

Attachment 6
Recently Issued Army Corps Permits



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
VENTURA FIELD OFFICE
2151 ALESSANDRO DRIVE, SUITE 110
VENTURA, CALIFORNIA 93001

April 16, 2010

REPLY TO
ATTENTION OF
Regulatory Division

Steve Troesh
Troesh Material Inc.
c/o John Hecht
Sespe Consulting, Inc.
343 E. Main St., Suite 201
Ventura, California 93001

Dear Mr. Troesh:

This letter is in reference to your application for a Department of the Army (DA) Permit to discharge fill material into waters of the United States, in association with the Diamond Rock Sand and Gravel Mine and Processing Facilities located in the Cuyama River (at Lat/Long: 34.8548/-119.4947), near the Town of Ventucopa, Santa Barbara County, California. The property and mineral rights owner is Triangle E Farms of Maricopa, California.

Enclosed is a "Provisional Permit." This Provisional Permit is NOT VALID and does not constitute authorization for you to do work. The Provisional Permit describes the work that will be authorized, including general and special conditions which will be placed on your final DA permit, if you receive a Section 401 water quality certification from the California Regional Water Quality Control Board (RWQCB). No work is to be performed until you have received a validated copy of the DA permit.

By Federal law, no DA permit can be issued until a Section 401 water quality certification has been issued or waived by RWQCB. This requirement can be satisfied by obtaining 401 certification/waiver or providing evidence that 60 days have passed since you submitted a valid application to the RWQCB for certification. Be aware that any conditions on your 401 certification will become conditions on your DA permit, unless the Corps of Engineers deems these conditions to be either unreasonable or unenforceable.

WHEN YOU RECEIVE SECTION 401 CERTIFICATION/WAIVER, THE FOLLOWING STEPS NEED TO BE COMPLETED:

1. The owner or authorized responsible official must sign and date both copies of the provisional permit indicating that he/she agrees to comply with all conditions stated in the permit.

2. The signer's name and title (if any) must be typed or printed below the signature.
3. Both signed provisional permits must be returned to the Corps of Engineers at the above address (Attention: CESPL-RG).
4. The Section 401 certification must be sent to the Corps of Engineers with the signed provisional permits.
5. When returning the signed provisional permits include a check for the processing fee of \$100 payable to the Finance and Accounting Officer USAED LA.

Should the Section 401 certification contain conditions which might result in a modification to the provisional permit, by signing and dating both copies of the provisional permit and returning them to the Corps of Engineers (along with the appropriate permit fee and Section 401 certification), we will assume you agree to comply with all Section 401 certification conditions which are added to the provisional permit.

Should the RWQCB deny the required certification, then the DA permit is considered denied without prejudice. If you subsequently obtain Section 401 certification, you should contact this office to determine how to proceed with your permit application.

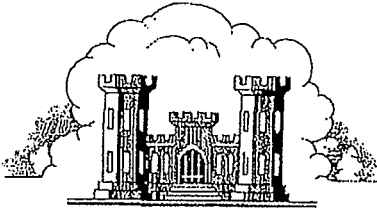
If you have any questions, please contact Bruce Henderson of my staff at 805-585-2145 or via e-mail at bruce.a.henderson@usace.army.mil. Please be advised that you can now comment on your experience with Regulatory Division by accessing the Corps web-based customer survey form at: <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron O. Allen". The signature is written in a cursive style with a large, sweeping loop at the top.

Aaron O. Allen, Ph.D.
Chief, North Coast Branch
Regulatory Division

Enclosures



LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

DEPARTMENT OF THE ARMY PERMIT

Permittee: Troesh Materials, Inc.; Mr. Steve Troesh

Permit Number: SPL-2003-803-BAH

Issuing Office: Los Angeles District

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To temporarily discharge fill material into 14 acres of waters of the United States, in association with the Troesh Material, Inc., Diamond Rock Sand and Gravel Mine and Processing Facilities.

Specifically, you are authorized to:

1. Mechanically clear 14 acres of the riverbed, including the temporary stockpiling of fill material during mining;
2. Grade an approximately four-foot-tall ten-foot-wide low-flow diversion berm around the mine pit with native riverbed sediments;
3. Construct an approximately two-foot-tall eight-foot-wide 350-foot-long sandbag diversion berm at the confluence of Deer Park Creek and Cuyama River;
4. Grade an approximately two-foot-tall four-foot-wide 1000-foot-long diversion berm with native riverbed sediments along the eastern bank to divert flows from Deer Park Creek away from the mine pit;
5. Construct an access road (i.e., heavy equipment haul road) into the mine pit using native riverbed material and culverts; and
6. Grade material deposited in the mine pit after a flood event, should it breach the berms.

Project Location: The Diamond Rock Sand and Gravel Mine and Processing Facilities are located in the Cuyama River (at Lat/Long: 34.8548/-119.4947), near the Town of Ventucopa, Santa Barbara County, California. The property and mineral rights owner is Triangle E Farms of Maricopa, California.

Permit Conditions:

General Conditions:

1. The time limit for completing the authorized activity ends on April 16, 2015. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification from this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

Special Conditions:

1. The permittee shall not directly impact an area greater than 14 acres for aggregate mining in the Cuyama River on APNs 149-220-002, -011, and -065. Mining activities include mechanized land clearing, construction of a low-flow diversion berm around the perimeter of the mine pit, construction of a grade control structure and diversion berm at the confluence of Deer Park Creek and the Cuyama River, and temporary stockpiles of mined material in waters of the United States. In order to facilitate the natural flow of water past the project site during small runoff events, the permittee shall excavate the 14-acre mine pit in the center of 84-acre project site in the Cuyama River.

