COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT

MEMORANDUM

TO: County Planning Commission

FROM: Steve Rodriguez, AICP
Zoraida Abresch, Deputy Direction, Development Review North, 934-6585

DATE: June 25, 2007

HEARING DATE: July 11, 2007

RE: Additional hearing on the Diamond Rock Sand & Gravel Mine and Processing Facility; Conditional Use Permit 03CUP-00000-00037, and Reclamation Plan 03RPP-00000-00002. APN 149-220-002, -011 and -065, Fifth Supervisorial District.

1.0 INTRODUCTION

The Planning Commission conducted a hearing for the Diamond Rock sand and gravel mine project on May 30, 2007. Extensive public testimony was provided and the Planning Commission voted to accept additional comment letters regarding the project. Although the 60-day public review period for the EIR prepared for the Diamond Rock project ended on January 31, 2007, many of the verbal comments and letters provided at the hearing were in regard to the environmental impact analysis provided by the EIR. Staff has reviewed the verbal testimony and letters to identify comments that have not been previously addressed by responses to comments in the Final EIR, or by the May 18, 2007 Planning Commission staff report. Additional responses to comments received at the May 30th hearing are provided below.

Also at the May 30 hearing, the Planning Commission asked staff several questions concerning the proposed project. Additional information regarding the Planning Commission's questions and comments is also provided in this memorandum.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case Nos. 03CUP-00000-00037 and 03RRP-00000-00002 marked "Officially Accepted, County of Santa Barbara (May 30, 2007) Planning Commission Attachments F through M", 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 Conceptually approve 05EIR-00000-00001 as adequate to meet the environmental review requirements for this proposal, and adopt the mitigation monitoring program contained in the conditions of approval (Attachments C and E).

2. Conceptually adopt the required findings for the project specified in Attachment A of this staff report, including CEQA findings.

3. Conceptually approve Conditional Use Permit 03CUP-00000-00037 and Reclamation Plan 03RRP-00000-00002 subject to the Conditions of Approval included in Attachment B.

4. Continue final action on the Reclamation Plan and Conditional Use Permit to a future Planning Commission meeting to allow time for final State review of the conceptually approved Reclamation Plan.

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

3.0 PUBLIC COMMENTS

1. Project Generated Truck Traffic Through the Ojai Area

During the public testimony provided during the May 30 hearing, it was frequently mentioned that the proposed project would result in 138 truck trips a day through the Ojai area. Additional information is provided below to clarify the information provided in the EIR regarding the project's truck trip generation characteristics.

The EIR evaluated four scenarios related to the number of truck trips that could be generated by the Diamond Rock project. The four analysis scenarios were based on expected mine production rates and reasonable assumptions regarding the distribution of truck trips (mine product deliveries) throughout the project region. The four analysis scenarios are summarized below.

- **Average Mine Production – Production Dispersed to all Locations.** Under this scenario, the mine would generate an average of approximately 92 truck trips (46 product deliveries) per day, and approximately 20 percent of those trips would be destined for the Ventura area. This scenario would result in approximately 18 additional truck trips through the Ojai area per day. This scenario represents the truck trip generation scenario that would occur most frequently as a result of proposed mine operations.

- **Peak Mine Production – Production Dispersed to all Locations.** Under this scenario, the mine would generate approximately 138 truck trips (69 product deliveries) per day, and approximately 20 percent of those trips would be destined for the Ventura area. This scenario would result in approximately 28 additional truck trips through the Ojai area per day.

- **Average Mine Production – All Production to Ventura.** This scenario was included in the EIR to disclose "worst case" conditions that could result in the event that a construction project (i.e., road repair, infrastructure maintenance, etc.) in the Ventura area required the delivery of a large volume of aggregate material in a short period of time. This scenario was included in the EIR to satisfy the "full-disclosure" requirements of CEQA, not because it was anticipated that such a demand for aggregate material would occur on a regular basis. This scenario would result in approximately 92 truck trips through the Ojai area per day.

- **Peak Mine Production – All Production to Ventura.** This scenario combined several potential "worst-case" truck trip generation conditions to disclose the maximum traffic impact that could result from the proposed project. Under this scenario, the project would result in approximately 138 truck trips through the Ojai area per day.

Table 6.2-1 of the May 18, 2007, staff report summarized information used by the EIR to evaluate truck traffic conditions and impacts in the Ojai area. As indicated on the Table, the Average Mine Production – Production Dispersed to all Locations scenario would result in 18 additional truck trips through the Ojai area. This increase in truck trips would be a one percent increase over the number of existing truck trips (148) that occur on Highway 33 north of Ojai. For reference purposes, a copy of Table 6.2-1 is provided below.

STAFF REPORT TABLE 6.2-1
PERCENT INCREASE IN TRUCK TRAFFIC ON STATE ROUTE 33

	ADT	Total Trucks	% Trucks	Additional Project-Related Truck Trips	New ADT	Total Trucks	% Trucks	Change
EXISTING TRAFFIC VOLUMES (2004)								
SR 33 Near Ventucopa	410	34	8%					
SR 33 at North End of Ojai (El Roblar Dr)	2,950	130	4%					
SR 33 South of Ojai	24,500	823	3%					
INCREASE DUE TO PROJECT TRUCK TRAFFIC								
Average Mine Production Year (All Production to Ventura)								
SR 33 Near Ventucopa	410	34	8%	92	502	126	25%	17%
SR 33 at North End of Ojai (El Roblar Dr)	2,950	130	4%	92	3,042	222	7%	3%
SR 33 South of Ojai	24,500	823	3%	92	24,592	915	4%	0%
Peak Mine Production Year (All production to Ventura)								
SR 33 Near Ventucopa	410	34	8%	138	548	172	31%	23%
SR 33 at North End of Ojai (El Roblar Dr)	2,950	130	4%	138	3,088	268	9%	4%
SR 33 South of Ojai	24,500	823	3%	138	24,638	961	4%	1%
Average Mine Production Year (production dispersed to all locations)								
SR 33 Near Ventucopa	410	34	8%	18	428	52	12%	4%
SR 33 at North End of Ojai (El Roblar Dr)	2,950	130	4%	18	2,968	148	5%	1%
SR 33 South of Ojai	24,500	823	3%	18	24,518	841	3%	0%
Peak Mine Production Year (production dispersed to all locations)								
SR 33 Near Ventucopa	410	34	8%	28	438	62	14%	6%
SR 33 at North End of Ojai (El Roblar Dr)	2,950	130	4%	28	2,978	158	5%	1%
SR 33 South of Ojai	24,500	823	3%	28	24,528	851	3%	0%

Traffic data from Caltrans (2004)

Source: May 18, 2007 Diamond Rock staff report

Truck Trip Reduction Measures. The EIR's analysis of truck trips that could be generated by the Diamond Rock project was based on the assumptions of truck traffic generation and distribution characteristics provided by the project applicant. Subsequent to the May 30th Planning Commission hearing, the applicant requested that the project description (condition No. 1 of 03CUP-00037) be clarified to indicate that the average number of project-generated truck trips traveling through the Ojai area each day will be limited such that the five pounds per day air quality significance threshold adopted by Ventura County for the Ojai Planning area will not be exceeded.

Condition of Approval No. 34. Proposed conditions of approval also limit the number of project-related truck trips that may be directed through the Ojai area. Condition of approval No. 34 requires that truck traffic to and from the Diamond Rock project site shall be prohibited through the Ojai area. However, should the County of Ventura approve additional mining-related truck trips into Santa Barbara County, a similar number of Diamond Rock-generated truck trips may be subsequently allowed through Ojai. Should this occur, proposed condition of approval No. 34c would limit the number of trucks to and from the Diamond Rock project site through the Ojai area so that the Ojai Planning Area five pounds per day air quality significance threshold would not be exceeded. Condition of approval 34d requires that a change in project-related truck volumes and distribution patterns through the Ojai area be considered by the Planning Commission at a noticed public hearing.

Based on the clarification of the Project Description and the requirements of condition 34c, the number of truck trips that may be subsequently allowed through the Ojai area consistent with the five pounds per day significance threshold may increase over time as future technology improvements reduce vehicle-related emissions. Estimates of the number of project-related truck trips that could occur through the Ojai valley airshed consistent with the five pounds air quality threshold were provided by West Coast Environmental (Attachment D). Based on the use of 2005 emission rates provided by EMFAC2002, a total of 11 truck trips per day could be allowed through the Ojai area consistent with the five pounds per day limitation on project-related truck emissions. Using emission rates for 2009 conditions, a range of approximately 9-17 truck trips per day could be allowed through the Ojai area consistent with the five pounds per day air quality threshold. The range in the number of daily truck trips results from changes in emission factors provided by different emission source references (EMFAC2002 and the updated EMFAC2007). However, and as indicated above, proposed condition of approval 34d requires a modification to the Diamond Rock mine Conditional Use Permit before any project-related truck trips may be allowed through the Ojai area. The number of truck trips that may be allowed would be determined at that time.

Environmental Effects of Condition No. 34. Condition 34 would preclude project-related truck traffic from traveling southbound on State Route 33 through the Ojai area. This condition could result in a reduction in the amount of sand and gravel produced by the Diamond Rock project, or could have the effect of increasing traffic from the Diamond

Rock project northward towards San Luis Obispo and Kern Counties. The potential traffic, noise, and air quality effects of this additional traffic distribution scenario were not evaluated in the EIR.

An evaluation of the potential environmental effects of implementing the requirements of condition No. 34 has been conducted. This analysis assumed that instead of 20% of the project-generated traffic traveling southbound on State Route 33 to Ventura, a similar amount of traffic would instead travel north on SR 33 towards SR 166. At the intersection of State Route 33 and State Route 166, the traffic would be split between destinations to the west (Santa Maria, San Luis Obispo County) and the east (Kern County). Under a worst case assumption for either destination, all of the redistributed traffic would go either to the west or to the east. The results of the supplemental evaluation of potential impacts of condition No. 34 are summarized below, and additional information regarding the additional analysis is provided in Attachment F of this staff report.

Potential Traffic Volume Effects. The analysis of potential traffic impacts to State Routes 33 and 166 resulting from the implementation of condition No. 34 concluded that the resulting additional traffic volumes on those highways would be less than the worst-case traffic volume assumptions used by the EIR to evaluate project-related traffic impacts. The EIR's analysis of potential worst case traffic impacts to State Routes 33 and 166 concluded that the Diamond Rock project would not result in significant impacts to the highways' level of service and would not result in a significant traffic impact. Therefore, the implementation of condition No. 34 would not result in significant traffic impacts to State Routes 33 or 166.

Potential Traffic Noise Effects. The potential for additional northbound project-related traffic on State Route 166 to result in significant traffic noise impacts was also evaluated. The analysis evaluated several mine production/truck distribution scenarios and concluded project-related traffic could increase ambient noise levels adjacent to the highway by a maximum of 0.6 dBA. This incremental increase would not be perceptible and would not result in a significant impact.

Potential Air Quality Effects. Shifting additional truck traffic into San Luis Obispo and Kern Counties would result in additional haul truck emissions of NOx, which would be the primary ozone precursor of concern. Potential NOx, emission occurring in San Luis Obispo and Kern Counties as a result of implementing condition 34 are summarized as follows:

<u>Average Production Year (with 18 trips/day shifted from Ventura County)</u>

San Luis Obispo County	21.3 lb/day NOx
Kern County	13.8 lb/day NOx

Peak Production Year (with 28 trips/day shifted from Ventura County)

San Luis Obispo County	32.2 lb/day NOx
Kern County	20.8 lb/day NOx

The NOx emission impact significance threshold for San Luis Obispo County is 25 lbs/day, and the threshold for Kern County is 10 tons/year, or 55 lbs/day. Comparison of the estimated emissions with the adopted thresholds indicates that under the average year production scenario, no significant air quality impacts would occur in either jurisdiction. Under the peak production scenario, however, it is possible that the NOx threshold in San Luis Obispo County would be exceeded, but the threshold for Kern County would not. The potential impact in San Luis Obispo County is similar to the project-related emission impact previously identified by the EIR for Santa Barbara County if the peak production assumption is used. Proposed mitigation measure AQ-3 would limit project-related daily truck traffic to avoid exceeding the NOx threshold in Santa Barbara County, and the same mitigation measure would be equally effective in reducing potential impacts in San Luis Obispo County. Therefore, the conclusions of the EIR with respect to air quality would be the same with the implementation of condition No. 34.

2. Traffic Safety on State Route 33

Information was provided at the May 30th hearing detailing California Highway Patrol reports on truck accidents along State Route 33 between mile post 12 in Ventura County (south of Ojai) to Mile post 2.8 in San Luis Obispo County (south of the intersection with SR 166). The information provided at the hearing includes only data on accidents involving heavy trucks from 1996 through 2006, and lists 24 such accidents. Detailed accident reports are provided for 8 accidents.

The Diamond Rock EIR includes a summary of accident data for SR 33 (and for SR 166) in Table 3.5-17. The roughly comparable information in this table is that which is presented in the middle two rows, covering SR 33 from SR 166 to Lockwood Valley Road and then to SR 150 in Ojai. The EIR data covers only four years (2001 through 2004) and indicates that there were 10 heavy truck accidents on this portion of SR 33 during these four years. The accident data provided at the hearing covers 10 years (2.5 times longer) and indicates that there were 24 truck accidents. In terms of the truck accident rate, the two summaries are consistent with one another.

The EIR also includes data for all accidents from 2001 through 2004 on SR 33. Based on numbers of accidents, heavy trucks accounted for 6% of all accidents on SR 33 between SR 166 and Ojai. EIR Table 3.5-15 gives general traffic data showing that truck traffic accounts for 4-8% of the total ADT on SR 33. Thus, the fraction of all accidents represented by trucks is within the range of what would be expected based on their numbers compared to the total traffic volume.

