

September 23, 2008

Testimony to the County of Santa Barbara, Board of Supervisors,
Diamond Rock Mine Appeal Hearing:

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Mr. Chairman and members of the Board, my name is David White, and I am the Environmental Manager for Granite Construction Company's Santa Barbara Branch. Our current project on Highway 166 includes the rebuilding of just 15 miles of State Highway 166, and required more than 80,000 tons of asphalt delivered from Bakersfield, 60 miles away. That equates to four hours of truck haulage for every single load, which required more than 3,300 round truck trips totaling almost 400,000 trucking miles, and consumed nearly 100,000 gallons of diesel fuel. Perhaps 75% of these impacts and costs could have been avoided by having a local rock source.



There can be no doubt that we need new aggregate and hard rock mines just to maintain our existing road network. With an average road life of less than ten years, it will be less than a decade before this same stretch of road must again be repaved. These are high-bulk, low cost materials; but we can not do without them and their cost typically doubles for every 30 miles they are transported. If there had been a local quarry able to supply that material, we could have cut down on the truck traffic, the wear and tear on our roads, and of course, we could also have cut the diesel emissions from that long haul. It is ironic, that the maintenance of a 15-mile stretch of road in Cuyama caused impact to roads and traffic and air quality as far away as Bakersfield, and to all points in between. We therefore have impacts to other communities in order to maintain our local roads.

Santa Barbara County needs more mineral resources, and the Diamond Rock Mine location is strategically sited to serve the northeast portion of the county. In order to best serve our communities, mineral resources must be developed locally, and that means that ALL of us need to have a local source. That really means right in our own back yards. It simply is not economically or environmentally acceptable to haul these materials from remote locations, especially when we are blessed with these natural resources right here in our own county.

We live in a scenic area, so everyone has a view which they love and a way of life they want to preserve. However, it is a hard fact that geologic materials must be developed where they are found. That may not always be convenient or comforting to the neighbor of a quarry, but it is essential to our communities, and it can not be avoided. The mineral industry struggles to find and develop mineral reserves because there are virtually no locations where someone is not impacted by the business of extraction, processing and transportation to market.

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THE RESULT IS THAT WE ALL PAY MORE, and that is not always reasonable, especially when there are local sources of construction materials which can serve our community. With fuel prices and air quality becoming more and more important, it is irrational not to develop local mineral sources.

I ask this board to deny this appeal, and approve the Diamond Rock Mine Project.

THANK YOU.

David J. White
Environmental Manager



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San Luis Obispo COASTKEEPER®

September 21, 2008

Supervisor Salud Carbajal, Chair
Board of Supervisors
105 E. Anapamu Street
Santa Barbara, CA 93101

VIA FACSIMILE: 805-⁵⁶⁸⁻²²⁴⁷781-1350 and email.

Subject: Agenda Item 10 / Diamond Rock Sand and Gravel Mine Appeal

Coastkeeper Position: Approve Appeal (08APL-00000-00024)

Chair Carbajal and Honorable Supervisors,

On Tuesday September 23 your Board is scheduled to consider an appeal by San Luis Obispo COASTKEEPER® member group "Save the Cuyama Valley" (08APL-00000-00024). I am writing to urge that you support the appeal and reject the staff recommendations.

San Luis Obispo Coastkeeper®, a program of Environment in the Public Interest, is organized for the purpose of ensuring that the public has a voice with Government officials responsible for enforcing water quality, watershed, land use planning, and environmental regulations on the California Central Coast. As such, the SLO Coastkeeper and our 800 central coast supporters in both SLO County and Santa Barbara County, including the citizen group "Save the Cuyama" are concerned that the proposed CUP, Mitigation Monitoring Plan, and FEIR fail to fully disclose to your Honorable Board and the public the environmental affects of the proposed mine.

Our reasons why the CUP, RRP, and FEIR should be rejected are outlined in our Appeal Document, the expert opinion letters of Hugo Loaiciga, Ph.D., P.E. and Robert Curry, Ph.D., as well as the supplemental comment of our attorney Babak Naficy (included in your packet).

