

**COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT**

**MEMORANDUM**

TO: County Planning Commission

FROM: Gary Kaiser, Supervising Planner (934-6259)  
Steve Rodriguez, Contract Planner

DATE: April 30, 2008

HEARING  
DATE May 14, 2008

SUBJECT: Additional hearing on the Diamond Rock Sand & Gravel Mine and Processing Facility; Conditional Use Permit 03CUP-00000-00037, and Reclamation Plan 03RPP-00000-00002. APN 149-220-002, -011 and -065, Fifth Supervisorial District.

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**1.0 INTRODUCTION**

A new Conditional Use Permit (03CUP-00037) and Reclamation Plan (03RPP-00002) for the Diamond Rock Sand and Gravel Quarry located in the Cuyama Valley was conceptually approved by your Commission on July 11, 2007. Conceptual approval of the project was required to facilitate a mandatory 45-day review period of the Reclamation Plan by the California Department of Conservation, Office of Mine Reclamation (OMR), and to provide the project applicant with time to make revisions to the proposed Reclamation Plan in response to OMR comments. Proposed changes to the Reclamation Plan are summarized in Section 3.0 of this Memorandum.

The Planning Commission conducted hearings for the Diamond Rock project on May 30 and July 11, 2007, and extensive public testimony was provided. Comments provided during the hearings addressed a variety of issues, but were predominantly focused on truck traffic and traffic safety issues. Other general areas of concern have been in regard to air quality, impacts to sensitive plant and animal species, and impacts to groundwater resources. Responses to the general issue area comments were provided to the Planning Commission in the staff report for the July 11, 2007 project hearing.

In response to numerous comments related to the potential for the Diamond Rock project to result in increased truck traffic on State Route 33 in the Ojai area of Ventura County, a proposed condition of approval (Condition No. 34) precludes project-related traffic from

traveling through the Ojai area. Additional clarification of the requirements and implementation of Condition No. 34 is provided in Section 4.0 of this Memorandum.

Subsequent to the July 11, 2007 project hearing, the *Save the Cuyama Valley* committee submitted a letter to the County requesting information related to the Diamond Rock project. Responses to the committee's questions are provided in Section 5.0.

## **2.0 RECOMMENDATION AND PROCEDURES**

Follow the procedures outlined below and conditionally approve Case Nos. 03CUP-00000-00037 and 03RRP-00000-00002 marked "Officially Accepted, County of Santa Barbara (May 30, 2007) Planning Commission Attachments A through G", based upon the project's consistency with the Comprehensive Plan and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Approve 05EIR-00000-00001 (Attachment C) as adequate to meet the environmental review requirements for this proposal, and adopt the mitigation monitoring program contained in the conditions of approval.
2. Adopt the required findings for the project specified in Attachment A of this staff report, including CEQA findings.
3. Approve Conditional Use Permit 03CUP-00000-00037 and Reclamation Plan 03RRP-00000-00002 subject to the Conditions of Approval included in Attachment B.

Refer back to staff if the Planning Commission takes other than the recommended action for appropriate findings and conditions.

## **3.0 OFFICE OF MINE RECLAMATION COMMENTS**

A copy of the Diamond Rock Reclamation Plan that was conceptually approved by the Planning Commission on July 11, 2008, was provided to OMR for review and comment, and OMR provided their review comments in a letter dated November 8, 2007 (Attachment D). Proposed changes to the Reclamation Plan in response to the OMR comments were outlined in a letter dated February 8, 2008 (Attachment E), and each of the proposed revisions are included in a revised Reclamation Plan dated February 21, 2008 (Attachment F). OMR subsequently provided a letter indicating that the Reclamation Plan revisions described in the February 8<sup>th</sup> letter adequately addressed their review comments (Attachment G).

A summary of the review comments provided by OMR and corresponding changes made to the proposed Reclamation Plan is provided below.

1. **Provide mining initiation and termination dates.** The anticipated mine operation dates have been added to Section 4.3 of the Reclamation Plan. The anticipated mining initiation date is October 1, 2008, and the anticipated closure date is September 30, 2038.
2. **Maximum mining depth.** The elevation of the maximum mine depth (2,675 feet above sea level) has been added to Section 4.4 of the Reclamation Plan.
3. **Project map clarifications.** The project applicant has revised Reclamation Plan Figures 4, 4a, 6 and 7 so that the proposed mine pit contour lines are legible. Figures 4, 6 and 7 now depict mine pit elevation contours that would be developed should the southeastern mine pit boundary be permanently modified pursuant to the requirements of Reclamation Plan Condition of Approval No. 2 (i.e., provide a 900-foot setback from the west bank of the Cuyama River). Figure 4a depicts mine pit contours that would be developed should it be subsequently determined that the 900-foot buffer is no longer required to minimize project-related hydrologic impacts.
4. **Periodic Mine Pit Inspection and Slope Stability.** This first part of this comment was in regard to the stability of the mine pit side slopes, particularly during an earthquake, and recommendations were provided that subsurface conditions within the pit should be inspected by a geologist. A condition of approval (Condition 57) has been added to the Reclamation Plan that requires observation and documentation of subsurface conditions in the mine pit by a registered geologist or engineer. The subsurface conditions report will be required when the mine pit reaches 50 feet in depth, and again at 70 feet and 90 feet. In addition, the condition of approval will require preparation of a slope stability update report every 10 years that the mine is in operation. The condition also requires that the subsurface and slope stability reports identify any modifications to mining operations or the configuration of the mine pit that may be needed to address any identified slope stability or other geologic concerns. All reports must be submitted to Planning and Development for review and approval, and any modifications to mine operations shall be enforced in conjunction with the County's annual SMARA inspections.

The second part of this comment was in regard to potential liquefaction-related impacts to a high pressure natural gas pipeline located approximately 360 feet east of the mine pit that may result from the failure of a mine pit slope. A subsequent evaluation of the potential for liquefaction-related mine slope failures to affect the gas pipeline has been prepared (Hilltop Geotechnical, January 28, 2008). That evaluation concluded that potential project-related slope failure areas would be located at least 142 feet east of the pipeline route. Therefore, the project would not have an adverse effect on the nearby gas pipeline.

5. **On-site storage of mine waste material.** This comment expressed a concern that there may not be adequate area on the project site to store all of the excess sand and

fine material (mine waste) produced by mining activities over the life of the project. Section 4.5.3 of the Reclamation Plan has been amended to limit onsite storage of excess fine material in the processing area to 14,000 cubic yards. It is anticipated local agricultural operations will provide a demand for the remainder of the excess fine material generated by the project.

6. **Exposure of groundwater in the mine pit.** This comment recommended revisions to the Reclamation Plan so that it is consistent with the proposed project's California Department of Fish and Game (CDFG) Draft 1602 permit provisions related to the exposure of groundwater in the mine pit. CDFG has revised Condition No. 15 of the Draft 1602 Agreement so that it now states:

*“The pit shall not be excavated to the level of ground water, and shall stay at least an average of 6 feet above water level. If ground water is encountered, material shall be replaced to a depth of 6 feet, and excavation may continue above that elevation.”*

It is anticipated that native material extracted from portions of the mine site located above ground water would be used to backfill the mine pit if necessary to maintain the required six-foot separation distance from groundwater. For consistency and monitoring purposes, a condition has been added to the Conditional Use Permit (Condition No. 64) and Reclamation Plan (Condition 58) that requires mining operations to remain at least six feet above ground water levels.

- 7a. **River Flow Monitoring Plan.** Conditional Use Permit and Reclamation Plan condition of approval No. 2 (Mine Pit Configuration Revision) requires the applicant to monitor river flows for the first three winters after mining has been initiated. To address this review comment, the “Plan Requirements and Timing” section of Condition of Approval No. 2 has been modified to require that a stream elevation monitoring plan be developed and reviewed by OMR, the County and U.S. Army Corps of Engineers staff prior to approval of a Land Use Permit.
- 7b. **Maintain a 50-foot setback between the mine pit and the low-flow river channel.** The proposed mine pit would be located in the central portion of the river channel and a low flow channel is presently located between the west bank of the River and the proposed mine pit location. CDFG has modified Condition No. 14 of their Draft 1602 Agreement so that if the main low-flow channel on the west side of the river changes its course, or if smaller braids associated with the main low flow channel are created on the west side of the River, approved low-flow control berms could be used to divert the low flow channel and associated small braids away from the mine pit back towards the adjacent west bank of the river. The use of diversion berms in this manner would allow the required 50-foot buffer area between the mine pit and low-flow channel to be maintained.

- 7.c **Modified mine pit boundaries.** Reclamation Plan Figures 4, 6 and 7 now depict the revised configuration of the southeast corner of the mine pit to show the 900-foot setback from the western bank of the river.
8. **Provide a Stormwater Pollution Prevention Plan (SWPPP).** A SWPPP has been prepared for the Diamond Rock project and is generally described in section 4.5.13 of the Reclamation Plan. In addition, Section 6.7 of the Reclamation Plan has been amended to include language describing the Stormwater Monitoring Plan and stormwater percolation swale developed for the project. Prior to ground disturbance, at the project site, a notice of Intent (NOI) must be filed with the RWQCB and a final SWPPP will be developed and submitted to the County. A description of erosion control measures for the mine slope can be found in Section 7.5 of the Reclamation Plan.
9. **Required River Monitoring.** This comment provides suggested refinements to the monitoring requirements of Conditional Use Permit and Reclamation Plan Condition No. 3 (River Channel Survey Requirements). To implement the suggestions provided by OMR, the “Plan Requirements and Timing” section of Condition No. 3 has been modified to require that a River Channel Survey Plan be prepared and provided to the County, OMR and the U.S. Army Corps of Engineers staff for review and approval prior to the approval of a Land Use Permit. At minimum, the plan shall:
- Provide maps depicting the location of monitoring cross section and longitudinal profiles.
  - Indicate where profiles are to be developed, including the documentation of existing conditions prior to the start of mining activities.
  - Identify performance criteria that are to be used to define what and when actions will be taken to mitigate adverse hydraulic conditions.
10. **Show the proposed flood control berm on project plans.** Reclamation Plan Figures 4, 4a, 6 and 7 have been revised to depict the location of the proposed flood control berm. Details of the berm construction are provided in Section 4.5.9 of the Reclamation Plan.
11. **Deer Park Creek grade-control structure.** A hydrologic evaluation for the required Deer Park Creek grade control structure has been completed (Hawks and Associates, February 5, 2008). The evaluation concluded that due to the low flows that generally occur in Deer Park Creek, a sandbag berm approximately two feet above grade would provide the flow control required by Reclamation Plan and Conditional Use Permit Condition No. 5. Condition No. 5 also requires an annual inspection of the diversion structure, which will ensure that the berm is adequately maintained. Upon the cessation of mining activities, the grade control structure will be removed.