Staff also contacted the California Highway Patrol, who provided recent data on accidents and fatalities along SR 33 from 2002 to the present. That data indicated that there have been a total of 38 truck accidents in the 5.5 years reviewed (including two axle and three axle trucks as well as tractor-trailer combinations, accounting for the higher number) along SR 33 in Ventura County, and none of these resulted in a fatality. The CHP response indicates that the accident frequency and severity for SR 33 is not abnormal.

With respect to other highway segments, the data in EIR Table 3.5-17 show that the accident rate—either by number of accidents or by accidents per mile per year—along the steep and winding segment of SR 33 from the project site to Ojai is about the same as the rates for SR 33 south of Ojai or for SR 166.

In summary, the available data, including the information provided at the Planning Commission hearing, indicates that the frequency of truck accidents along SR 33 is not disproportionately large when compared with all accidents or when this segment of SR 33 is compared with other highways.

3. Ventura County APCD Comments

The Ventura County APCD provided comments regarding project-related air emissions in the Ojai Planning Area, the health risk assessment prepared for the Diamond Rock project, and project-related cumulative air quality impacts. The project applicants' agent (West Coast Environmental) has also prepared responses to the comments provided by the Ventura County APCD and those responses are provided as Attachment D.

Ojai Planning Area Emissions. The EIR for the Diamond Rock project concluded that project-related emissions in the Ojai Planning Area resulting from the operation of material-hauling trucks would not exceed the five pounds per day significance threshold adopted by Ventura County for the Ojai area. In their comment letter, the Ventura County APCD indicated that project-related air quality impacts in the Ojai area should have been based on an evaluation of the "worst-case day, rather than long-term annual average truck trips."

The EIR for the Diamond Rock project evaluated air emission impacts based on typical project-related truck distribution patterns for average year and peak production year periods. The analysis methodology used by the EIR to evaluate air quality impacts is consistent with the assessment procedures incorporated into the URBEMIS air emission model, which is used to evaluate air quality impacts in California. As indicated in the response letter provided by West Coast Environmental (Attachment D), the EIR's analysis of truck emissions resulting from a maximum average day is also consistent with the analysis of haul-truck emissions that has been conducted for other mine projects located in Ventura County.

The Ventura County APCD also commented that "as there are no proposed limits on the number of truck trips through Ventura County" peak traffic conditions would exceed the Ojai Planning Area five pounds per day threshold. The conditions of approval for the proposed project do contain limitations on the number of truck trips that may occur through the Ojai area, as proposed condition of approval 34 indicates that no truck trips would be allowed through the Ojai area. Should project-related truck trips be allowed though the Ojai area in the future, proposed condition of approval 34c limits the number of trucks so that the five pounds per day air quality impact significance threshold would not be exceeded. Therefore, the truck-related air emissions resulting from the Diamond Rock project would not exceed the air quality significance threshold for the Ojai Planning Area in the near-term or in the future.

Health Risk Analysis. The Ventura County APCD commented that the health risk analysis provided by the EIR underestimated potential impacts from increased truck traffic in the Ojai area because the truck-related emissions were based on typical truck distribution patterns, and the number of truck trips through the Ojai area is not limited.

The health risk analysis provided in the EIR indicates that potential health risk impacts to residences adjacent to State Route 33 resulting from potential exposure to emissions from project-related trucks would be less than one in one million, which is substantially lower than the significance threshold of ten in one million. Comment responses provided by West Coast Environmental also indicate that the health risk assessment for on-road vehicles included 100% of the haul truck traffic (i.e, 138 average daily trips). Therefore, an adequate assessment of truck traffic-related health impacts resulting from the proposed project has been provided.

Cumulative Air Emissions. The Ventura County APCD commented that the EIR's analysis of truck traffic emissions should have considered other existing mines located in the project region. The EIR's analysis of the project-related transportation emission impacts was conducted consistent with procedures for evaluating air quality impacts and the requirements of adopted thresholds of significance, which indicate that a project would result in a significant project-specific and cumulative impact when the project's mobile emissions exceed the threshold of 25 pounds per day.

4. Project-Related Health Risk Impacts

Comments have been provided that the health risk analysis for the proposed project did not disclose potential acute health impacts of certain toxic air contaminants associated with diesel emissions.

The health risk analysis prepared for the Diamond Rock project evaluated potential cancer and chronic health risk impacts resulting from project-related emissions of diesel particulate matter. This analysis was based on California Air Resources Board methodologies, the requirements of the Santa Barbara APCD, and exposure and risk

factors adopted by the California Office of Environmental Health Hazard Assessment. Potential cancer and chronic health risk impacts were determined to be less than significant.

The acute health effects of diesel particulate matter were evaluated to the extent possible by the health risk analysis based on health effect data available from the Air Resources Board. However, due to the absence of reliable health risk information for certain toxic air contaminants associated with diesel particulate matter, the Santa Barbara County APCD has previously determined that acute non-caner risk analysis for diesel particulate matter is uncertain and acute health risk analysis is not required at this time. Additional information regarding the preparation of the health risk assessment for the Diamond Rock project is provided in the response letter provided by West Coast Environmental (Attachment D).

5. Potential Project-Related Impacts Regarding $PM_{2.5}$

Comments submitted indicated that one component of diesel exhaust is PM 2.5 (particulate matter 2.5 microns or less in diameter). Although the EIR states that there is not yet enough data to determine the County's attainment status for PM 2.5 under state or federal standards (FEIR 3.7-4), that does not excuse the EIR from disclosing the project's contribution of this serious pollutant to the airshed. Diesel engines, which the project would employ in substantial numbers, are a significant source of PM 2.5 pollutant. (68 Federal Register 28327 (May 23, 2003), p. 28343, 28339.) PM 2.5 contributes to a number of serious health problems and thus the extent of the pollutant and its likely impact must be disclosed. (*Id*.) The comment incorporated 68 Federal Register 28327 (May 23, 2003), pages 28327-28376 by reference; it is available on the Internet at http://www.epa.gov/cgi-bin/epaprintonly.cgi.

The EIR does not ignore the project-related emissions from diesel engines, both onsite and offsite. These are presented and discussed in Sections 3.7.2.3.3 (Off-Highway Mobile Equipment), 3.7.2.3.4 (Haul Truck Emissions), and in a special section dealing specifically with the potential health effects of emissions from diesel engines (Section 3.7.2.4, Potential Impacts-Diesel Emissions).

The referenced publication in the Federal Register is a Notice of Proposed Rulemaking prepared by the U.S. EPA to announce changes in the Code of Federal Regulations at 40 CFR Parts 69, 80, 89, 1039, 1065, and 1068. The title of the announcement is "Control of Emissions of Air Pollution from Nonroad Diesel Engines and Fuel." The publication does present a thorough discussion of health effects of diesel exhaust, including that from primary fine particulate matter in exhaust and secondary fine particulate matter formed in the atmosphere from constituents in diesel exhaust. The growing awareness of adverse health effects posed by PM 2.5 and by other specific constituents in diesel exhaust is why U.S. EPA has acted to regulate fuel composition and emissions from diesel engines. It is also the reason why the California Air Resources Board has conducted research and

initiated regulation at the state level, as described is some detail in Section 3.7.2.4 of the EIR.

From the U.S. EPA rulemaking announcement cited by the commenter, Figure II-1 (page 28337) indicates that neither Santa Barbara County nor Ventura County were considered "Counties Exceeding PM 2.5 NAAQS," at the time of the publication. When the Revised Draft EIR for the Diamond Rock project was published in late 2006, the Santa Barbara County air basin was "unclassified" with respect to its attainment of the new federal PM 2.5 standards (15 micrograms/cubic meter and 35 micrograms/cubic meter for the annual arithmetic mean and the 24-hour average concentrations, respectively). An update of that determination by the Santa Barbara County Air Pollution Control District indicates that the County is considered U/A (still unclassified, but likely to be in attainment, see http://www.sbcapcd.org/sbc/attainment.htm).

No change is necessary in the discussions, results, or conclusions in the Final EIR.

6. Potential Special-Status Plant Impacts

A letter from Magney Environmental Consulting indicates that the EIR incorrectly states that there are no special status plant species present on the Diamond Rock project site. The comment then indicates that in survey work on the property, Magney specifically identified five such species:

Astragalus macrodon (CNPS List 4)
Eriogonum inerme (locally rare)
Filago depressa (locally rare)
Lessingia tenuis (locally rare)
Romneya coulteri (CNPS List 4)

Section 3.4.2.4 (page 3.4-7) of the Diamond Rock project EIR indicates that special status plant species occur in several different categories. In order of decreasing sensitivity from a regulatory perspective, these are:

- Federally listed endangered or threatened species, as designated by the U.S. Fish and Wildlife Service
- California listed endangered or threatened species, as designated by the California Department of Fish and Game
- Species listed by the California Native Plant Society, and placed in one of the following categories:

1A	Species presumed to be extinct in California
1B	Rare or endangered in California and elsewhere
2	Rare or endangered in California, more common elsewhere
3	Need more information.

4 Limited distribution

Threat ranks are added to the CNPS categories: 0.1 – seriously threatened, 0.2 – fairly threatened, 0.3 – not very threatened.

- Species not found on the CNPS statewide list, but maintained on a checklist of locally rare plants that is kept by a local CNPS chapter

There is no specific guidance or definition used by the County of Santa Barbara to apply the above categories in identifying special status species for a given project. In some circumstances, "special status species" are defined to include only federal or state listed species and those on CNPS List 1B or List 2. In other cases, the County will consider species on CNPS List 3 and 4 as also having "special status." And in some cases, the County will also consider species that are "locally rare" but not present on any statewide list as having "special status." The exact use and categorization is determined by the project biologist, depending on the species and circumstances present in a given project.

For the Diamond Rock project, the biology survey report identified special status species as those species listed in the California Natural Diversity Database "Rarefind 2" report, or contained in the California Department of Fish and Game 2003 List of Special Plants, or on the CNPS List 1B or List 2, or considered sensitive by the Los Padres National Forest (Bumgardner 2003b:3). Thus, the Diamond Rock biology survey report did not include CNPS List 3 and 4 species, or those plants considered locally rare by the CNPS chapter, in its definition of "special status plants."

The biology survey report also included information on locally rare but "non-special status" plant species, provided by Dr. Dieter Wilken at the Santa Barbara Botanic Garden through communication with David Magney. This information is included as Appendix B in the Bumgardner 2003b report. This Appendix B discusses nine "locally rare" plant species, all of which were observed on the property but none of which were considered "special status" plants in the biology survey report. None of these nine species are within the group that David Magney lists in his comment letter. The five plant species that are mentioned in David Magney's comment letter are all included in the biology survey report as occurring on the property (Bumgardner 2003b:Appendix A), but none are mentioned in the Appendix B listing of "locally rare" species. All five of David Magney's species are listed, however, as locally rare plant species by the Channel Island chapter of the CNPS,—a list also prepared by Dr. Wilken (2003. *Locally Rare Plants of Santa Barbara County*. Central Coast Center for Plant Conservation, Santa Barbara Botanical Garden, Santa Barbara, CA.).

Regardless of the distinctions or inclusion of "locally rare" plant species, the EIR was inconsistent in its definition and use of the term "special status plant species," between the biological survey report and the text of the EIR.

The following revisions in the text of the EIR (Section 3.4.2.4, page 3.4-7) clarify this matter:

> Special status plant species include the following categories of species that are considered rare or endangered: 1) species officially designated as rare, threatened, endangered by the California Fish and Game Department (CDFG) or US Fish and Wildlife (USFWS); 2) species included in the California Native Plant Society (CNPS) Inventory of Rare and Endangered Species of California on List 1B or 2 (rare or endangered in California). The biology survey report also reviewed plant species considered sensitive by the Los Padres National Forest (Bumgardner 2003b:3).
>
> Based on the review of pertinent studies and records, seven rare or endangered plant species were identified that occur in the Cuyama Valley, including three federally listed species: California jewel-flower, Hoover's eriastrum, and San Joaquin woolly threads. The other four species are included on CNPS List 1B – plants considered rare and endangered in California. A summary of these species is provided in Table 3.4-2. The occurrence of these species and their habitat types at the project site was investigated during the 2002, 2003, and 2004 surveys by Bumgardner Biological Consulting and URS. No listed rare or endangered plant species were observed at the project site, nor are any expected to occur due to the absence of suitable habitat.
>
> Nine plant species, which are considered of interest due to their limited distribution or their rarity in Santa Barbara County, were observed on the project site. None of these species, however, is considered rare or endangered. These are described in the biological survey report (Bumgardner 2003b:Appendix B) and include
>
> *Achnatherum hymenoides* (Indian ricegrass)
> *Atriplex canescens* ssp. *Canescens* (Fourwing saltbursh)
> *Chrysothamnus nauseosus* ssp. *Bernardunus* (San Bernardino rubber rabbitbrush
> *Encelia farinose* (Brittlebush)
> *Eriastrum filifolium* (Thread-leafed eriastrum)
> *Loeseliastrum schottii* (Schott's loeseliastrum
> *Monardella breweri* (Brewer's coyote mint)
> *Purshia tridentate* var. *glandulosa* (Antelope bush)

A comment was also provided indicating that *Astragalus asymmetricus* is known only from one location in Santa Barbara County, and from only one location in Ventura County. By the definitions of rare plants listed in the EIR on page 3.4-7, this species should have been treated as a rare species.

As clarified by the response provided above, the definition of a rare plant in the biological survey report and in the analysis in the EIR was intended to be limited to species listed by the federal or state agencies, or by the CNPS in list 1B or 2. *Astragalus asymmetricus* is not on any such list. It is commonly found in the San Joaquin Valley, a range extending to within a few miles northeast of the project site. It is not listed by Wilken (2003) as being locally rare in Santa Barbara County, and was not addressed as such in Appendix B of the biology survey report. The biology survey report lists both *A. asymmetricus* and *A. macrodon* as being present on the project site.