However, should your Board feel that you must approve the Diamond Rock project, we urge you to consider adding the following conditions of approval:



1. Drainage, Erosion and Water Quality Conditions.

- A. To improve monitoring of project impacts likely to affect the local groundwater water table, we suggest one additional water table monitoring well placed immediately adjacent to the active pit to identify how close mining extraction is to the "blue-line" (please see September 10, 2008 letter of Dr. Curry). This well should be accessible to County and/or RWQCB personnel without prior notice.

We also request that 2 or more wells that are dedicated to water table monitoring and that establish the regional gradient to or away from the active pit be required. On advice of our expert consultants, we believe one well should be placed on the right bank of the river close to the cottonwoods, and another placed alongside Highway 33 (perhaps on the pistachio orchard property). Access to these wells would be restricted to County and State regulators.

Data from the 3 wells described above should be systematically available to the public and should clearly identify pit excavation depths, observations about rainfall at a company maintained raingage, observations about flow, water in the pit, as well as localized Cuyama river bed observations.

- B. We also request that water quality monitoring needs to be better spelled out than is stated in the EIR. Pit water and water in the near-pit monitoring well should be sampled at a regular interval - not just after floods or fuel spills. We request that Conductivity, Total Dissolved Solids and pH be required to be monitored in the field monthly and recorded along with the well water table depths. These three water quality criteria can be monitored in the well with easily available electronic probes, and the testing can be automated with inexpensive data loggers. Every 6 months on or about the solstices, samples should be collected for laboratory or NRCS government or Regional Board analyses of Boron, conductivity, TDS, and pH; as well as other ions that may be of interest to the RWQCB, such as hydrocarbons.
- C. In addition we urge that the health of the Cottonwoods be monitored. This is done with a device called a "pressure bomb" on a monthly or weekly basis in a hot dry summer but only quarterly in a wet winter. This device is used to record how hard the tree had to work at night to maintain turgor with water in its xylem and phloem. This tells us how close the tree is to wilting and dying due to dropping water tables. With time the readings can be used to establish depth to water table as sensed by the tree roots.
- D. Finally, but perhaps most important is monitoring the river itself. We request 10 carefully monumented and surveyed cross sections of at least the proximal right-bank channel complex into which the mine is to be placed. On advice of our experts, these



cross-sections are to be spaced starting upstream a half mile and continuing to a half mile below the GPS mine. Their spacing should be closer near the mine and farther apart up and downstream. At least two need to go through the mine site itself. Exact locations are a function of accessibility and permanence of monumented end points. These need to be remeasured after years with any significant flow with a 2-year return interval as determined by SB County Flood Control.

2. Water Quality: For the most part the Diamond Rock EIR defers responsibility for mitigation to the Regional Water Quality Control Board through the required Industrial Stormwater Permit process.

However, it would be appropriate for the County to set specific numeric sediment discharge limits and require sediment monitoring reports from the applicant. This will provide the County a clear chain of evidence, should the proposed water quality mitigation measures fail to deliver "less than significant" impacts.

3. Truck Traffic: We request a firm commitment by the County and applicant to prohibit project related truck use of Highway 33 to the south of the mine site. In addition we request that all be required to be tarped when transporting any aggregate materials to or from the mine site.

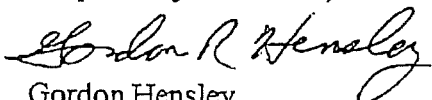
Finally, as a safety consideration, we urge that the project be required to prohibit truck traffic during hours most likely to create conflicts with the transportation of school children to and from area schools.

Conclusion.

For these reasons as well as many of the additional serious issues and questions identified by our group members and the public SLO Coastkeeper and Save the Cuyama believe the project EIR is legally inadequate.

I urge your Board to support the appeal and direct staff and the applicant to correct the deficiencies of the current environmental document before approving the proposed project.

Respectfully Submitted,



Gordon Hensley,
San Luis Obispo COASTKEEPER®



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COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT

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COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

MEMORANDUM

TO: Board of Supervisors

FROM: John Baker, Assistant CEO and Director of Planning and Development

DATE: September 22, 2008

HEARING
DATE: September 23, 2008

SUBJECT: Supplement to the August 26, 2008 Board Letter regarding the appeal of the Diamond Rock Mine Sand and Gravel Mine project by the Save the Cuyama Valley committee.

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INTRODUCTION

This is a Supplement to the Board Agenda Letter dated August 26, 2008. This Supplement replaces in total the discussion regarding Issue # 1 in Section C of the Board Agenda Letter.

