

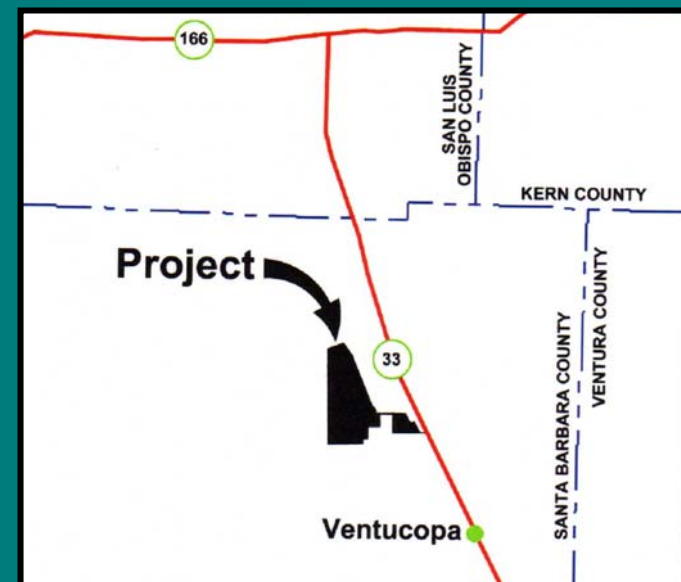


# Save the Cuyama Valley Appeal of the Diamond Rock Mine Project

08APL-00024  
03CUP-00037  
03RPP-00002

County of Santa Barbara  
Board of Supervisors

August 26, 2008



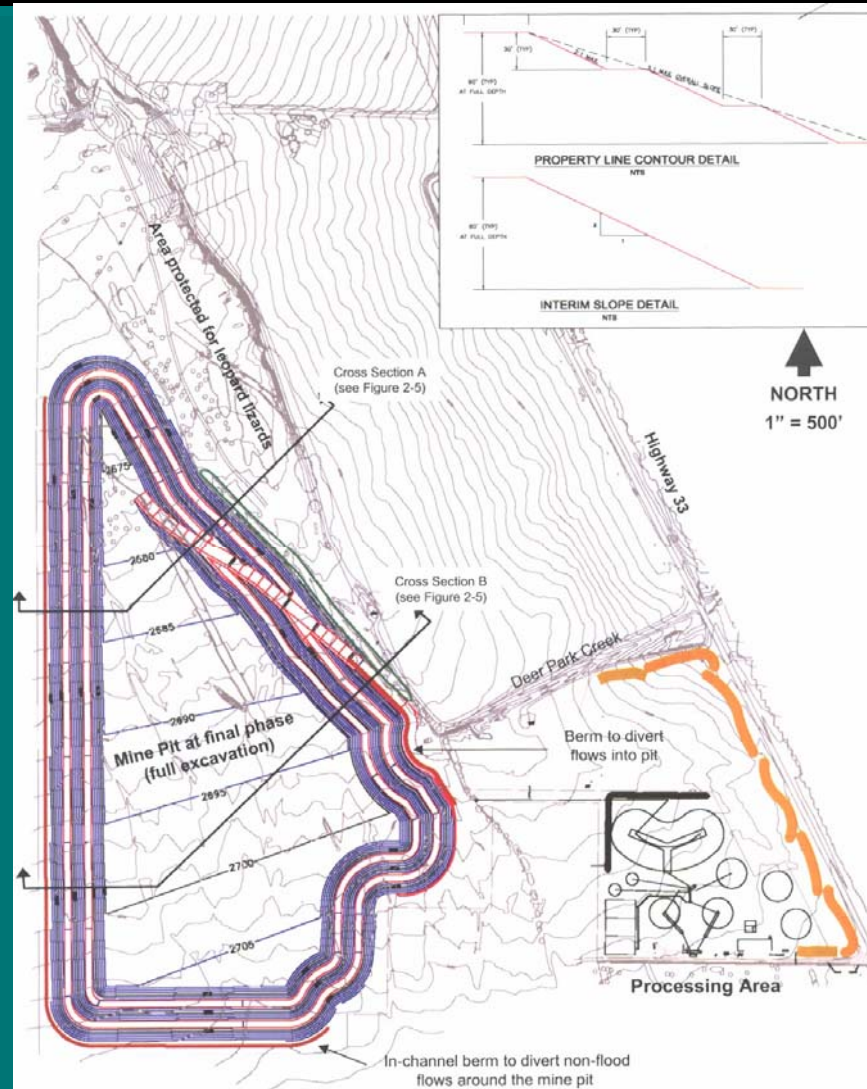


# Project Site





# Proposed Project





# Reclamation Plan

- The Cuyama River would be allowed to fill the mine pit.
- Mine equipment would be removed.
- Agricultural operations would be resumed in the Processing Area.
- Bank restoration.
- Revegetation performance standards.
- The Final Reclamation plan has been approved by the State and was approved by the Planning Commission on May 14, 2008.



# Mine Operations Evaluated by the EIR

Average mine production: 500,000 tons per year.

Peak mine production: 750,000 tons per year.

Actual mine production will be influenced by factors such as market demand and flows in the Cuyama River.

Based on an average production rate of 500,000 tons per year, the proposed mine could operate approximately 30 years.