7. Potential Blunt Nosed Leopard Lizard Impacts

Several comments have been received related to the evaluation of blunt-nosed leopard lizard impacts and the proposed mitigation program. In general terms, these comments were related to two items:

1. The proposed fencing scheme is not adequate to prevent blunt-nosed leopard lizards from entering the excavation or traffic areas and, thus, cannot ensure that individuals will not be harmed by the project. Small animals are likely to burrow under the fence, providing pathways for the blunt-nosed leopard lizards to enter areas that will be disturbed by the project.

2. Construction of the fence itself will constitute harassment of the blunt-nosed leopard lizards and should, thus, be considered "take" under the terms of the endangered species act.

The project applicant, as part of his processing for a U.S. Army Corps of Engineers permit under Section 404 of the Clean Water Act, has completed the Section 7 consultation process with U.S. Fish and Wildlife Service, required by the federal Endangered Species Act. This process resulted in a letter from the USFWS concluding that issuance of the Army Corps permit and compliance with the conditions set forth by the USFWS will not jeopardize continuance of the listed species (blunt-nosed leopard lizard and San Joaquin kit fox). The letter specifically references the exclusionary fencing and temporary fencing designed to prevent blunt-nosed leopard lizards from entering the excavation area or other disturbance areas. Measures to avoid take of the species include a worker education program, the exclusionary fencing, preservation and restoration of appropriate habitat, pre-construction surveys and re-location of individuals if necessary, and monitoring and reporting to the USFWS. All biological work is to be conducted by a professional biologist approved by the USFWS.

The California Department of Fish and Game has also entered into a streambed alteration agreement with the applicant, which establishes appropriate conditions to preserve and restore habitat and to minimize the adverse effects of the project.

The EIR includes a description of the exclusionary fencing, explaining that it must extend underground for the purpose of discouraging burrowing animals, and must include metal flashing above ground to make it difficult to climb by blunt-nosed leopard lizards.

The USFWS Biological Opinion Letter is dated December 5, 2006. The letter specifically defines "harass" as follows (on page 11):

> Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering.

The letter proceeds to define incidental take, and to note that such incidental take "…is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this incidental take statement." Thus, implementation of the blunt-nosed lizard protection measures as described in the EIR and as incorporated into the U.S. Army Corps permit process, are considered adequate mitigation to avoid or minimize effects to this species.

8. Groundwater Conditions in the Project Vicinity

Comments were received indicating that information in the EIR about groundwater conditions in the Cuyama Valley was based on information contained in a 1992 study, and it was asked if more recent data regarding groundwater conditions was available. Comments also noted that a fault is located in the project area that affects groundwater conditions at the project site.

Groundwater Studies. The status of groundwater resources in the Cuyama Valley has been periodically reviewed and updated. These updates have included:

- California Department of Water Resources. 2003 (updated February 27, 2004). California's Groundwater. Prepared by the Division of Planning and Local Assistance, California Department of Water Resources, Sacramento, CA. Available at: http://www.groundwater.water.ca.gov/bulletin118/update2003/index.cfm

- County of Santa Barbara Department of Public Works. 2005 Santa Barbara County Groundwater Report (Last updated July 27, 2006). Prepared by the Water Resources Division of the Santa Barbara County Department of Public Works, Santa Barbara, CA. Available at: http://www.countyofsb.org/pwd/water/downloads.htm

The County of Santa Barbara report includes measurements of groundwater levels through 2006. In general, more recent information regarding groundwater use and the

overdraft conditions in the Cuyama Valley indicate that conditions have not changed substantially over the last 20 years.

Project Area Fault. This comment indicated that the EIR states that there are no faults in the area, however, the Cuyama Valley fault cuts across the project where it (the fault) crosses the river. The fault displaces the downstream bedrock upward, and is overlain by a bentonite (clay) layer. The impermeable clay over the bedrock forms a step or bowl over which groundwater must pass to flow into the downstream portion of the groundwater basin. Excavations of the mine could reach as deep as 90 feet and may interfere with this hydrologic barrier.

The discussion of faults on page 3.2-3 (Section 3.2.1.3.2) of the EIR is in the context of active faults capable of causing surface rupture. For clarification, the third sentence of this paragraph should read: "No active faults are mapped within one mile of the project site."

The Cuyama Valley fault presumably crosses the Cuyama River at or just upstream from the Diamond Rock project site. It is one of several faults in the larger region that cross the groundwater basin. The California Department of Water Resources (2003, cited above) describes these as "restrictive structures," which are defined as "small faults that cut through the basin fill act as barriers to groundwater movement." Historically, flowing springs were found along the trace of faults that parallel Graveyard and Turkey Trap Ridges.:

Review of well logs for water production wells on the Diamond Rock project site indicate the presence of sand and "decomposed granite boulders" to a depth of 120 feet, and then a layer of "brown clay," which may be the impermeable clay layer referenced by this comment. The mining depth proposed by the Diamond Rock project would not exceed 90 feet. In any event, mining would be halted if groundwater was intercepted (or if unsuitable material such as clay was intercepted). In this event, the mining operation would shift to a new area within the designated mining limits. Therefore, the project would not intercept or interact with the restrictive structure that may be created by the trace of the Cuyama Valley fault beneath the Cuyama River, and there would be no affect on the flow of groundwater.

9. Groundwater Impact Significance Threshold

A comment was provided indicating the County's threshold of significance for the Cuyama groundwater basin was adopted by the Board of Supervisors in 1992, and may no longer be an appropriate threshold for the basin.

The threshold of significance adopted by the Board was based on data related to the Cuyama groundwater basin, such as its storage capacity, recharge rates, safe yield and water demand. Based on analysis of that data, a groundwater use significance threshold

of 31 acre feet per year was adopted. In response to the comment regarding the validity of the adopted significance threshold, P&D consulted with the County Water Agency, which indicated:

> *"The Board of Supervisors adopted the CEQA thresholds for groundwater use in 1992 based on land use and groundwater conditions. We have been monitoring land use and ground water levels in the Cuyama area since that time. While there has been some increase in planted acreage since 1992, we have noted no substantial change in land use during that time. We note that ground water levels rose slightly due to the above average precipitation in the 1990's. Therefore we have no basis or suggesting a reconsideration of thresholds established in 1992."*

Based on the results of long-term groundwater level monitoring, the general continuation of land use conditions in the Cuyama region that existed in 1992, and input from the Water Agency, staff has concluded that the adopted groundwater threshold of significance for the Cuyama groundwater basin is still applicable and appropriate.

10. In-River Sediment Transport

The U.S. Environmental Protection Agency submitted a letter indicating that together, the GPS (located downstream and adjacent to the proposed project site) and Diamond Rock mines propose to mine an average of 1,000,000 tons of sediment per year from the Cuyama River. The Revised Draft EIR for the proposed Diamond Rock facility included a sediment transport analysis that estimated the annual sediment inflow to the combined mine sites at about 314,000 tons per year, with an average outflow of 85,000 tons, resulting in an annual accumulation of 229,000 tons. The EIR concluded "…that the proposed mining projects would create a sediment deficit of approximately 771,000 tons per year which could affect river hydraulics, including possible channel degradation and possible upstream headcutting." The EPA also indicated that although the Revised Draft EIR included information about the impacts of the proposed project, they do not feel that it adequately addresses the cumulative impacts that would result from permitting the proposed Diamond Rock mine in conjunction with the increased production rates at GPS. Together, these two projects have the potential to significantly impact the hydrology of the Cuyama River.

The hydrology and sediment transport analysis presented in the EIR was intended to identify and describe the potential for impacts associated with sand mining in river beds, and to provide a context for the mitigation measures suggesting minor design changes to the design of the mine (W-1, W-3 and W-4) and stream bed and bank monitoring requirements (W-2) for data to be referenced in annual inspections as part of the County's monitoring and enforcement authority in the Conditional Use Permit. The sediment study was not intended to be used for engineering design purposes and should not be interpreted as establishing a specific engineering requirements related to the proposed Diamond Rock mine. The EIR contains a weighted annual average estimate of

sediment flow (the 314,000 tons per year cited in the US EPA comment), which is derived from estimates for sediment flow associated with specific storm events. The range in this estimate, however, is very large—from less than 100,000 tons for a single 2-year storm event to over 1,000,000 tons for a 20-year storm event, and nearly 4,000,000 tons for a 100-year storm.

The proposed mine is not intended to intercept and remove sediment as it is transported along the river. Rather, it is intended to excavate and remove a volume and quality of material that is known to exist beneath the current river bed. The relationship between the project and the sediment transport function of the Cuyama River is determined by how river flows are diverted around the excavation area or, in the case of higher flows, how the excavation pit collects water, fills up, and influences flow velocities. The potential for downstream scouring or upstream headcutting is discussed in the EIR (Section 3.1.2.2.3 on pages 3.1-16 through 3.1-9). On the basis of observations of the GPS operation, observations of the river bed upstream and downstream, and in conjunction with the analysis in the EIR, URS Corporation and the County have concluded that the probability for substantial erosion of either type is low and that the resulting effect is not likely to be significant. The EIR recognizes the uncertainties involved in this issue, however, and identifies mitigation measures that are intended to ensure that such erosion remains less than significant.

The analysis incorporated both the GPS and the proposed Diamond Rock properties. The US EPA comment is incorrect in characterizing the GPS proposal as increasing its production rate. The GPS proposal will shift the excavation area for that project, and will establish a permit rate that reflects the historical production rates at that mine.

4.0 PLANNING COMMISSION QUESTIONS AND COMMENTS

1. Do the traffic counts for SR 33 distinguish between weekday traffic and weekend traffic volumes?

Traffic count data presented in the EIR denotes the "annual average daily traffic." This is the projected number of annual vehicle trips on a highway segment divided by 365. Data distinguishing between weekend and weekday traffic volumes is not typically considered by traffic impact evaluations, as the potential for traffic volume-related impacts is typically based on project-related changes to average daily traffic conditions.

2. Please provide additional information on how truck traffic restrictions imposed on the Diamond Rock project would be enforced.

Several conditions of approval have been proposed to monitor truck traffic generated by the Diamond Rock mine, as well as other existing and proposed mines in the project area. Condition of approval No. 35 would be the primary monitoring provision for truck traffic generated by the Diamond Rock mine, and this condition states:

> **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.

This condition of approval would enable the County to determine the number of trucks entering and leaving the project site on a daily basis, and to determine the place of origin for the truck trip and the destination of the trip. The average number of daily truck trips over a specified period (i.e., the average number of truck trips to a particular destination over weekly or monthly period) could also be determined. Information regarding the time that trucks left the project site would enable the County to reasonably estimate if a particular truck trip occurred in the Ojai area during the morning or evening peak traffic hours.

Proposed condition of approval No. 21 excludes project-generated truck trips through the Ojai area during the AM and PM peak traffic periods. This condition of approval also requires that records be maintained indicating the time southbound trucks leave the project site.

Proposed conditions of approval Nos. 36 and 37 would facilitate the establishment of a regional mine-related traffic monitoring program with Ventura County. The purpose of these conditions is to facilitate the implementation of a uniform permit compliance monitoring program by both Counties for mine-related traffic. Condition No. 36 would enable the implementation of monitoring programs such as the installation of traffic monitoring devices at or near the mine entrance, and the use of County staff or consultants to monitor truck traffic. The cost of these monitoring provisions would be paid for by the mine operators. Condition of approval No. 37 would require product-hauling trucks to display an easily identifiable placard indicating that the truck is traveling to or leaving the Diamond Rock mine. This monitoring program would only become effective when other mines in the Cuyama area are required to comply with a similar condition.

3. Please provide additional information about the project-related emergency use of State Route 33.

LUDC Section 35.82.090 provides procedures for granting Emergency Permits, which are intended to modify the County's permitting requirements in the event of a verified emergency. This section describes procedures to be implemented by the Planning and Development Director prior to granting an Emergency Permit, including notification requirements. The section also requires the Director to report to the Board of Supervisors regarding the nature of the emergency for which the permit was issued. Depending on the characteristics and severity of the emergency, the Director would be

authorized to temporarily modify conditions of approval related to restrictions on the number of project-related truck trips and the times they occur in the Ojai area.

4. Please provide additional information regarding the proposed project's cumulative groundwater use impacts.

In summary, the EIR indicates that the Cuyama Valley Groundwater Basin is in a state of overdraft by approximately 25,000 to 30,000 acre feet per year. To evaluate the significance of impacts related to increased groundwater use, the Board of Supervisors has adopted a significance threshold of 31 acre feet per year. If a project would result in a net new consumptive use of groundwater in excess of 31 acre feet per year, that project would result in a significant project-specific ground water use impact. The threshold is also the point at which the project's use of groundwater would result in a substantial contribution to a cumulatively significant impact.

The EIR calculated that during average production years, the proposed project's net consumptive use of groundwater would be 6.25 acre feet per year more than historic water use rates at the project site. During peak production years, the proposed project would result in a 28.12 acre feet per year increase in groundwater use. Therefore, the proposed project's groundwater use would not exceed the 31 acre feet per year threshold and would not result in a significant project-specific or cumulative water use impact.

5. Please provide additional information regarding the proposed mitigation measure provided for potential project-related lighting impacts.

Proposed condition of approval No. 32 requires that lighting provided in the proposed Processing Area not exceed 0.5 foot candle at the project property boundary. The Processing Area would be located at least 100 feet west of State Route 33, and visual/lighting impacts to the highway would also be minimized by proposed earthen berms and landscaping to be provided between the processing area and the highway. To further reduce the potential for lighting-related impacts, condition of approval No. 32 has been revised to require that lighting in the Processing Area not exceed 0.5 foot candle at the perimeter of the Processing Area, rather than the property boundary.