Issue #1 – Cumulative Impacts Not Analyzed.

This appeal item indicates that the Final EIR prepared for the Diamond Rock project should have included an evaluation of a proposed mining project known as “Richards Holding.”

CEQA Guidelines Section 15130 indicates that past, present and probable future projects are to be evaluated in an EIR’s consideration of cumulative impacts. Probable future cumulative development projects that are to be considered in an EIR include:

- Approved projects under construction
- Approved projects not under construction, and
- Unapproved projects undergoing environmental review.

In summary, the Guidelines acknowledge the problem of where to draw the line on identifying projects to be considered for cumulative impact evaluation because new projects are constantly being submitted. The Guidelines indicate that a reasonable point at which to limit the consideration of cumulative effects might be after the preparation of the Draft EIR.

In addition to guidance provided by CEQA Guidelines Section 15130, the County *Guidelines for the Implementation of the California Environmental Quality Act of 1970, as amended (November 22, 2005)*, state that “[t]hose projects which have submitted pre-application with a lead agency” should not be included in a cumulative impact analysis “[u]nless these projects’ pre-application data contain a high degree of specificity and a probable time frame....”

CEQA Guidelines Section 15088.5 states that additional project information may be included in the Final EIR without recirculation if the information is not "new significant information." Of relevance to this analysis is CEQA Guideline Section 15088.5(a)(2), which indicates that new significant information includes information that shows there would be a substantial increase in the severity of an environmental impact discussed in the Draft EIR.

Included in this memorandum is additional analysis of potential cumulative effects that may result from the implementation of the Richards Holding project. This analysis shows that for all impact areas except one, the Richards Holding project would not result in significant adverse cumulative environmental impacts. The analysis also shows that for one issue area, which is the air quality threshold of 55 pounds per day of oxides of nitrogen ("NOx"), the Richards Holding project would likely exceed this cumulative impact threshold and potentially result in a Class I impact. This significant adverse impact was identified and discussed for the Diamond Rock project and was also discussed and considered for the GPS project in the cumulative impact analysis section of the Draft and Final EIRs prepared for the Diamond Rock project. Therefore, based on the analysis already provided in the Draft EIR and Final EIR, the new analysis for the Richards Holding project is not new significant information that requires recirculation of the Final EIR.

The cumulative project in question is the Richards Holding project, which was submitted to the County on May 30, 2007, the day the Planning Commission conducted its first hearing on the Diamond Rock project and after the Final EIR for the Diamond Rock project had been prepared. The Richards Holding project application was deemed complete on August 15, 2008, and at the request of the project applicant, the environmental review of the Richards Holding project has not been initiated. The Richards Holding project site is located approximately 1.4 miles north of and downstream of the proposed Diamond Rock mine pit, and approximately 0.5 mile north of and downstream of an existing in-river sand and gravel mine known as the "GPS" project. The GPS project is currently undergoing environmental review to relocate the existing excavation area to a new site in the Cuyama River adjacent to the mine's existing pit. The existing GPS operation, as well as the proposed mine relocation project, were reasonably foreseeable at the time the EIR for the Diamond Rock project was being prepared and the impact analysis provided by the Diamond Rock EIR considers cumulative impacts associated with the GPS project. In general, the Final EIR concluded that the combined operation of the Diamond Rock and GPS projects would not result in significant cumulative environmental impacts, or that potential cumulative impacts could be reduced to a less than significant level. The EIR also concluded that both the Diamond Rock project and the GPS project would result in significant and unavoidable air quality impacts, however, the cumulative air quality impacts of the GPS project would not increase the severity of the air quality impacts associated with the Diamond Rock project.

Since the Richards Holding project was not submitted until after the Final EIR for the Diamond Rock project was prepared, the Diamond Rock Final EIR does not evaluate potential cumulative effects of the Richards Holding project. Although not required by CEQA Guidelines Section 15130 or the County's guidelines for the implementation of CEQA, staff recommends that the following evaluation of potential cumulative impacts associated with the Richards Holding project be added to the Diamond Rock Final EIR to provide as much information regarding

potential cumulative effects as possible. The additional information provided below would be added to the Final EIR as Section 6.4 (Cumulative Impacts of the Richards Holding Project).