12. **Topsoil salvage.** Section 4.5.1 of the Reclamation Plan and Condition No. 1 (Project Description) of the Conditional Use Permit and Reclamation Plan have been revised to indicate that only the soil needed to create the proposed landscape berms along State Route 33 will be removed from the processing area.
13. **Provide a seed mix for the landscape berms.** Section 4.5.2 of the Reclamation Plan has been revised to identify the erosion control seed mix that is to be applied to the proposed landscape berms.
14. **Specify seeding method.** The method of seeding the topsoil berms has been added to section 6.4.6 of the Reclamation Plan.
15. **Identify the location of proposed reseeded areas.** Section 6.4.6 of the Reclamation Plan has been revised to identify all areas that will be reseeded. These areas include: the riverbank restoration area (1.5 acres), landscape berms (1.3 acres), and processing facility area (20 acres).
16. **Weed control measures.** Section 6.4.6 of the Reclamation Plan has been revised to include the weed control measures recommended by this comment.
17. **Revegetation Performance Criteria.** Section 6.4.7 of the Reclamation Plan has been revised to reflect the plant density criteria recommended by this comment.
18. **Statement of Responsibility.** The required statement of responsibility is included in the Reclamation Plan.
19. **OMR notification requirements.** OMR was informed of the May 14, 2008 hearing in accordance with regulatory requirements.
20. **Typographical errors.** The suggested changes have been made to the Reclamation Plan.

#### **4.0 CLARIFICATION OF CUP CONDITION NO. 34 REQUIREMENTS**

Conditional Use Permit Condition No. 34 has been proposed to address several traffic- and air quality-related concerns that could result from project-generated truck traffic in the Ojai area of Ventura County. These concerns were identified based on assumptions by the project EIR that approximately 20 percent of the project-related haul truck traffic would travel through the Ojai area on State Route 33. Specifically, project-related truck traffic air emissions would have the potential to exceed the five pounds per day significance threshold adopted for the Ojai Valley airshed. In addition, project-related trucks would have the potential to result in a significant traffic impact based on peak hour trip generation restrictions adopted by the County of Ventura for State Route 33 in the Ojai area, although the project EIR provided a mitigation measure to reduce potential project-related peak hour trip impacts to a less than significant level.

As conceptually approved by the Planning Commission on July 11, 2007, Condition 34 prohibited project-related truck traffic from traveling through Ojai, which eliminated the potential for the Diamond Rock project to result in the identified air quality and traffic-related impacts. Condition 34 also included conditions that could allow project-related traffic to travel through Ojai in the future. Such conditions included the approval of a mine project by Ventura County that would send traffic into Santa Barbara County, or the implementation of a multi-county agreement related to mine-related traffic distribution. Other provisions of Condition 34 required that if haul truck traffic from the Diamond Rock project were to be allowed through the Ojai area in the future, the number of truck trips would be limited so that air quality thresholds adopted for the Ojai Valley airshed would not be exceeded; and that specified permit modification and notification procedures would be required before the additional truck trips could be allowed.

The implementation of the conceptually approved version of Condition No. 34 and the prohibition of project-related truck traffic through the Ojai area could have the potential to result in project-related traffic distribution characteristics that are different from those evaluated by the project EIR. This could occur if truck trips generated by the project that were assumed to go through the Ojai area were instead redistributed to areas north of the project site. This revised trip distribution pattern was not evaluated by the project EIR because Condition No. 34 was imposed after the Final EIR was prepared. An evaluation of potential air quality and traffic impacts to other counties that could result from the redistribution of project-generated traffic as a result of Condition No. 34 was provided to the Planning Commission as part of the staff report for the July 11, 2007 hearing, and that analysis concluded that reasonably foreseeable revised truck distribution patterns would not result in significant traffic or air quality impacts. However, to ensure that Condition No. 34 does not result in unanticipated significant transportation-related impacts, the project applicant has agreed to reduce the overall haul truck traffic generated by the Diamond Rock project by 20 percent when compared to the truck traffic estimates used by the EIR impact analysis.

With the revised truck traffic generation restriction required by Condition 34, the Diamond Rock project's average daily haul truck trips during typical production year would be reduced from 92 to 74 trips per day, and the average daily haul truck trips during a peak production year would be reduced from 138 to 110 trips per day. With the elimination of truck traffic that was previously assumed to be destined for Ventura County from the project, the Diamond Rock project would not result in traffic-related impacts not previously evaluated by the project EIR, and the project's traffic-related impacts would be reduced when compared to the analysis provided by the project EIR.

The proposed wording for Condition No. 34 that requires a 20 percent reduction in project-related haul truck traffic is provided below.

**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.

In addition to changes related to the truck generation characteristics of the Diamond Rock Project, Condition 34 has been modified to delete parts "a" and "b," which previously described potential future conditions that could potentially allow the Diamond Rock project to send trucks through the Ojai area. With the removal of the part "a" and "b" provisions, part "c" of Condition 34, which previously indicated that any future project-related truck traffic through the Ojai area would be required to be consistent with air quality thresholds adopted for the Ojai Valley airshed, has also been deleted. Part "d" of Condition 34, which established procedures for the notification of jurisdictions in Ventura County should there be a request to change in the project's truck traffic characteristics through the Ojai area, has been modified and retained. The revised condition language now states:

Any proposed change to the truck trip limitations required by this condition shall require the project applicant to file an application to modify the project's Conditional Use Permit. Planning & Development shall provide copies of the permit modification application to the Ventura County and City of Ojai Planning Departments. The application to modify 03CUP-00000-00037 shall be considered by the Santa Barbara County Planning Commission at a publicly noticed hearing. Notice of said hearing shall also be provided to the Ventura County and City of Ojai Planning Departments, and notices shall be provided in a newspaper of general distribution in the Ojai area in accordance with Santa Barbara County noticing procedures.

Implementation of the revised version of Condition No. 34 also affects other previously proposed and conceptually approved conditions that addressed project-related traffic-related impacts in the Ojai area. Changes to condition numbers 1 (Project Description), 21, 23b and 28 have been made to reflect the elimination of project-related haul truck traffic through the Ojai area and the traffic limitation of Condition No. 34. The changes are denoted in Attachment B (Conditions of Approval) using strikeout/underline text format. Corresponding changes to Conditional Use Permit and CEQA Findings provided in Attachment A are also denoted using this text format.



## **5.0 SAVE THE CUYAMA VALLEY COMMITTEE COMMENTS**

The *Save the Cuyama Valley* committee submitted a letter to the County requesting information regarding environmental and other issues related to the Diamond Rock project. The questions included in the committee's letter and responses to their questions are provided below.

**1a. Does the County believe the hydrological model for Diamond Rock is appropriate in assuming fixed riverbanks?**

The river hydraulic modeling analysis provided by the EIR was based on the surveyed location of the riverbanks and the river profile. The analysis does not assume, however, that the current bank locations are "fixed" (i.e., the river bed or banks will remain in their current configuration over the life of the project). Condition No. 2 requires the evaluation of impacts to the riverbanks in the vicinity of the mine pit that may be caused by the proposed in-river low-flow control berms. Condition No. 3 requires periodic surveys of the river in the project area in recognition of the fact that the configuration of the bed and banks are a dynamic system and the topography of the project area will change over time.

**1b. Does the County agree with the estimated water use of the project?**

The water use calculations provided in the EIR appear to be a good faith and detailed effort to estimate the net consumptive use of groundwater by the proposed project. Section 2.3.3 of the EIR provides the water use factors used to calculate the project's water demand, and those water use analysis factors are higher than the water use estimates provided in the project application (June, 2003). The project application estimated total water consumption under normal operations to be 43 acre-feet per year (afy), while the EIR estimated 55 afy. The project application estimated peak operation water consumption to be 58.2 afy, while the EIR estimated peak consumption to be 77 afy. Therefore, the water use estimates have been reviewed and adjusted, and should provide a reasonable estimate of the project's water use. When the project's water use requirements are adjusted to account for existing water use at the project site and groundwater recharge that would occur, it was determined that the project's net consumptive water use (approximately six afy during average production years, and 28 afy during peak production years) would not result in a significant groundwater use impact.

**1c. Does the County believe the EIR claim that the standing water at the bottom of the mine pit will be 20-30 feet below the pit or 130 feet below ground level?**

The EIR recognizes that groundwater may be exposed in the mine pit. For example, section 3.3.2.2.1 states: "*However, as noted earlier, groundwater levels can rise*

*during years with high runoff and percolation in the river alluvium. Under these conditions, groundwater could be exposed in the mine pit at depths of 40 to 50 feet.”*

Condition No. 15 of the Draft 1602 Agreement with the California Department of Fish and Game requires that:

*“The pit shall not be excavated to the level of ground water, and shall stay at least an average of 6 feet above water level. If ground water is encountered, material shall be replaced to a depth of 6 feet, and excavation may continue above that elevation.”*

For consistency and monitoring purposes, a similar condition of approval has been added to the Conditional Use Permit (Condition No. 64) and Reclamation Plan (Condition No. 58).

**1d. Does the County believe the proponent is the only pumper on the Diamond Rock aquifer?**

The County does not believe the project applicant is the only user of groundwater in the project area. The project’s groundwater use impacts were evaluated based on an adopted significant threshold of 31 afy for the entire Cuyama Groundwater Basin, which considers existing pumping demands placed upon the basin. This threshold was derived based on water storage and use characteristics associated with the basin.

**1e. Since the mine is receiving credit for the water in the ground as a recharge value, is the material removed from the site then counted as a water debit?**

The project’s water use analysis included several factors, including “credits” for existing water use, and storm and wash water percolation at the project site; and “debits” for loss of irrigation-related recharge and increases in impervious surface areas. Based on these calculations, a net consumptive use of water was estimated.

**1f. Does the County still maintain that there is no head-cutting above or below the GPS mine?**

“Headcutting” is upstream erosion caused by sudden changes in elevation within the streambed. Extensive headcutting could most likely occur during periods of very high flows, however, during very high flow periods, it is likely that the mine pit will be filled. As a result, there would no longer be a sudden change in elevation within the streambed that could be the source of extensive erosion.

The hydrologic impact analysis provided by the EIR determined that the project would not result in changes to existing river water velocity conditions at sites located 1,000 feet upstream or 1,000 feet downstream of the project site. Although minor

changes in water depth could occur in the vicinity of the mine, those impacts were found to be not significant.

2. **Why has staff not accounted for the cumulative impacts of Diamond Rock, GPS, Richard's Holding (pending), Lima Co. Gyp Mine, Ozena Sand & Gravel as required under county, state and federal rules?**

Cumulative impacts of the Diamond Rock, Lima Gypsum, Ozena and GPS mines were considered in sections 3.5.2.4 and 6.3 of the Final EIR.