2. The permittee shall not directly impact an area greater than 0.50 acre for the construction of an access road (approximately 30 feet wide and 700 feet long), with three five-foot-diameter corrugated steel pipe culverts half-buried in the riverbed near the eastern river bank in order to facilitate blunt-nosed leopard lizard passage and to provide all-weather access between the processing facility and the mine pit.
3. The permittee shall not directly impact an area greater than 0.07 acre for the construction of a sandbag grade control structure approximately 8 feet wide and 350 feet long located at the confluence of Deer Park Creek and the Cuyama River (Memorandum dated 5 February 2008; prepared by Hawks and Associates).
4. To the maximum extent practicable, the permittee shall ensure that the low-flow diversion berms are constructed using material graded from the top one-foot of the vegetated riverbed so that the native seed bank has an opportunity to germinate.
5. The permittee shall not impact waters of the United States to a depth greater than 45 feet below the natural grade of the riverbed. The elevation in the center of the proposed project is approximately 2780 feet above sea level (per the Hawks and Associates plan and typical section for the Deer Park Creek Grade Control Structure submitted to the Corps 5 February 2008). Therefore, the base of the center of the mine pit on APN 149-250-011 shall not be deeper than approximately 2735 feet above sea level, and all depths up- and downstream from that point shall be relative along the same 1.5% slope plane for the 14-acre mine footprint. These elevations will be verified prior to mining as described at special condition 13 (below).
6. The permittee shall maintain a 5:1 (horizontal:vertical) pit wall slope on the upstream side (i.e., southern side) of the mine pit. The permittee shall maintain a 3:1 pit wall slope for all other sides (i.e., eastern, western, and northern sides) of the mine pit.
7. This Corps permit does not authorize you to take any threatened or endangered species, in particular the blunt-nosed leopard lizard (*Gambelia sila*), San Joaquin kit fox (*Vulpes macrotis mutica*), and Kern primrose sphinx moth (*Euproserpinus euterpe*). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g., ESA Section 10 permit, or a Biological Opinion (BO) under ESA Section 7, with "incidental take" provisions with which you must comply). The enclosed U.S. Fish and Wildlife Service BO (PAS 1628.1929.2482; dated 5 December 2006) contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BO. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the attached BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit.
8. To minimize impacts to and avoid take of the federally listed blunt-nosed leopard lizard (*Gambelia sila*), San Joaquin kit fox (*Vulpes macrotis mutica*), and Kern primrose sphinx moth (*Euproserpinus euterpe*), the permittee shall implement the following minimization measures, which were included in the project design submitted as part of your permit application for the project:
 - a. A worker education program, taught by a Service-approved biologist, would be conducted for all employees and would provide instruction on the identification, life history, habitat requirements, and regulatory protection of

- the blunt-nosed leopard lizard and San Joaquin kit fox. Workers would be trained on what to do if blunt-nosed leopard lizards or San Joaquin kit fox are observed within work zones.
- b. All on-site trash would be cleared from the area on a daily basis and disposed of in secure containers to prevent potential predators from being attracted to the site.
 - c. A 15 mile-per-hour speed limit sign would be posted on the access road.
 - d. Permanent exclusionary fencing would be installed around the perimeter of the processing facility and along the access road into the mining pit.
 - e. Exclusionary fencing would be installed around the perimeter of the mining pit between March 1 and November 1 of each year. During this time, the fencing would only be removed if flooding of the mining pit was anticipated, during which time mining would not occur, and would be replaced before mining could begin again. The fencing would be removed between November 1 and March 1, during the time that blunt-nosed leopard lizards are in winter dormancy. The two-foot high fencing would consist of small-meshed hardwire cloth with a base of aluminum flashing. The metal flashing would be at least 12 inches above the surface to prevent the lizards from climbing over the fence. The bottom of the fencing and metal flashing would be buried 18 inches beneath the soil surface to prevent the lizards from digging under the fence. Fencing would be checked daily and maintained as necessary.
 - f. A Service-approved biologist would monitor restoration and construction activities, and trap and relocate blunt-nosed leopard lizards that may be disturbed by the project activities. A Service-approved biologist would also monitor construction of the exclusionary fencing and ensure that no blunt-nosed leopard lizards are trapped within exclusion zones.
 - g. Three 5-foot diameters corrugated steel pipe culverts, half-buried underground, would be placed 12 inches apart underneath the access road to allow blunt-nosed leopard lizards to pass underneath the road.
 - h. In order to determine if and to what extent blunt-nosed leopard lizards utilize the riverbed of the Cuyama River, and to assess the effectiveness of the culverts and fencing, a Service-approved biologist would survey the riverbed, access road, and culverts for blunt-nosed leopard lizards during their active period (April 15 through July 15) each year. Protocol developed by California Department of Fish and Game for blunt-nosed leopard lizard surveys would be followed.
 - i. Haul truck drivers and heavy equipment operators would be instructed to avoid impacting the exclusionary fencing to maintain the integrity of the fencing.
 - j. Chemical dust suppressants would not be used in areas where blunt-nosed leopard lizards could be exposed to the material. As an alternative dust suppressant, water would be used on the access road and near the Agricultural Restoration Area, or the crossing would be shielded at the sides to prevent overspray.
 - k. In the Agricultural Restoration Area, non-native plants would be removed by hand to avoid spraying herbicides where blunt-nosed leopard lizards may occur. Saltcedar would be removed using the least toxic herbicide, Garlon.

This herbicide would only be used to treat saltcedar stumps after hand removal of the plants, and would not be sprayed on a broad scale.

- l. Within 14 days prior to any new ground disturbances in natural habitats on the project site, a Service-approved biologist would conduct surveys for presence of San Joaquin kit fox dens.
 - m. If suitable San Joaquin kit fox dens are found with the construction zone, they would be surveyed for three days to determine if the dens are occupied by San Joaquin kit fox. Activity at the den would be monitored by placing tracking medium at the entrance every morning. Tracking material would be checked twice a day; every morning for tracks and prior to sundown to ensure that the tracking materials have not been damaged or blown away.
 - n. If San Joaquin kit fox activity is not observed during monitoring, the den would be physically closed to prevent occupation of the den.
 - o. If San Joaquin kit fox activity is observed at the den during monitoring, a Service-approved biologist would implement one of the two following approaches:
 - i. The den would be monitored until three consecutive days without San Joaquin kit fox activity occurs. At that point, the den would be physically closed; or
 - ii. The den would be monitored for at least five consecutive days. Use of the den would be discouraged during this period by partially plugging the entrance(s) with soil in such a manner that any resident animal could escape easily. If the den is still occupied after five days, the den would be carefully excavated using hand tools (e.g. shovel) while the den is temporarily vacant, such as during the animal's normal foraging activities. If San Joaquin kit fox are discovered in the den at any time during excavation, the excavation would cease immediately and monitoring of the den would be resumed. Destruction of the den may be resumed, when in the judgment of the biologist, the animal has escaped from the partially destroyed den.
 - p. If a natal den is discovered on-site, the Service would be contacted. Exclusionary flagging would be placed around the den, and the den would be monitored by a Service-approved biologist until the pups have vacated the den. After the den is vacated by the pups and mother, the biologist would clear and close the den.
9. Prior to initiation of project construction (i.e., land clearing, berm construction, and mining), the permittee shall notify the U.S. Fish and Wildlife Service in writing of the intended project initiation date and anticipated duration of the mining.
 10. The permittee shall mitigate for the long-term temporary impacts to approximately 14 acres of waters of the United States with the restoration of the approximately 1,400-foot-long section of the eastern Cuyama River bank and the enhancement of approximately 1.5 acres of the Deer Park Creek located between State Route 33 and the confluence with the Cuyama River as described in the final compensatory mitigation plans, "River Bank Restoration and Mine Reclamation" (dated 11 May 2007, included as part of the final EIR) (Bank Plan) and "Deer Park Creek Additional Mitigation" (Creek Plan) (dated 29 October 2009, and prepared by Sespe Consulting, Inc). The permittee shall fully implement the Bank Plan and Creek Plan within one year of first conducting mining operations at the project site. The Bank Plan shall also include a 75% survival