ADDITION TO THE FINAL EIR

Section 6.4 (Cumulative Impacts of the Richards Holding Project).

The Richards Holding sand and gravel mine would be located approximately 1.4 miles downstream of the Diamond Rock project site. The mine would encompass approximately 31 acres, of which approximately 23 acres would be located in the Cuyama River. The mine would produce an average of approximately 162,500 tons of material from the River each year, and would have a peak production rate of approximately 500,000 tons per year. For comparison purposes, the Diamond Rock project would have an average production rate of approximately 500,000 tons per year and a peak production rate of approximately 750,000 tons per year. Under average operating conditions, it is estimated that the Richards holding project would generate an average of approximately 25 inbound and 25 outbound truck trips, for a total of 50 truck trips per day. It is anticipated that under peak production conditions, the Richards holding project would be subject to air quality-related truck trip limitation similar to those required for the Diamond Rock project, which would limit the total number of truck trips to approximately 100 per day. Access to the mine site would be provided by State Route 33.

The combined operations of the Diamond Rock and GPS projects could result in possible upstream and downstream river channel erosion impacts, and the analysis of combined project operation impacts concluded that potential downstream effects would likely be limited to at least 1,000 to 2,000 feet of the mine sites based on the geometry of the mine pit and river channel (Final EIR p. 3.1-7, first paragraph). Therefore, downstream effects of the combined mine operations are expected to be localized and would not significantly affect road crossings or other similar infrastructure improvements. A mitigation measure to ensure that combined mine operations do not result in significant erosion impacts has also been required for the Diamond Rock project (EIR Mitigation Measure W-2). The location of the Richards Holding project site 1.4 miles downstream of the Diamond Rock site would minimize the potential for cumulative erosion impacts downstream of the Diamond Rock site. However, the combined mine operations could contribute to a deficit in the amount of sediment transported by the Cuyama River during flood conditions as the separate pits fill and retain sediment from flood flows. This could result in increased downstream sediment suspension and alterations to the river bed. Subsequent environmental review of the Richards Holding project would be required to evaluate and assess the potential for such an impact to occur. If a potentially significant cumulative erosion impact were to be identified, regulatory agencies such as the County and/or Army Corps of Engineers can and should impose measures capable of reducing the cumulative erosion impacts associated with the Richards Holding project to a less than significant level. These measures may include monitoring requirements similar to those required for the Diamond Rock project, modifications to the design of the Richards Holding project, a reduction in the amount of material removed from the river by the project, or denial of the Richards Holding project application. Therefore, it is not anticipated that the combined operations of the Diamond Rock, GPS and Richards Holding projects would result in significant cumulative erosion impacts to the Cuyama River.

The analysis of cumulative biological impacts indicates that the combined operation of the Diamond Rock and GPS projects could result in cumulative impacts related to the loss of alluvial scrub habitat in the river channel; disturbance to wildlife habitat due to noise, dust, traffic and human activity; disruption of wildlife movement in the river corridor; and possible disturbances to the endangered blunt-nosed leopard lizard, sphinx moth and San Joaquin kit fox. Each of these impacts was reduced to a less than significant level on a project-specific basis for the Diamond Rock project. Subsequent environmental review of the Richards Holding project would be required to evaluate and assess the potential for cumulative impacts to sensitive biological resources. If a potentially significant cumulative impact were to be identified, regulatory agencies such as the County, California Department of Fish and Game, U.S. Fish and Wildlife Service, and/or the Army Corps of Engineers can and should impose mitigation measures on the Richards Holding projects capable of reducing potential cumulative impacts to a less than significant level. These measures may include requirements similar to those required for the Diamond Rock project for habitat avoidance or enhancement, modifications to the design or operation of the Richards Holding mine, or denial of the Richards Holding project application. Therefore, it is not anticipated that the combined operation of the Diamond Rock, GPS and Richards Holding projects would result in significant cumulative impacts to biological resource.

