SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for
Diamond Rock Sand & Gravel Mine and Processing Facility

Hearing Date: May 30, 2007
Staff Report Date: May 18, 2007
Case No.: Conditional Use Permit 03CUP-00000-00037
Reclamation Plan 03RPP-00000-00002
Environmental Document: 05EIR-00000-00001

Deputy Director: Zoraida Abresch
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Applicant/Operator
Troesh Materials, Inc.
305 Cuyama Lane
Nipomo, CA 93852

Property Owner
Triangle E Farms
2830 State Route 33
Maricopa, CA 93852

Agent
West Coast Environmental and Engineering
1838 Eastman Avenue, Suite 200
Ventura, CA 93003

The proposed Diamond Rock sand and gravel mine would occupy approximately 132 acres in the Ventucopa area, Fifth Supervisorial District. Assessor Parcel Nos. 149-220-002; -011; & -065.

1.0 REQUEST

Hearing on the request of West Coast Environmental, representatives for the leaseholder and mine operator, Troesh Materials Inc., to consider the following [application filed on June 17, 2003]:

a) **03CUP-00000-00037** for a Conditional Use Permit to allow the establishment of a new sand and gravel extraction and processing facility under the provisions of Chapter 35 – County Land Use and Development Code (LUDC), Zone U (Ordinance 661) and A-II-40 (LUDC);

b) **03RPP-00000-00002** for approval of a Reclamation Plan for the establishment of a new sand and gravel extraction and processing facility under the provisions of Chapter 35 – County Land Use and Development Code (LUDC), Zone U (Ordinance 661) and A-II-40 (LUDC);

and to approve Environmental Impact Report 05EIR-00000-00001 pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant and unavoidable effects on the environment are anticipated regarding Air Quality due to emission of oxides of nitrogen (NOx) from equipment at the project site. The proposed project would also result in significant but mitigable effects related to Drainage and Flooding, Geologic hazards, Biological Resources, Traffic, Noise, Air Quality, Visual Resources and "Quality of Life" issues in the vicinity of the project site. The proposed project would involve 132.64 acres of AP Nos. 149-220-002; -011; and -065, located immediately west of State Highway 33, approximately six miles south of its junction with State Highway 166, in the Maricopa/Ventucopa area, Fifth Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case Nos. 03CUP-00000-00037 and 03RRP-00000-00002 marked "Officially Accepted, County of Santa Barbara (May 30, 2007) Planning Commission Attachments D through K", 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 (Attachment C).

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 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 JURISDICTION

The proposed Conditional Use Permit and Reclamation Plan are being considered by the Planning Commission based on Sections 53.82.160.E.1 and Section 35.82.060 of the LUDC. Section 35.82.160.A of the LUDC pertains to Reclamation and Surface Mining Permits and the purpose and intent of this Section is to regulate surface mining operations as required by the California Surface Mining and Reclamation Act (SMARA) to ensure that:

1. The adverse environmental effects of surface mining operations will be prevented or minimized and that the reclamation of mined lands will provide for the beneficial, sustainable long-term productive use of the mined and reclaimed lands; and

2. The production and conservation of minerals will be encouraged while eliminating hazards to public health and safety and avoiding or minimizing adverse effects on the environment, including but not limited to geologic subsidence, air pollution, water quality degradation, damage to biological resources, flooding, erosion, degradation of scenic quality and noise pollution.

4.0 ISSUE SUMMARY

An Initial Study dated October, 2003, was prepared for the Diamond Rock mine project. Based on the conclusions of the Initial Study it was determined that an Environmental Impact Report (EIR) was required for the project, and a Draft EIR was prepared and circulated for public review on February 4, 2005. Comments on the Draft EIR provided by reviewing agencies and the public raised several important issues that required additional analysis by the EIR. Therefore, a revised Draft EIR was prepared and released for public review on November 29, 2006 through January 31, 2007.

Review comments regarding the revised Draft EIR have been provided by government agencies and the public. Copies of the comment letters are included in the proposed Final EIR, along with responses to individual comments that pertain to the adequacy of the environmental impact analysis provided by the EIR. The major issues addressed by the review comments are summarized below.

Traffic Generation and Safety. The majority of the comments submitted on the revised Draft EIR pertain to truck traffic generated by the proposed project; cumulative traffic-related issues; and potential traffic safety impacts, primarily related to increased traffic on State Route 33 and

through the City of Ojai. In summary, the project EIR determined that traffic impacts resulting from the Diamond Rock project could be reduced to a less than significant level by implementing a mitigation measure that would preclude project-related traffic from traveling through the Ojai area during peak traffic hours. The EIR also concluded that potential traffic safety impacts could be reduced to a less than significant level by providing a new turn lane along State Route 33 at the project site entrance/exit driveway. Although traffic-related impacts can be feasibly reduced to a less than significant level, a substantial amount of public controversy exists regarding potential increases in truck traffic in the Ojai area of Ventura County. In response, a proposed condition of approval requires that the Diamond Rock project not send project-related truck traffic through the Ojai area until such time that new information is provided relative to operations and related truck traffic volumes which increases those volumes into Santa Barbara County from Ventura County, or a multi-county agreement is reached regarding mine-related traffic on State Route 33. This condition of approval would eliminate the potential for traffic-related impacts in the Ojai area. Additional information regarding traffic-related issues is provided in section 6.2 of this staff report.

Noise. These comments pertain primarily to increased traffic noise that has the potential to affect residential and recreational uses along State Route 33. The implementation of a proposed condition of approval that eliminates project-related traffic on southbound State Route 33 through the Ojai area would also minimize the potential for adverse traffic-related noise impacts.

Biological Resources. Comments related to potential biological resources impacts generally pertain to sensitive wildlife species at the project site and in the project region, including blunt-nosed leopard lizard, coast horned lizard, horned lark, and San Joaquin kit fox. Additional information regarding biological resource-related issues is provided in section 6.1 of this staff report.

Cumulative Quality of Life Impact Analysis. The Draft EIR concluded that combined effects resulting from the operation of multiple mines in the project area (Diamond Rock, GPS sand and gravel mine, Ozena Valley Ranch Sand and Gravel, and Lima gypsum mine) would have the potential to result in a significant and unavoidable impact to the quality of life of residents in the project region. Further review of the Draft EIR impact analysis, however, determined that the conclusion was not based on criteria described by the County's *Environmental Thresholds and Guideline Manual.* As a result, the Final EIR has re-evaluated potential quality of life impacts based on adopted County criteria and concluded that with the implementation of proposed mitigation measures, the Diamond Rock project would not result in a substantial contribution to a significant cumulative quality of life impact. Additional information regarding the additional analysis is provided in section 6.2 of this staff report.

5.0 PROJECT INFORMATION

5.1 Site Information

Comprehensive Plan Designation	(Rural) Agriculture A-II
Zoning District, Ordinance	U (Ordinance 661) & AG-II-40 (LUDC)
Site Size	The proposed project is located on Assessor Parcels 149-220-002; -011; and -065, which have a combined area of approximately 280 acres. The proposed quarry would occupy approximately 132 acres. 149-220-02: Parcel Size 117.40; CUP Area 22.58 149-220-11: Parcel Size 80.19; CUP Area 80.19 149-220-65: Parcel Size 82.35; CUP Area 29.69 TOTAL: Parcel Size 279.94; CUP Area 132.46
Present Use & Development	A portion of the project site is presently in agricultural production. The only structural development on the site includes agricultural wells and utility poles.
Surrounding Uses/Zoning	North: Agriculture/U (Ordinance 661) South: Cuyama River & Agriculture/A-II-40 (LUDC) East: Agriculture/U (Ordinance 661) West: Cuyama River/U (Ordinance 661) and 100-AG (Ordinance 661)
Access	State Highway 33
Public Services	Water Supply: Private on-site wells Sewage: Private on-site septic system Fire: County of Santa Barbara, Station #41 (New Cuyama)

5.2 Setting

Project Location and Land Use. The Diamond Rock mine project site is located in the Cuyama Valley, in the northern portion of the County. Access to the project site is provided by State Route 33, and the project site entrance is located approximately six miles south of State Route 166. Existing land uses in the vicinity of the project site are predominately agriculture. The area is sparsely populated and there are seven residences located with approximately one-half mile of the project site.

Geography. The proposed sand and gravel mine would be located within the Cuyama River at the river's confluence with Santa Barbara and Ballinger Canyons, in the upper section of the Cuyama River Basin. The eastern bank/terrace area is highly disturbed by past farming activities

and erosion control efforts, including the placement of rip-rap and old cars, planting of cottonwood and saltcedar trees, and the construction of berms. There are no active or inactive faults in the vicinity of the site.

Biological Resources. The project site occupies a sparsely vegetated alluvial floodplain terrace and a portion of the Cuyama River channel. Total vegetation coverage at the peak of the growing season is less than five percent. Scalebroom is the dominant shrub species in the disturbed portions of the project site. Other common shrubs include big sagebrush, smoothleaf yerba santa, thickleaf yerba santa, and chaparral yucca. No special-status plant species are known to occur in the project site. Sensitive wildlife species known to occur on the project site include blunt-nosed leopard lizard, California horned lizard, California horned lark, Lawrence's goldfinch, San Diego desert woodrat, and American badger.

Archaeological Sites: No known archaeological sites are located on the project site or in the project area. The presence of archaeological resources in areas to be mined is highly unlikely due the project's location in the active flood channel of the Cuyama River.

5.3 Project Description

5.3.1 Conditional Use Permit 03CUP-00000-00037.

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. **E**quipment, 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 truck trips per day.
- 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 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]	ADT/Typical Production	ADT/Peak Production
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.

5.3.2 Reclamation Plan 03RPP-0000-00002

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

Scientific Name	Common Name	Percent of Mix	Drill Rate PLS 1 / Acre
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.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

A Revised Draft Environmental Impact Report (05EIR-00001) has been prepared to evaluate the environmental impacts of the Diamond Rock sand and gravel mine project. The EIR was circulated for a public review period from November 29, 2006 through January 31, 2007. Comments on the Draft EIR have been received from the public as well as responsible, trustee and interested agencies.