- rate and evidence of at least good vigor and active growth for planted cottonwood trees at the end of the five-year monitoring period, including two consecutive years without the use of supplemental irrigation.
11. The permittee shall only use herbicides in the Cuyama River and Deer Park Creek that have been approved by the EPA for use in aquatic environments. Therefore, the permittee shall not use Round-up™ (as described in the application), or its generic form, in the restoration and enhancement areas to control weeds.
 12. The permittee shall ensure all mining equipment and associated vehicles remain on the single access road when travelling between the processing facility and mine pit.
 13. The permittee shall conduct annual surveys of the surface elevation of the mine pit and river (both up- and downstream of the mine pit).
 - a. The permittee shall conduct the first survey not more than 30 days prior to the initiation of mining.
 - b. The permittee shall clearly identify a survey reference point (i.e., a permanent stable monument) located outside of the river for all surveys.
 - c. Annual surveys after the initiation of mining shall be conducted during the month of October.
 - d. Survey results shall be submitted to this office within 30 days of completion.
 - e. The surveys shall be conducted by an independent licensed land surveyor.
 - f. The surveys shall include a longitudinal profile of the centerline of the Cuyama River for at least 5,000 feet up- and downstream of the mine pit.
 - g. The surveys shall include cross-sections of the Cuyama River at 250-, 500-, 1500-, and 5000-foot intervals both up-and downstream of the mine pit.
 - h. The surveys shall include cross-sections of Santa Barbara Canyon and Ballinger Canyon 500 feet upstream of their confluence with the Cuyama River.
 - i. Cross-sections and the longitudinal profile shall be taken at the same location each year for comparison.
 - j. The surveys shall include the perimeter of the mine (i.e., the safety berms) and the perimeter of the mine pit at its base (i.e., at the bottom of the mine slopes).
 - k. The surveys shall include the location of the upstream diversion berm and access road.
 14. The permittee shall conduct semi-annual photographic surveys of the mining operation in the river during October and April. Reference photo points shall be established at the approximate midpoint of each side of the mine pit and in the center of the base of the pit. From each point the permittee shall take one photo each in the north, south, east, and west direction. The midpoint photos should show the berms, the wildlife fencing, and the entire pit wall. The permittee shall submit the photos to this office within 30 days of being taken. The first photographic survey shall be conducted no more than 30 day prior to initiating mining activities.
 15. The permittee shall not conduct any work in standing or flowing water.
 16. The permittee shall notify this office in writing if the diversion berms are breached by a runoff event in the river and water enters the pit. The notification shall be submitted with 30 days of the event. The notification shall include a description of where the berm was breached, the approximate volume of water and sediment that entered the pit, and any bed or bank erosion that occurred (i.e., location and approximate length and width of the erosion).

17. The permittee shall submit to this office an annual report detailing the volume of the mine pit and weight of material extracted from the mine pit.
18. The permittee shall ensure dust generated by the mining operation is minimized by wetting the disturbed areas of the riverbed, stockpiles of sediments, and berms. The use of any dust suppressant other than pure water shall be approved by this office in writing after coordination with the U.S. Fish and Wildlife Service and Regional Water Quality Control Board.
19. If the permittee chooses to renew this authorization or modify this authorization, we recommend that the permittee notify this office at least six months prior to its expiration. This notification shall identify the depth to groundwater in the riverbed (i.e., within the mine pit footprint) during the wet season and dry season. This notification shall also include annual rainfall and runoff data with corresponding sediment transport data for this reach of the Cuyama River.
20. The permittee shall ensure that all workers at the project site have read and understand the terms and conditions of this authorization.

Further Information:

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:

Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

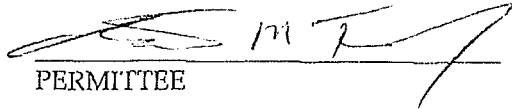
b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

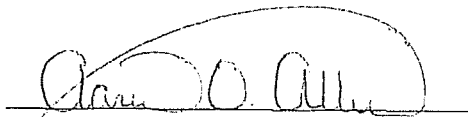
6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give you favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.


PERMITTEE

3/29/11
DATE

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



March 29, 2011
DATE

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

TRANSFEEEE

DATE

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

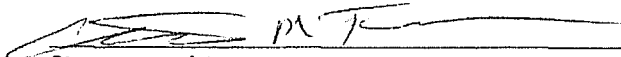
NOTIFICATION OF COMMENCEMENT OF WORK
FOR
DEPARTMENT OF THE ARMY PERMIT

Permit Number: *SPL-2003-803-BAH*
Name of Permittee: *Troesh Materials, Inc.; Steve Troesh*
Date of Issuance: *April 16, 2010*

Date work in waters of the U.S. will commence: _____
Estimated construction period (in weeks): _____
Name & phone of contractor (if any): _____

Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this permit you may be subject to permit suspension, modification, or revocation.

I hereby certify that I, and the contractor (if applicable), have read and agree to comply with the terms and conditions of the above referenced permit.


Signature of Permittee

3/29/11
Date

At least ten (10) days prior to the commencement of the activity authorized by this permit, sign this certification and return it using any ONE of the following three (3) methods:

- (1) E-MAIL a statement including all the above information to:

bruce.a.henderson@usace.army.mil

OR

- (2) FAX this certification, after signing, to: 805-585-2154

OR

- (3) MAIL to the following address:

U.S. Army Corps of Engineers
Regulatory Division
ATTN: CESPL-RG-SPL-2003-803-BAH
2151 Alessandro Drive, Suite 110
Ventura, California 93001



**California Regional Water Quality Control Board
Central Coast Region**



Linda S. Adams
Acting Secretary for
Environmental Protection

Internet Address: <http://www.waterboards.ca.gov/centralcoast>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
Phone (805) 549-3147 • FAX (805) 543-0397

Edmund G. Brown Jr.
Governor

March 28, 2011

Mr. Steven Troesh
stroesh@troesh.com
Troesh Materials, Inc.
305 Cuyama Lane
Nipomo, CA 93852

BY ELECTRONIC AND REGULAR MAIL

Dear Mr. Troesh:

**TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION NUMBER 34209WQ11
FOR DIAMOND ROCK SAND AND GRAVEL MINE PROJECT, SANTA BARBARA COUNTY**

Thank you for the opportunity to review your April 23, 2009 application for water quality certification of the Diamond Rock Sand and Gravel Mine and Aggregate Processing Facility Project. The application was completed on April 22, 2010. Implementation of the project, with our attached conditions, should ensure protection of beneficial uses of waters of the State. Thus, we are issuing the enclosed Technically Conditioned Letter of Certification.

At this time, we do not anticipate issuing additional requirements based on your application. Should new information come to our attention that indicates a water quality problem, we may require additional monitoring and reporting, issue Waste Discharge Requirements, or take other action.

Your Section 401 Water Quality Certification application and California Environmental Quality Act (CEQA) documents indicate that project activities may affect beneficial uses and water quality. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) issues this certification to protect water quality and associated beneficial uses from project activities. We need reports to determine compliance with this certification. All technical and monitoring reports requested in this certification, or anytime after, are required per Section 13267 of the California Water Code.