Cumulative traffic analysis in section 3.5.2.4 was based on future (2020) traffic conditions. Traffic volumes on State Route 166 were increased by 3% over a 16 year period, and future traffic conditions on State Route 33 were based on County of Ventura General Plan assumptions. It was also noted in EIR section 3.5.2.4 that the GPS project would not result in the addition of additional traffic to project area roadways. The cumulative traffic analysis provided by the EIR determined that in the Cuyama area, State Routes 33 and 166 would continue to operate at LOS A and B, therefore, cumulative traffic conditions would not result in a significant impact.

The cumulative traffic analysis provided in section 6.3 of the project EIR indicates that traffic from future mine projects were evaluated "*in the context of projected future traffic volumes*" (i.e., included in the growth projections described above), and recognized that future mine projects will contribute to truck traffic volumes in the project region.. The cumulative traffic analysis provided in section 6.3 is not as detailed as the analysis prepared for the proposed project, however, CEQA does not require cumulative analysis to be conducted to the same level of detail as the analysis required for project-specific impacts.

The Richard's Holding project application was submitted to the County long after the Notice of Preparation for the EIR was published. The date of the Notice of Preparation is the point in time that the cumulative impact analysis is to begin (CEQA Guidelines section 15130). Therefore, the cumulative effects of the Richard's Holding project were not included in the analysis.

3. **Who are "we" in proponent's statement "we need gravel?"**

Satisfying market demand for aggregate material was not a factor considered by the EIR's impact analysis or the County's evaluation of the project. The Planning Commission may, however, consider local demand issues during their consideration of the project.

4. **At the April 10, 2007 meeting between members of “Save the Cuyama Valley” and staff we were told that quality of life was again going to be identified as an immitigable Class 1 event. Why in the final EIR was it determined to be subjective and reviewable?**

The reasons for determining that the proposed project’s quality of life impacts were not significant were described in the staff report prepared for the May 30, 2007 Planning Commission hearing.

The Draft EIR made its determination regarding a Class I quality of life impact based on the conclusion that cumulative environmental changes caused by the Diamond Rock project “*would likely be viewed by some residents as inconsistent with the rural nature of the project region.*” This conclusion was not based on the quality of life threshold factors outlined by the County’s *Environmental Thresholds and Guidelines Manual*. The factors that should have been evaluated by the Draft EIR, and that were included in the Final EIR are:

- Loss of Privacy
- Neighborhood incompatibility
- Nuisance noise levels not exceeding noise thresholds
- Increased traffic in quiet neighborhoods not exceeding traffic thresholds
- Loss of sunlight/solar access

The more detailed review provided in the staff report and Final EIR based on the adopted thresholds determined that the quality of life impacts would not be significant.

5. **Given the latest traffic distribution plan and the project’s location in relation to other sand and gravel mines and population centers is the project economically feasible?**

Project economics was not a factor considered by the EIR or the County’s evaluation of the project.

6. **Ojai’s concern over traffic and safety is to be mitigated by items no. 34. Why have Cuyama’s more serious concerns about traffic and safety not been addressed?**

To the extent allowed by CEQA (i.e., in response to identified significant impacts), restrictions on project-related truck traffic have been imposed both in Ojai and in the Cuyama area.

For example, the traffic restrictions proposed for the Ojai area have been proposed to address a potentially significant impact associated with Ventura County’s air quality

threshold of 5 lbs/day for the Ojai Valley airshed. To mitigate this impact, limitations on the maximum amount of truck traffic through the Valley were proposed. Those restrictions, however, have been deleted in lieu of Condition No. 34, which precludes project-related truck traffic through the Ojai area.

Another potentially significant impact in the Ojai area was related to a Ventura County traffic threshold for State Route 33 in the Ojai Valley, which restricts increases in peak hour traffic. To avoid a significant impact under the requirements of this threshold, a condition of approval (Condition No. 21) was proposed to preclude project-related southbound traffic between 6:30 a.m. and 9:00 a.m., and northbound traffic between 3:30 p.m. and 6:00 p.m. Due to additional clarifications related to the implementation of proposed Condition No. 34 (see section 4.0 above), no project-related traffic is to occur through the Ojai area and Condition No. 21 is no longer necessary and has been omitted.

The EIR prepared for the Diamond Rock project did not identify any significant traffic volume impacts that would occur in the Cuyama area as a result of the proposed project. The EIR did identify a potential air quality impact related to haul truck emissions in the project area and proposed a truck trip limitation of 100 trips per day. This requirement is included as Condition of Approval No. 28. No additional restrictions on project-related truck traffic are required for the Cuyama area to address an identified significant environmental impact. However, as described in Section 4.0 above, the implementation of Condition No. 34 would now result in a 20 percent reduction in overall project-related haul truck traffic, which result in a 20 percent reduction in project-related truck traffic in the Cuyama Valley area.

**7. Since mine traffic, safety and truck pollution involves four counties, why hasn't the EIR addressed these regional impacts?**

Truck traffic impacts on State Routes 33 and 166, which extend into other counties, were evaluated by the EIR. The analysis concluded that the only significant traffic impact that may occur would be on State Route 33 south of State Route 150. This impact will now not occur if the requirements of Condition No. 34 are implemented.

The potential for significant air quality impacts resulting from project-related material-hauling truck emissions were also evaluated by the EIR. This analysis is presented on EIR Tables 3.7-10 and 11 (daily emissions from average and peak mine operations) and Tables 3.7-12 and 13 (annual emissions from average and peak mine operations). Additional analysis of potential air quality impacts to adjacent counties is also provided on EIR Tables 3.7-15, 16, 17 and 18. The analysis concluded that out-of-county impacts would not be significant.

The EIR also provides an analysis of impacts based on the significance threshold adopted by Ventura County for the Ojai airshed. That analysis determined that based

on average and peak mine production, and anticipated material distribution volumes and patterns, impacts to air quality in Ojai would not be significant (i.e., the 5 lb/day threshold would not be exceeded). It was later determined, however, that in the unlikely event that all mine production was to be temporarily transported through Ojai, a significant air quality impact could result. It was for that reason that the truck traffic limitation through the Ojai area, as described above in item 6 above, were considered but are no longer required.

As described in Section 4.0 above, Condition No. 34 has been revised to ensure that the implementation of the condition does not result in additional traffic on roadways north of the project site, or result in impacts not previously evaluated by the project EIR. Therefore, the implementation of Condition 34 will not result in regional traffic-related impacts.

**8. If air quality is immitigable Class I event, how does that address our rights under AB 32 and CEQA requirements?**

AB 32 does not provide any “rights” to the citizens of California. AB 32 requires the California Air Resources Board to adopt regulations to evaluate statewide greenhouse gas emissions, and then create a program and emission caps to limit statewide emissions to 1990 levels. The program is to be adopted by 2012, and implemented in a manner achieving emissions compliance by 2020. AB 32 does not directly amend CEQA or other environmental laws.

With the identification of a significant unavoidable air quality impact, the Planning Commission must make a “Statement of Overriding Considerations” should they decide to approve the Diamond Rock project, as required by CEQA Guidelines section 15093. Proposed Overriding Considerations for the project are provided in Section 1.6 of Attachment A (Findings).

**9. The study to determine average daily traffic on Hwy 33 does not account for the 200 truck trips the GYP mine, periods when access roads are closed, times when trucks cannot travel due to inclement weather, seasonal truck traffic, etc. Can the traffic study be revisited to reflect the above conditions?**

The EIR cumulative analysis of traffic impacts indicates that the Lima Gypsum Mine currently generates approximately 240 daily one-way trips. These trips, as well as seasonal increases in traffic volumes, would be “baseline” trips included in the existing traffic conditions described by the EIR. Trips from GPS mine would also be baseline trips, and the project proposed for GPS would not increase the mine’s production or truck trips. Other concerns about access road closures, seasonal variations, inclement weather, etc., are generally isolated and periodic events that would be speculative and not appropriate for evaluation by a traffic study.

**10. Is there any concern by staff that self-enforcement of the EIR will be inadequate and dishonest as in the case with other local mines?**

Condition compliance enforcement has been a concern expressed by the Planning Commission. Proposed monitoring requirements to keep daily weight records (Condition No. 35) is an effective enforcement tool. In addition, mining projects come under more permit compliance scrutiny than many other types of development projects due to annual SMARA inspection requirements. If there were to be evidence in the future that the weight records were not being kept accurately, subsequent enforcement could include measures such as installing a driveway hose counter or hiring project site monitors. Further evidence of inaccurate record keeping would have the potential to result in the initiation of permit revocation proceedings.

**11. In a meeting with staff, the Troesh family and the public, the question of recycling came up – proponent Steven Troesh said it was only for local material and he was more than willing to not process recycled material. Staff however, insisted this condition remain. What was the reason for this response by staff?**

A local facility to manage concrete waste is an environmental benefit that should be encouraged. It is estimated that proposed concrete recycling operations would generate approximately six average daily trips, which would not substantially increase traffic in the project area. It is also likely that those concrete-hauling trips would occur on local roadways even without the recycling operation at the project site.

**12. The Goleta City Council recently voted to “establish standards for a change in ownership, operator or guarantor” vis-à-vis oil processors. Does staff think that standards could be imposed for like and kind changes for mine ownership transfers?**

Land use permits such as the Conditional Use Permit and Reclamation plan “run with the land” not the project applicant or operator. Regardless of who owns or operates the proposed mine, the required conditions of approval would apply to the project. The Planning Commission may consider adding a condition of approval requiring notification of the County should the mine be sold or there is a new project operator.

## **6.0 APPEALS PROCEDURE**

The action of the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of said action.

**ATTACHMENTS**

- A. Findings (CEQA, Conditional Use Permit and Reclamation Plan)
- B. Conditions of Approval (Conditional Use Permit and Reclamation Plan)
- C. Final EIR (Previously provided to Planning Commissioners only)
- D. OMR letter dated November 8, 2007
- E. Letter to OMR dated February 8, 2008 (without enclosures)
- F. Proposed Reclamation Plan dated February 21, 2008 (without appendices)
- G. OMR letter dated February 27, 2008



## ATTACHMENT A: FINDINGS

### **FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15090 AND 15091:**

#### **1.1 CONSIDERATION OF THE EIR**

The Revised Final Environmental Impact Report (05EIR-00000-00001) was presented to the Planning Commission and all voting members of the Commission have reviewed and considered 05EIR-00000-00001 and its appendices prior to approving this proposal. The EIR reflects the independent judgment of the Planning Commission and is adequate for this proposal.

#### **1.2 FULL DISCLOSURE**

The Planning Commission finds and certifies that the Final EIR is a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Commission further finds and certifies the Final EIR has been completed in compliance with CEQA.

#### **1.3 LOCATION OF RECORD OF PROCEEDINGS**

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of The Secretary of the Planning Commission, Dianne Black of Planning and Development located at 123 E. Anapamu St., Santa Barbara, CA 93101.