5.0 PROPOSED EIR AND CONDITION OF APPROVAL CHANGES

Clarifications to the Final EIR. Based on comments received at the May 30, 2007 hearing, several minor changes have been made to the proposed Final EIR. These changes clarify information provided by the EIR and do not affect conclusions regarding the significance of any project-related environmental impacts. The proposed changes to the Final EIR are summarized on an Errata Sheet provided as Attachment E.

Condition of Approval Changes. In response to comments provided at the May 30, 2007 hearing, and the request of the project applicant to revise the project description for

the Diamond Rock project so that project-related average daily traffic that may occur in the Ojai area would not emit more than five pounds of NOx per day in the Ojai planning area, several changes to proposed conditions of approval have been made. These changes are summarized below and are also reflected in the proposed conditions of approval provided in Attachment B. All proposed condition of approval changes are noted in /underline format.

Condition No. 1 (Project Description)

Project Generated Traffic. Truck traffic would vary with production. An estimate of the average daily truck trips associated with the proposed project is provided below based on information provided by the project applicant. Estimates based on average annual production (500,000 tons) and maximum annual production (750,000 tons) are 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 production year (500,000 tons) – 46 exit loads, which equates to 92 one-way truck trips
- Maximum production year (750,000 tons) – 69 exit loads, which equates to 138 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 applicant has indicated that project-related average daily truck trips through Ojai shall be limited so that the five pounds per day air quality threshold of significance adopted by Ventura County for the Ojai planning area shall not be exceeded.

Condition No. 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 candle. **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.

Condition No. 34

Limitations on Project Generated Truck Trips. Truck traffic to and from the Diamond Rock project site shall be prohibited through Ojai, unless:

a. New information is presented relative to operations and related truck traffic volumes which increases those volumes into Santa Barbara County from Ventura County.

b. A multi-agency agreement or Memorandum of Understanding which can include Santa Barbara County, Ventura County, Kern County and San Luis Obispo County is established which sets forth equitable and mutually agreeable trip distribution patterns for mine-related truck traffic on State Route 33.

c. Should future southbound truck trips be allowed through Ojai, the average daily project-generated number of truck trips through the Ojai area shall be limited so that the five pounds per day air quality threshold for the Ojai Planning Area is not exceeded. The average number of project-related trucks allowed through the Ojai area per day shall be based on an applicant-prepared haul truck emissions assessment approved by P&D. The emissions assessment may be updated from time to time over the life of the mine project to reflect reasonable assumptions regarding current haul truck fleet age characteristics.

d. Prior to allowing truck trips associated with the Diamond Rock mine to travel north or south on SR 33 through the Ojai area pursuant to the requirements of Condition No. 34, or to increase truck traffic in accordance with the requirements of Condition 34c, the project applicant shall 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.

6.0 APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of said action.

ATTACHMENTS

A. Findings (Conditional Use Permit and Reclamation Plan)
B. Conditions of Approval (Conditional Use Permit and Reclamation Plan)
C. Final EIR (Previously provided to Planning Commissioners only)
D. Response letter from West Coast Environmental
E. Final EIR Errata Sheet
F. Condition 34 Analysis

Conditional Use Permit Exhibits

G. Project Location
H. Site Plan
I. Site Plan Detail
J. Mining Plan – Phase 1
K. Mining Plan – Phase 2
L. Cross Sections
M. Low Flow Control Berm Location

Reclamation Plan Exhibits

N Bank Restoration Area

ATTACHMENT A: FINDINGS

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15090 AND 15091:

1.1 CONSIDERATION OF THE EIR

The Revised Final Environmental Impact Report (05EIR-00000-00001) was presented to the Planning Commission and all voting members of the Commission have reviewed and considered 05EIR-00000-00001 and its appendices prior to approving this proposal. The EIR reflects the independent judgment of the Planning Commission and is adequate for this proposal.

1.2 FULL DISCLOSURE

The Planning Commission finds and certifies that the Final EIR is a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Commission further finds and certifies the Final EIR has been completed in compliance with CEQA.

1.3 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of The Secretary of the Planning Commission, Dianne Black of Planning and Development located at 123 E. Anapamu St., Santa Barbara, CA 93101.

1.4 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The Final Environmental Impact Report for the Diamond Rock project identified one project-specific environmental impact that cannot be fully mitigated and is therefore considered unavoidable (Class I). The significant and unavoidable project-specific impact is in regard to long-term air quality impacts resulting from project-related operations at the project site and emission of oxides of nitrogen, a criteria pollutant that contributes to the formation of ozone in the atmosphere. To the extent the project-specific air quality impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations, including the project's proposal to develop a sand and gravel mine that would provide necessary building materials for the project region, and other factors that are set forth in the Statement of Overriding Considerations included herein. Each "Class I" impact identified by the Final EIR is discussed below, along with the appropriate findings as required by CEQA Guidelines Section 15091:

Project Specific Impacts

Air Quality. Proposed mining, processing and material hauling activities that would occur on the project site would result in emissions of NOx that exceed the County's project operation threshold of 55 pounds per day. A proposed mitigation measure to minimize diesel exhaust emissions (AQ-4), and a recommended mitigation measure to reduce NOx emissions from construction equipment and associated truck trips during the construction of the Processing Area facilities (AQ-2), would reduce emissions of NOx but would not reduce project-related emissions to a less than significant level.

1.5 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL BY CONDITIONS OF APPROVAL

The Final EIR for the Diamond Rock project identified environmental issue areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts. Each of these impacts is described below along with the appropriate findings as required by CEQA Guidelines Section 15091.

Drainage, Erosion and Water Quality. The proposed Diamond Rock mine, along with the adjacent GPS mine, would have the potential to result in a sediment deficit in the river if mining rates exceed sediment replenishment rates. This impact would be reduced to a less than significant level by implementing a proposed monitoring program 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 shall be implemented.

Deer Park Creek is an ephemeral drainage that would discharge to the proposed mine pit. Substantial flows in the creek could cause erosion (stream course headcutting) that has the potential to adversely affect State Route 33. This impact would be reduced to a less than significant level by installing an approved earth berm and grade control structure to direct flows to the Cuyama River rather than the mine pit.

The proposed material Processing Area has the potential to be flooded. This impact would be reduced to a less than significant level by implementing drainage control requirements specified by a drainage report and approved by the Flood Control District, and implementing requirements of the County Floodplain Ordinance.

Geologic Hazards. Excavation of the mine pit would have the potential to result in the creation of slopes that have the potential to be unstable during seismic events or when saturated. This impact would be reduced to a less than significant level by reducing the width of proposed slope benches and access roads, not mining below ground water level, and allowing the mine pit to drain naturally should it become flooded.

Biological Resources. The proposed project would remove 27 acres of alluvial scrub habitat from the Cuyama River, which would result in the displacement of wildlife. The proposed reclamation plan would also require an extended period of time to allow disturbed areas to revegetate after proposed mining operations are completed. These impacts would be reduced to a less than significant level by implementing a phased restoration plan for specified riverbank and stream terrace areas adjacent to the river; maintaining a 16.87-acre habitat area for blunt nosed leopard lizard; the phased removal of habitat area and minimizing ground disturbance from the construction and maintenance of proposed flood control berms; minimizing relocations of the mine pit access road over the life of the project; and implementing a weed control program.

Potential night lighting impacts would be reduced to a less than significant level by directing and shielding lighting fixtures. Potential impacts to wildlife from trucks traveling on the mine pit access road would be reduced to a less than significant level by enforcing a 15 mile per hour speed limit on the access road.

The excavation of the proposed mine pit would have the potential to restrict wildlife movement in the Cuyama River channel. This impact would be reduced to a less than significant level by providing a 75-foot setback from the east river bank to the flood control berm adjacent to the mine pit, the leopard lizard exclusionary fence, or the top of the mine pit slopes (whichever occurs first). Management of the setback area as open space would provide wildlife with a movement corridor along the river past the mine pit. A wildlife undercrossing is also to be provided beneath the mine pit access road.

It is presently not known if the endangered blunt-nosed leopard lizard occurs in the river channel where mining would occur. If the lizard occupies this area, significant impacts to the species may occur. This impact would be reduced to a less than significant level by implementing the proposed leopard lizard impact avoidance plan, and implementing proposed mitigation measures to conduct annual field investigations of the river channel. If surveys conducted over the first five years of mine operation do not detect the presence of leopard lizard, and approved by the U.S. Fish and Wildlife Service, the use of lizard exclusionary fencing around the mine pit may be discontinued. If the surveys detect the presence of leopard lizard, the applicant would be required to obtain necessary permits and relocate the lizards to suitable habitat area.

Traffic. The proposed project would add additional truck traffic to State Route 33. Based on a Ventura County's threshold of significance that indicates the addition of one or more peak hour trips on State Route 33 between Ojai and Casitas Springs southbound during the a.m. peak hour, or northbound during the p.m. peak hour would result in a significant traffic impact, the project has the potential to result in a significant traffic impact in the Ojai area. A proposed condition of approval would eliminate or substantially reduce the potential for the proposed project to send traffic to Ventura County through the Ojai area. Should any project-related traffic be allowed to travel southbound on State Route 33 through the Ojai Area, potential traffic volume impacts would be reduced to a less than significant level by restricting project-related traffic so that:

- No southbound project-related truck trips occur in the Ojai area during the a.m. peak hour (6:30 a.m. to 9:00 a.m.) Monday through Saturday.
- No northbound project-related truck trips occur in the Ojai Area during the p.m. peak hour (3:30 p.m. to 6:00 p.m.) Monday through Saturday.

State Route 33 in the vicinity of the project site operates at level of service A. To avoid potential traffic safety impacts resulting from slow-moving trucks making left turns in an out of the project site, Caltrans has requested that the project construct a northbound left-turn lane on State Route 33 at the project site entrance.

Noise. Project-related operations would not cause existing ambient noise levels at local residences to exceed exterior threshold levels (65 dBA) during day or nighttime hours. However, the project could occasionally increase ambient noise levels at nearby residences by three to nine dBA during the day and night, and occasionally on Sunday. This impact would be reduced to a less than significant level by implementing a variety of noise control measures, including: the construction on sound barriers adjacent to the Processing Area; noise control measures for proposed machinery; limiting nighttime equipment use; limiting the hours of processing and truck loading operations on Sundays unless expressly permitted by the P&D Director on a case-by-case basis; and restrictions on gravel truck parking and operations.

Air Quality. Daily emissions of NOx in Santa Barbara County resulting from project-generated truck traffic during peak production periods (i.e., 750,000 tons per year) would exceed the air quality threshold of significance for mobile sources of 25 pounds per day. This impact would be reduced to a less than significant level by limiting project generated truck traffic to no more than 100 round trips (50 exit loads) per day. This limitation may be adjusted upwards if P&D and APCD approve a haul truck emission mitigation plant that demonstrates that additional truck trips would not exceed the daily NOx emission threshold.

A health risk analysis evaluated potential impacts resulting from exposure to diesel exhaust particulate matter generated by equipment operated on the project site. The analysis determined that the maximum project-related increase in cancer risk would be approximately nine in one million, which is below the significance threshold of 10 in one million. At the location of the residence closest to the project site, the estimated project-related cancer risk would be 1.6 in one million. To ensure that project-related operations are consistent with assumptions used in the health risk analysis, proposed mitigation measures require that the project implement approved measures to reduce emissions of diesel exhaust particulate matter by a least 85 percent. Control measures may include the use of new (tier 2 or better) diesel-powered equipment or the installation of control equipment such as diesel particulate filters.

Visual Resources. Views of the material stockpiles and processing equipment at the project site would be provided from State Route 33. Landscaped berms are proposed to minimize views, however, due to the harsh growing conditions than can exist in the Cuyama Valley, it is possible that landscaping on the berms may not provide an effective visual screen. This impact would be

reduced to a less than significant level by ensuring that proposed landscaping receives proper maintenance and by providing additional visual buffers on the south side of the Processing Area.

Project-related operations such as material processing and truck loading could occur during hours of darkness, therefore, the proposed project includes the use of exterior lighting. Potential lighting-related impacts would be reduced to a less than significant level by providing on-site lighting that will not cause light levels at the property boundary to exceed an intensity of 0.5 foot candle.

Quality of Life Impacts. Mining-related operations at the Diamond Rock project site may occur simultaneously with operations at other existing mines located in the project region. The cumulative operations at the existing mines and the proposed Diamond Rock mine may have the potential to adversely affect the "quality of life" of residents located in the vicinity of the mines. The Final EIR has determined that with the implementation of proposed mitigation measures to reduce potential project-related land use conflicts, the Diamond Rock project's contribution to quality of life impacts would not be significant.

1.5 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE

The Final EIR prepared for the Diamond Rock project evaluated the following alternatives to the proposed project:

- No Project
- Reduced Mining Area – Shorter Permit Period
- Reduced Mining Area – Reduced Annual Production
- Reduced Mining Depth
- Modified Mine Pit Layout
- Upland Mine Site

The evaluation of an alternative project site was considered but rejected. Four potential alternative sites were considered but excluded from further consideration because the sites would be unacceptable due to environmental concerns (Cottonwood Canyon, 10 miles west of Cuyama); because of reduced product quality and/or quantity (GPS mine 0.5 mile downstream of the project site, and Ozena (15 miles south of the project site); or because the project sites were too small (Bud Richards site, four miles south of the project site).