Environmental impacts of the proposed project identified by the Final EIR are summarized below. The Executive Summary Table of the Final EIR also provides a summary of the impacts of the project and suggested mitigation measures. Please refer to 05EIR-00001 for a complete evaluation of environmental impacts that would result from the proposed project.

Significant and Unavoidable Project-Specific Impacts (Class I)

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.

Impacts that can be Reduced to a Less Than Significant Level (Class II)

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. As evaluated by the EIR prepared for the proposed project, mine operations 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 prohibit truck traffic from the Diamond Rock mine from traveling southbound through the Ojai area, except in emergency circumstances as defined by LUDC Section 35.82.090. If traffic from the Diamond Rock mine is allowed to travel southbound on Sate Route 33 in response to an emergency condition, 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.

State Route 33 in the vicinity of the project site operates at level of service A. To minimize 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. See section 6.2 of this staff report for additional information regarding truck traffic impacts.

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 of 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 of 25 pounds per day. This impact would be reduced to a less than significant level by limiting project generated truck traffic to an average of 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. Potential health risks to persons along State Route 33 resulting from a project-related increase in truck traffic are less than one 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.

Less Than Significant Impacts

Drainage, Erosion and Water Quality. The proposed use of low berms around the mine pit to prevent low flows in the River from entering the mine, have the potential to result in localized adverse hydraulic effects. A recommended mitigation measure to reduce this less than significant impact even further would modify the design of the southwest corner of the mine pit to provide a 900-foot wide open channel area between the west bank of the River and the berm surrounding the mine pit. The recommended channel would more than double the width as the channel that would be provided by the proposed project's design. The applicant would also be responsible for monitoring conditions within the River bed for impacts such as erosion and channel scouring during the first three years of mine operation after the low flow control berms are installed. Based on the results of the monitoring efforts, the County may require that the

increased setback be made a permanent requirement; that the increased setback be maintained while more monitoring data is collected; or rescind the expanded setback requirement to allow the originally proposed setback. Due to the uncertainty associated with predicting river dynamics, staff recommends that the proposed mitigation measure be implemented.

The proposed low flow diversion berms that would be installed in the river would have the potential to divert water flows that may erode or otherwise adversely affect the access road leading to the mine pit. A recommended mitigation measure would require that the access road design include culverts or other measures to facilitate the passage of low flows while minimizing damage to the access road and the need for road repairs. Staff recommends that the proposed mitigation measure be implemented.

Operations within the proposed Processing Area would have the potential to result in the release of water pollutants such as sediment, oil, grease and heavy metals. Implementation of best management practices to control the release of these substances would reduce potential impacts to a less than significant level. The project also includes a proposed storm water percolation swale in the northwest corner of the Processing Area that would be used to collect runoff and minimize the potential for the discharge of pollutants from the project site. A recommended mitigation measure provides criteria for the design and operation of the stormwater percolation swale. Staff recommends that the proposed mitigation measure be implemented.

Air Quality. Construction of the Processing Area would result in temporary fugitive dust and combustion emissions. These less than significant emissions can be reduced even further by implementing standard mitigation measures recommended by the APCD. Staff recommends that the proposed mitigation measure be implemented.

Cultural Resources. There is a low potential for initial project-related ground disturbing operations to encounter previously undetected archaeological resources. This less than significant impact can be reduced even further by implementing standard requirements to redirect mining activities should archaeological resources be encountered on the project site. Staff recommends that the proposed mitigation measure be implemented.

Traffic Safety. The EIR determined that project-related traffic safety impacts would not be significant. To further reduce potential traffic safety impacts, several mitigation measures were recommended. Additional information regarding potential traffic safety impacts is provided in section 6.2 of this staff report.

Other Less Than Significant Impacts. The EIR prepared for the proposed project identified several other environmental impacts of the proposed project that were not considered to be significant. No required or recommended mitigation measures were provided for the following less than significant project-related impacts.

Water Quality. Project-related impacts to water quality resulting from the occasional exposure of ground water in the mine pit would not be significant.

Biological Resources. Project-related disturbances of wildlife and adjacent habitat due to increased noise, dust, lighting and human activity in the project area; impacts to nesting birds and other special interest wildlife would not be significant. Potential impacts to San Joaquin kit fox would be minimized by the proposed kit fox mitigation plan and no additional mitigation measures are required. Potential impacts to coast horned lizard were not considered to be significant because a large refuge area would be provided as part of the blunt-nosed leopard lizard protection plan; and the species is highly mobile, which increases its ability to escape harm from proposed mining activities. Potential impacts to nesting California horned lark were not considered to be significant because no breeding pairs have been observed on the project site; any future nesting would likely occur in undisturbed portions of the project site; and the proposed project would not result in the loss of a substantial amount of foraging area.

Noise. Increased traffic noise on State Route 166, and increased traffic noise on State Route 33 south of Ojai were determined to not be significant.

Air Quality**.** Project-related PM_{10} emissions from average and peak daily mine operations; vehicle emissions of ROC and NOx in Santa Barbara County resulting from average production rates (i.e., 500,000 tons per year); haul truck emissions in Ventura County in and outside the Ojai Planning Area; worker exposure to diesel emissions; exposure to diesel emissions along public roads; and potential exposure to valley fever fungus were all determined to be less than significant impacts.

Agricultural Resources. Project-related dust emission impacts to adjacent agricultural operations resulting from operations at the proposed Processing Area would not be significant.

Beneficial Impacts (Class IV)

Biological Resources. The proposed project would restore approximately 1,500 feet of riverbank area by removing buried automobiles that were installed as a bank stabilization measure, reconstructing the bank to provide a stable configuration, removing existing salt cedar trees and planting cottonwood trees.

6.2 PROJECT-RELATED ISSUES

Traffic Generation. The analysis of traffic-related impacts provided by the project EIR evaluated potential impacts to State Routes 33 and 166, and the impact analysis emphasized conditions along State Route 33. The impact analysis for both highways evaluated potential impacts resulting from traffic that could be generated by the proposed project during average and peak production year scenarios. The impact analysis also included two traffic distribution scenarios for typical and peak operating conditions. One scenario assumed that project-related traffic would be distributed to the various market areas that would be served by the proposed project, including, Santa Maria/San Luis Obispo County, Kern County, Ventura County, and areas in the Cuyama region. The second traffic distribution scenario assumed that due to special circumstances or contract obligations, such as major public works or emergency repair projects, all of the product from the mine would be transported to the Ventura area and through the City of Ojai. Existing (2004) total traffic and truck traffic volumes on State Route 33, along with estimates of project-related increases in truck traffic are summarized on Table 6.2-1.

Project-Generated Trips. As depicted on Table 6.2-1, the proposed project would generate approximately 92 product delivery-related truck trips per day (46 product deliveries) during an average material production year, and approximately 138 product delivery-related truck trips per day (69 product deliveries) during a peak material production year. Additional minor amounts of truck traffic could result from deliveries of recyclable and other materials to the project site, resulting in approximately five additional truck trips per day. Product delivery truck trips would occur during day and nighttime hours, Monday through Saturday. On occasion, large public works projects may require haul trips to occur on Sundays.

EIR Evaluation of Truck Traffic Through the Ojai Area. During periods when the Diamond Rock mine operates at average production rates and with typical material distribution patterns, it is estimated that approximately 18 project-related truck trips would travel through the Ojai area in Ventura County. On occasions when peak mine production activities occur and all or most product would be delivered to the Ventura area, it is estimated that approximately 138 project-related truck trips could travel through the Ojai area. The potential for the project to result in a peak traffic generation rate of 138 truck trips through the Ojai area would be minimized somewhat by a proposed air quality-related mitigation measure that would reduce peak mine operation truck traffic. To reduce NOx generation impacts resulting from material hauling to a less than significant level, a proposed mitigation measure requires that the project not generate more than 100 average daily truck trips (50 delivery loads). Implementation of this mitigation measure would reduce the maximum number of daily truck trips through the Ojai area from 138 to 100. The requirements of this mitigation measure would continue until it is demonstrated to the satisfaction of the APCD that project-related material-hauling emissions do not exceed the

TABLE 6.2-1
EIR EVALUATION OF PROJECT-RELATED 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)

adopted significance threshold for mobile emission sources of 25 pounds per day. Reductions in truck emissions would most likely occur due to future improvements in truck fleet emission characteristics.

Proposed mitigation measures provided by the project EIR would reduce traffic volume impacts in Ojai to a less than significant level. However, in response to public concerns regarding project-related traffic impacts, an additional condition of approval has been proposed that would eliminate project-generated traffic from traveling through the Ojai area. This condition states:

> "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."

If truck traffic generated by the Diamond Rock project is subsequently allowed to travel southbound on State Route 33 through the Ojai area based on the requirements of the condition of approval provided above, that traffic would have the potential to result in a significant traffic volume impact based on a Ventura County threshold of significance for traffic impacts in the Ojai area. The significance threshold indicates that the addition of one or more peak hour trips on State Route 33 is a significant impact. Should the condition stated above be triggered, a proposed mitigation measure to minimize peak hour traffic volumes would reduce this potential impact to a less than significant level. The measure would prohibit the Diamond Rock project from sending trucks southbound on State Route 33 south of Highway 150 (through Ojai) during peak morning and evening traffic hours (6:30 -9:00 a.m. and 3:30-6:00 p.m.) Monday through Saturday.

Condition Compliance. Conditions of approval that limit the number of project-related truck trips, the direction trucks leaving the project site can travel, and limitations regarding the hours that truck trips may occur, would be limited in effectiveness without the ability to enforce the conditions and monitor compliance. A proposed condition of approval would require the implementation of traffic monitoring program that would provide information regarding the number of trucks leaving the Diamond Rock project site, the destination of trucks, and the time the trucks left the project site. The monitoring program would be implemented, in part, by allowing the County access to weight receipt records that are produced and kept at the project site. A separate condition of approval would facilitate the establishment of a regional mine-related traffic monitoring program with Ventura County. The purpose of this condition is

facilitate the implementation of a uniform permit compliance monitoring program by both jurisdictions for mine-related traffic.