#### **1.4 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE**

The Final Environmental Impact Report for the Diamond Rock project identified one project-specific environmental impact that cannot be fully mitigated and is therefore considered unavoidable (Class I). The significant and unavoidable project-specific impact is in regard to long-term air quality impacts resulting from project-related operations at the project site and emission of oxides of nitrogen, a criteria pollutant that contributes to the formation of ozone in the atmosphere. To the extent the project-specific air quality impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations, including the project's proposal to develop a sand and gravel mine that would provide necessary building materials for the project region, and other factors that are set forth in the Statement of Overriding Considerations included herein. Each "Class I" impact identified by the Final EIR is discussed below, along with the appropriate findings as required by CEQA Guidelines Section 15091:

##### **Project Specific Impacts**

**Air Quality.** Proposed mining, processing and material hauling activities that would occur on the project site would result in emissions of NOx that exceed the County's project operation threshold of 55 pounds per day. A proposed mitigation measure to minimize diesel exhaust

emissions (AQ-4), and a recommended mitigation measure to reduce NO<sub>x</sub> emissions from construction equipment and associated truck trips during the construction of the Processing Area facilities (AQ-2), would reduce emissions of NO<sub>x</sub> but would not reduce project-related emissions to a less than significant level.

## **1.5 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL BY CONDITIONS OF APPROVAL**

The Final EIR for the Diamond Rock project identified environmental issue areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts. Each of these impacts is described below along with the appropriate findings as required by CEQA Guidelines Section 15091.

**Drainage, Erosion and Water Quality.** The proposed Diamond Rock mine, along with the adjacent GPS mine, would have the potential to result in a sediment deficit in the river if mining rates exceed sediment replenishment rates. This impact would be reduced to a less than significant level by implementing a proposed monitoring program to survey the river bottom elevation two times a year. If adverse hydraulic conditions appear to be developing, appropriate modifications to the Diamond Rock mining pit layout, or other appropriate evaluation and control measures shall be implemented.

Deer Park Creek is an ephemeral drainage that would discharge to the proposed mine pit. Substantial flows in the creek could cause erosion (stream course headcutting) that has the potential to adversely affect State Route 33. This impact would be reduced to a less than significant level by installing an approved earth berm and grade control structure to direct flows to the Cuyama River rather than the mine pit.

The proposed material Processing Area has the potential to be flooded. This impact would be reduced to a less than significant level by implementing drainage control requirements specified by a drainage report and approved by the Flood Control District, and implementing requirements of the County Floodplain Ordinance.

**Geologic Hazards.** Excavation of the mine pit would have the potential to result in the creation of slopes that have the potential to be unstable during seismic events or when saturated. This impact would be reduced to a less than significant level by reducing the width of proposed slope benches and access roads, not mining below ground water level, and allowing the mine pit to drain naturally should it become flooded.

**Biological Resources.** The proposed project would remove 27 acres of alluvial scrub habitat from the Cuyama River, which would result in the displacement of wildlife. The proposed reclamation plan would also require an extended period of time to allow disturbed areas to revegetate after proposed mining operations are completed. These impacts would be reduced to a less than significant level by implementing a phased restoration plan for specified riverbank and stream terrace areas adjacent to the river; maintaining a 16.87-acre habitat area for blunt nosed leopard lizard; the phased removal of habitat area and minimizing ground disturbance from the construction and maintenance of proposed flood control berms; minimizing relocations

of the mine pit access road over the life of the project; and implementing a weed control program.

Potential night lighting impacts would be reduced to a less than significant level by directing and shielding lighting fixtures. Potential impacts to wildlife from trucks traveling on the mine pit access road would be reduced to a less than significant level by enforcing a 15 mile per hour speed limit on the access road.

The excavation of the proposed mine pit would have the potential to restrict wildlife movement in the Cuyama River channel. This impact would be reduced to a less than significant level by providing a 75-foot setback from the east river bank to the flood control berm adjacent to the mine pit, the leopard lizard exclusionary fence, or the top of the mine pit slopes (whichever occurs first). Management of the setback area as open space would provide wildlife with a movement corridor along the river past the mine pit. A wildlife undercrossing is also to be provided beneath the mine pit access road.

It is presently not known if the endangered blunt-nosed leopard lizard occurs in the river channel where mining would occur. If the lizard occupies this area, significant impacts to the species may occur. This impact would be reduced to a less than significant level by implementing the proposed leopard lizard impact avoidance plan, and implementing proposed mitigation measures to conduct annual field investigations of the river channel. If surveys conducted over the first five years of mine operation do not detect the presence of leopard lizard, and approved by the U.S. Fish and Wildlife Service, the use of lizard exclusionary fencing around the mine pit may be discontinued. If the surveys detect the presence of leopard lizard, the applicant would be required to obtain necessary permits and relocate the lizards to suitable habitat area.

- **Traffic.** The proposed project would have the potential to add truck traffic to State Route 33 in the Ojai area of Ventura County. Based on a Ventura County's threshold of significance that indicates the addition of one or more peak hour trips on State Route 33 between Ojai and Casitas Springs southbound during the a.m. peak hour, or northbound during the p.m. peak hour would result in a significant traffic impact, the project has the potential to result in a significant traffic impact in the Ojai area. A proposed condition of approval (Condition No. 34) would eliminate the potential for the proposed project to send traffic to Ventura County through the Ojai area. Condition 34 also requires a 20 percent reduction in project-related truck trips, which is equal to the number of truck trips assumed to travel through the Ojai area by the EIR's analysis of project-related traffic impacts. As a result, the project would not result in significant traffic impacts in Ojai or other roadways in the project region.

State Route 33 in the vicinity of the project site operates at level of service A. To avoid potential traffic safety impacts resulting from slow-moving trucks making left turns in an out of the project site, Caltrans has requested that the project construct a northbound left-turn lane on State Route 33 at the project site entrance.

**Noise.** Project-related operations would not cause existing ambient noise levels at local residences to exceed exterior threshold levels (65 dBA) during day or nighttime hours. However, the project could occasionally increase ambient noise levels at nearby residences by three to nine dBA during the day and night, and occasionally on Sunday. This impact would be reduced to a less than significant level by implementing a variety of noise control measures, including: the construction on sound barriers adjacent to the Processing Area; noise control measures for proposed machinery; limiting nighttime equipment use; limiting the hours of processing and truck loading operations on Sundays unless expressly permitted by the P&D Director on a case-by-case basis; and restrictions on gravel truck parking and operations.

**Air Quality.** Daily emissions of NO<sub>x</sub> in Santa Barbara County resulting from project-generated truck traffic during peak production periods (i.e., 750,000 tons per year) would exceed the air quality threshold of significance for mobile sources of 25 pounds per day. This impact would be reduced to a less than significant level by limiting project generated truck traffic to no more than 100 round trips (50 exit loads) per day. This limitation may be adjusted upwards notwithstanding the traffic limitation of Condition 34 if P&D and APCD approve a haul truck emission mitigation plan that demonstrates that additional truck trips would not exceed the daily NO<sub>x</sub> emission threshold.

A health risk analysis evaluated potential impacts resulting from exposure to diesel exhaust particulate matter generated by equipment operated on the project site. The analysis determined that the maximum project-related increase in cancer risk would be approximately nine in one million, which is below the significance threshold of 10 in one million. At the location of the residence closest to the project site, the estimated project-related cancer risk would be 1.6 in one million. To ensure that project-related operations are consistent with assumptions used in the health risk analysis, proposed mitigation measures require that the project implement approved measures to reduce emissions of diesel exhaust particulate matter by a least 85 percent. Control measures may include the use of new (tier 2 or better) diesel-powered equipment or the installation of control equipment such as diesel particulate filters.

**Visual Resources.** Views of the material stockpiles and processing equipment at the project site would be provided from State Route 33. Landscaped berms are proposed to minimize views, however, due to the harsh growing conditions than can exist in the Cuyama Valley, it is possible that landscaping on the berms may not provide an effective visual screen. This impact would be reduced to a less than significant level by ensuring that proposed landscaping receives proper maintenance and by providing additional visual buffers on the south side of the Processing Area. Project-related operations such as material processing and truck loading could occur during hours of darkness, therefore, the proposed project includes the use of exterior lighting. Potential lighting-related impacts would be reduced to a less than significant level by providing on-site lighting that will not cause light levels at the southern perimeter of the Processing Area to exceed an intensity of 0.5 foot candle.

**Quality of Life Impacts.** Mining-related operations at the Diamond Rock project site may occur simultaneously with operations at other existing mines located in the project region. The cumulative operations at the existing mines and the proposed Diamond Rock mine may have the

potential to adversely affect the “quality of life” of residents located in the vicinity of the mines. The Final EIR has determined that with the implementation of proposed mitigation measures to reduce potential project-related land use conflicts, the Diamond Rock project’s contribution to quality of life impacts would not be significant.

## **1.5 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE**

The Final EIR prepared for the Diamond Rock project evaluated the following alternatives to the proposed project:

- No Project
- Reduced Mining Area – Shorter Permit Period
- Reduced Mining Area – Reduced Annual Production
- Reduced Mining Depth
- Modified Mine Pit Layout
- Upland Mine Site

The evaluation of an alternative project site was considered but rejected. Four potential alternative sites were considered but excluded from further consideration because the sites would be unacceptable due to environmental concerns (Cottonwood Canyon, 10 miles west of Cuyama); because of reduced product quality and/or quantity (GPS mine 0.5 mile downstream of the project site, and Ozena (15 miles south of the project site); or because the project sites were too small (Bud Richards site, four miles south of the project site).

**No Project Alternative.** Under this project alternative, the proposed mine project would not be implemented and existing agricultural operations at the project site would continue. This alternative would avoid the significant and unavoidable air quality impact resulting from increase NOx emissions, and would also avoid other project-related impacts that have the potential to be significant but can be reduced to a less than significant level with the implementation of proposed conditions of approval. The No Project alternative is the environmentally superior project alternative but would not implement any of the objectives of the proposed project.

**Reduced Mining Area – Shorter Permit Period.** Under this alternative the peak and average annual mine production rates would remain the same as for the proposed project, but the operating period would be reduced to a period less than 30 years. The duration of impacts resulting from this alternative would be reduced, however, the daily and annual operation-related impacts resulting from mine operations would remain the same. This alternative would not eliminate the significant and unavoidable air quality impact resulting from increased NOx emissions that would result from the proposed project, and implementation of this alternative would not be required to reduce other identified impacts of the proposed project to a less than significant level.

**Reduced Mining Area – Reduced Annual Production.** Under this alternative, the duration of project activities would remain 30 years, however, the allowable annual mine production would be reduced. Decreased annual production would be achieved by reducing the size of the mine

pit, limiting work hours, work days, daily throughput, or truck trips. The maximum daily production of aggregate material may or may not be reduced, but the frequency of days with maximum daily production would be reduced.

