

LAW OFFICE OF MARC CHYTILO,
A PROFESSIONAL CORPORATION

ENVIRONMENTAL LAW

May 8, 2018

Santa Barbara County Board of Supervisors
Santa Barbara County
105 E. Anapamu Street
Santa Barbara, CA 93101

By email to sbcob@co.santa-barbara.ca.us

Re: Rebuttal of letter dated February 14, 2018 from Campbell Geo, Inc. to Mike Wise of the Lompoc Stone Quarry, submitted as evidence to the Santa Barbara Planning Commission.

Dear Chair Williams and Honorable Board Members,

A letter from Campbell Geo Inc. dated February 14, 2018 was submitted in support of Sepulveda Building Materials' claim of vested rights on the Acin Ranch parcels. As explained below, this evidence fails to support the Applicant's claim of exemption to mine in new areas due to the lack of evidence showing the applicant's predecessors actually mined on or expressed an objective manifestation of intent to mine outside of their previously vested area prior to September 29, 1958.

TOPOGRAPHICAL MAP

One USGS topographical map dated in 1959 was submitted as evidence of a quarry on the Acin Ranch property. On this map, a pickaxe symbol and the word 'Quarry' appears to be located on Parcel 083-060-015. Per conversations with USGS Supervisory Cartographer Maria McCormick, the field work for this particular map was completed in June, 1958. This pickaxe symbol and the word 'Quarry' appear only in the area previously known to have had quarrying. There are no pickaxe symbols or USGS mention of a quarry on any other portion of the property, and therefore the field work carried out in June 1958 for this updated map of 1959 did not identify any additional areas of mining activity.

AERIAL PHOTOGRAPHS

Three historic photographs of the Acin Ranch area were submitted with this letter, dated May 5, 1956, August 12, 1958, and April 1, 1960. Although high-quality photos do exist of this region, the quality of the photos submitted is so poor as to have little value. Fortunately, high quality photos of this area spanning these dates were provided in the historical investigation report submitted by this office to the Board of Supervisors on May 3, 2018. These high quality

images do not show or support the claims made by Campbell Geo Inc. and Sepulveda Building Materials.

MODERN PHOTOGRAPHS

Modern-day recent photos were submitted by Campbell Geo in its letter. Eight photographic images were presented as alleged documentation of historic mining activity. Although no parcel boundaries were provided as guides to interpret where these photographs were taken, by comparing the photos to the investigative report submitted to the Board by the Law Office of Marc Chytilo on May 3, 2018, a determination of where these photos occurred, what area they are said to depict, and their relevance to the vested rights of the parcels is as follows:

Parcel -015:

- #4 - photo of the current access road, with a fainter road said to be older
- #5 - Area said to represent grading disturbance in 1958
- #6 - Spoils piles and soil disturbance
- #7 - Disturbed area

Photo #4:

Photo 4 shows a modern access road with what appears to be a remnant of an older road on Parcel -015. It does not illustrate mining activity, spoils, or soil disturbance. The existence and evolution of these roads is documented in the investigative report from the Law Office of Marc Chytilo submitted on May 3, 2018.

Photo #5:

Photo 5 shows an area allegedly showing an area of grading in 1958. Fig. 1 below is a good quality photo dated 8-12-1958, six weeks prior to the enactment of County Ordinance 971. It shows no grading scars or the use of heavy equipment. The investigative report from the Law Office of Marc Chytilo submitted on May 3, 2018 spans from 1928 to 1961; during this time period, no heavy equipment was evidently used before September 29, 1958.

Photo #6:

Photo 6 shows a fence and the spoils piles near the center of the southwest facing slope of Parcel -015. Although the rock valley and the fence is visible in Fig 1. below, no clear two-wheel track road ending in soil disturbance is leading to this area is visible in the historic photo. It is unlikely that if stone were quarried regularly in this area at this time, it was hand-carried several hundred yards to the two-wheel track road visible to the east.

Photo #7:

Photo 7 is said to illustrate an area of disturbance on -015 where mining occurred in 1958. This is south of the area labeled Area 1 in Fig 1 below. Small-scale mining activity

was visible in Fig 1, however, the 1960 photo submitted by Campbell Geo Inc. shows this entire area now extensively graded by heavy equipment. The marks of soil disturbance in modern photo #7 would then be the result of this intensification, and not from prior to 1958.