Another proposed condition of approval 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 be implemented in conjunction with the Ventura County Planning Department, and would only become effective when other mines in the Cuyama area are required to comply with similar conditions.

Traffic Safety. To minimize the potential for turning movement conflicts with traffic on State Route 33 and slow moving trucks at the project site entrance/exit driveway, a proposed mitigation measure requires that if required by Caltrans, the applicant shall install a northbound left turn lane. The project EIR also evaluated the potential for traffic safety impacts that could result from project-related truck traffic increases along State Routes 33 and 166. The evaluation emphasized potential impacts along State Route 33 because this highway winds through mountainous areas, has several tunnels, and narrow roadway shoulders. The evaluation considered the range of truck traffic volumes that could occur under average and peak mine production scenarios; variations in product distribution patterns that may occur; and recent historic accident rates on State Route 33. The evaluation concluded:

> "*State Routes 33 and 166 have sufficient capacity to convey the project-related traffic without a significant effect on overall roadway operations. In addition these highways are designed for the truck sizes and types to be used for the proposed project. As state highways, these facilities are available for all vehicles and trucks that meet state and federal (Department of Transportation) size and safety requirements. Caltrans does not regulate the number of vehicles on either highway. Caltrans monitors accident rates for all state facilities, including these two highways, and makes safety improvements as accident rates increase to certain thresholds. While the proposed project would increase traffic volumes along these highways, there will be many other users that contribute to future traffic volumes, when combined, [these users] may increase overall accident rates. As a local jurisdiction, the County can only ensure that its land use decisions do [not] increase traffic volumes on nearby state highways beyond their current capacity. Ensuring roadway safety and operational integrity are the responsibilities of Caltrans. Hence, the County cannot apply roadway safety mitigation measures on these highways, such as wider or additional lanes."*

Based on the above, the EIR concluded that potential truck traffic safety impacts would not be significant. Although potential traffic safety impacts at locations other than the project site driveway intersection with State Route 33 were not considered to be significant, several recommended mitigation measures were identified to further minimize potential safety impacts. Recommended measures would require product hauling trucks to use headlights during the day,

prohibit project-related trucks from parking on State Route 33 shoulders, prohibit truck caravans, and require the applicant to maintain a phone line to register truck traffic-related complaints.

Quality of Life Impacts. The Draft EIR determined that operations at the Diamond Rock mine, in combination with operations at other mines in the region, including the GPS sand and gravel mine in Santa Barbara County, and the Ozena Valley Ranch sand and gravel mine and Lima gypsum mine in Ventura County, would have the potential to result in environmental effects that may adversely affect the "quality of life" of residents in the vicinity of the Diamond Rock mine. Quality of life impacts were determined to have the potential to occur primarily due to increases in noise levels that may be perceptible but do not exceed threshold of significance levels; increased traffic in quiet neighborhoods, although noise threshold levels would not be exceeded; and increased air emissions. Although required and recommended mitigation measures were identified by the EIR to reduce potential noise, traffic and air quality impacts, the combined effects were determined to have a significant and unavoidable quality of life impact.

The EIR analysis demonstrated that the proposed Diamond Rock project, along with other mines in the project region, would have adverse effects on the existing environmental conditions of the project area. As required by CEQA, the EIR identified mitigation measures to reduce the environmental effects of the Diamond Rock project that would contribute to quality of life impacts to the extent feasible. The EIR's subsequent conclusion that cumulative mining operation impacts would result in significant and unavoidable quality of life impacts was based on a determination that the cumulative environmental changes "would likely be viewed by some residents as inconsistent with the rural nature of the project region." This determination of impact significance is speculative and not consistent with the examples of quality of life impacts that are provided by the County's *Environmental Thresholds and Guideline Manual.* The *Guideline Manual* indicates that:

> *"Quality of life issues, while hard to quantify, are often primary concerns to the community affected by a project. Examples of such issues such issues provided the Guidelines Manual include the following: loss of privacy, neighborhood incompatibility, nuisance noise levels (not exceeding noise thresholds), increased traffic in quiet neighborhoods (not exceeding traffic thresholds), and loss of sunlight/solar access."*

An evaluation of the proposed project's effects on the quality of life factors described by the *Guidelines Manual* is provided below.

Loss of Privacy. The proposed Diamond Rock and other mine projects would not result in loss of privacy impacts.

Neighborhood Incompatibility**.** Neighborhood compatibility issues generally pertain to factors such as the size and appearance of new development, noise- and traffic-related issues. Potential visual impacts of the Diamond Rock project that would have the greatest potential to adversely

affect nearby residences would be night lighting. Required mitigation measures require on-site light shielding and that light levels at the project site perimeter not exceed 0.5 foot-candle. With the implementation of the proposed mitigation measures, potential lighting-related impacts would be reduced to a less than significant level, and lighting-related effects at nearby residences would not be substantial. Potential noise and traffic issues are evaluated below.

Nuisance Noise Levels (not exceeding noise thresholds)**.** The proposed project would result in new noise sources that have the potential to be audible during daytime and nighttime hours at the limited number of residences located near the project site. Mitigation measures to minimize these noise impacts were identified by the EIR. These mitigation measures include the construction of noise attenuation barriers; measures to reduce on-site equipment and material loading noise; and limitations on Sunday material loading operations. With the implementation of these mitigation measures, overall increases in noise levels in the project vicinity and noise impacts to nearby residences, particularly at night, would be minimized to the extent feasible. Therefore, with the proposed mitigation measures, effects to surrounding residences would not be significant.

Increased Traffic in Quiet Neighborhoods (not exceeding traffic thresholds)**.** Increases in traffic-noise would occur primarily along State Route 33, and mitigation measures to reduce project-related noise effects to residences near the highway in the project area were provided by the EIR. These measures include limitations on the number of nighttime truck trips that may occur, and the timing of truck trips on Sundays. With the implementation of these mitigation measures, overall increases in traffic noise levels in the project vicinity and traffic noise impacts at nearby residences would be minimized to the extent feasible, particularly at night. Therefore, with the proposed mitigation measures, increases in existing traffic noise levels along State Route 33 in the project vicinity would be adverse, but the change in community character and effects to surrounding residences would not be substantial.

Loss of Sunlight/Solar Access. The proposed Diamond Rock and other mine projects would not result in shading or solar access impacts.

Based on the assessment of potential project-related quality life impacts using impact evaluation criteria provided by the *Environmental Thresholds and Guidelines Manual,* after the implementation of required mitigation measures, the Diamond Rock project's contribution to quality of life impacts would not be significant. Therefore, the Final EIR has been revised to indicate that the proposed project's contribution to cumulative quality of life impacts is a significant and mitigable impact (Class II).

6.3 Comprehensive Plan Consistency

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Conservation Element (Page 182). No mineral resource extraction should be permitted in the County if significant impacts on the air, water or land environment would result, if flooding and erosion problems would be increase, or if polluting emissions likely to be generated directly or indirectly by the activity in question would result in adopted federal or State environmental quality standards being exceeded.	**Consistent.** The proposed project would have a significant, unavoidable impact on air quality based on the County Planning and Development Department thresholds for evaluating air quality impacts. Therefore, the Diamond Rock project could be considered potentially inconsistent with the advisory (rather than mandatory) language of this policy. However, the Conservation Element also 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. At the same time, every effort should be made to minimize direct and indirect adverse environmental impacts, and to achieve and maintain federal and State standards of emissions controls and environmental quality. (...) the County and the cities should continue to push for necessary environmental safeguards, as well as to encourage exploration for new resource sites."* (pages 181 and 182). The Conservation Element encourages mineral resource extraction when potential environmental impacts are minimized. The proposed project incorporates mitigation measures to minimize potential environmental impacts to the extent possible. In addition, the County of Santa Barbara LUDC (Sec. 35.82.160 Reclamation and Surface Mining Permits) also recognizes that the extraction of minerals is essential to the continued economic well-being of the County and to the needs of the society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The LUDC regulates surface mining operations, as authorized by the California Surface Mining and Reclamation Act to ensure that: 1) the adverse environmental effects of surface mining operations will be prevented or minimized and that the reclamation of mined lands will provide for the beneficial, sustainable long-term productive use of the mined and reclaimed lands; and 2) the production and conservation of minerals will be encouraged while eliminating hazards to public health and safety and avoiding or minimizing adverse effects on the environment, including but not limited to geologic subsidence, air pollution, water quality degradation, damage to biological resources, flooding,

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	erosion, degradation of scenic quality, and noise pollution. The LUDC encourages mining operations which incorporate measures to prevent or minimize its adverse environmental effects. The proposed project would comply with the LUDC requirements. Furthermore, the evaluation of alternatives to the proposed project provided by the EIR concluded that it would be unlikely that an alternative project site could be identified that would fulfill the basic objectives of the proposed project and result in reduced environmental impacts.
Conservation Element. The Conservation Element recognizes both the Blunt-nosed Leopard Lizard (*Crotaphytus silus*) and San Joaquin Valley Kit Fox (*Vulpes macrotis*) as species of particular value (pp. 115-116). However, no specific recommendations are included in the Element, other than that "in order to preserve species, we must preserve whole ecosystems" (p. 164). The protection of important habitats is the general emphasis of the Element with regard to biological resources.	**Consistent.** The proposed project incorporates various environmental protection and species conservation measures to protect these species from adverse impacts and take, which is prohibited under federal law. The EIR also includes additional mitigation measures to ensure further protection. Hence, the project appears consistent with the overall goals of the Conservation Element for these species.
Agriculture Policy I.A. The integrity of agricultural operations shall not be violated by recreational or other non- compatible uses. **Agriculture Policy I.D.** The use of the Williamson Act (Agricultural Preserve Program) shall be strongly encouraged and supported. The County shall also explore and support other agricultural land protection programs.	**Consistent.** The proposed Processing Area would be located on Parcel 149-220-65 (82 acres), which is has an Agricultural Commercial (AC) land use designation with a 40-320 or more acre minimum parcel size. The parcel was under a Williamson Act Contract, but non-renewal of that contract was approved by the Board of Supervisors. The contract terminated on January 1, 2007. At their January 3, 2002 meeting, the APAC expressed concerns regarding the consistency of the materials processing facility with the Uniform Rules. One issue was whether materials processing constitutes "mining." This issue is the subject of debate at the State Mining and Geology Board. Mining is a permitted use on land designated for agriculture, would have been problematic while in agricultural preserve (Williamson Act) contract status. The proposed 14.2-acre Processing Area would displace agriculture from the southern portion of the 82-acre agricultural preserve parcel for the life of the permit. The remaining 51 acres of this parcel would continue to be cultivated according to the landowner. The EIR analyses indicate that the remaining acreage is agriculturally viable. At the end of the 30-year permit, the Processing Area would be returned to pre-project grades and available for agricultural production. The