# Project-Generated Traffic Evaluated by the EIR

	ADT/Typical Production	ADT/Peak Production
Aggregate deliveries	92	138
Recyclable concrete	6	6
Other Trips	4	4
Employees	16	16
<b>Total</b>	<b>118</b>	<b>164</b>



# CUP Condition No. 34

**Limitations on Project Generated Truck Trips.** Truck traffic to and from the Diamond Rock project site shall be prohibited from traveling through Ojai. The truck trips generated by the Diamond Rock mine that the project EIR assumed would travel through Ojai (20 percent of the project-generated traffic) shall not be re-routed in other directions. As a result of this condition, the average and maximum annual project-generated truck trips will be reduced by 20 percent when compared to traffic generation rates evaluated by the project EIR. Condition No. 1 (Project Description) has been revised and reflects the truck trip limitation requirements of this condition.



# CUP Condition No. 34

## Effects of Implementing Condition 34

### Truck Traffic Volumes Reviewed by EIR

Average Conditions: 92 trips/day

Peak Conditions: 138 trips/day

### Truck Traffic Volumes with Condition No. 34

Average Conditions: 74 trips/day

Peak Conditions: 110 trips/day





# Final EIR

## Significant Unavoidable (Class I) impacts:

- Air Quality (NO<sub>x</sub> emissions from on-site equipment operations)



# Final EIR

Significant but Mitigable (Class II) impacts identified by the Final EIR:

- Drainage Erosion and Water Quality
- Geologic Hazards
- Biologic Resources
- Traffic (volume and safety)
- Noise
- Air Quality (traffic emissions)
- Visual Resources



# Policy Consistency

The Diamond Rock Mine project is consistent with the applicable policies of the Comprehensive Plan and the requirements of SMARA.



# Appeal Items

**Evaluation of Cumulative Projects:** The cumulative analysis should have considered the proposed Richards Holding project.



# Appeal Items

*CEQA Guidelines* (Section 15130) requirements for identifying cumulative projects to be evaluated:

- Projects under review by the Lead Agency
- Projects under review by other agencies
- Approved projects under construction
- Approved projects not under construction
- Unapproved projects undergoing environmental review



# Appeal Items

CEQA Guidelines Section 15130 requirements for identifying cumulative projects to be evaluated by an EIR:

- Known projects known when the Notice of Preparation was released.
- The CEQA Guidelines also cite a court interpretation:

The court took note of the problem of where to draw the line on projects undergoing environmental review since new projects are constantly being submitted. A reasonable point might be after the preparation of the Draft EIR. Additional project information could be included in the Final EIR if the new project information does not warrant the preparation of a subsequent or supplemental EIR.



# Appeal Items

**Quality of Life Impacts:** The Staff Report does not respond to comments regarding the project's impact on quality of life.



# Appeal Items

The staff report for the May 30, 2007 Planning Commission hearing addresses the revised “quality of life” impact analysis provided by the Final EIR.

The Final EIR’s revised “quality of life” impact analysis conclusion was based on criteria adopted by the Board of Supervisors rather than subjective criteria used by the Draft EIR.





# Appeal Items

**In-River Sediment Transport.** This item address potential sediment transport-related impacts of the project and refers to letters written by the Environmental Protection Agency and Dr. Hugo Loaiciga, a geography professor at UCSB.



# Appeal Items

The EPA letter predominantly addresses the requirements that must be satisfied before the Army Corps of Engineers can consider issuing a Clean Water Act (Section 404) permit for the Diamond Rock project. The EPA letter is dated April 4, 2004 and does not address the adequacy of the Draft or Final EIR prepared for the Diamond Rock project.

The EPA letter addresses the potential for cumulative erosion and sediment transport impacts that may result from the Diamond Rock and adjacent GPS mine projects. The potential for combined erosion and sediment transport impacts were evaluated by the EIR.



# Appeal Items

Dr. Loaiciga's letter indicates that he disagrees with the EIR's analysis of potential erosion and sediment transport impacts related to:

- Estimates of storm flows in the Cuyama River and Deer Park Creek
- Creation of a sediment deficit in the Cuyama River.
- Identification of impacts from increased erosion.
- Monitoring plan requirements.

*CEQA Guidelines* section 15151 indicates that disagreement among experts does not make the EIR inadequate.



# Appeal Items

- The EIR did not adequately describe project-related increases in truck traffic.
- Condition 34 does not ensure a reduction in truck traffic on SR-33.
- Impacts to special-status plant species.
- Impacts to blunt nosed leopard lizard
- Impacts to groundwater
- Submittal of public comments to the Planning Commission



# Recommendation by Staff

- a. Adopt the required findings for the project specified in the Planning Commission action letter dated May 19, 2008, including the Statement of Overriding Considerations (Attachment A).
- b. Certify 05EIR-00000-00001, in its entirety, as complete and adequate pursuant to the requirements of the California Environmental Quality Act (CEQA), and adopt the mitigation monitoring program contained in the conditions of approval.
- c. Deny the appeal, thereby upholding the Planning Commission's approval of 03CUP-00000-00037 and 03RPP-00000-00002; and
- d. Grant *de novo* approval of Case Nos. 03CUP-00000-00037 and 03RPP-00000-00002 subject to the conditions of approval specified in the Planning Commission action letter dated May 19, 2008 (Attachment A).