This alternative could result in a corresponding decrease in project site operations such that project-related emissions of NO<sub>x</sub> may be reduced to a point that the significant and unavoidable air quality impact that would result from the proposed project could be feasibly reduced to a less than significant level. This alternative would not avoid other significant but mitigable impacts associated with the proposed project, but the effects of a variety of project-related impacts would be reduced, including:

- Potential hydrologic impacts to the Cuyama River, such as downstream degradation and upstream headcutting.
- Loss of alluvial scrub habitat and impacts to sensitive wildlife species.
- Project-related day and nighttime noise levels in the project area.
- Project-related truck traffic and resulting noise along State Route 33.
- Nighttime lighting at the project site.
- Views of stockpiles and mining equipment in the proposed Processing Area.

This alternative would minimize the project-related impacts described above, however, implementation of the alternative is not required to reduce the impacts to a less than significant level.

**Reduced Mining Depth and Reduced Annual Production.** Under this alternative, the maximum depth of the proposed mine pit would be reduced from 90 to 40 or 50 feet. The objectives of this alternative would be to minimize the potential for encountering groundwater and potentially unstable slopes during mining; and to reduce the volume of the mine pit to increase the probability it will fill with sediment during moderately sized storm events. This alternative would reduce the potential for adverse hydraulic effects from a deeper pit (i.e., headcutting, channel and bank erosion, and interference with in-river sediment transport). Annual production would also be decreased under this alternative due to the reduction in the amount of available material to be mined. The maximum daily production of aggregate material may or may not be reduced, but the frequency of days with maximum daily production would be reduced.

This alternative could result in a corresponding decrease in project site operations such that project-related emissions of NO<sub>x</sub> may be reduced to a point that the significant and unavoidable air quality impact that would result from the proposed project could be feasibly reduced to a less than significant level. This alternative would not avoid other significant but mitigable impacts associated with the proposed project, but similar to the reduction of environmental impacts that would result from the Reduced Mining Area – Reduced Annual Production alternative, the effects of a variety of project-related impacts would be reduced.

The project EIR concluded that the Reduced Mining Depth and Reduced Annual Production alternative would be the environmentally superior alternative that would at least partially

implement the applicant's objectives for the proposed project. This alternative would, however, provide the applicant with a reduced aggregate resource supply, may not substantially increase aggregate supplies in the project region, and implementation of this alternative is not required to reduce the previously identified impacts to a less than significant level.

**Modified Mine Pit Layout.** Under this alternative, the design of the proposed mine pit would be modified to minimize the potential for unexpected hydraulic impacts. The alternative design measures would be implemented in conjunction with proposed required and recommended mitigation measures to increase the setback between the southwest corner of the mine pit and west bank to 900 feet (mitigation measure W-1); and to conduct twice annual surveys of the river channel (mitigation measure W-2). Design changes that would be implemented by this alternative would include:

- The width of the mine pit would be reduced to half the width of the river channel at the project site.
- The downstream end of the mine pit would be reconfigured to provide a more pointed shape rather than a blunt edge.
- Create and maintain 10:1 mine pit slopes on the upstream and western edges of the mine pit during the wet season to provide uniform weir-like interface between the mine pit and by-pass channel to the west of the pit.

The Modified Mine Pit Layout alternative would minimize the potentially significant but mitigable impacts associated with changes to river hydraulics, however, this alternative would not avoid or reduce other impacts that would result from the implementation of the proposed project, and implementation of this alternative is not required to reduce the previously identified impacts to a less than significant level.

**Upland Mine Site.** This alternative would locate mining activities on the floodplain adjacent to the Cuyama River. The objective of this alternative would be to avoid the river channel and associated hydraulic and biological impacts. With the implementation of proposed conditions of approval, potential impacts to the hydraulic conditions of the Cuyama River, and project-related biological resource impacts can be reduced to a less than significant level. Implementation of this alternative would result in the displacement of existing agricultural operations, which would be a significant impact not associated with the proposed project. Reclamation of an upland mine site so that it could be returned to an agriculture use may be infeasible as such a reclamation effort would require importing a substantial amount of fill material from an off-site source, which would have the potential to result in significant temporary truck-hauling related impacts and other impacts to the off-site borrow site. Therefore, the Upland Mine Site alternative is not considered to be a feasible alternative to the proposed project.

## 1.6 STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR for the Diamond Rock project identified project-specific significant and unavoidable impacts related to emissions of NO<sub>x</sub> from machinery that would operate on the project site and a resultant air quality impact. The Planning Commission makes the following

Statement of Overriding Considerations, which warrant approval of the project notwithstanding that all identified impacts are not fully mitigated. Pursuant to CEQA Sections 15043, 15092 and 15093, any remaining significant effects on the environment are acceptable due to the following overriding considerations.

**Availability and Importance of Aggregate Resources.** The Surface Mining and Reclamation Act (SMARA) mandates that the State Geologist classify mineral lands to help identify and protect mineral resources in areas within the State subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance. Construction aggregate was selected by the SMGB to be the initial commodity targeted for classification because of its importance to society, its unique economic characteristics, and the imminent threat that continuing urbanization poses to that resource.

Mineral resources of the Cuyama area were not classified by the State Geologist, but based on the mineral land designations used to classify mineral lands, it is likely that a Mineral Resource Zone (MRZ) “2a” designation would apply to the project area. The MRZ-2a designation is applied to areas “underlain by mineral deposits where geologic data show that significant measured or indicated resources are present.”<sup>1</sup> A typical MRZ-2a area would include an operating mine, or an area where extensive sampling indicates the presence of a significant mineral deposit. Due to the previous operation of the existing GPS sand and gravel mine, located downstream and adjacent to the project site, it appears that the proposed project site could be designated an MRZ-2a area. Land included in the MRZ-2a category is of prime importance because it contains known economic mineral deposits.<sup>2</sup>

**Comprehensive Plan.** The County’s Conservation Element of the Comprehensive Plan states that “mineral resource extraction in the County makes a relatively important contribution to the local, state, and national economies and, as such, should be encouraged.” The Conservation Element also encourages that direct and indirect environmental impacts of mineral resource development project be minimized. Consistent with this direction, all other identified impacts of the proposed project can be reduced to a less than significant level.

**Provide a Local Source of Construction-Grade Aggregate.** Without local sources of aggregate material, construction projects would be required to import resources from more distant locations. Hauling aggregate material from out-of-county locations has the potential to result in significant transportation-related air emissions, as well as potential impacts from increased truck traffic in rural and urban areas.

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<sup>1</sup> California Surface Mining and Reclamation Policies and Procedures, Special Publication 51. California Department of Conservation, State Mining and Geology Board.

<sup>2</sup> Ibid.



**Beneficial River Bank Restoration.** The proposed project would restore a 1,500-foot long segment of the eastern bank of the Cuyama River. Restoration activities would include the removal of buried automobiles that were installed for bank stabilization purposes; reconfiguration of the bank to provide a stable configuration; removal of non-native vegetation that has been planted on the bank; planting of native landscaping and the creation of wildlife habitat area.

## **2.0 ADMINISTRATIVE FINDINGS**

### **2.1 Conditional Use Permit Findings**

Pursuant to LUDC Section 35.82.060 a Conditional Use Permit application shall only be approved if all of the following findings are made.

#### **2.1.1 *The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.***

The Diamond Rock mine Conditional Use Permit would apply to a 129-acre portion of three parcels that encompass approximately 279 acres. The project region is sparsely populated and there are seven residences located with approximately one-half mile of the project site. The project site is located adjacent to State Route 33, which would provide local and regional access.

Proposed mining operations would occur in the channel of the Cuyama River, which is dry for much of the year. The proposed project includes operating provisions to minimize potential impacts associated with conducting mining operations within the river when flowing water is present, and when necessary, to shift or temporarily suspend in-river mining operations when water flows would make mining operations impractical or infeasible. Upon the conclusion of mining operations, the mine pit would be allowed to fill with alluvial material, thereby minimizing the potential for long-term project-related effects.

Proposed material processing operations would occur in an upland area that is presently used for agriculture. Prime agricultural soils located in the Processing Area would be removed and reserved. After the completion of mining operations, the reserved soil would be returned to the Processing Area and agricultural operations could be resumed.

Therefore, the proposed project site would be adequate in size, shape, location and physical characteristics to accommodate the proposed quarry operation.

**2.1.2 *Significant environmental impacts will be mitigated to the maximum extent feasible.***

Mitigation measures are identified in the Final EIR prepared for the proposed project (05EIR-00000-00001) that would reduce most of the environmental impacts of the proposed project to a less than significant level. The only environmental impact that cannot be reduced to a less than significant level results from the operation of trucks and other machinery on the project site, and related emissions of NO<sub>x</sub> that would be in excess of the County's threshold standard of 55 pounds per day. Despite the implementation of mitigation measures, this air quality impact cannot be reduced to a less than significant level. Other project-related impacts associated with environmental issues such as drainage and flooding, geologic hazards, biological resources, traffic and traffic safety, noise and visual resources can be feasibly reduced to a less than significant level with the implementation of identified mitigation measures. Therefore, impacts of the proposed project have been mitigated to the maximum extent feasible.

**2.1.3 *Streets and highways are adequate and properly designed.***

Traffic generated by the Diamond Rock mine project would consist primarily of trucks hauling sand and gravel produced by the mine. The project-related traffic would occur mostly on the regional state highway system, including State Routes 33 and 166. The analysis of potential traffic volume and safety impacts concluded that the proposed project would not result in significant impacts to State Route 166. State Route 33 would provide access to the project site, and in the project vicinity State Route 33 operates at level of service A.

- As required by Condition No. 34, the proposed project would not add truck traffic to State Route 33 in the Ojai area of Ventura County. Therefore, no project-related traffic impacts to State Route 33 in the Ojai area would occur.

To avoid potential traffic safety impacts to State Route 33 resulting from slow-moving trucks making left turns in and out of the project site, a proposed condition of approval requires the project applicant to construct a northbound left-turn lane on State Route 33 at the project site entrance if required by Caltrans.

With the implementation of proposed mitigation measures and conditions of approval, the streets and highways that would be used by the proposed project are adequate and properly designed to carry the type and quantity of traffic generated by the Diamond Rock mine/

**2.1.4 *There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.***

The Diamond Rock mine would not result in a substantial demand for public services such as fire protection and law enforcement services. The minimal amount of waste water produced by the proposed project would be adequately accommodated by a proposed on-site septic system, and the project would not result in a significant water supply or groundwater quality/quantity impacts. Therefore, there are adequate public services to serve the proposed project.

**2.1.5 *The project will not be detrimental to the comfort, convenience, general welfare, health and, safety of the neighborhood and will be compatible with the surrounding area.***

A health risk analysis was prepared to evaluate potential impacts resulting from increased public exposures to diesel exhaust particulate matter generated by equipment operated on the project site and from truck traffic generated by the project. The analysis determined that the maximum increase in cancer risk at a location adjacent to the project site would be approximately nine in one million, which is below the Santa Barbara APCD significance threshold of 10 in one million. At the location of the residence closest to the project site, the estimated project-related cancer risk would be 1.6 in one million. Potential cancer risk resulting from off-site diesel truck traffic was less than one in one million. Proposed conditions of approval would ensure that operations at the project site conform to project site operation assumptions used in evaluating the potential health risk impacts of the proposed project.