No Project Alternative. Under this project alternative, the proposed mine project would not be implemented and existing agricultural operations at the project site would continue. This alternative would avoid the significant and unavoidable air quality impact resulting from increase NOx emissions, and would also avoid other project-related impacts that have the potential to be significant but can be reduced to a less than significant level with the implementation of proposed conditions of approval. The No Project alternative is the

environmentally superior project alternative but would not implement any of the objectives of the proposed project.

Reduced Mining Area – Shorter Permit Period. Under this alternative the peak and average annual mine production rates would remain the same as for the proposed project, but the operating period would be reduced to a period less than 30 years. The duration of impacts resulting from this alternative would be reduced, however, the daily and annual operation-related impacts resulting from mine operations would remain the same. This alternative would not eliminate the significant and unavoidable air quality impact resulting from increased NOx emissions that would result from the proposed project, and implementation of this alternative would not be required to reduce other identified impacts of the proposed project to a less than significant level.

Reduced Mining Area – Reduced Annual Production. Under this alternative, the duration of project activities would remain 30 years, however, the allowable annual mine production would be reduced. Decreased annual production would be achieved by reducing the size of the mine pit, limiting work hours, work days, daily throughput, or truck trips. The maximum daily production of aggregate material may or may not be reduced, but the frequency of days with maximum daily production would be reduced.

This alternative could result in a corresponding decrease in project site operations such that project-related emissions of NOx may be reduced to a point that the significant and unavoidable air quality impact that would result from the proposed project could be feasibly reduced to a less than significant level. This alternative would not avoid other significant but mitigable impacts associated with the proposed project, but the effects of a variety of project-related impacts would be reduced, including:

- Potential hydrologic impacts to the Cuyama River, such as downstream degradation and upstream headcutting.
- Loss of alluvial scrub habitat and impacts to sensitive wildlife species.
- Project-related day and nighttime noise levels in the project area.
- Project-related truck traffic and resulting noise along State Route 33.
- Nighttime lighting at the project site.
- Views of stockpiles and mining equipment in the proposed Processing Area.

This alternative would minimize the project-related impacts described above, however, implementation of the alternative is not required to reduce the impacts to a less than significant level.

Reduced Mining Depth and Reduced Annual Production. Under this alternative, the maximum depth of the proposed mine pit would be reduced from 90 to 40 or 50 feet. The objectives of this alternative would be to minimize the potential for encountering groundwater and potentially unstable slopes during mining; and to reduce the volume of the mine pit to increase the probability it will fill with sediment during moderately sized storm events. This

alternative would reduce the potential for adverse hydraulic effects from a deeper pit (i.e., headcutting, channel and bank erosion, and interference with in-river sediment transport). Annual production would also be decreased under this alternative due to the reduction in the amount of available material to be mined. The maximum daily production of aggregate material may or may not be reduced, but the frequency of days with maximum daily production would be reduced.

This alternative could result in a corresponding decrease in project site operations such that project-related emissions of NOx may be reduced to a point that the significant and unavoidable air quality impact that would result from the proposed project could be feasibly reduced to a less than significant level. This alternative would not avoid other significant but mitigable impacts associated with the proposed project, but similar to the reduction of environmental impacts that would result from the Reduced Mining Area – Reduced Annual Production alternative, the effects of a variety of project-related impacts would be reduced.

The project EIR concluded that the Reduced Mining Depth and Reduced Annual Production alternative would be the environmentally superior alternative that would at least partially implement the applicant's objectives for the proposed project. This alternative would, however, provide the applicant with a reduced aggregate resource supply, may not substantially increase aggregate supplies in the project region, and implementation of this alternative is not required to reduce the previously identified impacts to a less than significant level.

Modified Mine Pit Layout. Under this alternative, the design of the proposed mine pit would be modified to minimize the potential for unexpected hydraulic impacts. The alternative design measures would be implemented in conjunction with proposed required and recommended mitigation measures to increase the setback between the southwest corner of the mine pit and west bank to 900 feet (mitigation measure W-1); and to conduct twice annual surveys of the river channel (mitigation measure W-2). Design changes that would be implemented by this alternative would include:

- The width of the mine pit would be reduced to half the width of the river channel at the project site.
- The downstream end of the mine pit would be reconfigured to provide a more pointed shape rather than a blunt edge.
- Create and maintain 10:1 mine pit slopes on the upstream and western edges of the mine pit during the wet season to provide uniform weir-like interface between the mine pit and by-pass channel to the west of the pit.

The Modified Mine Pit Layout alternative would minimize the potentially significant but mitigable impacts associated with changes to river hydraulics, however, this alternative would not avoid or reduce other impacts that would result from the implementation of the proposed project, and implementation of this alternative is not required to reduce the previously identified impacts to a less than significant level.

Upland Mine Site. This alternative would locate mining activities on the floodplain adjacent to the Cuyama River. The objective of this alternative would be to avoid the river channel and associated hydraulic and biological impacts. With the implementation of proposed conditions of approval, potential impacts to the hydraulic conditions of the Cuyama River, and project-related biological resource impacts can be reduced to a less than significant level. Implementation of this alternative would result in the displacement of existing agricultural operations, which would be a significant impact not associated with the proposed project. Reclamation of an upland mine site so that it could be returned to an agriculture use may be infeasible as such a reclamation effort would require importing a substantial amount of fill material from an off-site source, which would have the potential to result in significant temporary truck-hauling related impacts and other impacts to the off-site borrow site. Therefore, the Upland Mine Site alternative is not considered to be a feasible alternative to the proposed project.

1.6 STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR for the Diamond Rock project identified project-specific significant and unavoidable impacts related to emissions of NOx from machinery that would operate on the project site and a resultant air quality impact. The Planning Commission makes the following Statement of Overriding Considerations, which warrant approval of the project notwithstanding that all identified impacts are not fully mitigated. Pursuant to CEQA Sections 15043, 15092 and 15093, any remaining significant effects on the environment are acceptable due to the following overriding considerations.

Availability and Importance of Aggregate Resources. The Surface Mining and Reclamation Act (SMARA) mandates that the State Geologist classify mineral lands to help identify and protect mineral resources in areas within the State subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance. Construction aggregate was selected by the SMGB to be the initial commodity targeted for classification because of its importance to society, its unique economic characteristics, and the imminent threat that continuing urbanization poses to that resource.

Mineral resources of the Cuyama area were not classified by the State Geologist, but based on the mineral land designations used to classify mineral lands, it is likely that a Mineral Resource Zone (MRZ) "2a" designation would apply to the project area. The MRZ-2a designation is applied to areas "underlain by mineral deposits where geologic data show that significant measured or indicated resources are present." [1] A typical MRZ-2a area would include an operating mine, or an area where extensive sampling indicates the presence of a significant mineral deposit. Due to the previous operation of the existing GPS sand and gravel mine, located downstream and adjacent to the project site, it appears that the proposed project site could be designated an MRZ-2a area. Land

[1] California Surface Mining and Reclamation Policies and Procedures, Special Publication 51. California Department of Conservation, State Mining and Geology Board.

included in the MRZ-2a category is of prime importance because it contains known economic mineral deposits. [2]

Comprehensive Plan. The County's Conservation Element of the Comprehensive Plan states that "mineral resource extraction in the County makes a relatively important contribution to the local, state, and national economies and, as such, should be encouraged." The Conservation Element also encourages that direct and indirect environmental impacts of mineral resource development project be minimized. Consistent with this direction, all other identified impacts of the proposed project can be reduced to a less than significant level.

Provide a Local Source of Construction-Grade Aggregate. Without local sources of aggregate material, construction projects would be required to import resources from more distant locations. Hauling aggregate material from out-of-county locations has the potential to result in significant transportation-related air emissions, as well as potential impacts from increased truck traffic in rural and urban areas.

Beneficial River Bank Restoration. **T**he proposed project would restore a 1,500-foot long segment of the eastern bank of the Cuyama River. Restoration activities would include the removal of buried automobiles that were installed for bank stabilization purposes; reconfiguration of the bank to provide a stable configuration; removal of non-native vegetation that has been planted on the bank; planting of native landscaping and the creation of wildlife habitat area.

2.0 ADMINISTRATIVE FINDINGS

2.1 Conditional Use Permit Findings

Pursuant to LUDC Section 35.82.060 a Conditional Use Permit application shall only be approved if all of the following findings are made.

2.1.1 *The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.*

The Diamond Rock mine Conditional Use Permit would apply to a 129-acre portion of three parcels that encompass approximately 279 acres. The project region is sparsely populated and there are seven residences located with approximately one-half mile of the project site. The project site is located adjacent to State Route 33, which would provide local and regional access.

Proposed mining operations would occur in the channel of the Cuyama River, which is dry for much of the year. The proposed project includes operating provisions to minimize potential impacts associated with conducting mining operations within the river when flowing water is present, and when necessary, to shift or temporarily suspend in-river mining operations when water flows would make mining operations impractical or infeasible. Upon the conclusion of mining operations, the

[2] Ibid.

mine pit would be allowed to fill with alluvial material, thereby minimizing the potential for long-term project-related effects.

Proposed material processing operations would occur in an upland area that is presently used for agriculture. Prime agricultural soils located in the Processing Area would be removed and reserved. After the completion of mining operations, the reserved soil would be returned to the Processing Area and agricultural operations could be resumed.

Therefore, the proposed project site would be adequate in size, shape, location and physical characteristics to accommodate the proposed quarry operation.

2.1.2 *Significant environmental impacts will be mitigated to the maximum extent feasible.*

Mitigation measures are identified the Final EIR prepared for the proposed project (05EIR-00000-00001) that would reduce most of the environmental impacts of the proposed project to a less than significant level. The only environmental impact that cannot be reduced to a less than significant level results from the operation of trucks and other machinery on the project site, and related emissions of NOx that would be in excess of the County's threshold standard of 55 pounds per day. Despite the implementation of mitigation measures, this air quality impact cannot be reduced to a less than significant level. Other project-related impacts associated with environmental issues such as drainage and flooding, geologic hazards, biological resources, traffic and traffic safety, noise and visual resources can be feasibly reduced to a less than significant level with the implementation of identified mitigation measures. Therefore, impacts of the proposed project have been mitigated to the maximum extent feasible.

2.1.3 *Streets and highways are adequate and properly designed.*

Traffic generated by the Diamond Rock mine project would consist primarily of trucks hauling sand and gravel produced by the mine. The project-related traffic would occur mostly on the regional state highway system, including State Routes 33 and 166. The analysis of potential traffic volume and safety impacts concluded that the proposed project would not result in significant impacts to State Route 166. State Route 33 would provide access to the project site, and in the project vicinity State Route 33 operates at level of service A.

The proposed project would add additional truck traffic to State Route 33, and the addition of one or more peak hour trips on State Route 33 between Ojai and Casitas Springs southbound during the a.m. peak hour, or northbound during the p.m. peak hour, would result in a significant traffic impact. A proposed condition of approval would eliminate or substantially reduce traffic from the Diamond Rock mine to travel southbound through the Ojai area. If traffic from the Diamond Rock mine is allowed to travel southbound on Sate Route 33, potential project-related peak traffic hour impacts would be reduced to a less than significant level by restricting project-related traffic south of Highway 150 so that:

- No southbound project-related truck trips occur during the a.m. peak hour (6:30 a.m. to 9:00 a.m.) Monday through Saturday.
- No northbound project-related truck trips occur during the p.m. peak hour (3:30 p.m. to 6:00 p.m.) Monday through Saturday.

To avoid potential traffic safety impacts to State Route 33 resulting from slow-moving trucks making left turns in and out of the project site, a proposed condition of approval requires the project applicant to construct a northbound left-turn lane on State Route 33 at the project site entrance if required by Caltrans.

With the implementation of proposed mitigation measures and conditions of approval, the streets and highways that would be used by the proposed project are adequate and properly designed to carry the type and quantity of traffic generated by the Diamond Rock mine/

2.1.4 *There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.*

The Diamond Rock mine would not result in a substantial demand for public services such as fire protection and law enforcement services. The minimal amount of waste water produced by the proposed project would be adequately accommodated by a proposed on-site septic system, and the project would not result in a significant water supply or groundwater quality/quantity impacts. Therefore, there are adequate public services to serve the proposed project.

2.1.5 *The project will not be detrimental to the comfort, convenience, general welfare, health and, safety of the neighborhood and will be compatible with the surrounding area.*

A health risk analysis was prepared to evaluate potential impacts resulting from increased public exposures to diesel exhaust particulate matter generated by equipment operated on the project site and from truck traffic generated by the project. The analysis determined that the maximum increase in cancer risk at a location adjacent to the project site would be approximately nine in one million, which is below the Santa Barbara APCD significance threshold of 10 in one million. At the location of the residence closest to the project site, the estimated project-related cancer risk would be 1.6 in one million. Potential cancer risk resulting from off-site diesel truck traffic was less than one in one million. Proposed conditions of approval would ensure that operations at the project site conform to project site operation assumptions used in evaluating the potential health risk impacts of the proposed project.

Potential traffic safety impacts at the project site driveway intersection would be reduced to a less than significant level by the installation of a new turn lane if it is required by Caltrans. Project-related noise impacts to sensitive receptors (residences) located in the project area would also be reduced to a less than significant level by implementing a variety of noise control measures, including the construction on sound barriers, noise control measures for proposed machinery, and limiting nighttime equipment use and the hours of material processing and truck loading operations on Sundays.

Mining-related operations at the Diamond Rock project site may occur simultaneously with operations at other existing mines located in the project region. The Final EIR has determined that with the implementation of proposed mitigation measures for issue areas related to truck traffic volumes and resulting noise impacts, mine operation noise and other project-related impacts, the Diamond Rock project's contribution to changes in the rural character of the project area and resultant "quality of life impacts" would not be significant.

Therefore, with the implementation of proposed conditions of approval the Diamond Rock project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.

