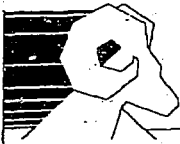


Attachment 5

2002 Correspondence to and from the US Army Corps



RAM ENVIRONMENTAL
ENGINEERING
SERVICES, INC.

July 31, 2002

James E. Mace, Dr. Env. c.
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

**RE: Southwest Ready Mix, Sec. 404 Permit
Project No.: 200708**

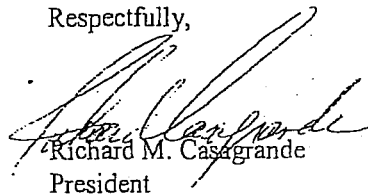
Dear Mr. Mace:

Thank you for meeting with representatives of GPS River Rock Products (GPS) on Friday, July 26 at your office in Ventura. At that time we discussed the mining activities currently being conducted by the company and whether those activities require authorization by the Army Corps. of Engineers below the high water mark.

As stated by Mr. Rusty Risi, Vice President of GPS, the operation excavates from the Cuyama River (dry) rock and sand into trucks that bring the material up to conveyors and crushers for processing far outside the high water mark. Material is taken out, never brought back into the stream, nor stockpiled below the high water mark. RAM provided SPCC plans and Business Plans to Santa Barbara County Fire Department and the Reclamation Plan to the SMARA office of the Santa Barbara County Planning Department and therefore has complete knowledge of the company operations. Based on the above information and knowledge, RAM believes that their activity is not covered by the Army Corp. of Engineers 404 permitting process. Should laws be promulgated on reinterpreted in this matter, we will revisit this issue at that time.

Thank you for your efforts in interpretation and review of GPS Operations. Your timely written response for concurrence with this letter will be greatly appreciated.

Respectfully,



Richard M. Casagrande
President

RMC:tah

cc: Mr. Rusty Risi - GPSRR
Mr. Larry Appel - Santa Barbara Co. Planning (SMARA)



U.S. Army Corps of Engineers
Los Angeles District
Regulatory Branch

James E. Mace, Dr.Env.c.
Environmental Scientist and Engineer
Regulatory Project Manager

2151 ALESSANDRO DRIVE, SUITE 110 VENTURA, CA 93001
hone (805) 585-2146 jmace@spl.usace.army.mil fax (805) 585-2154

nde@ram-env.com>

15:06
S. RiverRocks products.Ventucopa,Ca.

-----Original Message-----

From: Richard Casagrande
Sent: Thursday, September 12, 2002 12:04 PM
To: Richard Casagrande
Cc: Rusty Risi (E-mail)
Subject: RE: 404 mining operation: G.P.S. RiverRocks products.Ventucopa,Ca.

-----Original Message-----

From: Richard Casagrande
Sent: Thursday, September 12, 2002 11:57 AM
To: Larry Appel (E-mail)
Cc: Rusty Risi (E-mail)
Subject: FW: 404 mining operation: G.P.S. RiverRocks products.Ventucopa,Ca.

-----Original Message-----

From: Mace, James E SPL [<mailto:James.E.Mace@spl01.usace.army.mil>]
Sent: Thursday, September 12, 2002 9:45 AM
To: Richard Casagrande
Subject: RE: 404 mining operation: G.P.S. RiverRocks products.Ventucopa,Ca.

Mr. Casagrande,

The mining activity referenced in your attached email would not require a Section 404 Clean Water Act authorization from the Corps of Engineers. Under current law, the Corps only regulates the discharge of dredge or fill materials within jurisdictional waters of the United States. Mining through "clean" excavation is not currently considered a discharge of dredge or fill materials, and as such, is not a regulated activity. Should your client decide to stockpile materials within the Ordinary High Water Mark in the future, please be advised that would require a permit. Please also be advised other law, such as a Streambed Alteration Agreement through the Department of Fish and Game, or a Section 10 take permit through the Endangered Species Act, among others, may still apply to the mining activity. This email only informs you the work would not require a Section 404 permit.

Thank you for participating in our Regulatory Program.

Jim Mace

James E. Mace
Regulatory Project Manager
U.S. Army Corps of Engineers
Los Angeles District

9/12/02