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	conserved topsoil would be returned to the area and cultivated once again. Reclamation of the site would be complete when productive capability of the former Processing Area is equivalent or better than the pre-mining condition for two consecutive years. Financial assurances approved by County and Office of Mine Reclamation would be posted for the life of the project to guarantee reclamation consistent with SMARA minimum verifiable reclamation standards. Based on the above information, the proposed project would not permanently displace agriculture from the project site. Existing agriculture would continue on the unaffected portions of the project site, and the displacement of 14.2 acres of current agriculture would be temporary – that is, for the permit period. The reclamation plan for the proposed mining operations requires that Processing Area be returned to agricultural production at the end of the permit. Based on the above considerations, the proposed project would be consistent with the Agricultural Element and policies and rules associated with the Williamson Act Contract.
Land Use Development Policy 4. Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.	**Consistent.** The applicant has provided well data reports and plans for an on-site engineered septic/leach field system to demonstrate that adequate services are available for potable water, wastewater treatment, and processing water. The site has frontage on a state highway and electricity is present at the site. Hence, the proposed project appears consistent with this policy.
Hillside and Watershed Protection Policy 1. Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.	**Consistent.** The proposed project involves extensive excavation and fill operation in order to implement the proposed mining plan. No significant, unavoidable geologic impacts associated with the cut and fill operations were identified in the EIR. There are no feasible alternatives to the proposed excavation that would yield aggregate resources. Hence, the proposed project appears consistent with this policy.
Hillside and Watershed Protection Policy 2. All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and	**Consistent.** By necessity, the proposed mining would occur in the river channel where the suitable aggregate is located. The proposed mining pit, with the EIR mitigation measures and suggested conditions of

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other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.	approval, would minimize hydraulic and topographic impacts to the extent practical. Hence, the proposed project appears consistent with this policy.
Hillside and Watershed Protection Policy 6. Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained onsite whenever possible to facilitate groundwater recharge. **Hillside and Watershed Protection Policy 7.** Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction. **Streams and Creeks Policy 1.** All permitted construction and grading within the stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation or thermal pollution.	**Consistent.** No significant water quality impacts are expected to occur due to the in-stream mining because low flows in the river will be diverted around the mine pit, and because high flows would fill the mine pit as part of a natural riverine process. Stormwater runoff from the Processing Area will be directed to a percolation pond to remove sediments and pollutants, and to provide for groundwater recharge. No significant groundwater quality impact was identified in the EIR. Hence, the proposed project would be consistent with these policies.
Visual Resource Policy #2. In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.	**Consistent.** The proposed project would provide a landscaped berm along Highway 33 to screen the equipment and stockpile at the Processing Area, and reduce visual impacts to viewers along the road. The EIR includes mitigation measures to increase the effectiveness of the proposed screening. The mine pit in the river would not be visible to public viewers. The proposed project would be consistent with this policy.
Flood Hazard Area Policy 1. All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with HUD regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation, as specified in the Flood Plain Management Ordinance.	**Consistent.** A portion of the proposed Processing Area may occur within the boundaries of a FEMA flood hazard zone. As such, the proposed Processing Area may be exposed to localized flooding. Under Santa Barbara County's Floodplain Management Ordinance No. 3898, the construction of the shop, fuel storage facility, and scale house at the Processing Areas facilities and mining in the river will require a floodplain development permit from Santa Barbara County Public Works Department, Flood Control District. If the proposed project is approved, the applicant will need to submit an application to the County for the permit, and

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	include pertinent hydraulic calculations and analyses. Non-residential structures, like those proposed for the Processing Area, only require floodproofing the buildings. By complying with Flood Control requirements, the proposed project would be consistent with this policy.
Flood Hazard Area Policy 2. Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, i.e., dams, stream channelizations, etc.	**Consistent.** The proposed mining would not cause any increase in flooding. The proposed Processing Area can be modified by floodproofing to meet the County's flood hazard reduction requirements. Hence, the proposed project would be consistent with this policy.
Recommendation 1. In the planning of land use, 65 dB Day-Night Average Sound Level should be regarded as the maximum exterior noise exposure compatible with noise-sensitive uses unless noise mitigation features are included in project designs.	**Consistent.** No significant, unavoidable noise impact was identified in the EIR. Hence, the proposed project would be consistent with this policy.

6.3 Compliance with the County Land Use Development Code

Conditional Use Permit 03CUP-00000-00037

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

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

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

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

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

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

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

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

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

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

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

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

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

Reclamation Plan 03RPP-00000-00002

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

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

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

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

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

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

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

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

system, water retention basins, stormwater percolation swale) would be retained on the project site.

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

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

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

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

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

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

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

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

the project site. Several wildlife species of concern have been identified on the project site, including:

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

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

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

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

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

Section 3704 - Performance Standards for Backfilling, Regrading, Slope Stability, and Recontouring. Mechanical backfilling of the mine pit is proposed as the pit would be allowed to fill with alluvial material during flood flow events. The mine location within the river would not be suitable for the subsequent development of urban uses, therefore, no impacts related to

settlement of the accumulated alluvial material would occur. Proposed final slopes adjacent to property lines would be no steeper than 2h:1v gradient, with an overall slope no greater than 3h:1v. The gradient for slopes in the project's interior would be designed consistent with operational safety considerations, with a maximum slope of 2h:1v.

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

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

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

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

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

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

Table 6.4-1
Riverbank Restoration Seed Mix

Genus and Species	Common Name	Spacing	
Trees			
Populus fremontii	Fremont cottonwood	20 to 30-foot centers	
Shrubs		**Percent of Mix**	**Drill Rate PLS [1] / Acre**
Atriplex canescens	Four-wing salt bush	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 grass)	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

[1] 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*, 09-30-97).

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

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

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

minor impacts may occur, and no structures, flood control improvements or bank protection would be adversely affected.

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

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

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

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

Prior to the initiation of mining activities, the proposed project will be required to obtain a California Department of Fish and Game Streambed Alteration Agreement and an Army Corps of Engineers Section 404 permit. The Cuyama River is dry most of the year and does not

support riparian habitat or fish populations. Although the proposed project is not expected to result in substantial impacts to the Cuyama River channel on a project-specific or cumulative basis, required and recommended mitigation measures would ensure that potential impacts to the river channel are reduced to a less than significant level.

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

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

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

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

6.5 Clean Water Act

The Clean Water Act requires states to set standards to protect, maintain and restore water quality through the regulation of point source and certain non-point source discharges to surface water. Those discharges are regulated by the National Pollutant Discharge Elimination System (NPDES) regulatory permit program (Section 402 of the Clean Water Act). In California, NPDES permitting authority for industrial and construction activities is delegated to and administered by the Regional Water Quality Control Board. The Diamond Rock mine project will be required to obtain an NPDES stormwater industrial permit prior to the start of project-related activities.

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

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

6.6 Porter-Cologne Water Quality Control Act

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

6.7 Fish and Game Code

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

6.8 Agricultural Preserve Advisory Committee

At their January 3, 2002 meeting, the APAC expressed concerns regarding the consistency of the materials processing facility with the Uniform Rules. One issue was whether materials processing constitutes "mining." This issue is the subject of debate at the State Mining and Geology Board. Mining is a permitted use on land designated for agriculture, but may be problematic while in agricultural preserve (Williamson Act) contract status. This issue is no longer applicable, however, because the project site's agricultural preserve contract was cancelled on January 1, 2007.

7.0 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 (05EIR-00000-00001) Planning Commissioners Only

Conditional Use Permit Exhibits

D. Project Location
E. Site Plan
F. Site Plan Detail
G. Mining Plan – Phase 1
H. Mining Plan – Phase 2
I. Cross Sections
J. Low Flow Control Berm Location

Reclamation Plan Exhibits

K 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. Although a project-specific mitigation measure discussed below would mitigate this potential impact to a less than significant level, a proposed condition of approval would eliminate the potential for the proposed project to send traffic to Ventura County through the Ojai area. Should any project-related traffic subsequently 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, but air quality impacts related to NOx production from on-site project operations may still be significant on high production days. 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, but air quality impacts related to NOx production from on-site project operations may still be significant on high production days. 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 traffic from the Diamond Rock mine from traveling 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. 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 around 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). 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 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]	ADT/Typical Production	ADT/Maximum Production
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. This condition may be modified or delayed by the County if evidence of Caltrans approval of a modification or delay is provided. **Plan Requirements and Timing:** The proposed mining plan shall include this facility, including evidence of Caltrans engineering and right of way approvals. **Monitoring:** Completion of the left turn lane to be verified by P&D staff no later than the second annual SMARA compliance inspection after issuance of the use permit.

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

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

d. The applicant shall post and maintain a phone recording complaint line for residents to report possible violations. Trucks owned by the applicant shall be readily identifiable by a placard with a unique number that is sized and located on all four sides of the vehicle in order to be clearly visible to individuals wishing to make a complaint against an individual driver. Since the applicant has no direct control over the vehicles used by independent truckers, the applicant shall use the truck trip logs and the complaint logs (i.e., especially the time and date) to identify truckers against whom a complaint has been made and to resolve complaints.

Plan Requirements and Timing: The provisions listed in 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 an average of 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 property boundary 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.