Parcel -009:

- #1 - Area said to represent grading disturbance in 1958
- #2 - Area said to represent a different view of Photo #1
- #3 - Modern day access road
- #8 - photo of Monterey rock formation

Photos #1 and #2:

Photos 1 and 2 are said to illustrate an graded area visible near a steep bluff, near what was identified as Area 4 in the investigative report submitted to the Board by the Law Office of Marc Chytilo on May 3, 2018. Photo 1 is below the bluff, and Photo 2 is above the bluff, however, no labels or guide marks were provided to help interpret this photo. High quality closeup photos of this area from 1928 to 1961 were provided in the January 8 investigative report, and although the ranch and access roads run several hundred feet to the north, west, and east, no two-wheeled roads run directly to this area, no grading scars are visible, no spoils piles or other evidence of mining activity are supported by either modern day ground reconnaissance or historic images of this area. Instead, the cattle trails and exposed soils too steep to hold vegetation are visible as virtually unchanged during this 33-year time span.

Photo #3:

Photo 3 shows a modern access road. It does not illustrate mining activity, spoils, or soil disturbance. The existence and evolution of this road is documented in the investigative report submitted by this office to the Board of Supervisors on May 3, 2018.

Photo #8:

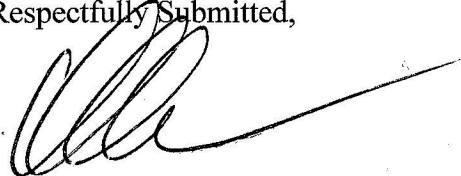
Photo 8 shows the exposed Monterey Formation below and to the east of Photos 1 and 2. It does not illustrate mining activity, spoils, or soil disturbance, and has no relevance to the question of vested rights for this parcel.

CONCLUSION

Campbell Geo's letter contains very little information pertinent to the question of vested rights for any area other than the already-identified site on Parcel -015. Landscape features observed in the modern day do not lend themselves easily to specific dates in the past, and we must rely on the high-quality aerial photographs provided in the investigative report from the Law Office of Marc Chytilo submitted on May 3, 2018 to determine an approximate date. In this instance, none of the modern landscape features observed by Campbell Geo can be located through careful examination of historic photos from 1928 to August 12, 1958.

The Applicant's burden of proof of an objective manifestation of mining activity is high. Light colored patches of soils, dirt roads, protruding outcrops, patchy cattle trails, and sparse vegetation alone are not indicators of mining activity. Anecdotal accounts of early mining activity state that hand tools were used to mine the stone, then it was loaded by hand onto pickup trucks to transport it off the site. Such an activity would leave a specific signature, visible in historic photos as a two-wheeled tire track roads ending in light soil disturbance. Grading equipment was not said to be used during this time period, nor was grading or the use of heavy equipment visible in any of the photos prior to the 1960-1961 series. Roads on the site evident in 1958 are plainly associated with farming of adjacent parcels and cattle grazing, and not part of the mining operation of the day.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Katherine Anderson', with a long horizontal flourish extending to the right.