2.1.6 ***The proposed project will comply with the applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.***

As indicated in Sections 6.3 and 6.4 of this staff report, the proposed project would be consistent with the applicable provisions and policies of the LUDC and the Comprehensive Plan.

2.1.7 ***In designated rural areas the use will be compatible with and subordinate to the rural and scenic character of the area.***

Mining-related operations at the Diamond Rock project site may occur simultaneously with operations at other existing mines located in the project region. The cumulative operations at the existing mines and the proposed Diamond Rock mine may have the potential to adversely affect the "quality of life" of residents located in the vicinity of the mines. The Final EIR has determined that with the implementation of proposed mitigation measures for issue areas related to potential project-related land use conflicts, the Diamond Rock project's contribution to quality of life impacts would not be significant. Potential visual impacts of the proposed project would also be reduced to a less than significant level by proposed mitigation measures to minimize night lighting and to provide screening of processing equipment. Therefore, the proposed project would be compatible with and subordinate to the rural and scenic character of the area.

2.2 Reclamation Plan Findings

Pursuant to 35.82.160.H.2.b.1 of the LUDC, a Reclamation Plan shall only be approved or conditionally approved if all of the following findings are made.

2.2.1 ***The Reclamation Plan complies with applicable requirements SMARA and associated state Regulations, with applicable provisions of the County's Grading Ordinance (County Code Chapter 14), and with other appropriate engineering and geologic standard.***

The proposed Reclamation Plan complies with the applicable requirements of State regulations and with the appropriate provisions of the County Grading Ordinance as discussed in sections 6.3 and 6.4 of this staff report. The proposed future reclamation

activities would also be consistent with appropriate engineering and geologic standards as discussed in sections 6.4 of this staff report.

2.2.2 ***The Reclamation Plan and potential use of reclaimed land in compliance with the plan are consistent with the provisions of this Development Code and the Comprehensive Plan.***

The proposed mine pit area would be allowed to return to open space, and the proposed Processing Area would be returned to an agricultural use. These are allowed uses in the "U" and "AG-II" zones. The Reclamation Plan is also consistent with the applicable Comprehensive Plan policies as discussed in Section 6.3 of this staff report. The Reclamation Plan also complies with the applicable provisions of the LUDC as discussed in Section 6.3 of this staff report.

2.2.3 ***In approving or conditionally approving the Reclamation Plan, the required findings in compliance with CEQA can be made.***

The required CEQA findings are provided in Sections 1.1 through 1.6 of Attachment A of this staff report.

2.2.4 ***The land and/or resources (e.g., water bodies to be reclaimed) will be reclaimed to a condition that is compatible with the surrounding natural environment, topography, and other resources.***

Proposed reclamation plans for the mine pit would allow it to fill with sediment and revegetate naturally. 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 compatible with the natural environment, topography and adjacent water resources.

2.2.5 ***The Reclamation Plan will reclaim the mined lands to a usable condition which is readily adaptable for alternative land uses specified by the landowner and consistent with this Development code and the Comprehensive Plan.***

Proposed reclamation plans for the mine pit would allow it to fill with sediment and revegetate naturally. 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.

2.2.6 ***A written response to the Director of the Department of Conservation has been prepared, describing the disposition of major issues raised by the Director of the Department of***

Conservation. Where the review authority does not agree with the recommendations and objections raised by the Director of the Department of Conservation, the response shall address, in detail, why specific comments and suggestions were not accepted.

The conceptually approved Reclamation Plan and financial assurance will be provided to the State for final approval. Should any major issues be identified by the Department of Conservation (DOC) at the time of final State approval, a written response to the DOC Director will be prepared which describes the disposition of the issues raised.

ATTACHMENT B: CONDITIONS OF APPROVAL

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

I. A Conditional Use Permit is Hereby Granted:

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.

II. 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 on Exhibits D-K, dated May 30, 2007. 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.

   The project description is as follows:

   Aggregate would be mined from a pit located in the Cuyama River (Exhibit D). 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). An overview of the mining and processing areas is presented on Exhibits E and F.

   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 (Exhibits G and H) and the entire pit could encompass about 84 acres. The maximum anticipated depth would be 90 feet below ground surface (Exhibit I). 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

Phase	Duration[1]	Tonnage[2]	Cubic Yards
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
Total	27.7 years	13,820,000	9,210,000

[1] Assumes a mining rate of 500,000 tons per year
[2] 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 shown on Exhibit H 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 un-mined 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 on Exhibit J. 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, as shown on Exhibit J. 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 (Exhibit J). At the full mine pit phase, the road would serve as a ramp from the existing riverbank into the adjacent pit.

Topsoil Salvage. The topsoil directly under the 14.2-acre Processing Area would be excavated to a depth of approximately one foot prior to installation of equipment and structures. The amount of topsoil to be salvaged at the Processing Area is estimated to be 22,900 cubic yards. Approximately 12,300 cubic yards would be used to construct temporary 6-foot-high visual screening berms along State Route 33 (see Exhibit E). The remaining 10,600 cubic yards of topsoil would be applied to the agricultural field immediately north of the Processing Area, bounded by Highway 33 on the east, Deer Park Creek to the north, and the river channel to the west. The topsoil is expected to increase the productivity of this existing field. Based on a 75-foot setback from Deer Park Creek, there would be 18.14 acres on which to spread the 10,600 cubic yards of topsoil. This would equate to a depth of six (6) inches. The material would not be applied during crop production but after a harvest, when tilling would be required anyway.

At the end of the project, 10,600 cubic yards of topsoil would be removed from the field and placed at the Processing Area, along with the topsoil stored in the berms. At that time, the Processing Area would be returned to pre-project grades and available for agricultural production. If the topsoil underlying the Processing Area has sufficient depth, it may only be necessary to apply the topsoil stored in the landscaping berms and soil amendments, and leave the previously removed topsoil in the adjacent field where it was placed over the past 30 years.

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 (Exhibit J) 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 would be planted to prevent wind and water erosion and to preserve soil microbes. The plant palette is shown in Table 2. 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

Botanical Name	Common Name	Size	Quantity
Calocedrus decurrens	Incense cedar	15 gallons	68
Pinus coulteri	Coulter Pine	15 gallons	27
Quercus douglasii	Blue Oak	15 gallons	37
Heteromeles arbutifolia	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, ⅜" 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 (⅜" 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 (Exhibit F) 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.

Administration, Security, and Public Safety. Diamond Rock would include an administration office and dispatch/operations building for normal everyday business (depicted as shop on Exhibit F). 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

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

[1] As daylight is available.
[2] Total processing time is expected to be up to 16 hours per day, within this 17 hour period.
[3] 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 would vary with production. An estimate of the average daily truck trips associated with the proposed project is provided below based on information provided by the project applicant. Estimates based on average annual production (500,000 tons) and maximum annual production (750,000 tons) are 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 production year (500,000 tons) – 46 exit loads, which equates to 92 one-way truck trips
- Maximum production year (750,000 tons) – 69 exit loads, which equates to 138 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 applicant has indicated that project-related average daily truck trips through Ojai shall be limited so that the five pounds per day air quality threshold of significance adopted by Ventura County for the Ojai planning area shall not be exceeded.

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

Truck Trips[1]	Average Daily Trips	Maximum Daily Trips
Aggregate deliveries	92	138
Recyclable concrete	6	6
Other Trips	4	4
Employees	16	16
Total=	118	164

[1] 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 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:** The applicant shall submit the results of the annual winter flow observations 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:** 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 (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 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 Coast Horned Lizard Surveys.** The applicant shall conduct field investigations to determine if the blunt-nosed leopard lizard or coast 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 coast 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 coast 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 Mitigation Measure BIO-11 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. **Ojai Area Peak Hour Trip Exclusion.** Truck operations that involve travel on State Route 33 south of Highway 150 shall be restricted as follows: 1) No southbound truck trips shall be allowed at this location during the a.m. peak period (6:30 – 9:00 a.m.) during Monday through Saturday; and 2) No northbound truck trips shall be allowed at this location during the p.m. peak period (3:30 – 6:00 p.m.) during Monday through Saturday. **Plan Requirements and Timing:** The proposed mining plan shall include this condition. **Monitoring:** The applicant shall maintain daily records of all southbound truck trips on State Route 33 (both applicant-owned and independent truckers) indicating the departure time and date, with clearly noted prohibited times for departures that would result in truck traffic during these hours. The County shall inspect these records as part of the annual SMARA compliance inspection, or at any other time, to determine compliance. The applicant shall provide a phone number for complaints and maintain these phone records for review by the County, per Condition TR-3.

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. **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.

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 (from Santa Maria to Ventura).

    b. During the school year, truck trips on State Route 33 in Ojai shall be prohibited from the following time periods to avoid conflicts with pedestrians and drivers at Nordhoff High School in Ojai during lunch and afternoon breaks: 7:00 a.m. to 8:00 a.m., and 2:30 p.m. to 3:15 p.m.

    c. Trucks shall be prohibited from parking, staging, or queuing along State Route 33 shoulders.

    d. Truck caravans to and from the mine site on State Route 33 south of the project site shall be prohibited.

    e. 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 TR-3 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.

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. Their duties shall include holiday and weekend periods when work may not be in progress. 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 NOx Emission Reduction.** The following measures would reduce NO_x 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. Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.

f. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

g. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available and if determine to be reasonable and feasible by P&D.

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.** Daily truck trips at any time of 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_x. 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. 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 minimize cancer risk, the project shall incorporate a combination of measures to achieve at least an 85 percent reduction in diesel exhaust particulate matter. One or more of the following methods may be uses:

a. Purchasing new engines/equipment (Tier 2 or better)

b. Adding controls to existing equipment (diesel particulate filters)

c. Electrification

d. Other methods

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 issuance of the Land Use (grading) Permit. **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, unless:

a. New information is presented relative to operations and related truck traffic volumes which increases those volumes into Santa Barbara County from Ventura County.

b. A multi-agency agreement or Memorandum of Understanding which can include Santa Barbara County, Ventura County, Kern County and San Luis Obispo County is established which sets forth equitable and mutually agreeable trip distribution patterns for mine-related truck traffic on State Route 33.

c. Should future southbound truck trips be allowed through Ojai, the average daily project-generated number of truck trips through the Ojai area shall be limited so that the five pounds per day air quality threshold for the Ojai Planning Area is not exceeded. The average number of project-related trucks allowed through the Ojai area per day shall be based on an applicant-prepared haul truck emissions assessment approved by P&D. The emissions assessment may be updated from time to time over the life of the mine project to reflect reasonable assumptions regarding current haul truck fleet age characteristics.

d. Prior to allowing truck trips associated with the Diamond Rock mine to travel north or south on SR 33 through the Ojai area pursuant to the requirements of Condition No. 34, or to increase truck traffic in accordance with the requirements of Condition 34c, the project applicant shall 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).

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 pubic 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.

37. **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.

38. **Annual Report.** As part of the SMARA Annual Sttus 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.

39. **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.

40. **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.

41. **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.

42. **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.

43. **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.

44. **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.

45. **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

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. 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.

52. 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.

53. 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.

54. 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:

    a. 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.

    b. 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.

    c. 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.

55. **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.

56. **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.

57. **Compliance with Departmental letters required as follows**:
    a. Flood Control dated May 17, 2006.
    b. Public Health dated May 22, 2007.
    c. Santa Barbara APCD dated May 29, 2007.

58. **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.

59. **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.

60. **Fees Required.** Prior to issuance of a Land Use Permit, the applicant shall pay all applicable P&D permit processing fees in full.

61. **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.

62. **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.

DIANNE BLACK, ZONING ADMINISTRATOR

FOR:
JOHN BAKER, DIRECTOR

_____
Date

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 June 15, 2003, 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.

   The applicant would restore a 1,400-foot long portion of the eastern river bank containing buried cars (see Exhibit K) 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 / Acre
Shrubs			
Atriplex canescens	Four-wing saltbush	5.00	2.00
Atriplex polycarpa	Cattle spinach	5.00	1.50
Chrysothamnus nauseosus	Common rabbitbrush	5.00	0.33
Ephedra californica	California ephedra	5.00	4.00
Eriogonum fasiculatum	California buckwheat	6.00	0.50
Lepidospartum squamatum	California scalebroom	12.00	0.75
Lupinus excubitus	Bush lupine	Trace	Trace
Yucca whipplei	Chaparral yucca	Trace	Trace
Grasses			
Festuca californica	California fescue	10.00	0.50
Achnatherum hymenoides	Indian ricegrass	30.00	6.75
Nassella cernua	Needle grass	10.00	0.50
Achnatherum speciosum (Hesperostipa comata)[2]	Desert needlegrass (Needle-and-Thread)	2.50	.36(1.75)
Forbs			
Lasthenia glabrata	Yellowray goldfields	Trace	0.25
Lupinus bicolor	Pigmy-leaved lupine	2.50	1.00
Lupinus sparsiflorus	Coulter's lupine	4.00	4.00
Malacothrix californica	Desert dandelion	2.50	0.25
Oenothera californica	California primrose	Trace	Trace
Phacelia tanacetifolia	Lacy Phacelia	0.25	0.25

PLS = Pure Live Seed

[2] *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.

TABLE 7
REVEGETATION PERFORMANCE CRITERIA

Seed Mix	
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.
Weeds	
Goal	No interference with native plant establishment. Eradication of *Tamarix* sp. (saltcedar).
Performance Criteria	No weedy exotics present two years after irrigation is discontinued. No *Tamarix* 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 *Tamarix* sp. (saltcedar) and, when encountered, cut the *Tamarix* at ground level with loppers, chainsaws, and brushhooks and treat the stumps with an herbicide and procedures acceptable to the CDFG.
Erosion	
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.

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.

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

Owner	Operator	Agent/Engineer
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. Refer to Exhibit G (Mining Plan – Phase 1), Exhibit H, (Mining Plan-Phase 2), and Exhibit I (Mining Cross-Sections).