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 of 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 pursuant to condition No. 55 below, 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.

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.

****

Santa Barbara County Public Works Department
Flood Control & Water Agency

May 15, 2007

Planning Commission
S.B. County Planning & Development
123 E. Anapamu St.
Santa Barbara, CA 93101

Re: 03-CUP-00000-00037; Diamond Rock Sand & Gravel Mine and Processing Facility
APN: 149-220-002; -011; & -065/Ventucopa

Dear Commissioners:

This District recommends that approval of the above referenced project be subject to the following conditions.

1. Prior to issuance of Land Use Permits, the applicant shall comply with the Flood Control Standard Conditions of Approval.

2. Prior to issuance of Land Use Permits, the applicant shall submit Grading & Drainage Plans for District review and approval. Said plans shall convey drainage from Deer Park Creek, and runoff from all other areas, to the Cuyama River in a non-erosive manner.

3. The applicant will be required to pay the current plan check fee deposit at the time the plans and study are submitted for review.

Sincerely,

Dale W. Weber, P.E.
Development Engineer

cc: Joyce Gerber, Planning & Development
Gary Kaiser, Planning & Development
West Coast Environmental, 1838 Eastman Ave., Suite 200, Ventura, CA 93003
Troesh Ready Mix, Inc., 305 Cuyama Lane, Nipomo, CA 93852
Triangle E Farms, 2830 State Route 33, Maricopa, CA 93852

G:\FLOOD\DREV\CND\03CUP-00000-00037.cnd.doc

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

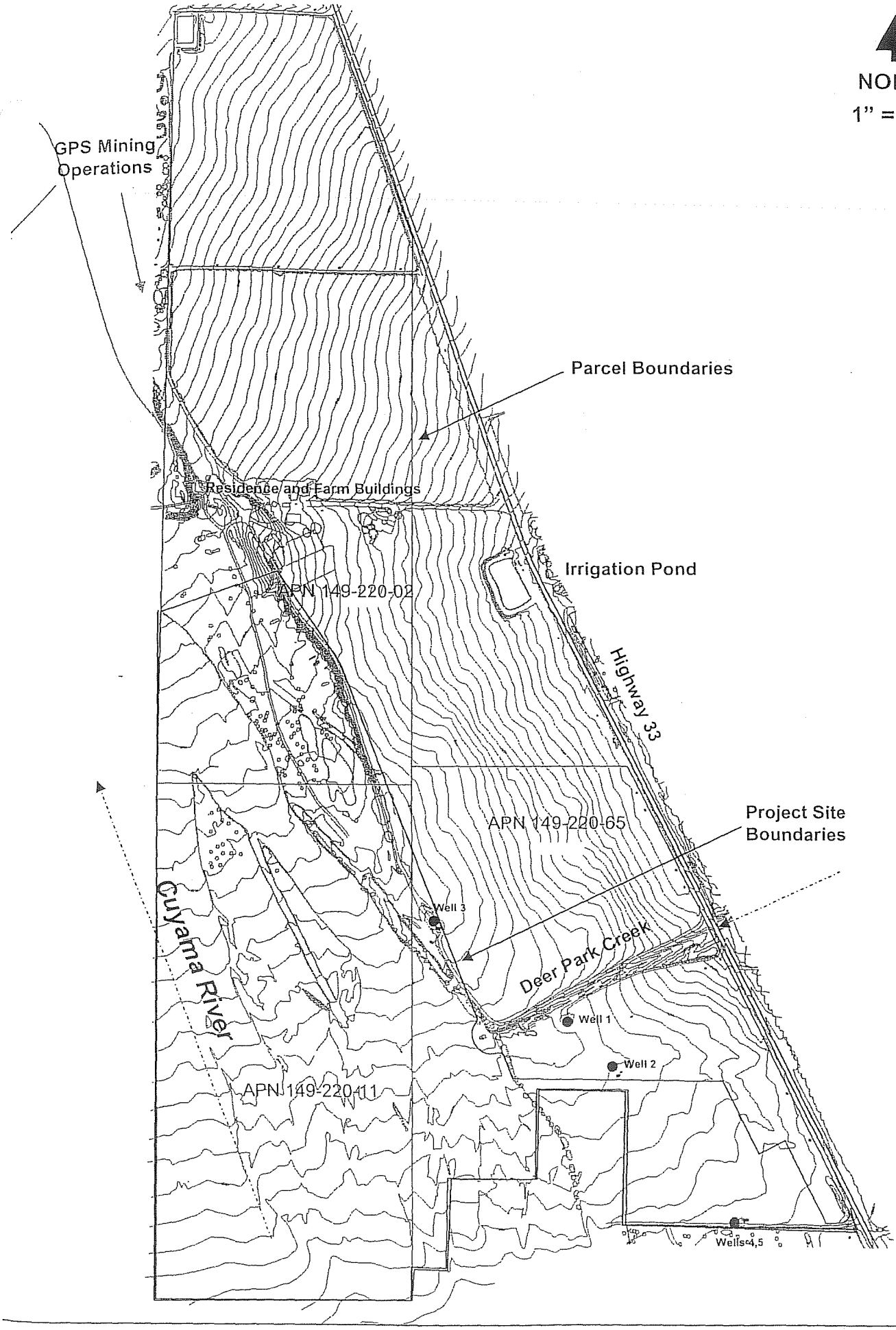
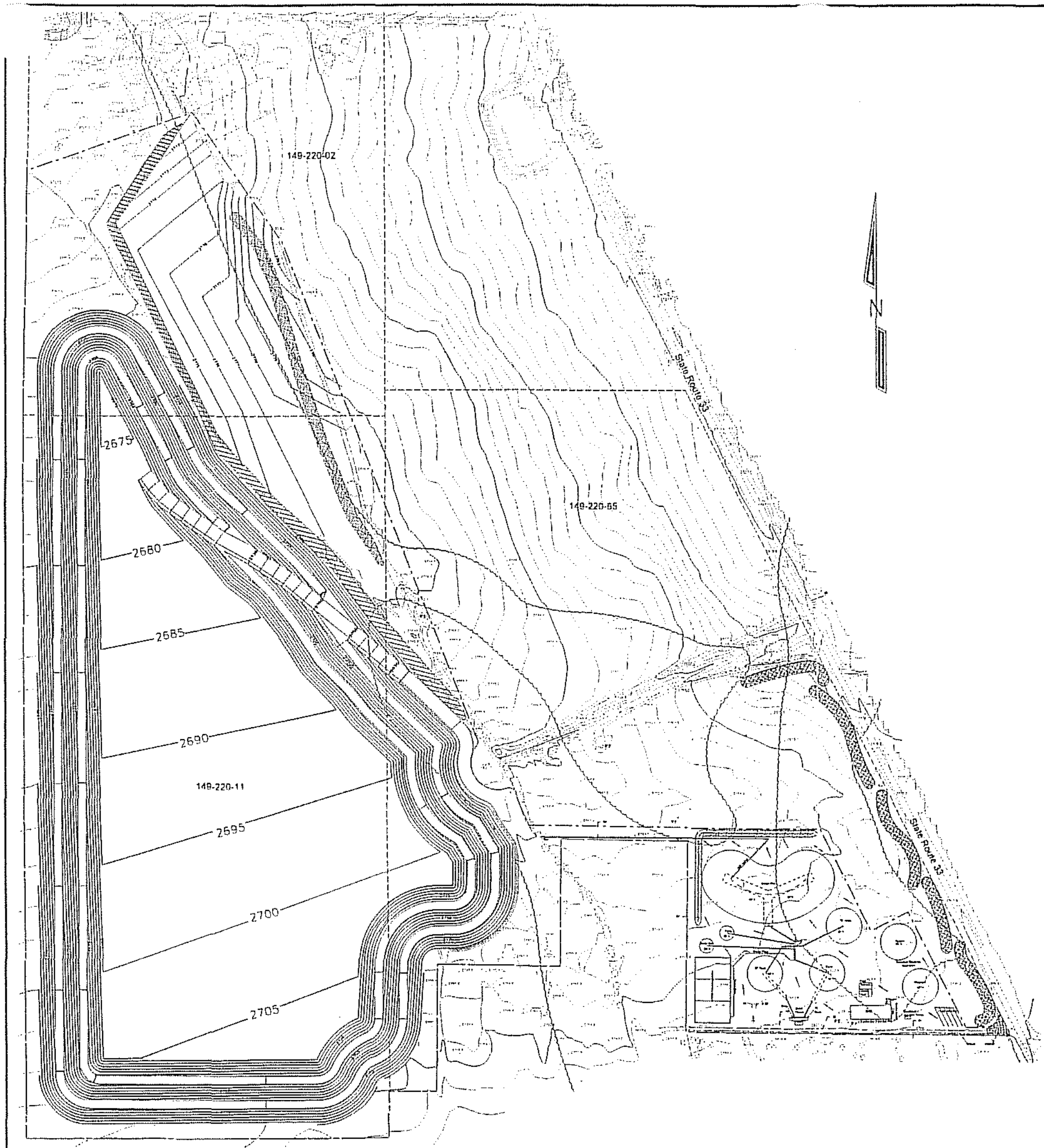
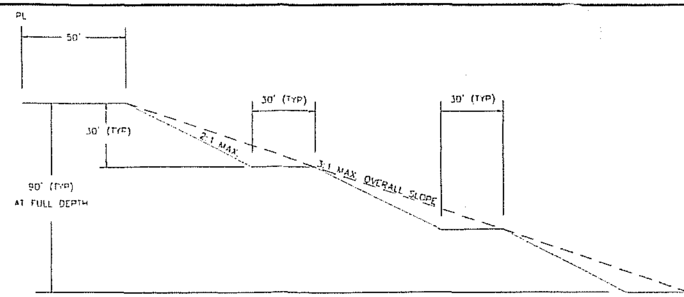


EXHIBIT D

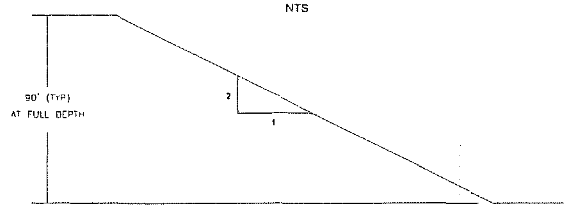
Figure 2-1. Project Site Boundaries





PROPERTY LINE CONTOUR DETAIL

NTS



INTERIM SLOPE DETAIL

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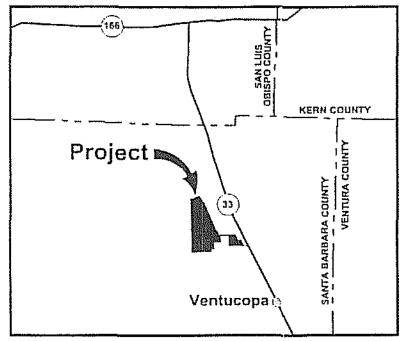


VICINITY MAP

NTS

NOTES:
ALL SETBACKS FROM PROPERTY LINE ARE TO BE A MINIMUM OF 50 FEET.