Katherine Anderson

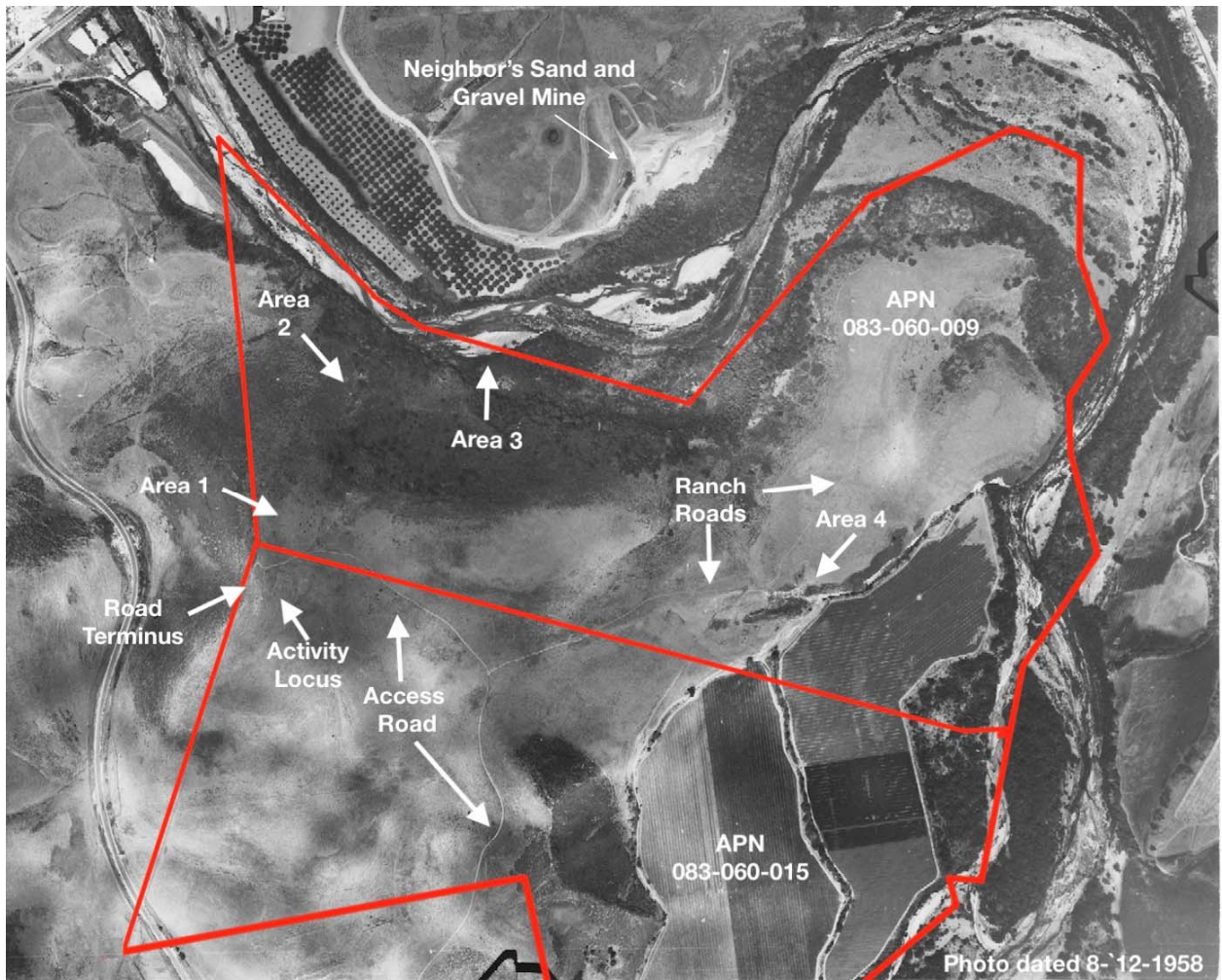


Fig 1. Historic aerial photo dated 8-12-1958.

KATHERINE E. ANDERSON

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SUMMARY

Outside-the-box problem solver, logical, science and research oriented. Mindful that details are everything in solving complex puzzles, and each of those details must mesh perfectly to draw valid conclusions. Wide experience and life skills background. Excellent proofreading skills for content and structure.

EXPERIENCE

Law Office of Marc Chytilo, Environmental Law, Santa Barbara, CA **2017-current**
Science Research

- Perform research and analysis of various case issues involving environmental science

Livestock Consultant/Small Farmer/Island Seed and Feed, Goleta, CA **2003-current**
Consultant in Poultry and Small Livestock Management/Store Manager (part time)

- Specialize in the health and nutrition of small livestock species, to include proper care, health, housing, and emergency veterinary/medical advice. Own and operate a small organic farm and ranch.

University of Arizona Museum, Tucson, AZ **1998-2001**
Inventory Curator, Human Remains Collection

- Inventoried accessioned skeletonized human remains to assess age, sex, pathology, and number of individuals represented under each accession. Identified and developed research projects.
- Specialized in the identification of difficult-to-identify, highly fragmented, and/or cremated remains.
- Excavated skeletonized human remains at a number of prehistoric sites under the auspices of the University of Arizona
- Performed background research pertaining to the accession records of the collection

Federal Bureau of Investigation, Ventura and Santa Barbara Resident Agencies, CA **1995-1998**
Confidential Clerk

- Transcribed recorded audio tapes, specializing in difficult audio, foreign languages and complex cases.
- Aided in teaching a class in archaeological forensic excavation at the Los Angeles Field Office
- Held top secret security clearance

Federal Bureau of Investigation, Santa Ana Resident Agency, Santa Ana, CA **1988-1995**
Data Analyst

- Implemented, built and maintained computer programs for input, storage, organization, and retrieval of information
- Worked closely with assigned agents in analysis and synthesis of information pertinent to their cases
- Data management, reports and depositions
- Held top secret security clearance

EDUCATION

University of Arizona, Tucson, AZ **1999-2001**
Master's Program, Archaeology

- Presented original research in peer-reviewed scientific conferences
- Master's Thesis: Implemented original experimentally based research project

University of California at Santa Barbara, Santa Barbara, CA **1995-1998**
Bachelor of Science - Anthropology

- Valedictorian, College of Letters and Science
- California State Presidential Award for Research
- Managed various field excavations, self-directed research projects, and summer archaeological field schools on Santa Cruz Island as well as the mainland, to include excavation of human remains
- Specialized in lithic reduction and prehistoric quarries, human remains and paleopathology