

September 15, 2008

# 77

Via Facimile

Santa Barbara Board of Supervisors  
105 East Anapamu Street  
Santa Barbara 93101  
Facsimile (805) 568-2249

**RE: Diamond Rock Sand and Gravel Mine**

LATE  
DIST

Honorable Supervisors,

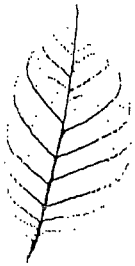
I submit these supplemental comments on behalf of Appellant, Save Cuyama Valley (SCV), on whose behalf I urge you not to finally approve the Project. SCV has already submitted extensive comments and expert testimony establishing that the Final Environmental Impact Report (FEIR) is fatally flawed and therefore must be revised. These supplemental comments demonstrate that some of the proposed Findings in Support of Project approval are not supported by substantial evidence and proposed mitigation measures are inadequate.

**Findings in support of the project approval are not supported by substantial evidence:**

- Although the County recognizes that the project could potentially cause sediment deficit in the Cuyama River, according to proposed findings, this potentially adverse impact can be fully mitigated by requiring semi-annual inspection of the river bottom. According to the proposed finding, with project lay-out modifications and "other appropriate evaluation and control measures," these impacts [caused by sediment deficit, i.e. "hungry water"] can be reduced to a less than significant level.

The record does not support these contentions. There is insufficient analysis or other analysis in the record to support the contention that a significant sediment deficit can be avoided or adequately mitigated if all three proposed sand and gravel mines are in operation. Moreover, the County has not clearly articulated what level of scouring would be considered acceptable, accordingly, it is impossible to confidently determine whether all adverse impacts will be reduced to less than significant.

- One of the environmentally superior alternatives considered by the County is the **Reduced Mining Depth alternative**, which would result in reduced production, but would ensure groundwater quality would be protected by ensuring that mine operations would not be conducted below the



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groundwater level. The County readily admits that this alternative is environmentally superior because it decreases the potential for encountering groundwater during mine operation and would also reduce the likelihood that significant sediment deficit in the river would result in significant adverse hydraulic impacts (headcutting, erosion, interference in sediment transport, etc.)

In rejecting this alternative, the County relies principally on two arguments: that the Reduced Mining Depth Alternative may not substantially increase aggregate supplies in the project region, and implementation of this alternative is not required because even at the proposed mining depth of 90 feet, the mining operation would not result in significant impacts. These arguments are without merit and do not amount to "substantial evidence."

First, the record is devoid of any analysis or data to support the conclusion that reducing the mining operation depth would substantially decrease the amount of aggregate available in the region. Moreover, the County has failed to prove that the proposed Diamond Rock mine must substantially increase the amount of locally available aggregate. As the County is aware, the GPS mine is proposing an expansion, and other proposed and existing sand and gravel mines can out-produce the proposed Diamond Rock mine.

More importantly, it should be noted that the proposed conditions of approval for Diamond Rock includes Mitigation Measure 64, which requires that the mine pit not be excavated to ground water level, and stay at least an average of 6 feet above ground water level at all time. In essence, this mitigation measure, which the County views as feasible, is designed to protect groundwater quality by ensuring that mining operation will conduct at a sufficiently shallow depth to avoid contact with groundwater. Yet, it would appear that by rejecting a reduce-depth mining alternative as infeasible, the County has undermined its own conclusion that the above-described mitigation measure can feasibly avoid significant adverse impact on groundwater resources. The County cannot have it both ways: it cannot on the one hand try to reassure that the public that Diamond Rock would not compromise water quality by ensuring that operations would not encounter groundwater, while at the same time maintain that to do so would be economically or otherwise infeasible.

Thank you,

  
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