LEGEND

- Internal Access Roads
- Landscaped Berm (For Details, see Landscape Plan)
- Topsoil Salvage Storage Area
- Buried Cars
- Berm Restoration Area
- Stormwater Percolation Swale
- Conveyor
- Assessor Parcel Boundaries
- CUP Boundary, 132.64 Acres
- FEMA, Zone A
- Stormwater Flow
- Water Wells

GROSS TONNAGE BY PHASE

PHASE	DURATION @ 500,000 TONS PER YEAR	TONNAGE @ 1.5 tons per CY	CY
PRE-PRODUCTION	1.4 YEARS	690,000	460,000
1 CUT1 LIFT1	3.3 YEARS	1,640,000	1,090,000
1 CUT1 LIFT2	2.5 YEARS	1,230,000	820,000
1 CUT1 LIFT3	1.9 YEARS	960,000	640,000
1 CUT2	5.9 YEARS	2,970,000	1,980,000
1 TOTAL	13.6 YEARS	6,800,000	4,530,000
2	12.7 YEARS	6,330,000	4,220,000
GRAND TOTAL	27.7 YEARS	13,820,000	9,210,000

SCALE
200 0 200 400

CONTOUR INTERVAL: AERIAL – 2 FT.
DESIGN – 5 FT.

Sources:
Topography; Golden State Aerial Surveys, S.L.O. CA, 7/17/02
Mining Plan Contours; Daniel J. Pellow Consulting, P.E. Civil, No. C28164, Exp. 3/31/06, Glendora CA, 6/12/03
Agricultural Restoration Area Contours; Daniel J. Pellow Consulting, P.E. Civil, No. C28164, Exp. 3/31/06, Glendora CA, 6/12/03
All other Details; West Coast Environmental, Ventura CA, 6/12/03

WEST COAST ENVIRONMENTAL AND ENGINEERING

Project Site Plan
Diamond Rock Aggregate Mine
And Processing Facility
Trotter Ready Mix, Inc.
Maricopa, California

FIGURE 4

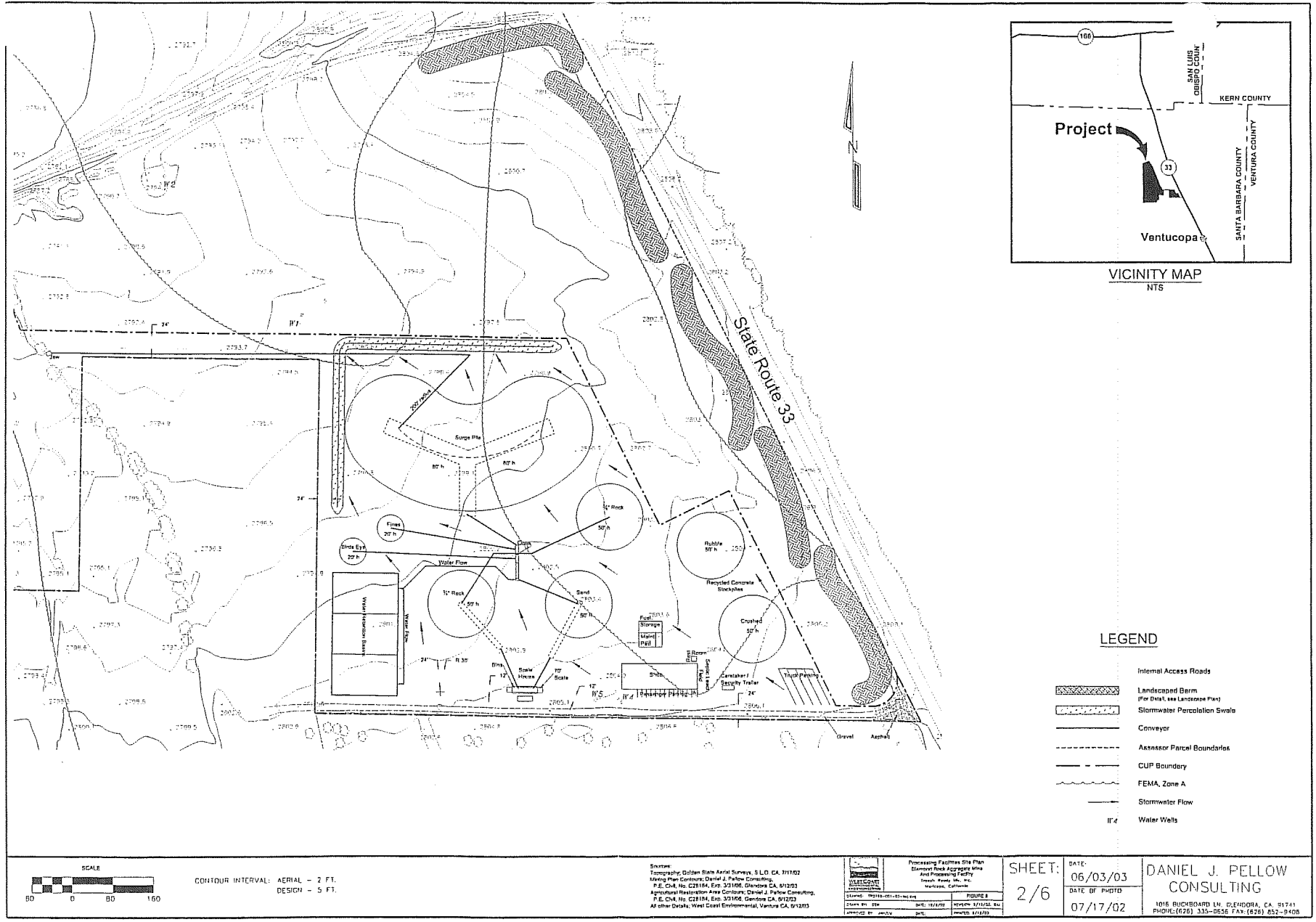
SHEET: 1/6

DATE: 05/17/03

DATE OF PHOTO: 07/17/02

DANIEL J. PELLOW CONSULTING
1016 BUCKBOARD LN. GLENDORA, CA. 91741
PHONE:(626) 335-0656 FAX:(626) 852-9405

EXHIBIT E



VICINITY MAP
NTS

SCALE
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CONTOUR INTERVAL: AERIAL – 2 FT.
DESIGN – 5 FT.

Sources:
Topography, Golden State Aerial Surveys, S.L.O. CA, 7/17/02
Mining Plan Contours: Daniel J. Pellow Consulting, P.E. CMI, No. C28184, Exp. 3/31/05, Glendora CA, 6/12/03
Agricultural Restoration Area Contours: Daniel J. Pellow Consulting, P.E. CMI, No. C28184, Exp. 3/31/05, Glendora CA, 6/12/03
All other Details: West Coast Environmental, Ventura CA, 6/12/03

Processing Facilities Site Plan
Diamond Rock Aggregate Mine
And Processing Facility
French Ranch Un., Rd.
Maricopa, California

