

Santa Barbara County Board of Supervisors

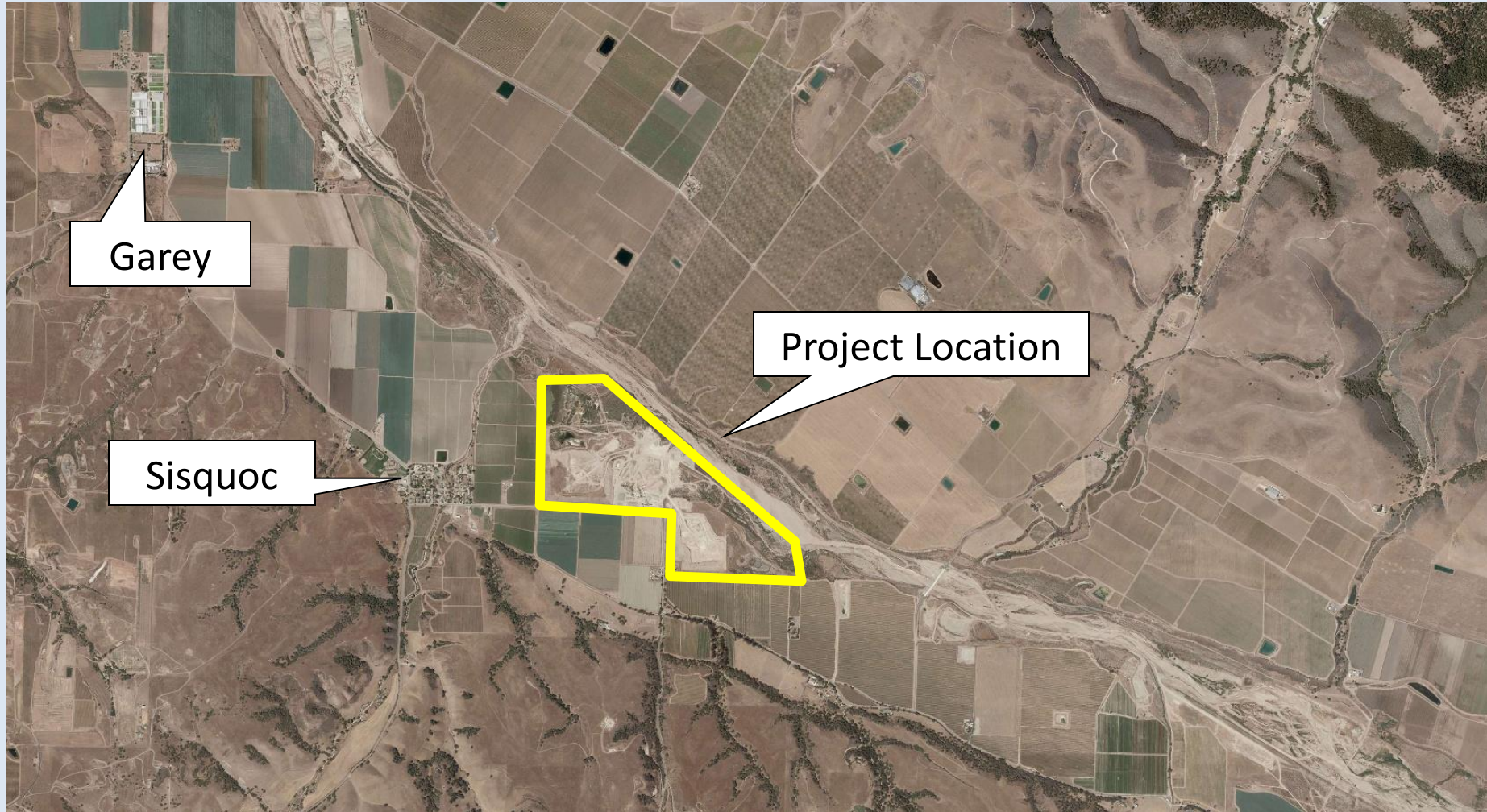
Brand Appeal of the Lehigh Hanson Aggregates Conditional Use Permit Compliance Update

December 9, 2014

Vicinity Map



Project Location



10-year Compliance Review

Condition No. 1 of 86-CP-106 RVO1

The County Planning Commission shall review compliance with this permit every 10 years to ensure that the policies and standards of the Specific Plan and implementing permit conditions are being adequately implemented and are effectively mitigating significant environmental impacts as projected in the project Final EIR. If, during each ten (10) year review, the Planning Commission determines that the conditions imposed on the project are inadequate to effectively mitigate significant environmental impacts caused by the project, the Planning Commission may impose reasonable additions to, or modifications of, project conditions to further mitigate these significant environmental impacts.