E. Site Description

1) Quarry Size

APN	Parcel Size	CUP Area
149-220-02	117.40	22.58
149-220-11	80.19	80.19
149-220-65	82.35	29.69
TOTAL	279.94	132.46

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

Refer to the legal description for the proposed project site included as Exhibit 2 in the June 15, 2003 Reclamation Plan.

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

The proposed project site plan (Planning Commission Exhibit E – Site Plan) 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 June 15, 2003 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 June 15, 2003 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)

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

(Signed statement available at the County of Santa Barbara)

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

M. 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.

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 sucessful 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.

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.

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.

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To view Attachment C: Diamond Rock Final EIR (05EIR-00000-00001) please refer to the following Web Page:

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

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June 26, 2007

Mr. John Baker
County of Santa Barbara
Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

Re: Diamond Rock Sand and Gravel Mining and Processing Facility TRO190
03CUP-0000-00037 & 03RP00000-00002

Dear Mr. Baker,

This letter provides discussion of air quality issues that have been raised by Ventura County Air Pollution Control District (VCAPCD) and Chatten-Brown in separate letters dated May 30, 2007 and May 29, 2007, respectively.

Background information regarding Final Environmental Impact Report (FEIR) NOx emission calculations for on-road haul trucks and Mitigation AQ-3 which limits average daily trips to less than 100 is provided in Attachment 1.

AVERAGE DAY VS. PEAK DAY

Comment: VCAPCD comments that the worst case day should be used instead of the annual average day to calculate emissions for comparison to the 5 lb/day Ojai and 25 lb/day Ventura County NOx significance thresholds.

Response: It has long been the practice in VCAPCD to use the average daily trips (ADT) in calculating emissions for comparison to their thresholds. The FEIR's use of ADT in the peak year is consistent with "maximum average day" as it is referred to in the Best Rock EIR (SCH# 2003111065) which is the most recent mining EIR completed in Ventura County and approved by VCAPCD. Use of ADT also is consistent with the California Air Pollution Control Officers Association software URBEMIS (Urban Emissions model) that is accepted to conduct air quality analysis in California. This fact is discussed on Page 5-1 of the Ventura County APCD Air Quality Guidelines (October 2003) which states, "Motor vehicle trip rates in URBEMIS are based primarily on the average daily trip data." Thus, use of ADT comports with well-established guidelines for conducting air quality analyses.

20% VS. 100% OF TRIPS THROUGH OJAI

Comment: VCAPCD comments that the worst case day would include 100% of the trips passing through Ojai and that the FEIR underestimates impacts in Ojai and Ventura County by assuming that 20% of trips will end in Ventura County.

Response: VCAPCD's comments argue for the very type of "minute detail" that was rejected in San Joaquin Raptor. The FEIR presents a reasonably foreseeable scenario as required by CEQA in assuming that 20% of the trips when averaged over a year will end in Ventura County. VCAPCD's assertion that 100% of the trips be analyzed is not reasonable or foreseeable given that the trip count would be averaged over a year. Thus, using VCAPCD's assumption every project trip for an entire year would have to travel through Ojai in order to achieve the 100% ADT.

AVERAGING EMISSIONS OVER PROJECT LIFE IGNORES NEAR-TERM IMPACTS

Comment: VCAPCD states that using 20-year average emissions understates near-term air quality impacts and that using a "more realistic" estimate would result in exceedances of the 5 lbs/day threshold from 2007-20011, and exceedances of the Ventura County 25 lbs/day threshold for 2007-2010.

Response: The Project Description now includes the Ojai 5 lb/day significance threshold as a design feature of the Project. Thus, emissions from haul trucks traveling through Ojai and into western Ventura County will be calculated on an ongoing basis as described in the related Condition of Approval in order to ensure that emissions remain less than the 5 lb/day Ojai threshold.

Compliance with the Ojai 5 lb/day threshold will ensure compliance with the 25 lb/day Ventura County threshold because the trip length to Ventura is 65 miles, 15.8 miles of which occur in OPA. Since the Ventura County threshold is five times higher than the Ojai threshold, one would expect that five times more miles could be traveled in Ventura County and the emissions would remain less than the 25 lb/day significance threshold. If the Ojai trip is 15.8 miles one-way as described in the FEIR, then Ventura County travel could approach 79 miles one-way before exceeding the County 25 lb/day threshold. Thus, ensuring that the Ojai threshold will be observed will also result in observance of the Ventura County threshold.

HEALTH RISK ASSESSMENT FOR RESIDENCES ALONG SR 33 IN VENTURA COUNTY

Comment: VCAPCD comments that based on the 9 in 1 million cancer risk result and only 20% of the trucks going through Ojai "that this conclusion of insignificant excess cancer risk underestimates the risk that would result from greater than 20% of truck traffic coming through Ventura County."

Response: VCAPCD is comparing apples and oranges. The 9 in 1 million risk reflects the risk at the point of maximum impact (PMI) near the Project site and mainly results from diesel particulate emissions from off-road equipment operating on-site. On-road emissions impacts on health risk were assessed in the May 16, 2006 HRA using a separate on-road model run (i.e. not the on-site model). The on-road model included 100% of the haul trucks (i.e. 138 ADT) and found an excess cancer risk of 0.29 in 1 million at the PMI near the road.

CUMULATIVE IMPACTS

Comment: Ventura APCD objects to the change in the FEIR that concludes no significant impacts on quality of life. Ventura APCD also states that cumulative air quality effects must include an analysis of the Mosler Rock Quarry and Pacific Custom Materials/TXI Mine.

Response: Both of these facilities are already in operation and thus are part of the environmental baseline, and therefore not appropriate for additional consideration in a cumulative impacts analysis. The Mosler project is located adjacent to the City of Ojai in Ventura County, while the Pacific Custom Materials project is located on Lockwood Valley Road (near Frazier Park) and thus haul truck activity from each facility was already accounted for as part of the baseline Ventura County traffic counts. Lastly, if Ventura County wants projects in their jurisdiction to be considered cumulatively with the Project, then they should provide data upon which to base the analysis.

PM2.5 IMPACTS

Comment: Chatten-Brown claims that the health impacts of PM 2.5 were not adequately addressed.

Response: PM2.5 has an ambient air quality standard (AAQS) to protect health. Looking at the smallest of the PM2.5 AAQS concentrations, 12 ug/m3 and comparing that concentration to the sum of concentrations in the HRA from all constituents would show that the resulting concentration of toxic air contaminants (TACs, i.e. the health impacting constituents) would be much less than the AAQS.

For instance, the diesel particulate matter (DPM) concentration (i.e. main constituent of concern in PM2.5 from this project) results in 70-year risk of 10 in 1 million at a concentration of 0.033 ug/m3, several orders of magnitude less than the PM2.5 AAQS of 12 ug/m3. Earth metals and crystalline silica which were analyzed in the HRA would have similarly low acceptable concentrations within the context of a HRA.

Another way to look at the issue would be to say that all constituents of PM2.5 that are emitted by the Project and have the potential to be toxic (i.e. potential to induce health impacts) were analyzed using a more conservative method than the PM2.5 AAQS comparison. The HRA analysis that was performed exceeds the PM2.5 analysis method in its precision and conservativeness. Thus, arguably PM2.5 impacts were addressed in the FEIR.

HEALTH RISK ASSESSMENT CONSTITUENTS

Comment: Chatten-Brown states that the FEIR fails to disclose certain toxic air contaminants associated with diesel emissions including 1,3 butadiene, benzene, and carbonyls.

Response: The HRA was performed based on CARB methodologies and SBCAPCD specifications. Accordingly chronic and cancer risks were estimated based on the OEHHA reference exposure level (REL) and unit risk factor (URF) for particulate emissions from diesel fueled engines (a.k.a. diesel particulate matter, DPM). DPM is a toxic air contaminant (TAC) that was developed by the State to describe the mixture of all constituents that are found in diesel

exhaust. Thus, for chronic and cancer health risk assessments, DPM is the only constituent that need be evaluated.

Acute health risk from diesel exhaust is an emerging issue for several reasons. First, the original listing of DPM as a TAC by OEHHA in 1998 did not include an acute REL. Furthermore, Appendix K of the HARP manual (CARB's dispersion modeling and HRA software) plainly states that acute health risk from DPM need not be evaluated. However, in the interest of completeness and conservancy; some air districts require the analysis of acute health risk from DPM exposure.

The HRA dated May 15, 2006 evaluated acute health effects of DPM to the extent possible using the ARB speciations "diesel fueled farm equipment" for off-road equipment and "diesel fueled automobiles" for on-road vehicles as directed by SBCAPCD. Benzene is included in the speciations while 1,3 butadiene is not. Carbonyls are a group of compounds which include the pollutant acrolein. Acrolein is listed in the ARB speciations but has been excluded from the HRA because the source test method for acrolein has been proven to be flawed. Thus, it has been decided by SBCAPCD in this case, VCAPCD in other cases, and by ARB that since acrolein can not be measured accurately, estimation of related emission factors can not be confirmed, and inclusion of acrolein in HRAs is not appropriate given the current state of knowledge. In fact, SBCAPCD has issued a letter for another project (Updated Health Risk Assessment - Cottage Hospital Workforce Housing Project, July 14, 2006) stating that emission factors used for acute non-cancer risk analysis are uncertain and thus acute health risk analysis for DPM is not required at this time.

SUMMARY

The FEIR describes contains sufficient analysis to describe the range of potential air quality impacts resulting from the Project. The recent change in Project description to more explicitly include observance of the Ojai Planning Area 5 lb/day NOx threshold will ensure that Project emissions in that area as well as the remainder of Ventura County remain less than applicable significance thresholds over the life of the Project. Lastly, Mitigation AQ-3 will ensure that on-road NOx emissions in Santa Barbara County remain less than the 25 lb/day threshold.

Thank you for the opportunity to submit this information for your review and consideration. If you have any questions, please do not hesitate to contact me or John Hecht at 805.644.7976.

Respectfully submitted,

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ATTACHMENT 1

Haul Truck NOx Emissions
Troesh Diamond Rock EIR

June 26, 2007

The FEIR calculates haul truck emissions using an emission factor of 4.68 grams per vehicle mile traveled (g/VMT) which is based on the following assumptions:

- EMFAC2002 heavy-heavy duty (HHD) emissions factors (Annual, SCCAB, 35 mph, 65ºF, 50% R.H.)
- Oldest vehicle in fleet is assumed to be 20 years old.
- Average annual emissions for a project 21 years in length (2005 - 2025). Emissions factors for each year of operation were gathered from EMFAC2002 and averaged to obtain the average haul truck emission factor over the life of the Project.

Each of these assumptions is evaluated in this document and alternative analyses are investigated in order to determine the variation of results among these alternative methods and the FEIR method.

In addition, this document examines the effect of Mitigation AQ-3 which limits annual average daily trips (AADT) to less than 100. The purpose of AQ-3 is to limit emissions from Project-related haul trucks operating within Santa Barbara County to less than the significance threshold of 25 lb/day.

Lastly, this document examines the effect of the proposed mitigation to limit emissions in the Ojai Planning Area to less than the 5 lb/day significance threshold.

1.0 FEIR ASSUMPTIONS REVIEW

1.1 Use of EMFAC2002

EMFAC2002 contained the most recent emissions factors available at the time of the DEIR. Since EMFAC serves as a basis for URBEMIS, they should produce similar results given similar parameters. For purposes of this review, default URBEMIS parameters are compared to the parameters applied in the FEIR analysis.

Annual. The annual setting in EMFAC results in an average annual emission factor. Emissions of certain pollutants, including NOx, vary depending on the season. For NOx, winter emissions factors are higher than summer emissions factors. However, episodes of ozone exceedance generally occur during summer months and so summer emissions factors are used by air districts to determine NOx impacts. Applying the annual emission factor to determine impact is conservative because the factor is greater than the summer factor which could have been used.

South Central Coast Air Basin (SCCAB). Fleet mix is based on the SCCAB fleet. The SCCAB includes Ventura, Santa Barbara, and San Luis Obispo Counties within which Project haul trucks will be traveling/originating as described in the Project Description. This is a valid and reasonable assumption.

Vehicle average speed. Emissions in the FEIR are calculated based on a speed parameter of 35 mph. URBEMIS default speed is 35 mph and so this is a valid and reasonable assumption.

Atmospheric conditions. 65ºF and 50% relative humidity were chosen in the FEIR to represent average conditions. For the SCCAB URBEMIS uses 60ºF and 50% RH to calculate winter emissions and 75ºF and 50% RH to calculate summer emissions. Since the FEIR temperature is between the summer and winter URBEMIS temperatures, it is assumed that average annual emissions are well described by the FEIR assumptions.

1.2 Limiting Fleet Mix to Exclude Engines Over 20 Years Old

The FEIR assumes no trucks older than 20 years and that the Project will begin operation in 2005 (e.g. fleet ages 1986 to 2005 in first year of operation). EMFAC contains a mix of vehicle ages dating back to 1965. The earliest years have relatively few trucks and later years constitute a larger share of the fleet.

The effect of using the default fleet (e.g. 1965 to 2005 in the first year of operation) would be to increase the 21 year project (2005 through 2025) average emissions factor from the 4.68 g/VMT in the FEIR to 5.08 g/VMT; an increase of 8% for a project beginning in 2005. However, the Project will start in 2009, four years later than analyzed in the FEIR. Using the EMFAC2002 default fleet (e.g. 1965 to 2009), the average emission factor over a 21 year period is 3.25 g/VMT; using the same approach for a 30 year project yields 2.46 g/VMT. Thus, although the FEIR may use a slightly less than conservative assumption regarding fleet mix, the delay in Project start date more than compensates for the difference.