Your failure to submit reports required by this certification, or your failure to submit a report of technical quality acceptable to the Executive Officer, may subject you to enforcement action per Section 13268 of the California Water Code. The Central Coast Water Board will base enforcement actions on the date of certification. Any person affected by this Central Coast Water Board action may petition the State Water Resources Control Board (State Board) to review this action in accordance with California Water Code Section 13320; and Title 23, California Code of Regulations, Sections 2050 and 3867-3869. The State Board, Office of Chief Counsel, PO Box 100, Sacramento, CA 95812, must receive the petition within 30 days of the date of this certification. We will provide upon request copies of the law and regulations applicable to filing petitions.

California Environmental Protection Agency



If you have questions please contact **Jon Rohrbough** at (805) 549-3458 or via email at jrohnbough@waterboards.ca.gov or Phil Hammer at (805) 549-3882. Please mention the above certification number in all future correspondence pertaining to this project.

Sincerely,



Roger W. Briggs
Executive Officer

Enclosure: Technically Conditioned Letter of Certification

S:\Shared\Section 401 Certification\Certifications\Santa Barbara\2005\Diamond Rock & GPS Mines\Diamond Rock Sand and Gravel Mine Cert_final.doc

cc: Enclosures with

Jane Farkas
Sespe Consulting, Inc.
468 Poli Street, Suite 2E
San Luis Obispo, CA 93401-7906
jfarkas@sespeconsulting.com

Bruce Henderson
U.S. Army Corps of Engineers
Ventura Office
Regulatory Section
2151 Allesandro Drive, Suite 110
Ventura, CA 93001

R9-WTR8-Mailbox@epa.gov

Natasha Lohmus
California Department of Fish and Game
Lake and Streambed Alteration
1933 Cliff Drive, Suite 9
Santa Barbara, CA 93109

401 Program Manager
State Water Resources Control Board
Division of Water Quality
Stateboard401@waterboards.ca.gov

rswitzer@waterboards.ca.gov

jrohnbough@waterboards.ca.gov

Action on Request for
Clean Water Act Section 401 Water Quality Certification
for Discharge of Dredged and/or Fill Materials

PROJECT: Diamond Rock Sand and Gravel Mine and Aggregate Processing Facility
APPLICANT: Mr. Steven Troesh
stroesh@troesh.com
Troesh Materials, Inc.
305 Cuyama Lane
Nipomo, CA 93852

ACTION:

1. Order for Standard Certification
2. Order for Technically Conditioned Certification
3. Order for Denial of Certification

STANDARD CONDITIONS:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment per section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed per 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.
4. This certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.
5. In the event of a violation or threatened violation of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of Section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
6. In response to a suspected violation of any condition of this certification, the Water Board may require the holder of any permit or license subject to this certification to furnish, under

penalty of perjury, any technical or monitoring reports the Water Board deems appropriate, provided that the burden, including costs, of the reports shall have a reasonable relationship to the need for the reports and the benefits obtained from the reports.

- 7. The total fee for this project is \$40,000 which includes the \$640 application fee.
- 8. This certification is valid for a period of five years, and expires on **March 28, 2016**.

CENTRAL COAST WATER BOARD CONTACT PERSON:

Jon Rohrbough
Central Coast Region, Region 3
(805) 549-3458
jrohrbough@waterboards.ca.gov

Please refer to the above certification number when corresponding with the Central Coast Water Board concerning this project.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from the Diamond Rock Sand and Gravel Aggregate Mine Processing Project shall comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



Roger W. Briggs
Executive Officer
Central Coast Water Board

3-28-11
Date

Attachment 1

PROJECT INFORMATION AND CONDITIONS

Application Date	Received: April 23, 2009 Completed: April 22, 2010
Applicant	Steven Troesh Troesh Materials, Inc.
Applicant Representatives	Jane Farkas Sespe Consulting, Inc.
Project Name	Diamond Rock Sand and Gravel Mine
Water Board Application Number	34209WQ11
Type of Project	Operation of a new sand and gravel mine
Project Location	Community of Maricopa Longitude: 119.49° Latitude: 34.86°
County	Santa Barbara
Receiving Water(s)	Cuyama River 312.30.Hydrologic Unit
Water Body Type	River
Designated Beneficial Uses	Municipal and Domestic Supply (MUN) Agricultural Supply (AGR) Industrial Process Supply (PROC) Industrial Service Supply (IND) Ground Water Recharge (GWR) Water Contact Recreation (REC-1) Non-Contact Recreation (REC-2) Wildlife Habitat (WILD) Cold Fresh Water Habitat (COLD) Warm Fresh Water Habitat (WARM) Spawning, Reproduction, and/or Early Development (SPWN) Rare, Threatened or Endangered Species (RARE) Freshwater Replenishment (FRSH) Commercial and Sport Fishing (COMM)
Project Description (purpose/goal)	The purpose of the project is to extract sand and gravel from the Cuyama River for processing and sale. The Central Coast Water Board understands that the project includes the following: <ul style="list-style-type: none"> • Mechanically clearing 14 acres of the riverbed in the center of the 84-acre project site in the Cuyama River; • Temporarily stockpiling fill material during mining; • Grading and maintaining an approximately four-foot-tall, ten-foot-wide, low-flow diversion berm around the mine pit, using native sediments; • Constructing an approximately two-foot-tall, eight-foot-wide, 350-foot-long sandbag diversion berm at the confluence of Dear Park Creek and the Cuyama River; • Grading an approximately two-foot-tall, four-foot-wide, 1000-foot-long diversion berm with native sediments parallel to the

	<p>eastern bank of the Cuyama River to divert flows from Deer Park Creek away from the mine pit;</p> <ul style="list-style-type: none"> • Constructing an access road for heavy equipment into the mine pit using native riverbed material; • Constructing a culverted crossing of the Deer Park Creek flow path within the Cuyama River bed; • Hauling mined material on an existing unsurfaced road along the top of the east bank of the Cuyama River to the GPS processing facility located approximately one mile downstream; • Repairing and/or regrading the diversion berms following storm events that damage or breach the berms; and • Grading material deposited in the mine pit after flood events, should they breach the berms.
Preliminary Water Quality Issues	<p>The Central Coast Water Board finds the project has the potential to cause erosion, sedimentation/siltation, and pollutant release to the Cuyama River. Erosion could be caused by the construction and mining activities. Sedimentation and siltation could result from sediment removal activities and the placement of flow diversion berms within Deer Park Creek and the Cuyama River. Sediment removal activities also have the potential to impact sediment balance and transport characteristics in the Cuyama River. Pollutants could be introduced from equipment (e.g., oil, gasoline, hydraulic fluid, and other liquid contaminants associated with earth-moving and aggregate processing equipment) or from the concrete work associated with construction.</p>
Mitigation Requirements	<p><u>Mitigations required to comply with 401 Water Quality Certification are as follows:</u></p> <ul style="list-style-type: none"> • Troesh Materials, Inc., shall maintain the diversion berms, Deer Park Creek crossing, access road, and haul road to minimize the threat of erosion and/or sedimentation to the Cuyama River and Deer Park Creek. Troesh Materials, Inc., shall conduct maintenance on the diversion berms during the dry season, beginning no earlier than May 15 and ending no later than October 15, to minimize the possibility of berm failure during the wet season. • Construction and emergency maintenance work on the diversion berms, access road, and Deer Park Creek crossing shall be conducted only when there is no flowing or standing water in the work area. "Emergency maintenance work" shall be defined as work necessary to repair damage to the diversion berms, access road, or Deer Park Creek crossing caused by storm events. • Repair and maintenance work on the diversion berm around the mine pit shall not be conducted in the diversion channel, and material used to rebuild the diversion berm shall be obtained from outside the diversion channel. • Troesh Materials, Inc., shall construct energy dissipators, consisting of native materials, at the downstream end of the culverts beneath the Deer Park Creek crossing sufficient to protect against erosion.