Potential traffic safety impacts at the project site driveway intersection would be reduced to a less than significant level by the installation of a new turn lane if it is required by Caltrans. Project-related noise impacts to sensitive receptors (residences) located in the project area would also be reduced to a less than significant level by implementing a variety of noise control measures, including the construction on sound barriers, noise control measures for proposed machinery, and limiting nighttime equipment use and the hours of material processing and truck loading operations on Sundays.

Mining-related operations at the Diamond Rock project site may occur simultaneously with operations at other existing mines located in the project region. The Final EIR has determined that with the implementation of proposed mitigation measures for issue areas related to truck traffic volumes and resulting noise impacts, mine operation noise and other project-related impacts, the Diamond Rock project's contribution to changes in the rural character of the project area and resultant "quality of life impacts" would not be significant.

Therefore, with the implementation of proposed conditions of approval the Diamond Rock project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.

**2.1.6 *The proposed project will comply with the applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.***

As indicated in Sections 6.3 and 6.4 of the staff report prepared for the May 30, 2007, Planning Commission hearing conducted for the Diamond Rock project, the proposed project would be consistent with the applicable provisions and policies of the LUDC and the Comprehensive Plan.

**2.1.7 *In designated rural areas the use will be compatible with and subordinate to the rural and scenic character of the area.***

Mining-related operations at the Diamond Rock project site may occur simultaneously with operations at other existing mines located in the project region. The cumulative operations at the existing mines and the proposed Diamond Rock mine may have the potential to adversely affect the “quality of life” of residents located in the vicinity of the mines. The Final EIR has determined that with the implementation of proposed mitigation measures for issue areas related to potential project-related land use conflicts, the Diamond Rock project’s contribution to quality of life impacts would not be significant. Potential visual impacts of the proposed project would also be reduced to a less than significant level by proposed mitigation measures to minimize night lighting and to provide screening of processing equipment. Therefore, the proposed project would be compatible with and subordinate to the rural and scenic character of the area.

## **2.2 Reclamation Plan Findings**

Pursuant to 35.82.160.H.2.b.1 of the LUDC, a Reclamation Plan shall only be approved or conditionally approved if all of the following findings are made.

### **2.2.1 *The Reclamation Plan complies with applicable requirements SMARA and associated state Regulations, with applicable provisions of the County's Grading Ordinance (County Code Chapter 14), and with other appropriate engineering and geologic standard.***

The proposed Reclamation Plan complies with the applicable requirements of State regulations and with the appropriate provisions of the County Grading Ordinance as discussed in sections 6.3 and 6.4 of the staff report prepared for the May 30, 2007, Planning Commission hearing conducted for the Diamond Rock project. The proposed future reclamation activities would also be consistent with appropriate engineering and geologic standards as discussed in sections 6.4 of the staff report.

### **2.2.2 *The Reclamation Plan and potential use of reclaimed land in compliance with the plan are consistent with the provisions of this Development Code and the Comprehensive Plan.***

The proposed mine pit area would be allowed to return to open space, and the proposed Processing Area would be returned to an agricultural use. These are allowed uses in the “U” and “AG-II” zones. The Reclamation Plan is also consistent with the applicable Comprehensive Plan policies as discussed in Section 6.3 of the staff report prepared for the May 30, 2007, Planning Commission hearing conducted for the Diamond Rock project. The Reclamation Plan also complies with the applicable provisions of the LUDC as discussed in Section 6.3 of the staff report.

### **2.2.3 *In approving or conditionally approving the Reclamation Plan, the required findings in compliance with CEQA can be made.***

The required CEQA findings are provided in Sections 1.1 through 1.6 of Attachment A of this staff report.

**2.2.4 *The land and/or resources (e.g., water bodies to be reclaimed) will be reclaimed to a condition that is compatible with the surrounding natural environment, topography, and other resources.***

Proposed reclamation plans for the mine pit would allow it to fill with sediment and revegetate naturally. Mine-related equipment would be removed from the proposed Processing Area, topsoil removed from the area would be returned, and agricultural operations would be restored. The proposed reclaimed conditions would be similar to existing conditions at the project site. Therefore, the project site would be reclaimed in a manner compatible with the natural environment, topography and adjacent water resources.

**2.2.5 *The Reclamation Plan will reclaim the mined lands to a usable condition which is readily adaptable for alternative land uses specified by the landowner and consistent with this Development code and the Comprehensive Plan.***

Proposed reclamation plans for the mine pit would allow it to fill with sediment and revegetate naturally. Mine-related equipment would be removed from the proposed Processing Area, topsoil removed from the area would be returned, and agricultural operations would be restored. The proposed reclaimed conditions would be similar to existing conditions at the project site. Therefore, the project site would be reclaimed in a manner that would establish feasible end-uses that would be consistent with LUDC and the Comprehensive Plan.

**2.2.6 *A written response to the Director of the Department of Conservation has been prepared, describing the disposition of major issues raised by the Director of the Department of Conservation. Where the review authority does not agree with the recommendations and objections raised by the Director of the Department of Conservation, the response shall address, in detail, why specific comments and suggestions were not accepted.***

The conceptually approved Reclamation Plan and financial assurance have been reviewed by the Department of Conservation. The Department has reviewed proposed changes to the Reclamation Plan and has indicated that the Plan has been revised to adequately address their comments.

## ATTACHMENT B: CONDITIONS OF APPROVAL

### **Diamond Rock Mine Conditional Use Permit 03CUP-00000-00037**

I. A Conditional Use Permit is Hereby Granted:

TO: Troesh Materials, Inc

APN: 149-220-002; -011; & -065

PROJECT ADDRESS: State Route 33, Maricopa, CA 93852

ZONE: “U” & “AG-II-40”

AREA/SUPERVISORIAL  
DISTRICT: Ventucopa area, Fifth District

FOR: Establishment of a new in-river sand and gravel mine.

II. This permit is subject to compliance with the following conditions:

#### Project Description

1. This Conditional Use Permit is based upon and limited to compliance with the project description presented below, compliance with the approved Reclamation Plan for this mining facility, and the conditions of approval set forth below. The location of project components authorized by this CUP are illustrated in Attachment F (proposed Reclamation Plan), dated May 14, 2008. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the mining plan and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

#### **The project description is as follows:**

Aggregate would be mined from a pit located in the Cuyama River. Mined materials would be mechanically crushed, sorted by size and type using triple-deck and double-deck dry scalping screens. Sand would be washed to remove fine material. All finished products would be stockpiled, and products would be transported offsite via haul trucks with a 29½-ton capacity (~20 cubic yards). Figures depicting the proposed mining and processing areas are presented in Attachment F (proposed Reclamation Plan).

The average annual production (based on a rolling average) over the 30-year life of the project is estimated to be 500,000 tons of product per year. Under this annual rate, the average hourly and daily production would be about 103 tons per hour (16 hours of operation per day) and 1,650 tons per day (six days per week), based on 303 processing days per year. The maximum annual production from the mine would be 750,000 tons.

The higher production would be achieved by higher daily production. Peak daily production would be limited to the physical capabilities of the processing equipment, which is capable of processing 9,600 tons per day (600 tons per hour). To produce 750,000 tons in a year with 303 processing days, the average hourly and daily production would increase to 154 tons per hour (16 hours of operation per day) and 2,475 tons per day (six days per week).

The actual production levels would vary over time and would be a direct function of the general regional economic conditions, the number and type of contracts obtained, and equipment usage rate and maintenance requirements. However, the maximum annual mine production would not exceed 750,000 tons per year.

Based on initial testing of the riverbed area, the deposits to be mined consist of the following materials: 38 percent gravel, 60 percent sand (estimated 55 percent marketable, 5 percent excess), and 2 percent fines. Gross volume of the aggregate proposed to be excavated from the 83.76-acre mining area is estimated to be 9,210,000 cubic yards, which is estimated to be 13,820,000 tons of material (based on an assumed density of 1.5-tons per cubic yard). The net reserves are estimated at 12,850,000 tons, assuming seven percent of the material will be unsuitable for sale as PCC-grade aggregate.

At the proposed average extraction rate of 500,000 tons per year, the aggregate resource would last for 27.7 years, assuming that the river does not replenish material over time. As such, the applicant has requested a 30-year permit.

Finished products would be PCC-grade aggregate and other aggregate products. Processing also creates “scalped fines” as a byproduct, which would be sold or placed in the mining pit as backfill. Some of the fines may also be used as a soil amendment by the landowner and others in the area.

It should be noted that the assumed material composition and quantities are based on limited data. As the deposit is mined, material may be encountered that does not match these assumptions. If this occurs, the proposed product line would be revised accordingly. However, the overall operations at Diamond Rock would not change.

**Mining Depth and Phases.** Mining would occur in the bed of the Cuyama River where a pit would be created and excavated. The mining plan has two phases and the entire pit could encompass about 84 acres. The maximum anticipated depth would be 90 feet below ground surface. Phase 1 would encompass about 46 acres and would be divided into a series of cuts and lifts as shown below in Table 1. Phase 2 would involve a single cut.

**TABLE 1  
SUMMARY OF MINING PHASES**

<b>Phase</b>	<b>Duration<sup>1</sup></b>	<b>Tonnage<sup>2</sup></b>	<b>Cubic Yards</b>
Pre-Production	1.4 years	690,000	460,000
Phase 1 Cut 1 Lift 1	3.3 years	1,640,000	1,090,000
Phase 1 Cut 1 Lift 2	2.5 years	1,230,000	820,000
Phase 1 Cut 1 Lift 3	1.9 years	960,000	640,000
Phase 1 Cut 2	5.9 years	2,970,000	1,980,000
Phase 2	12.7 years	6,330,000	4,220,000
<b>Total</b>	<b>27.7 years</b>	<b>13,820,000</b>	<b>9,210,000</b>

<sup>1</sup> Assumes a mining rate of 500,000 tons per year

<sup>2</sup> Assumes 1.5 tons per cubic yard.

The above description of the mining phases is based on ideal conditions, and the assumptions that the mine pit would not be flooded during the life of the project and that excavation would proceed in an orderly manner throughout the life of the project. However, it is expected the Cuyama River will periodically flood the mine pit during the life of the project, which would deposit sediment back into the mining pit. The addition of new material and water to the pit would modify the location, depth, and rate of excavation. Mining would continue in accordance with the proposed plan and within the proposed mining limits. However, it is unlikely that the full mine pit depicted in figures contained in Attachment F (proposed Reclamation Plan) would ever be achieved due to the likelihood of periodic flooding.