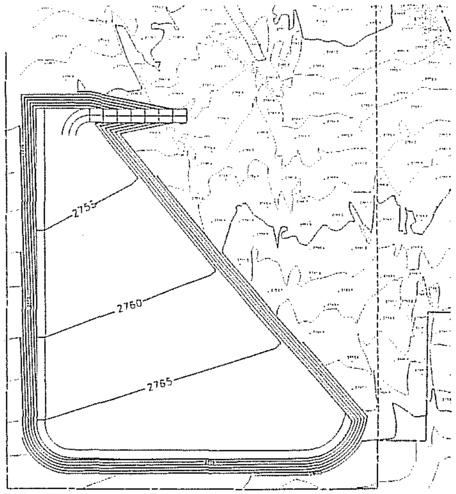
FIGURE 8

SHEET: 2/6

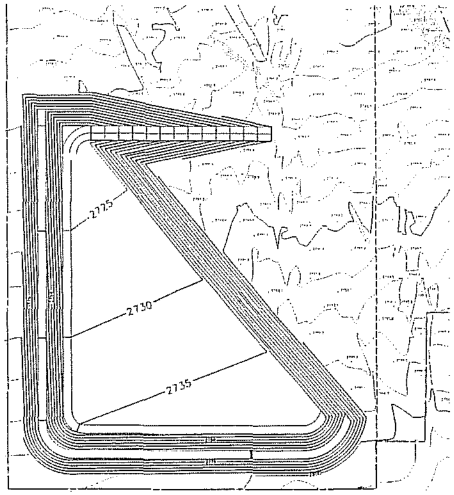
DATE: 06/03/03
DATE OF PHOTO: 07/17/02

DANIEL J. PELLOW CONSULTING
1015 BUCKBOARD LN. GLENDORA, CA. 91741
PHONE:(626) 335-0656 FAX:(626) 852-9408

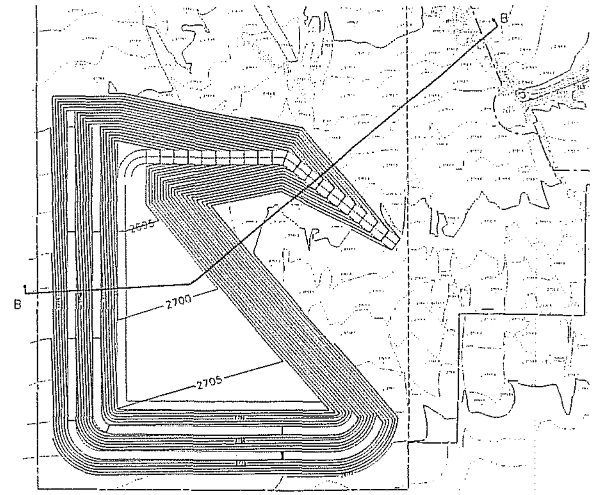
EXHIBIT F



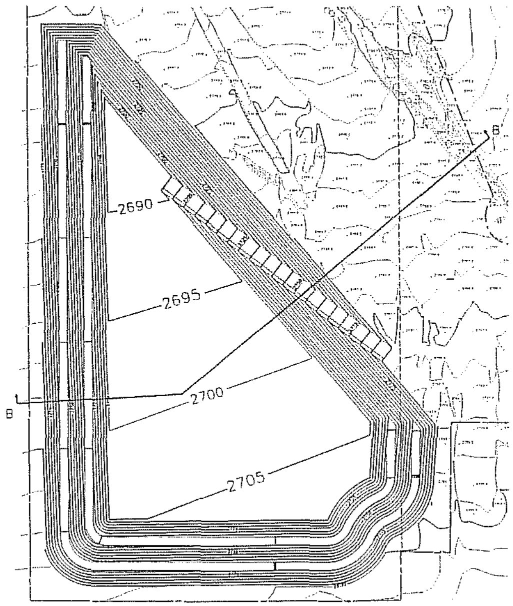
Phase 1 Cut 1 Lift 1



Phase 1 Cut 1 Lift 2



Phase 1 Cut 1 Lift 3



Phase 1 Cut 2

N

GROSS TONNAGE BY PHASE

PHASE	DURATION	TONNAGE	CY
PRE-PRODUCTION	1.4 YEARS	690,000	460,000
1 CUT1 LIFT1	3.3 YEARS	1,640,000	1,090,000
1 CUT1 LIFT2	2.5 YEARS	1,230,000	820,000
1 CUT1 LIFT3	1.9 YEARS	960,000	640,000
1 CUT2	5.9 YEARS	2,970,000	1,980,000
1 TOTAL	13.6 YEARS	6,800,000	4,530,000
2	12.7 YEARS	6,330,000	4,220,000
GRAND TOTAL	27.7 YEARS	13,820,000	9,210,000

B——B' Cross Section Trace See Sheet 5 for Detail

Assessor Parcel Boundaries

CUP Boundary

SCALE

200 0 200 400

CONTOUR INTERVAL: AERIAL – 2 FT.
DESIGN – 5 FT.

Sources:
Topography: Golden State Aerial Surveys, S.L.O. CA, 7/17/02
Mining Plan Contours: Daniel J. Pellow Consulting,
P.E. Civil, No. C28164, Exp. 3/31/06, Glendora CA, 6/12/03
Agricultural Restoration Area Contours: Daniel J. Pellow Consulting,
P.E. Civil, No. C28164, Exp. 3/31/06, Glendora CA, 6/12/03
All other Details: West Coast Environmental, Ventura CA, 6/12/03

WEST COAST

Mining Plan - Phase 1
Diamond Rock Aggregate Mine
And Processing Facility
Troesh Ready Mix, Inc.
Maricopa, California

FIGURE 6

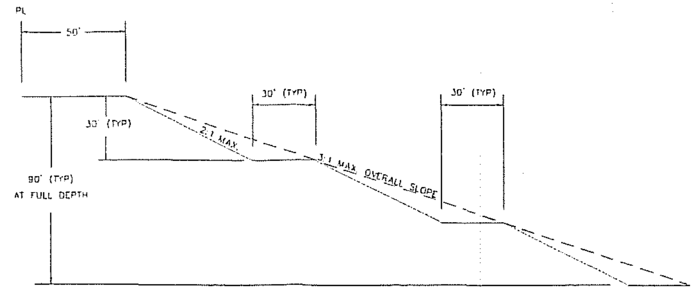
SHEET: 3/6

DATE: 05/17/03

DATE OF PHOTO 07/17/02

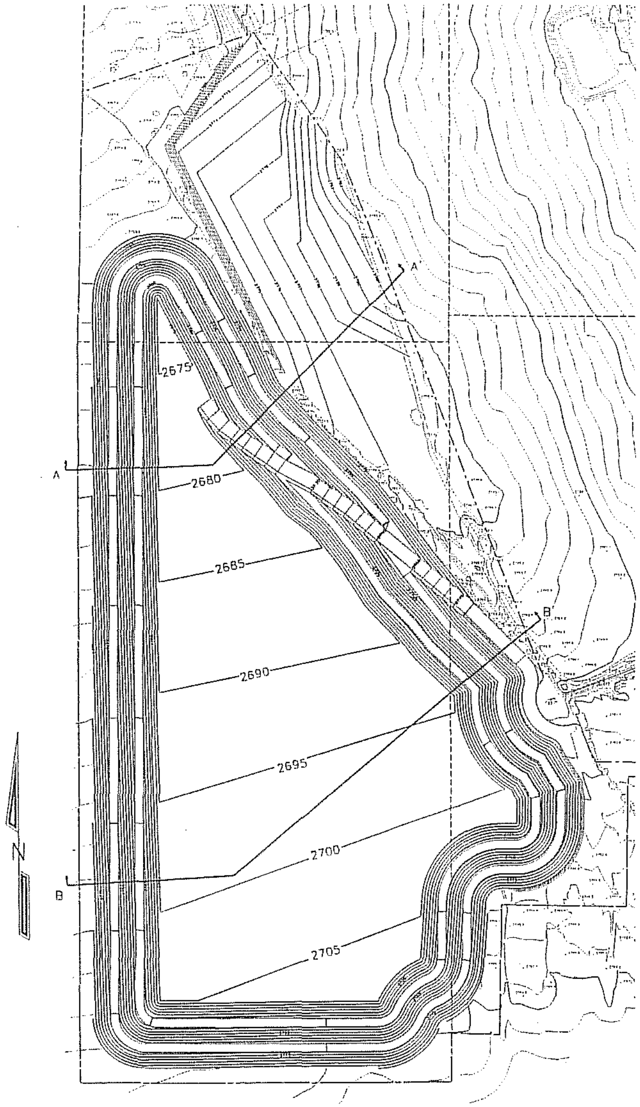
DANIEL J. PELLOW CONSULTING

1016 BUCKBOARD LN. GLENDORA, CA. 91741
PHONE: (626) 335-0656 FAX: (626) 852-9408



PROPERTY LINE CONTOUR DETAIL

NTS



Phase 2

GROSS TONNAGE BY PHASE

PHASE	DURATION	TONNAGE	CY
PRE-PRODUCTION	1.4 YEARS	690,000	460,000
1 CUT1 LIFT1	3.3 YEARS	1,640,000	1,090,000
1 CUT1 LIFT2	2.5 YEARS	1,230,000	820,000
1 CUT1 LIFT3	1.9 YEARS	960,000	640,000
1 CUT2	5.9 YEARS	2,970,000	1,980,000
1 TOTAL	13.6 YEARS	6,800,000	4,530,000
2	12.7 YEARS	6,330,000	4,220,000
GRAND TOTAL	27.7 YEARS	13,820,000	9,210,000

B —— B' Cross Section Trace See Sheet 5 for Detail

- - - - - - Assessor Parcel Boundaries

—— - —— CUP Boundary

SCALE

200 0 200 400

CONTOUR INTERVAL: AERIAL ~ 2 FT.
DESIGN ~ 5 FT.

Sources:
Topography; Golden State Aerial Surveys, S.L.O. CA, 7/17/02
Mining Plan Contours; Daniel J. Pellow Consulting,
P.E. Civil, No. C28184, Exp. 3/31/06, Glendora CA, 6/12/03
Agricultural Restoration Area Contours; Daniel J. Pellow Consulting,
P.E. Civil, No. C28184, Exp. 3/31/06, Glendora CA, 6/12/03
All other Details; West Coast Environmental, Ventura CA, 6/12/03

Mining Plan - Phase 2
Diamond Rock Aggregate Mine
And Processing Facility

FIGURE 7

SHEET: 4/6

DATE: 05/17/03

DATE OF PHOTO: 07/17/02

DANIEL J. PELLOW CONSULTING

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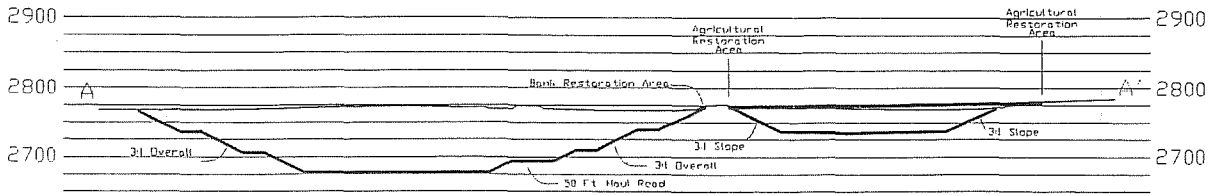
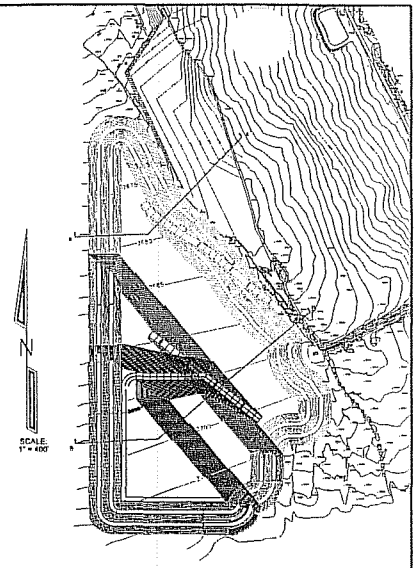
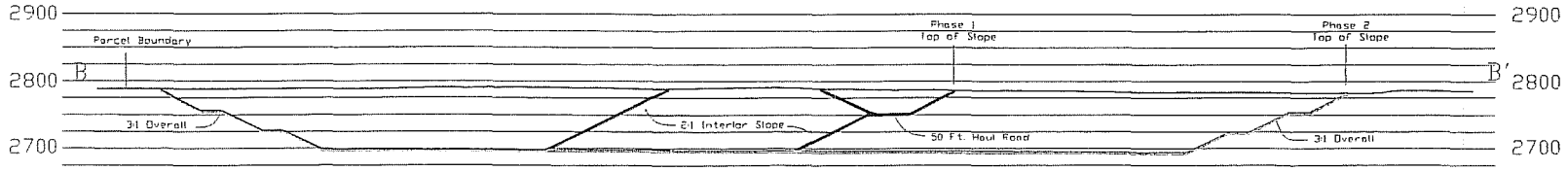
EXHIBIT H

CROSS-SECTION A-A'





CROSS-SECTION B-B'



Legend

Existing Ground	———
Phase 1 - Cut 1	———
End of Phase 1	———
End of Phase 2	———
Ag. Restoration Fill	———
Ag. Restoration Excavation	———

Notes

All slopes to be cut per sheet 1 details.