1.3 Averaging Haul Truck Emissions Factors Over Project Lifetime

Ventura County APCD comments that an average over the project lifetime approach "ignores significant air quality impacts in the near term." Ventura County APCD suggests that this method will result in exceedance of the OPA 5 lb/day threshold in years 2007 through 2011 and similarly the 25 lb/day Ventura County threshold for years 2007 through 2010 (using the 20% fraction of trips assumption). Ventura County does not provide emissions calculations or EMFAC output but emission factors presented in the FEIR do appear to support their claim.

The FEIR method underestimates emissions later in the Project when throughput and related truck travel are likely to be higher as necessary to meet projected increased demand. As discussed in Map Sheet 52, aggregate demand correlates with population which is projected by the Santa Barbara County Association of Governments Regional Growth Forecast 2000 - 2030 (SBCAG, March 2002) to grow by 30% in future years.

Nevertheless, the potential near-term impact described by Ventura County APCD could be mitigated by ramping up the number of average daily trips allowed to travel south into Ventura during the first three years of operation (2009 - 2011). Unmitigated activity described in the FEIR includes up to 20% of the 140 AADT traveling to Ventura County (i.e. 28 AADT).

Between 2009 and 2011, the EMFAC2002 NOx emission factor for SCCAB diesel HHD trucks decreases more than 10% per year. Accordingly, a phase-in schedule for trips into Ventura County would likely consist of 25.2 AADT in 2011, 22.7 AADT in 2010, and 22.5 AADT in 2009. However, Mitigation AQ-3 already curtails the Project to 100 AADT and under the 20% assumption Ventura County travel is calculated to be 20 AADT. Thus, assuming the travel patterns in the FEIR do not change with implementation of AQ-3, there will be a proportional decrease in Ventura County trips that will result in NOx emissions which are less than both the OPA and Ventura County significance thresholds.

The above analysis assumes that Ventura County was commenting on unmitigated AADT because AQ-3 doesn't necessarily affect trips the number of trips to Ventura County. If the APCD comment presumed that AQ-3 would result in a proportional reduction in Ventura County travel, then a phase-in schedule would likely consist of 18 AADT in 2011, 16.2 AADT in 2010, and 14.6 AADT in 2009.

2.0 EFFECT OF MITIGATION MEASURE AQ-3

The purpose of AQ-3 is to reduce Santa Barbara County on-road NOx emissions to less than the 25 lb/day significance threshold. Santa Barbara County APCD did not comment on the use of average emissions factors (see Section 1.3) and so it is presumed that FEIR emissions calculations are acceptable. On that basis, Project on-road emissions from haul trucks are mitigated to 24.9 lb/day which is slightly less than the significance threshold. However, employee commutes account for 0.2 lb/day of NOx. Thus, the total on-road emissions are 25.1 lb/day which slightly exceeds the significance threshold.

As discussed in Section 1.2, delay in the Project start date from 2005 to 2009 results in significantly lower emissions from haul trucks. This reduction in haul truck emissions will more than compensate for the NOx emissions from employee commutes. Therefore, AQ-3 will result in on-road NOx emissions impacts which are less than significant.

3.0 OJAI PLANNING AREA

Trips and production data in Table 1 are calculated based on the NOx emission factors presented and an OPA threshold of 5 lb/day.

Table 1. Ojai Planning Area Activity to Remain Less Than Significant

	2005	2009	Avg. 2005 - 2025	Avg. 2009 - 2029
	NOx Emissions Factor (g/VMT)			
FEIR	12.12	8.20	4.68	n/a
EMFAC2002	12.539	8.635	5.05	3.25
	OPA Trips Allowed (15.8 miles one-way)			
FEIR	11.8	17.4	30.5	n/a
EMFAC2002	11.4	16.5	28.2	43.9

ATTACHMENT E

Diamond Rock Mine Final EIR
05EIR-00000-00001

ERRATA SHEET

Based on comments received at the May 30, 2007 hearing, several minor edits and clarifications have been made to the proposed Final EIR. These changes clarify information provided by the EIR and do not affect conclusions regarding the significance of any project-related environmental impacts.

1. Section 3.2.1.3.2 (page 3.2-3) of the EIR, third sentience, should be revised as follows:

   No active faults are mapped within one mile of the project site."

2. Section 3.4.2.4 (page 3.4-7) should be revised as follows:

   Special status plant species include the following categories of species that are considered rare or endangered: 1) species officially designated as rare, threatened, endangered by the California Fish and Game Department (CDFG) or US Fish and Wildlife (USFWS); 2) species included in the California Native Plant Society (CNPS) Inventory of Rare and Endangered Species of California on List 1B or 2 (rare or endangered in California). The biology survey report also reviewed plant species considered sensitive by the Los Padres National Forest (Bumgardner 2003b:3).

   Based on the review of pertinent studies and records, seven rare or endangered plant species were identified that occur in the Cuyama Valley, including three federally listed species: California jewel-flower, Hoover's eriastrum, and San Joaquin woolly threads. The other four species are included on CNPS List 1B – plants considered rare and endangered in California. A summary of these species is provided in Table 3.4-2. The occurrence of these species and their habitat types at the project site was investigated during the 2002, 2003, and 2004 surveys by Bumgardner Biological Consulting and URS. No listed rare or endangered plant species were observed at the project site, nor are any expected to occur due to the absence of suitable habitat.

   Nine plant species, which are considered of interest due to their limited distribution or their rarity in Santa Barbara County, were observed on the project site. None of these species, however, is considered rare or endangered. These are described in the biological survey report (Bumgardner 2003b:Appendix B) and include

   Achnatherum hymenoides (Indian ricegrass)

Atriplex canescens ssp. *Canescens* (Fourwing saltbursh)
Chrysothamnus nauseosus ssp. *Bernardunus* (San Bernardino rubber rabbitbrush
Encelia farinose (Brittlebush)
Eriastrum filifolium (Thread-leafed eriastrum)
Loeseliastrum schottii (Schott's loeseliastrum
Monardella breweri (Brewer's coyote mint)
Purshia tridentate var. *glandulosa* (Antelope bush)

3. Section 3.5.2.1.2 (page 3.5-3), third bullet in second paragraph, should be revised as follows:

- If the project will add 10 or more ADT or 1 percent or more of the total projected ADT, whichever is greater, to a roadway that is currently operating at less-than-acceptable LOS as defined in Table 3.5-3.

Attachment F

Analysis of Traffic-Related Impacts Resulting from the Implementation of Condition No. 34

Condition 34 would preclude project-related truck from traveling southbound on State Route 33 through the Ojai area. This condition could result in a reduction in the amount of sand and gravel produced by the Diamond Rock project, or could have the effect of increasing traffic from the Diamond Rock project northward towards San Luis Obispo and Kern Counties, resulting in additional traffic, noise, and air quality effects. The EIR did not evaluate this particular increase in traffic and related effects. An evaluation of the potential environmental effects of implementing Condition 34 is provided below.

Traffic

The effect of Condition 34 would be to redistribute 20% of the projected truck traffic from south on SR 33 to north on SR 33 towards SR 166. From that point (the intersection of SR 33 and SR 166) the traffic would be split between destinations to the west (Santa Maria, San Luis Obispo County) and the east (Kern County). Under a worst case assumption for either destination, all of the redistributed traffic would go either to the west or to the east.

The Traffic and Circulation section of the EIR analyzed a different set of worst case scenarios, which assumed that 100% of the project generated truck traffic would be directed to the north and west (Table 3.5-6) or to the north and east (Table 3.5-7). In each of these scenarios, there was no change in the LOS of SR 33 or of SR 166. The increase in truck traffic caused by diverting the anticipated southward traffic to other directions would be less than the worst case assumption that all truck traffic would be in the other directions. Since the worst case assumption of directing 100% of the truck traffic in each direction (northwest and northeast) did not lead to significant impacts, the effect of adding some additional truck trips in these directions from Condition 34 would also be less than significant.

Noise

The effect of Condition 34 would be to redistribute 20% of the projected truck traffic from south on SR 33 to north on SR 33 towards SR 166. Depending on the directional splits, this condition could lead to increases of up to 18 or 28 additional truck trips per day on SR 166 westbound (towards Santa Maria and San Luis Obispo County) or eastbound (to Kern County). The Noise section of the EIR analyzed various worst case scenarios with respect to the directional distribution and numbers of truck trips, although it did not use the exact same presentation as the Traffic Circulation section discussed above. Table 3.6-17 in the Noise section estimates the increases in Community Noise Equivalent Levels (CNEL) along SR 166 in Cuyama under various scenarios. Scenario 1 in Table 3.6-17 shows the results if 100% of the average daily truck traffic in an average production year were directed towards Santa Maria, indicating that the CNEL at 100 feet

from the SR 166 centerline would increase by only 0.4 dBA from its current CNEL of 68.3 dBA.

Scenario 2 in the same table represents the results if 100% of the average daily truck traffic from a peak production year were directed to Santa Maria, indicating that the CNEL would increase from 68.3 dBA to 68.9 dBA. Neither of the indicated increases would be considered significant. An intermediate increase in traffic towards the west to Santa Maria, such as would occur under Condition 34, would cause a smaller increase in CNEL, and would also not be considered significant.

Although the EIR did not provide a similar analysis of noise effects along SR 166 if all project traffic were directed towards the northeast to Taft or to Kern County, a similar result would occur. Estimates of the Ldn for the current conditions along this segment of SR 166 are 67.2 dBA at a distance of 100 feet. Under the same Scenario 1, where 100% of the average daily truck trips from an average production year were forced in this direction, the Ldn would increase only 0.2 dBA to 67.4 dBA. Under Scenario 2 with 100% of the average daily trips from a peak production year forced this direction, the Ldn would increase another 0.2 dBA to 67.6 dBA. Neither of these increases would be discernable or considered significant. An increase attributable to redirecting either 18 or 28 truck trips per day under Condition 34 would be less than these results, and would also not be considered significant.

TABLE 3.6-17
ESTIMATED INCREASE IN CNEL NOISE LEVELS (dBA) ON STATE ROUTE 166 AT CUYAMA

	Estimated CNEL at 100 feet from Highway Centerline	Increase in Existing CNEL
AMBIENT NOISE CONDITIONS ALONG SR 166 (2004)		
Ambient Noise Conditions (2004)	68.3	NA
MODELED AMBIENT NOISE WITH NEW TRUCK TRIPS		
Scenario 1: Average Production Year with all production to Santa Maria 92 heavy truck trips	68.7	0.4
Scenario 2: Peak Production Year with all production to Santa Maria, 138 heavy truck trips	68.9	0.6
Scenario 3: Average Production Year with production dispersed to all locations, 18 heavy truck trips	68.3	0.0
Scenario 4: Peak Production Year with production dispersed to all locations, 28 heavy truck trips	68.6	0.3

Scenario 1: 92 trucks per day total, all of which travel to Santa Maria.
Scenario 2: 138 trucks per day total, all of which travel to Santa Maria.
Scenario 3: 18 trucks per day total, 20% of which travel to Santa Maria.
Scenario 4: 28 trucks per day total, 20% of which travel to Santa Maria.
Modeling using Traffic Noise Model 2.5; Caltrans 2004 AADT data, including truck mix data.
Assume trip distribution at 85% day, 15% night.

Air Quality

Condition 34 would redistribute 20% of the projected truck traffic from south on SR 33 to north on SR 33 towards SR 166, and then either westward towards Santa Maria and San Luis Obispo or eastward into Kern County. Tables 3.7-10 and 3.7-11 give the estimates of the emissions from daily haul trucks associated with the project, under the average production year and the peak production year, respectively. The results in these tables for San Luis Obispo County and for Kern County reflect the daily vehicles miles traveled in each jurisdiction (Tables 3.7-8 and 3.7-9) along with the pollutant emission factors and other assumptions used in the air emissions calculations. The results for San Luis Obispo and Kern Counties can be scaled up by shifting daily truck trip numbers to these areas from Ventura County, which would happen under the operation of Condition

34. The critical ozone precursor in all of the jurisdictions is NOx, and the Condition 34 results for San Luis Obispo and Kern Counties are summarized as follows:

Average Production Year (with 18 trips/day shifted from Ventura County)

San Luis Obispo County	21.3 lb/day NOx
Kern County	13.8 lb/day NOx

Peak Production Year (with 28 trips/day shifted from Ventura County)

San Luis Obispo County	32.2 lb/day NOx
Kern County	20.8 lb/day NOx

The ozone precursor (NOx) thresholds for each area are as follows:

For San Luis Obispo County: 25 lb/day (SLOAPCD 1997:11)
For Kern County: 10 ton/year (or 55 lb/day) (SJVAPCD 2002:Table 4-1)

Comparison of the above results with these thresholds indicates that under the average year production scenario, no significant air quality impact would occur in either jurisdiction. Under the peak production scenario, however, it is likely that the NOx threshold in San Luis Obispo County would be exceeded (but not that in Kern County). This potential impact is identical to that noted for Santa Barbara County if the peak production assumption is used (EIR page 3.7-17). Mitigation Measure AQ-3 would limit daily truck traffic to avoid exceeding the NOx threshold, and this mitigation measure would be equally effective in San Luis Obispo County as in Santa Barbara County. Thus, the conclusions of the EIR with respect to Air Quality would be exactly the same under the operation of Condition 34 as under the project as proposed with 20% of its truck trips directed to and from the south.

References

San Joaquin Valley Air Pollution Control District. 2002. Guide for Assessing and Mitigating Air Quality Impacts. Prepared by the Mobile Source/CEQA Section of the Planning Division of the SJVAPCD, Fresno, CA.

San Luis Obispo County Air Pollution Control District. 1997. CEQA Air Quality Handbook. San Luis Obispo County APCD, San Luis Obispo, CA.