Compliance Review Background

- Staff delivered briefings to Planning Commission on July 22nd and September 10th
- Planning Commission moved to receive/file the compliance report on September 10th
- Mr. Brand filed appeal on September 18th

Appeal Issue #1

“Timing of mining, reclamation, habitat mitigation and revegetation.”

“Timing of 5 Year Mining Reclamation Plan reviews and this 10 year compliance review.”

Condition 1: “The proposed phasing for mining and reclamation is summarized in Table 2 in the Specific Plan. The timing identified is an estimate and will vary depending on sales demand, rock versus sand demand, and other factors.”

Appeal Issue #2

“Continuing failure of revegetation attempts.”

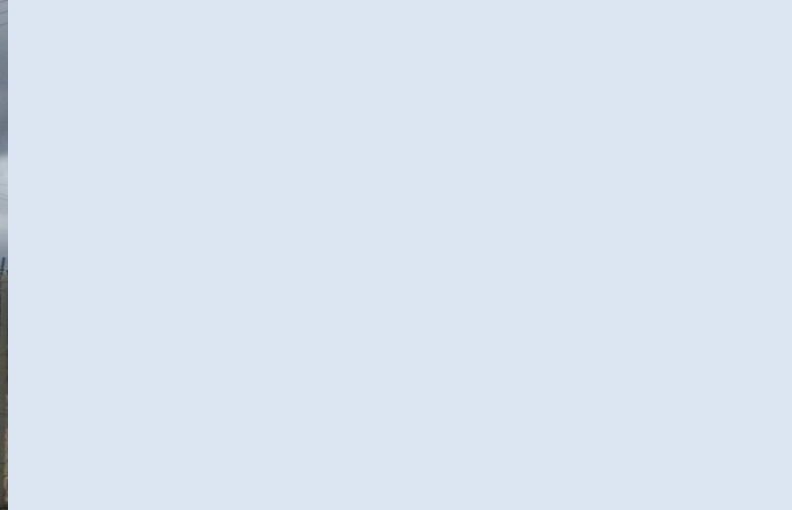
“Failure to establish required wetlands habitat.”

“Failure to establish required screening.”

“Failure to control non-native species as required by approvals.”







Appeal Issue #3

“Pumping to remove large body of water without required approvals in apparent effort to avoid requirement to establish replacement wetlands at ration of 1.5 acres mitigation wetlands to each 1 acre of potential wetlands encountered while mining.”



Appeal Issue #4

“Operating in the Davis Basin without a valid LUP.”

- The applicant is currently operating with valid Land Use Permits (03LUP-00000-00048 and 03LUP-00001-00048) and a Zoning Clearance (13ZCI-00000-00050) for all mining operations within the Davis Basin.

Appeal Issue #5

“Failure to conduct required CEQA analysis.”

“Failure to consider changed circumstances in surrounding environment since original approval, including additional oil production and intensification of nearby agriculture, both resulting in increased impacts to air quality, traffic and water usage.”

“Failure to consider current science and standards regarding diesel emissions.”

Appeal Issue #5

- The California Environmental Quality Act (CEQA) Guidelines Section 15162(c) states:
“Once a project has been approved, the lead agency’s role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval.”

Appeal Issue #6

“Failure to consider effects of listing of California Tiger Salamander as an endangered species in interim since original approvals.”

Condition 35: *To protect species that may be listed as endangered or threatened (Federal or State) in the future, the applicant shall have an agency approved biologist conduct sensitive species surveys of areas approved for mining in the upcoming Periodic MRP....The applicant shall submit proof of compliance with this measure (letter or copy of permit).*

Recommendation

- Deny the appeal, Case No. 14APL-00000-00023, thereby affirming the County Planning Commission's receipt and filing of the staff report and directing staff to return to the Planning Commission in four years (September, 2018) to provide a review of the applicant's permit compliance record, as shown in Attachment A, Planning Commission Action Letter, dated September 12, 2014.
- Determine that no additional CEQA review is required pursuant to CEQA Guidelines Section 15162(c).



5-Year Mining and Reclamation Plans (MRP's)

- Areas to be mined were previously contemplated under the Specific Plan and analyzed in the 1997 EIR
- Comprehensive documentation that addresses five-year mining cycle
- All project Conditions continue to apply
- Reviewed and approved by P&D and Flood Control District staff
- Zoning Clearance