Under the proposed mining plan, excavation would begin at the southwest corner of the mining area by excavating a narrow pit parallel to the flow direction of the river. As each 30-to 50-foot-wide pit is completed, the next pit would be excavated parallel to and on the east side of the previous pit, incrementally further away from the river's main channel, which ensures areas of completed mining are located west of active mining areas. This eastward progression of mining also allows mining to occur in previously unmined areas during periods where there is standing water in active excavation areas.

Within each pit, the excavation would proceed through a series of cuts and lifts until excavated to final depth. Each lift would involve an excavation depth of approximately 30 feet. As the excavation of one pit drops into the second lift (approximately 31 to 60



feet), excavation on the first lift of the adjacent parallel pit to the east would commence. In this manner, when the final depth is reached on the first pit, the second pit would be at a depth of approximately 60 feet, and the third pit would be at a depth of approximately 30 feet.

It is expected that pit excavation would proceed as described above until the Cuyama River reaches flood stage, when the river floods bank-to-bank and would fill the excavated pits. In advance of such flooding, mining activities would be suspended and equipment would be moved out of the riverbed and onto the Processing Area. Following the flooding, the mine pits would be inspected. If the deposited material contains marketable aggregate, the flooded pits would be re-excavated after drying. If there is a high percentage of unmarketable fine materials, excavation would commence in the next narrow pit.

A low flood control berm would be constructed around the perimeter of the active mine pit, as shown in figures provided in Attachment F (proposed Reclamation Plan). The berm would be constructed of riverbed material, and would be approximately four feet high and 10 feet wide at the base. The berm would not be an engineered structure designed for a specific design storm. Several times each year, there are light rains in the watershed that cause sheet flows within the riverbed that may be several inches deep. The berm would divert those low flows from the mine pit. However, flooding from substantial rain events would wash away the berms or overtop them. The berm would be maintained on an as-needed basis, and would be repaired after flooding events.

Another earthen flood control berm would be constructed at the mouth of Deer Park Creek. An earthen berm, 4 to 6 feet tall, would be constructed across the mouth of the drainage to direct flows into the mine pit in a controlled manner, most likely along the access ramp. The berm would prevent erosion of the sides of the mine pit. The berm would not be an engineered structure; it would be constructed of on-site materials. The berm would be maintained on an as-needed basis, and would be repaired after flooding events. During the initial mining phase when the mine pit is not located at the mouth of the creek, the berm would divert flows downstream, away from the mine pit.

The proposed mining pit would be set back at least 50 feet from all property lines to assure that offsite property is not affected by slope failures and erosion of the pit slope cuts. Slopes adjacent to property lines would be no steeper than 2:1 (H:V), with an overall slope (including benches) no greater than 3:1 (H:V), as shown on. Active mine area slopes not along property lines would have a maximum 2:1 (H:V).

The Phase 2 mining pit would be set back a minimum of 100 feet from the confluence of Deer Park Creek (an ephemeral tributary) and the Cuyama River.

Access from the Processing Area into the riverbed would be provided by a 24-foot-wide all-weather road constructed of riverbed materials. The ramp would extend from the riverbank to the mining pit. Its length and location would vary depending on the location of the mining pit. Hence, during the initial mining phase, the road would extend across

the riverbed. At the full mine pit phase, the road would serve as a ramp from the existing riverbank into the adjacent pit.

**Topsoil Salvage.** Topsoil directly under the 14.2-acre Processing Area would be excavated prior to installation of equipment and structures. Approximately 12,300 cubic yards would be used to construct temporary 6-foot-high visual screening berms along State Route 33.

At the end of the project, topsoil stored in the landscape berms would be removed and placed at the Processing Area. At that time, the Processing Area would be returned to pre-project grades and available for agricultural production.

The following materials would be stored in stockpiles in the mining area and the Processing Area: 1) excess topsoil from the Processing Area that is not spread on nearby agricultural fields; 2) unsuitable fines encountered in the mining process, particularly materials deposited from flooding in active mine pits; and 3) unmarketable fines and excess sands generated from processing. Unmarketable fines would be generated at the Processing Area from the scalping screens and from the sediments that settle within the water retention basins (estimated to comprise about two percent of mined material). Excess sand is non-marketable sand derived from processing which is estimated to be up to 5 percent of mined material, or 25,000 cubic yards over the life of the permit.

There may be one or more stockpiles of topsoil, fines, and excess sand. Prior to the discovery of the blunt-nosed leopard lizard at the project site and the need to protect its habitat, this material was planned to be used in improving soil conditions at the leopard lizard protection area for its conversion to agriculture. Material would be added to the stockpile(s) on a continuous basis, as fines are encountered during mining and/or produced during processing. Over time, stockpiles of unmarketable fines and excess sand would be placed into the finished portions of the mine pit. More than half of the topsoil would be stockpiled within the landscaping berm throughout the mining period. The remaining topsoil would either be used to further enhance the agricultural field directly north of the Processing Area; and/or used in final reclamation of the mine pit and Processing Area as a top dressing.

Topsoil stored within the 6-foot-high landscape berm will be planted to prevent wind and water erosion and to preserve soil microbes. The plant palette is shown in Table 2 and Section 4.5.2 of the Reclamation Plan. Supplemental irrigation will be applied, as needed, to establish this vegetation. These berms would also be used for visual screening.

**TABLE 2**  
**LANDSCAPE BERM PLANT PALETTE**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Size</b>	<b>Quantity</b>
<i>Calocedrus decurrens</i>	Incense cedar	15 gallons	68
<i>Pinus coulteri</i>	Coulter Pine	15 gallons	27
<i>Quercus douglasii</i>	Blue Oak	15 gallons	37
<i>Heteromeles arbutifolia</i>	Toyon	5 gallons	123

**Material Processing**

The mined materials would be processed at the 14.2-acre Processing Area adjacent to State Route 33. A description of the facilities and material processing is provided below.

**Processing Equipment and Materials.** Equipment, materials, and facilities that would be located at the Processing Area are listed below:

- Conveyors
- Triple deck dry scalping screen
- Double deck dry scalping screen
- Sand washer (screw type)
- Dewatering screen
- Load-out bins (auto-loader)
- Material stockpiles
- 20,000-gallon above-ground diesel fuel tank, with secondary containment and bermed fueling and maintenance pad
- 10,000-gallon domestic water storage tank with Fire Department drafting hydrant
- Water retention basins (three, each being 80 feet x 130 feet x 10 feet deep)
- Stormwater percolation swale (design capacity of 162,000 gallons, approximately 750 feet in length, depth and width vary with an average depth of 3.8 feet and an average width of 22.8 feet)
- Water reclamation system (three-stage clarifier – each concrete basin being 80’ wide x 130’ long x 10’ deep)

- Scale house (office and dispatch operations)
- Restroom facilities and septic system
- Truck scale (70' above-ground Toledo)
- Well (electric pump)
- Office (7,500 square feet)
- 24-foot-wide, two-lane all-weather access road and turn-around to provide haul trucks with access to the loading bins and truck scale
- Parking spaces for 12 automobiles, plus one handicapped; parking spaces for 4 trucks
- Entrance sign and perimeter fencing (6-foot-high chain link fence) around the Processing Area
- Flagging around the perimeter of the mine pit
- Caretaker/security trailer
- Electricity supplied by the power grid (power pole already onsite)

Chemicals delivered to and stored at the Processing Area onsite are listed below in Table 3.

**TABLE 3  
ON-SITE CHEMICALS**

Chemical	Quantity	Type
6 Guardol QLT 15W-40	2 x 55 gallons	Petroleum hydrocarbon
Diesel #2	20,000 gallons	Petroleum hydrocarbon
Hydraulic Oil AW 46	2 x 55 gallons	Petroleum hydrocarbon
Waste Motor Oil	55 gallons	Petroleum hydrocarbon
Acetylene	2 x 420 cu. ft.	Acetylene gas
Grease	3 x 35 gallons	Petroleum hydrocarbon
Oxygen	2 x 420 cu. ft.	Oxygen gas
Flocculant (e.g., Nalclear)	Unknown at this time	Flocculant (organic polymers)

Onsite mobile equipment (most of which would be used in mining) would include the following:

- Three front-end loaders (two CAT 980s, one in the yard and one in the mining pit, and a CAT 988 in the mining pit)
- Water truck (4,000-gallon capacity)
- Two scrapers (33-ton capacity – CAT 633)
- Two haul trucks (40-ton capacity)
- Excavator (235 CAT)
- Man lift
- Backhoe (Case 535)
- CAT D-8 dozer
- Service truck (lubrication vehicles for periodic servicing of vehicles and equipment)
- Crane (25-ton lift)
- Welding unit

All vehicle fueling and maintenance would take place atop the fueling and maintenance pad within the Processing Area. The concrete pad would include a curbed containment berm and would be located adjacent to the fuel storage tank, which would be placed within a concrete secondary containment area.

**Processing Operations.** Processing would occur at an electrically-powered processing facility capable of processing 600 tons of material per hour. A detailed description of the sequence of processing is provided below.

Material would be excavated from the riverbed using heavy mobile equipment and transported by trucks, scraper or conveyor to the loading hopper. From this point on, material would be moved throughout the Processing Area via a system of conveyors.

- Once in the loading hopper, gravel and boulders would be conveyed from the river's edge to the jaw crusher where they are reduced in size, then conveyed for placement onto the surge pile.
- From the surge pile, crushed aggregate would fall into tunnels and be conveyed to the triple deck dry scalping screen to remove oversized material.
- Material too large for the triple deck dry scalping screen would be diverted and conveyed to the adjacent cone crusher for additional crushing, and is conveyed back through the triple deck dry scalping screen. Material leaving the triple deck dry

scalping screen would be conveyed onto the ¾” rock, ⅜” rock or scalped fines stockpiles, or into the double deck dry scalping screen.

- Material entering the double deck dry scalping screen is separated into birds-eye rock and concrete sand. The bird-eye rock is conveyed onto a stockpile and the concrete sand is passed through a sand washer.
- Concrete sand would then be conveyed through the dewatering screen before being conveyed onto the concrete sand stockpile.
- Wash water from the sand washer and dewatering screen would flow by gravity back to the water retention basins where a flocculant is added (i.e., a triple basin clarifier, with three concrete basins 80 feet x 130 feet and 10 feet deep). While in the water retention basins, the flocculated fine material would “settle out” and 61 percent the water would be reclaimed for re-use in material washing. Fine material deposited in these basins would be removed and deposited on the fines stockpile by a front-end loader.
- The finished product placed on the birds-eye rock stockpile would be available for sale from that location. Material placed on the scalped fines stockpile would be hauled offsite for use as soil amendments, landfill top cover, or placed within the mine pit.
- The finished product would be placed in the concrete sand or ¾” rock stockpiles where it would fall into tunnels and be conveyed to the loading bins.
- On-road haul trucks entering Diamond Rock would be loaded either at the loading bins (concrete sand or ¾” rock), a load-out area (⅜” rock), or by front-end loader at the birds-eye rock or scalped fines stockpiles.
- Concrete rubble accepted for recycling would be stockpiled and a portable crusher brought onsite to periodically crush the concrete rubble. A conveyor (or radial stacker) would transfer the crushed product into a second stockpile. On-road haul trucks entering Diamond Rock would proceed to the recycled concrete stockpile where they are loaded by a front-end loader.