SCALE
80 0 80 160

Sources:
Topography: Golden State Aerial Surveys, S.L.O. CA, 7/17/02
Mining Plan Contours: Daniel J. Pellow Consulting,
P.E. Ch4, No. C28184, Exp. 3/31/05, Glendora CA, 5/12/03
Agricultural Restoration Area Contours: Daniel J. Pellow Consulting,
P.E. Ch4, No. C28184, Exp. 3/31/05, Glendora CA, 5/12/03
All other Details: West Coast Environmental, Ventura CA, 5/12/03

Mining Plan Cross Sections
Diamond Rock Aggregate Mine
And Processing Facility
Tract, Reds, Mt., Inc
Ventura, California

FIGURE 8

SHEET: 5/6

DATE: 06/11/03
DATE OF PHOTO: 07/17/02

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EXHIBIT I

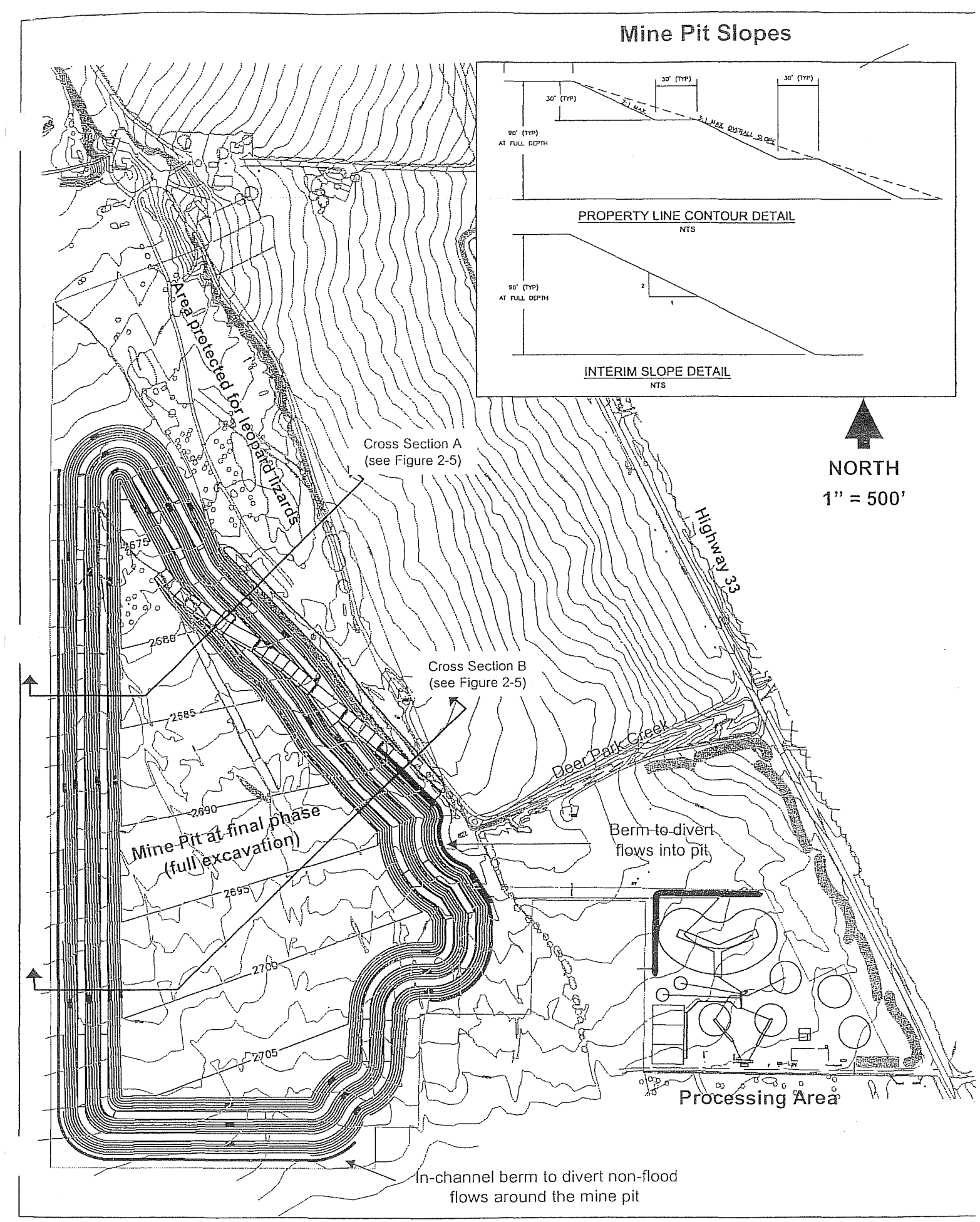

EXHIBIT J

Figure 2-4. Proposed Final Mining Plan (Phase 2 – Full Excavation)

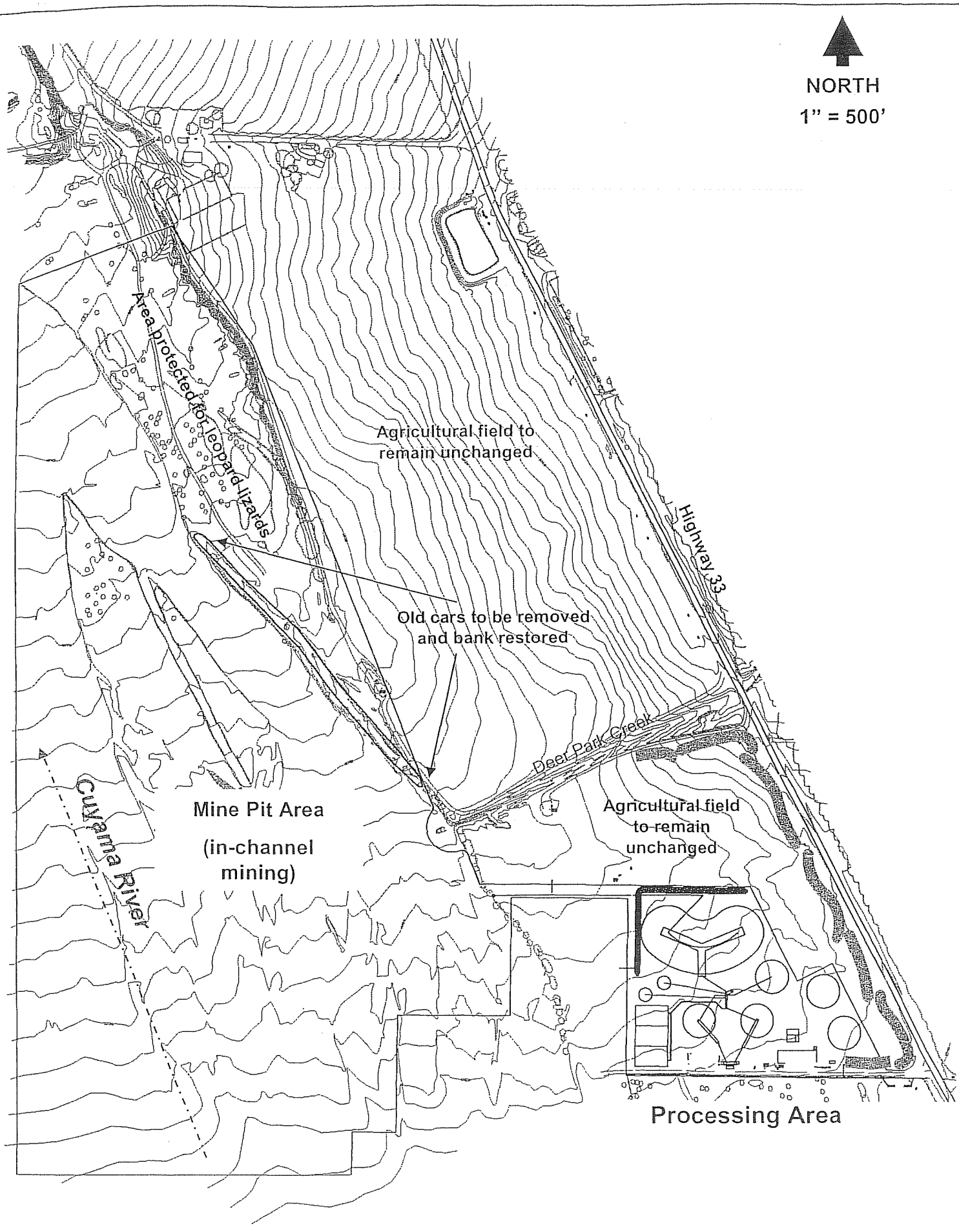

EXHIBIT K

Figure 2-3. Overview of the Proposed Facilities