	<ul style="list-style-type: none"> • Troesh Materials, Inc., shall use the access road, Deer Park Creek crossing, and haul road only under conditions in which such use would not cause damage leading to the threat of erosion. • Troesh Materials, Inc., shall implement best management practices to control erosion and potential pollutants from construction activities using best available technology. • All vehicles and equipment used on site shall be well maintained and checked daily for fuel and hydraulic fluid leaks or other problems that could result in spills of toxic materials. • Troesh Materials, Inc., shall require the contractor to have oil absorbent pads on site in case a spill occurs. • Troesh Materials, Inc., shall designate a staging area for equipment/vehicle fueling and storage at least 100 feet away from waterways, in a location where fluid will not flow into waterways. • All vehicle fueling and maintenance must occur at least 100 feet away from waterways, and in the designated staging area. • Central Coast Water Board staff must be notified if mitigations as described in the 401 Water Quality Certification application for this project are altered by the imposition of subsequent permit conditions by any local, state, or federal regulatory authority. Troesh Materials, Inc., must inform Central Coast Water Board staff of any modifications that interfere with compliance with this Water Quality Certification.
Area of Disturbance	Approximately 14.57 acres Streambed: 0 acres permanent, 14.57 acres temporary
Fill/Excavation Area	Approximately 14 acres of temporary excavation and 0.57 acres of temporary fill.
Dredge Volume	Approximately 3,750,000 cubic yards
U.S. Army Corps of Engineers Permit No.	SPL-2003-803-BAH
Federal Public Notice	N/A
Dept. of Fish and Game Streambed Alteration Agreement	Streambed Alteration Agreement is pending. Final, signed copy will be forwarded immediately upon execution.
Possible Listed Species	<i>Caulanthus Californicus</i> (California jewel-flower) <i>Eriastrum hooveri</i> (Hoover's eriastrum) <i>Layia heterotricha</i> (pale-yellow layia) <i>Layia munzii</i> (Munz's tidy-tips) <i>Molopia congdonii</i> (San Joaquin woolly threads) <i>Madia radiata</i> (showy madia) <i>Oxytheca parishii</i> (Abram's oxytheca) California horned lizard San Diego woodrat San Joaquin kit fox Loggerhead shrike Lawrence's goldfinch Western spadefoot toad

	<p>California condor Golden eagle California horned lark Brewer's sparrow Prairie falcon Tricolored blackbird Giant kangaroo rat San Joaquin antelope squirrel Kern Primrose Sphinx Moth</p>
Status of CEQA Compliance	<p>Environmental Impact Report Lead Agency: County of Santa Barbara</p>
Compensatory Mitigation Requirements	<ul style="list-style-type: none"> • Restore a 1,400-foot-long section of the eastern bank of the Cuyama River according to the final compensatory mitigation plan "River Bank Restoration and Mine Reclamation" (dated May 11, 2007) (Bank Plan). The Bank Plan shall be fully implemented within one year of first conducting mining operations at the project site. The Plan shall also achieve a 75% survival rate and evidence of at least good vigor and active growth for planted cottonwood trees at the end of the five-year monitoring period, including two consecutive years without the use of supplemental irrigation. • Enhance approximately 1.5 acres of Deer Park Creek between State Route 33 and the confluence with the Cuyama River, as described in the final compensatory mitigation plan "Deer Park Creek Additional Mitigation" (dated October 29, 2009) (Creek Plan). The Creek Plan shall be fully implemented within one year of first conducting mining operations at the project site. • Remove and restore the diversion berms, access road, Deer Park Creek crossing, and any damage caused by erosion resulting from project activities to pre-project conditions following cessation of mining activities.
Total Certification Fee	\$40,000
Additional Conditions	<ul style="list-style-type: none"> • Contact Central Coast Water Board staff prior to commencement of the project to allow for a site visit. • Submit a signed copy of the U.S. Army Corps of Engineers Section 404 Permit and the Department of Fish and Game's streambed alteration agreement to the Central Coast Water Board immediately upon execution and prior to any discharge to waters of the State. • Do not directly impact more than 14.25 acres for aggregate mining in the Cuyama River, located in the middle of the 84-acre project site in the Cuyama River. • Do not directly impact more than 0.25 acre for the construction of an access road (approximately 30 feet wide and 400 feet long, with four three-foot diameter pipe culverts near the eastern bank of the Cuyama River to provide all-weather access. • Do not directly impact more than 0.07 acre for the construction of a sandbag grade control structure (approximately 8 feet wide and 350 feet long) at the confluence of Deer Park Creek and the Cuyama River.

