the In-Lieu Project will have on a local mineral resource of “regional and statewide significance.”



# Staff Response: Appeal Issue #2

- Gravels present on Gordon Sand Company's property do not contribute significantly to the loss of availability of the resource. The company has operated in the presence of the remnant gravel for over 20 years.
- The proposed Final SEIR considers impacts to local mineral resources in Section 3.11.5, *Mineral Resources*.

# Appeal Issue #3

## SEIR Fails to Consider Imposition of Gravel Remediation Cost to Gordon Sand Company

Claim: Gravel and cobbles that exist on Gordon Sand's fee-owned land have imposed additional operational costs.

# Staff Response: Appeal Issue #3

- The proposed Final SEIR identifies mitigation for all potentially significant impacts associated with the project, consistent with CEQA.
- Evidence on record shows that movement of gravel at the site over time is not attributable to natural processes, but to the grading of the alternative unauthorized access route.

# Appeal Issue #4

## Remnant Gravel Increases Gordon Sand's Reclamation Obligations

Claim: The presence of remnant gravel creates uncertainty regarding future costs for reclamation.

# Staff Response: Appeal Issue #4

- There is no uncertainty with regard to Gordon Sand's future reclamation obligations.
- Gordon Sand's Final Reclamation Plan states that "clay, silt, or rock materials removed from the access road and processing plant during reclamation would be placed into the sand pit for disposal."
- The Reclamation Plan clearly absolves them of the requirement to remove "any gravel placed adjacent to the road by the Shell Corporation."

# Appeal Summary

- Issue 1: No evidence supports assertion that natural processes moved gravel onto Gordon's property.
- Issue 2: No evidence supports assertion that gravels contribute to the loss of sand resource.
- Issue 3: SEIR is not required to consider Gordon's remediation costs; gravel is present in mine pit due to Gordon's actions.
- Issue 4: There is no uncertainty regarding Gordon's reclamation obligations, which are identified in Rec Plan.

# Staff Recommendations

- Deny the appeal, Case No. 16APL-00000-00019;
- Make the required findings for approval of the project, including CEQA findings, included as Attachment A of the July 1, 2016 PC Action Letter;
- Certify the SEIR (13EIR-00000-00005) and adopt the mitigation monitoring program contained in the conditions of approval; and
- Grant de novo approval of Case Nos. 13RVP-00000-00119 and 14CDP-00000-00072, subject to the conditions included as Attachments B and C of the July 1, 2016 PC action letter.

*End of Staff Presentation*