Mining operations at the Diamond Rock, GPS and Richards Holding projects would use groundwater for mining-related operations such as material washing and dust control. The County's threshold of significance for groundwater use impacts indicates that if a single project would extract more than 31 acre feet per year from the Cuyama groundwater basin, that project would result in a project-specific and cumulative water supply impact. The impact analysis conducted for the Diamond Rock project concluded that it would not result in a significant project-specific or cumulative water use impact. The Richards Holding project would process less mined material than the Diamond Rock project, and as a result, it is anticipated that the project's water use for processing would be less than Diamond Rock. Whether or not the Richards Holding project would exceed the groundwater use threshold adopted for the Cuyama groundwater basin depends on other factors such as recharge designed into the project and its displacement of agricultural water use. If a significant water use impact were identified for the Richards Holding project, the County would impose conditions to reduce the net water consumption below the Cuyama groundwater basin threshold. Therefore, the Richards Holding project would not result in a cumulative groundwater use impact.

The analysis of cumulative traffic impacts for the Diamond Rock project concluded that under future (2020) cumulative traffic conditions, average daily traffic on State Route 166 in the project vicinity would be approximately 6,300 trips and the highway would operate at level of service "B." Under future cumulative traffic conditions, average daily traffic on State Route 33 in the project vicinity would range between 1,600 trips north of the project site, and 7,800 trips east of State Route 166, and the highway would operate at level of service "A" and "B," respectively (Final EIR Table 3.5-9). Levels of service "A" and "B" denote acceptable levels of service. A significant traffic impact would occur if cumulative traffic would cause a roadway's operation to degrade to, or approach level of service "D" or lower. The Richards Holding project would add a maximum of approximately 100 average daily trips to the highways located near the project site. Such an increase in traffic would not cause either highway to operate at an

unacceptable level. Therefore, the Richards Holding project would not result in a significant cumulative traffic impact.

Mining operations have the potential to result in a substantial increase in ambient noise conditions. The noise impact analysis for the Diamond Rock project indicates that mining operations can result in peak noise levels of approximately 90 dBA measured 100 feet from the noise source. The analysis also indicates that existing ambient conditions plus the Diamond Rock project would result in noise levels of approximately 60.7 dBA CNEL at a residential receptor (Receptor 2) located approximately 1,300 feet east of the Diamond Rock mine site and approximately 3,000 feet east of the GPS mine pit (Final EIR Table 3.6-8). Assuming that the Richards Holding project would generate noise levels similar to the Diamond Rock project (90 dBA at 100 feet), the resulting noise level from operations at the Richards Holding at the receptor east of the Diamond Rock project site would be approximately 53 dBA Leq. Due to the seven dBA difference between noise levels caused by the Diamond Rock project at the nearby receptor (approximately 61 dBA), and noise levels resulting from the Richards Holding project (53 dBA), the combined noise levels at the receptor would be approximately 62 dBA at the receptor and would not cause the County's noise threshold of 65 dBA CNEL to be exceeded. Therefore, it is not anticipated that the Richards Holding project would not result in a significant cumulative noise impact to sensitive noise receptors.

The County's significance threshold for air quality impacts indicates that a project would result in a significant project-specific and cumulative impact if a particular project would result in total emissions of more than 55 pounds per day of ROC or NO_x, or more than 25 pounds per day of ROC or NO_x from vehicle trips only. The analysis of the Diamond Rock project concluded that it would result in a significant and unavoidable air quality impact due to emissions from equipment operated on the project site (Final EIR p. 3.7-16). Therefore, the Diamond Rock project would have a significant project-specific and cumulative air quality impact. The cumulative analysis of potential air quality impacts associated with the GPS project indicates that it would have the potential to result in NO_x emission from on-site mobile equipment and contribute to the degradation of regional air quality. The Richards Holding project would have the potential to contribute to project-specific and cumulative air quality impacts that are similar to those identified for the Diamond Rock and GPS projects. The Richards Holding project will not, however, increase the severity of the air quality impacts of the Diamond Rock or GPS projects. Therefore, the Richards Holding project would not result in a substantial increase in the severity of the air quality impacts identified by the Draft and Final EIR prepared for the Diamond Rock project.

In conclusion, with the implementation of appropriate mitigation measures the Richards Holding project would not result in significant cumulative erosion, biology, water use, traffic or noise impacts. Cumulative air quality impacts of the Richards Holding project would likely be similar to those described for the Diamond Rock and GPS projects. The addition of the cumulative environmental impact information provided above related to the Richards Holding project to the Final EIR prepared for the Diamond Rock project does not present significant new information and does not require the preparation of a subsequent or supplemental EIR, or the recirculation of the Final EIR for the Diamond Rock project.