	<ul style="list-style-type: none">• To the maximum extent practicable, ensure that the low-flow diversion berms are constructed using material graded from the top one foot of the vegetated riverbed.• Maintain a mine depth of no more than 45 feet below the natural grade of the riverbed.• Maintain a 5:1 pit wall slope on the upstream side of the mine pit, and maintain a 3:1 pit wall slope on all other sides.• Clear and properly dispose of all on-site trash on a daily basis.• Implement best management practices to control erosion and discharge of sediment to Deer Park Creek and the Cuyama River from the access road, haul road, stockpiles and/or areas of exposed or disturbed earth associated with the processing facility.• Use only those herbicides in the Cuyama River and Deer Park Creek that have been approved by the USEPA for aquatic environments.• Keep all mining equipment and associated vehicles on the single access road and haul road when traveling between the mine pit and the processing facility.• Conduct all work at least six feet above the water table.• Conduct no work in standing or flowing water.• Do not discharge fine sediment to Deer Park Creek, the Cuyama River, or into the mine pit as fill material.• Comply with all relevant provisions of the State Construction Stormwater General Permit and the State Industrial Stormwater General Permit.• Implement adaptive management practices in response to information gained from annual surveys and photographs, and lessons learned during mining and processing operations to minimize water quality impacts.• Contact the Central Coast Water Board within 24 hours if the diversion berms are breached by a runoff event in the river such that water enters the mine pit. Notify the Central Coast Water Board in writing within 30 days of the event. The written notification shall include a description of where the berm was breached, the approximate volume of water and sediment that entered the pit, and any bed or bank erosion that occurred.• Conduct visual monitoring of the project site, and at least one reach upstream and downstream of the project site, after completion of initial construction and after every rainy season subsequent to the completion of initial construction, to ensure that the mine pit, access road, haul road, and diversion berms are not causing excessive erosion or other water quality problems. If the project does cause water quality problems, contact the Central Coast Water Board staff member overseeing the project within 24 hours. Troesh Materials, Inc., will be responsible for obtaining any additional permits necessary for implementing plans for restoration to prevent further water quality problems.• Conduct annual visual monitoring of the mitigation areas to
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	<p>ensure the viability of plantings and that there is no significant erosion. When effects of erosion are present, they shall be repaired and the source of erosion corrected. Rip rap shall not be used.</p> <ul style="list-style-type: none">• Conduct annual surveys of the surface elevation of the mine pit and river (both upstream and downstream of the mine pit, as described in the U.S. Army Corps of Engineers Section 404 Permit).• Conduct semi-annual photographic surveys of the mining operation in the river during October and April, as described in the U.S. Army Corps of Engineers Section 404 Permit.• Submit six reports:<ul style="list-style-type: none">• First Report: Within 30 days after completion of initial construction activities, including construction activities associated with compensatory mitigation requirements, submit a report that contains a summary of daily activities, monitoring observations, and problems incurred and actions taken; include properly identified post-construction photos.• Second through Fifth Report: By December 31 of each year, submit a report detailing the results of annual visual monitoring and surface elevation surveys, volume of the mine pit, the weight of material extracted from the mine pit, and the amount of material deposited in the pit by flood events. Include the photographs from the semi-annual aerial photographic surveys. The Second Report shall also detail construction activities associated with compensatory mitigation requirements, and the Third through Fifth Reports shall include a detailed description of the progress of compensatory mitigation, including photographs.• Final Report: Prior to the end of the five-year certification period, submit an evaluation report. The evaluation report must include, in addition to information required in the third through fifth annual reports: 1) an evaluation of the mitigation areas relative to the performance criteria detailed in the project EIR; and 2) an analysis of impacts from mining on the hydraulics and sediment transport characteristics of the Cuyama River. The analysis must include present impacts, potential future impacts from the first five years of mining activities, and potential impacts from continued mining activities, as well as any proposed changes to management actions in response to conclusions of evaluation.• Prior to the end of the five-year certification period, Troesh Materials, Inc., must either submit relevant applications for permits to continue mining activities or implement the Mine Reclamation measures detailed in the project Environmental Impact Report.
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California Regional Water Quality Control Board Central Coast Region



Linda S. Adams
Acting Secretary for
Environmental Protection

Internet Address: <http://www.waterboards.ca.gov/centralcoast>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
Phone (805) 549-3147 • FAX (805) 543-0397

Edmund G. Brown Jr.
Governor

March 28, 2011

Mr. Steven Troesh
stroesh@troesh.com
Troesh Materials, Inc.
305 Cuyama Lane
Nipomo, CA 93852

BY ELECTRONIC AND REGULAR MAIL

Dear Mr. Troesh:

**TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION NUMBER 34209WQ11
FOR DIAMOND ROCK SAND AND GRAVEL MINE PROJECT, SANTA BARBARA COUNTY**

Thank you for the opportunity to review your April 23, 2009 application for water quality certification of the Diamond Rock Sand and Gravel Mine and Aggregate Processing Facility Project. The application was completed on April 22, 2010. Implementation of the project, with our attached conditions, should ensure protection of beneficial uses of waters of the State. Thus, we are issuing the enclosed Technically Conditioned Letter of Certification.

At this time, we do not anticipate issuing additional requirements based on your application. Should new information come to our attention that indicates a water quality problem, we may require additional monitoring and reporting, issue Waste Discharge Requirements, or take other action.

Your Section 401 Water Quality Certification application and California Environmental Quality Act (CEQA) documents indicate that project activities may affect beneficial uses and water quality. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) issues this certification to protect water quality and associated beneficial uses from project activities. We need reports to determine compliance with this certification. All technical and monitoring reports requested in this certification, or anytime after, are required per Section 13267 of the California Water Code.

Your failure to submit reports required by this certification, or your failure to submit a report of technical quality acceptable to the Executive Officer, may subject you to enforcement action per Section 13268 of the California Water Code. The Central Coast Water Board will base enforcement actions on the date of certification. Any person affected by this Central Coast Water Board action may petition the State Water Resources Control Board (State Board) to review this action in accordance with California Water Code Section 13320; and Title 23, California Code of Regulations, Sections 2050 and 3867-3869. The State Board, Office of Chief Counsel, PO Box 100, Sacramento, CA 95812, must receive the petition within 30 days of the date of this certification. We will provide upon request copies of the law and regulations applicable to filing petitions.

California Environmental Protection Agency



If you have questions please contact **Jon Rohrbough** at (805) 549-3458 or via email at jrohrbough@waterboards.ca.gov or Phil Hammer at (805) 549-3882. Please mention the above certification number in all future correspondence pertaining to this project.

Sincerely,



Roger W. Briggs
Executive Officer

Enclosure: Technically Conditioned Letter of Certification

S:\Shared\Section 401 Certification\Certifications\Santa Barbara\2005\Diamond Rock & GPS Mines\Diamond Rock Sand and Gravel Mine Cert_final.doc

cc: Enclosures with

Jane Farkas
Sespe Consulting, Inc.
468 Poli Street, Suite 2E
San Luis Obispo, CA 93401-7906
jfarkas@sespeconsulting.com

Bruce Henderson
U.S. Army Corps of Engineers
Ventura Office
Regulatory Section
2151 Allesandro Drive, Suite 110
Ventura, CA 93001

R9-WTR8-Mailbox@epa.gov

Natasha Lohmus
California Department of Fish and Game
Lake and Streambed Alteration
1933 Cliff Drive, Suite 9
Santa Barbara, CA 93109

401 Program Manager
State Water Resources Control Board
Division of Water Quality
Stateboard401@waterboards.ca.gov

rswitzer@waterboards.ca.gov

jrohrbough@waterboards.ca.gov

Action on Request for
Clean Water Act Section 401 Water Quality Certification
for Discharge of Dredged and/or Fill Materials

PROJECT: Diamond Rock Sand and Gravel Mine and Aggregate Processing Facility
APPLICANT: Mr. Steven Troesh
stroesh@troesh.com
Troesh Materials, Inc.
305 Cuyama Lane
Nipomo, CA 93852

ACTION:

1. Order for Standard Certification
2. Order for Technically Conditioned Certification
3. Order for Denial of Certification

STANDARD CONDITIONS:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment per section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed per 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.
4. This certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.
5. In the event of a violation or threatened violation of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of Section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
6. In response to a suspected violation of any condition of this certification, the Water Board may require the holder of any permit or license subject to this certification to furnish, under

penalty of perjury, any technical or monitoring reports the Water Board deems appropriate, provided that the burden, including costs, of the reports shall have a reasonable relationship to the need for the reports and the benefits obtained from the reports.

7. The total fee for this project is \$40,000 which includes the \$640 application fee.
8. This certification is valid for a period of five years, and expires on **March 28, 2016**.

CENTRAL COAST WATER BOARD CONTACT PERSON:

Jon Rohrbough
Central Coast Region, Region 3
(805) 549-3458
jrohrbough@watertboards.ca.gov

Please refer to the above certification number when corresponding with the Central Coast Water Board concerning this project.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from the Diamond Rock Sand and Gravel Aggregate Mine Processing Project shall comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



Roger W. Briggs
Executive Officer
Central Coast Water Board

3-28-11
Date

Attachment 1

PROJECT INFORMATION AND CONDITIONS

Application Date	Received: April 23, 2009 Completed: April 22, 2010
Applicant	Steven Troesh Troesh Materials, Inc.
Applicant Representatives	Jane Farkas Sespe Consulting, Inc.
Project Name	Diamond Rock Sand and Gravel Mine
Water Board Application Number	34209WQ11
Type of Project	Operation of a new sand and gravel mine
Project Location	Community of Maricopa Longitude: 119.49° Latitude: 34.86°
County	Santa Barbara
Receiving Water(s)	Cuyama River 312.30 Hydrologic Unit
Water Body Type	River
Designated Beneficial Uses	Municipal and Domestic Supply (MUN) Agricultural Supply (AGR) Industrial Process Supply (PROC) Industrial Service Supply (IND) Ground Water Recharge (GWR) Water Contact Recreation (REC-1) Non-Contact Recreation (REC-2) Wildlife Habitat (WILD) Cold Fresh Water Habitat (COLD) Warm Fresh Water Habitat (WARM) Spawning, Reproduction, and/or Early Development (SPWN) Rare, Threatened or Endangered Species (RARE) Freshwater Replenishment (FRSH) Commercial and Sport Fishing (COMM)
Project Description (purpose/goal)	The purpose of the project is to extract sand and gravel from the Cuyama River for processing and sale. The Central Coast Water Board understands that the project includes the following: <ul style="list-style-type: none"> • Mechanically clearing 14 acres of the riverbed in the center of the 84-acre project site in the Cuyama River; • Temporarily stockpiling fill material during mining; • Grading and maintaining an approximately four-foot-tall, ten-foot-wide, low-flow diversion berm around the mine pit, using native sediments; • Constructing an approximately two-foot-tall, eight-foot-wide, 350-foot-long sandbag diversion berm at the confluence of Dear Park Creek and the Cuyama River; • Grading an approximately two-foot-tall, four-foot-wide, 1000-foot-long diversion berm with native sediments parallel to the

	<p>eastern bank of the Cuyama River to divert flows from Deer Park Creek away from the mine pit;</p> <ul style="list-style-type: none"> • Constructing an access road for heavy equipment into the mine pit using native riverbed material; • Constructing a culverted crossing of the Deer Park Creek flow path within the Cuyama River bed; • Hauling mined material on an existing unsurfaced road along the top of the east bank of the Cuyama River to the GPS processing facility located approximately one mile downstream; • Repairing and/or regrading the diversion berms following storm events that damage or breach the berms; and • Grading material deposited in the mine pit after flood events, should they breach the berms.
<p>Preliminary Water Quality Issues</p>	<p>The Central Coast Water Board finds the project has the potential to cause erosion, sedimentation/siltation, and pollutant release to the Cuyama River. Erosion could be caused by the construction and mining activities. Sedimentation and siltation could result from sediment removal activities and the placement of flow diversion berms within Deer Park Creek and the Cuyama River. Sediment removal activities also have the potential to impact sediment balance and transport characteristics in the Cuyama River. Pollutants could be introduced from equipment (e.g., oil, gasoline, hydraulic fluid, and other liquid contaminants associated with earth-moving and aggregate processing equipment) or from the concrete work associated with construction.</p>
<p>Mitigation Requirements</p>	<p><u>Mitigations required to comply with 401 Water Quality Certification are as follows:</u></p> <ul style="list-style-type: none"> • Troesh Materials, Inc., shall maintain the diversion berms, Deer Park Creek crossing, access road, and haul road to minimize the threat of erosion and/or sedimentation to the Cuyama River and Deer Park Creek. Troesh Materials, Inc., shall conduct maintenance on the diversion berms during the dry season, beginning no earlier than May 15 and ending no later than October 15, to minimize the possibility of berm failure during the wet season. • Construction and emergency maintenance work on the diversion berms, access road, and Deer Park Creek crossing shall be conducted only when there is no flowing or standing water in the work area. "Emergency maintenance work" shall be defined as work necessary to repair damage to the diversion berms, access road, or Deer Park Creek crossing caused by storm events. • Repair and maintenance work on the diversion berm around the mine pit shall not be conducted in the diversion channel, and material used to rebuild the diversion berm shall be obtained from outside the diversion channel. • Troesh Materials, Inc., shall construct energy dissipators, consisting of native materials, at the downstream end of the culverts beneath the Deer Park Creek crossing sufficient to protect against erosion.

	<ul style="list-style-type: none"> • Troesh Materials, Inc., shall use the access road, Deer Park Creek crossing, and haul road only under conditions in which such use would not cause damage leading to the threat of erosion. • Troesh Materials, Inc., shall implement best management practices to control erosion and potential pollutants from construction activities using best available technology. • All vehicles and equipment used on site shall be well maintained and checked daily for fuel and hydraulic fluid leaks or other problems that could result in spills of toxic materials. • Troesh Materials, Inc., shall require the contractor to have oil absorbent pads on site in case a spill occurs. • Troesh Materials, Inc., shall designate a staging area for equipment/vehicle fueling and storage at least 100 feet away from waterways, in a location where fluid will not flow into waterways. • All vehicle fueling and maintenance must occur at least 100 feet away from waterways, and in the designated staging area. • Central Coast Water Board staff must be notified if mitigations as described in the 401 Water Quality Certification application for this project are altered by the imposition of subsequent permit conditions by any local, state, or federal regulatory authority. Troesh Materials, Inc., must inform Central Coast Water Board staff of any modifications that interfere with compliance with this Water Quality Certification.
Area of Disturbance	Approximately 14.57 acres Streambed: 0 acres permanent, 14.57 acres temporary
Fill/Excavation Area	Approximately 14 acres of temporary excavation and 0.57 acres of temporary fill.
Dredge Volume	Approximately 3,750,000 cubic yards
U.S. Army Corps of Engineers Permit No.	SPL-2003-803-BAH
Federal Public Notice	N/A
Dept. of Fish and Game Streambed Alteration Agreement	Streambed Alteration Agreement is pending. Final, signed copy will be forwarded immediately upon execution.
Possible Listed Species	<i>Caulanthus Californicus</i> (California jewel-flower) <i>Eriastrum hooveri</i> (Hoover's eriastrum) <i>Layia heterotricha</i> (pale-yellow layia) <i>Layia munzii</i> (Munz's tidy-tips) <i>Molopia congdonii</i> (San Joaquin woolly threads) <i>Madia radiata</i> (showy madia) <i>Oxytheca parishii</i> (Abram's oxytheca) California horned lizard San Diego woodrat San Joaquin kit fox Loggerhead shrike Lawrence's goldfinch Western spadefoot toad

	<p>California condor Golden eagle California horned lark Brewer's sparrow Prairie falcon Tricolored blackbird Giant kangaroo rat San Joaquin antelope squirrel Kern Primrose Sphinx Moth</p>
Status of CEQA Compliance	<p>Environmental Impact Report Lead Agency: County of Santa Barbara</p>
Compensatory Mitigation Requirements	<ul style="list-style-type: none"> • Restore a 1,400-foot-long section of the eastern bank of the Cuyama River according to the final compensatory mitigation plan "River Bank Restoration and Mine Reclamation" (dated May 11, 2007) (Bank Plan). The Bank Plan shall be fully implemented within one year of first conducting mining operations at the project site. The Plan shall also achieve a 75% survival rate and evidence of at least good vigor and active growth for planted cottonwood trees at the end of the five-year monitoring period, including two consecutive years without the use of supplemental irrigation. • Enhance approximately 1.5 acres of Deer Park Creek between State Route 33 and the confluence with the Cuyama River, as described in the final compensatory mitigation plan "Deer Park Creek Additional Mitigation" (dated October 29, 2009) (Creek Plan). The Creek Plan shall be fully implemented within one year of first conducting mining operations at the project site. • Remove and restore the diversion berms, access road, Deer Park Creek crossing, and any damage caused by erosion resulting from project activities to pre-project conditions following cessation of mining activities.
Total Certification Fee	\$40,000
Additional Conditions	<ul style="list-style-type: none"> • Contact Central Coast Water Board staff prior to commencement of the project to allow for a site visit. • Submit a signed copy of the U.S. Army Corps of Engineers Section 404 Permit and the Department of Fish and Game's streambed alteration agreement to the Central Coast Water Board immediately upon execution and prior to any discharge to waters of the State. • Do not directly impact more than 14.25 acres for aggregate mining in the Cuyama River, located in the middle of the 84-acre project site in the Cuyama River. • Do not directly impact more than 0.25 acre for the construction of an access road (approximately 30 feet wide and 400 feet long, with four three-foot diameter pipe culverts near the eastern bank of the Cuyama River to provide all-weather access. • Do not directly impact more than 0.07 acre for the construction of a sandbag grade control structure (approximately 8 feet wide and 350 feet long) at the confluence of Deer Park Creek and the Cuyama River.

- To the maximum extent practicable, ensure that the low-flow diversion berms are constructed using material graded from the top one foot of the vegetated riverbed.
- Maintain a mine depth of no more than 45 feet below the natural grade of the riverbed.
- Maintain a 5:1 pit wall slope on the upstream side of the mine pit, and maintain a 3:1 pit wall slope on all other sides.
- Clear and properly dispose of all on-site trash on a daily basis.
- Implement best management practices to control erosion and discharge of sediment to Deer Park Creek and the Cuyama River from the access road, haul road, stockpiles and/or areas of exposed or disturbed earth associated with the processing facility.
- Use only those herbicides in the Cuyama River and Deer Park Creek that have been approved by the USEPA for aquatic environments.
- Keep all mining equipment and associated vehicles on the single access road and haul road when traveling between the mine pit and the processing facility.
- Conduct all work at least six feet above the water table.
- Conduct no work in standing or flowing water.
- Do not discharge fine sediment to Deer Park Creek, the Cuyama River, or into the mine pit as fill material.
- Comply with all relevant provisions of the State Construction Stormwater General Permit and the State Industrial Stormwater General Permit.
- Implement adaptive management practices in response to information gained from annual surveys and photographs, and lessons learned during mining and processing operations to minimize water quality impacts.
- Contact the Central Coast Water Board within 24 hours if the diversion berms are breached by a runoff event in the river such that water enters the mine pit. Notify the Central Coast Water Board in writing within 30 days of the event. The written notification shall include a description of where the berm was breached, the approximate volume of water and sediment that entered the pit, and any bed or bank erosion that occurred.
- Conduct visual monitoring of the project site, and at least one reach upstream and downstream of the project site, after completion of initial construction and after every rainy season subsequent to the completion of initial construction, to ensure that the mine pit, access road, haul road, and diversion berms are not causing excessive erosion or other water quality problems. If the project does cause water quality problems, contact the Central Coast Water Board staff member overseeing the project within 24 hours. Troesh Materials, Inc., will be responsible for obtaining any additional permits necessary for implementing plans for restoration to prevent further water quality problems.
- Conduct annual visual monitoring of the mitigation areas to

	<p>ensure the viability of plantings and that there is no significant erosion. When effects of erosion are present, they shall be repaired and the source of erosion corrected. Rip rap shall not be used.</p> <ul style="list-style-type: none">• Conduct annual surveys of the surface elevation of the mine pit and river (both upstream and downstream of the mine pit, as described in the U.S. Army Corps of Engineers Section 404 Permit).• Conduct semi-annual photographic surveys of the mining operation in the river during October and April, as described in the U.S. Army Corps of Engineers Section 404 Permit.• Submit six reports:<ul style="list-style-type: none">• First Report: Within 30 days after completion of initial construction activities, including construction activities associated with compensatory mitigation requirements, submit a report that contains a summary of daily activities, monitoring observations, and problems incurred and actions taken; include properly identified post-construction photos.• Second through Fifth Report: By December 31 of each year, submit a report detailing the results of annual visual monitoring and surface elevation surveys, volume of the mine pit, the weight of material extracted from the mine pit, and the amount of material deposited in the pit by flood events. Include the photographs from the semi-annual aerial photographic surveys. The Second Report shall also detail construction activities associated with compensatory mitigation requirements, and the Third through Fifth Reports shall include a detailed description of the progress of compensatory mitigation, including photographs.• Final Report: Prior to the end of the five-year certification period, submit an evaluation report. The evaluation report must include, in addition to information required in the third through fifth annual reports: 1) an evaluation of the mitigation areas relative to the performance criteria detailed in the project EIR; and 2) an analysis of impacts from mining on the hydraulics and sediment transport characteristics of the Cuyama River. The analysis must include present impacts, potential future impacts from the first five years of mining activities, and potential impacts from continued mining activities, as well as any proposed changes to management actions in response to conclusions of evaluation.• Prior to the end of the five-year certification period, Troesh Materials, Inc., must either submit relevant applications for permits to continue mining activities or implement the Mine Reclamation measures detailed in the project Environmental Impact Report.
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