In the future, it may be operationally advantageous to place the jaw crusher at the bottom of the mine pit and convey the mined materials to the surge pile from that location (Step 2).

**Water Source and Use.** Drinking water for employees and visitors at the Processing Area would be supplied by bottled water. Water for the project operations would be provided from a currently idle well (Well # 4), which is located along the southern boundary of the site near Well #5. This non-potable water would be used for the purposes listed below:

- Replenish water trucks, which would be used to control dust on the access road to the mining pit, and in the mining pit
- Washing aggregate materials at the Processing Area
- Dust control using spray bar nozzles on the conveyors to wet aggregate materials being transported to the surge pile
- Dust control by ground watering (from a watering truck) the area where loaders operate within the Processing Area and between the mining pit and the crusher
- Dust control using sprayers at the three-deck and two-deck dry scalping screens
- Restroom facilities

Water would be introduced into the processing system from the on-site well. Most of the water would be used and then re-used as it is recycled through the aggregate processing system. Approximately 74 percent of the water used in washing and dust control would be collected and conveyed to the water retention basins where suspended solids would be removed and clarified water returned to the processing system. Water would be consumed by: 1) evaporation to the atmosphere, and 2) water included in products trucked from the project site. Water would be removed from the processing cycle through percolation, although this water would eventually become available as groundwater.

The estimated total annual water demand for average and maximum production rates were developed using the following assumptions:

- Conveyance to Surge Pile:
  - 6 material drop points (conveyance system to surge pile)
  - 6 conveyor spray bars, each with 2 nozzles spraying at a rate of 0.5 gallons per hour, operated 25 percent of the time given the inherent moisture of the mined material (i.e., operated during the hottest daylight hours)
  - 100 percent of this water is assumed lost to evaporation or held within mined material
- Aggregate Washing (Scalp Screening, Washing and Conveyance to Stockpiles):
  - 31,200 square foot surface area for water retention basins

- 207 gallons of water used per ton for aggregate washing
- Water used for fugitive dust control is consumed
- Water used in the product is consumed
- Water that returns to the Water Retention Basins, less evaporation, is recovered
- Water that percolates is recovered
- Dust Suppression:
  - 3.5 acres where loaders operate in the Processing Facilities Area and to and from the mining area to the crusher
  - 0.43 gallons per square yard per day
  - Surge pile watering during periods of high winds
  - 100 percent of this water is assumed lost to evaporation

Based on the above assumptions, Diamond Rock would use approximately 351,016 gallons of water per day if operated at its average production rate of 500,000 tons per year. Approximately 74 percent would be recycled and reused. About 17 percent (approximately 59,686 gallons of water per day) would be consumed during the processing, and 9 percent would percolate into the ground.

Operating at a peak production rate of 750,000 tons per year, Diamond Rock would use approximately 522,161 gallons of water per day. Recycled water would account for approximately 75 percent of the water used, with the remainder being replaced from Well #4. This equates to the consumption of approximately 83,346 gallons of water per day.

**Administration, Security, and Public Safety.** Diamond Rock would include an administration office and dispatch/operations building for normal everyday business. Nighttime and weekend security at the Processing Area would be provided by perimeter fencing, locked gates, nighttime lighting, and a person living in a caretaker/security trailer. The office area may be alarmed. Equipment would be disabled daily at the end of the shift.

Precautionary fencing and signs would be placed around the mining pit, where needed, for mine safety. In some areas, fencing may be used with wooden or metal posts with wire, flagging, or other materials to alert people to the presence of the mining pits. Metal fencing would be placed in areas that would not be susceptible to flooding (and possibly conveyance downstream to other properties), or would be removed prior to the winter season. Alternative barriers that meet mine safety standards would also be used, such as simple sand berms.

**Hours and Days of Operation and Employment.** With the exception of truck loading operations, Diamond Rock would operate up to 303 days per year, employing eight



people fulltime (i.e., five during the day shift, three during the night shift). Proposed operating hours are as follows:

- Mining/Primary Crushing. Monday through Saturday: 5 a.m. to 6 p.m. (during daylight hours)
- Processing/Secondary Crushing. Monday through Saturday: 5 a.m. (during morning daylight hours) to 10 p.m.
- Truck Loading. Daily: 24 hours per day

The co-occurrence of the various activities at the project site is summarized in Table 4.

**TABLE 4  
 ACTIVITIES AT THE PROJECT SITE**

<b>Hours</b>	<b>Mining/Primary Crushing</b>	<b>Processing<sup>2</sup></b>	<b>Truck Loading<sup>3</sup></b>
Daytime: 5 a.m. – 6 p.m. <sup>1</sup>	X	X	X
Evening: 6 p.m. – 10 p.m.		X	X
Night: 10 p.m. – 5 a.m.			X

<sup>1</sup> As daylight is available.

<sup>2</sup> Total processing time is expected to be up to 16 hours per day, within this 17 hour period.

<sup>3</sup> Loading will occur per demand, which is typically met during the day, but could occur at night for unusually larger orders.

Nighttime operations include as-needed processing until 10 p.m., and truck loading and hauling (using stockpiles at the Processing Area) on a 24-hour basis if required to meet demand (e.g., nighttime road work). No mining would occur at night. It is expected that up to 50 percent of deliveries from Diamond Rock would occur at night, primarily toward Santa Maria, to provide the PCC-grade aggregate needed for Caltrans and public works projects, night paving, and industrial and commercial buildings.

Contract requirements often require the producers of PCC-grade aggregate to provide materials on a 24-hour basis. These contracts involve large-scale projects, such as highway resurfacing by Caltrans, major public works road projects, and Corps of Engineer projects to reinforce dam toes or dikes, among others. In some instances, it may be necessary to conduct processing and loading, or only loading, on Sundays (5 a.m. to 6 p.m.).

**Project Generated Traffic.** Truck traffic generated by the project would vary with production rates, market demand, and the truck traffic restrictions of Condition No. 34. An estimate of the average daily truck trips associated with the proposed project is

provided below for year-round operations (365 days per year) and the use of 29½-ton capacity hauls trucks to deliver finished products to destinations. **Average daily haul truck traffic shall be limited to:**

- Average production year – 37 exit loads, which equates to 74 one-way truck trips.
- Maximum production year – 55 exit loads, which equates to 110 one-way truck trips.

Truck trips would primarily occur during the daylight hours (5 a.m. to 6 p.m.) with up to 12 hours of loading. For certain orders, truck loading may occur through the night.

The Diamond Rock mine would also accept an average of 25,000 tons per year of concrete rubble for recycling, using 25-ton capacity trucks, which would generate an estimated 6 average daily truck trips (ADT) over the year. Diamond Rock-related traffic would also include an estimated 16 ADT from the four employees working each of two shifts, and the estimated 4 ADT associated with Diamond Rock-related deliveries and service vehicles.

Total estimated Diamond Rock-related vehicle trips are summarized in Table 5 below.

**TABLE 5  
 ESTIMATED VEHICLE TRIPS**

<b>Truck Trips<sup>1</sup></b>	<b>ADT/Typical Production Year</b>	<b>ADT/Peak Production Year</b>
Aggregate deliveries	74	110
Recyclable concrete	6	6
Other Trips	4	4
Employees	16	16
Total=	100	136

<sup>1</sup> In general, most of the truck trips would occur during daylight hours. However, there may be orders which involve truck trips at night. The total number of daily truck trips would not increase. Instead, the frequency of truck trips per hour would be less.

## Mitigation Measures from 05EIR-00000-00001

### Drainage, Erosion and Water Quality

2. **Mine Pit Configuration Revision.** The proposed mining plan shall be modified to reconfigure the southwest corner of the proposed mine pit to allow for a minimum 900-foot wide open channel area between the west bank of the Cuyama River and the western edge of the berm surrounding the pit. An example of the overall intent of the modified mining plan is provided on EIR Figures 3-8 and 3-9. The applicant shall monitor river flows for the first three winters after mining has been initiated (with the use of low flow berms in the river channel). The applicant shall document the effect of the low flow berms on river flows, and the converse (effect of river flows on the berms) during these winters through the use of on-ground photographs, maps, diagrams, and/or notes from personal observations. This information shall be provided to County P&D at the end of each winter (April) for review. County P&D will review this information and determine if the additional channel width under this mitigation measure is considered necessary to avoid adverse hydraulic impacts in the river channel such as excessive berm erosion, river bank erosion, and channel scouring. The applicant shall coordinate with County P&D staff prior to the first monitoring year to ensure that the information to be provided is sufficient for evaluation purposes. At the end of three years of monitoring, if there are sufficient data, County P&D will determine if the modification of the mining pit boundary shall be continued while more monitoring data is collected, shall be considered a permanent limit, or shall be rescinded and the original proposed boundary reinstated.  
**Plan Requirements and Timing:** A stream elevation monitoring plan shall be developed and reviewed by OMR, the County and US Army Corps of Engineers staff prior to approval of a Land Use Permit. The applicant shall submit the results of the annual winter flow observations in accordance with the requirements of the approved monitoring plan to County P&D following the first three winters of operation.  
**Monitoring:** P&D shall review the information provided by the applicant and provide a final determination on the mining pit boundary following the third winter of mining.
  
3. **River Channel Survey Requirements.** The applicant shall survey the river bottom elevations from bank to bank each April and October at three locations: (1) 1,000 feet upstream of the current mine pit; (2) in the middle of the current mine pit; and (3) 1,000 feet downstream of the current mine pit. Elevations of the channel bottom shall be collected at survey points in three transects across the river. The number of survey points shall be sufficient to provide cross sections to compare the channel cross sections from year to year. These data shall be reviewed each year by County P&D, in consultation with County Flood Control District, during the annual SMARA inspections to determine if there is evidence of headcutting or channel degradation. If adverse hydraulic conditions are evident, or appear to be developing, which could result in off-site impacts, County P&D will confer with the County Flood Control to determine modifications to

the mining pit layout, width, and/or depth that would avoid these impacts. Given the uncertainty in ascribing these impacts to the presence of the mine pit, an incremental, multi-year approach to address these impacts by mine pit modifications would be implemented by the County P&D. **Plan Requirements and Timing:** A River Channel Survey Plan be prepared and provided to the County, OMR and the U.S. Army Corps of Engineers staff for review and approval prior to the approval of a Land Use Permit. At minimum, the plan shall:

- Provide maps depicting the location of monitoring cross section and longitudinal profiles.
- Indicate when profiles are to be developed, including the documentation of existing conditions prior to the start of mining activities.
- Identify performance criteria that are to be used to define what and when actions will be taken to mitigate adverse hydraulic conditions.

The applicant shall submit the results of the annual surveys to County P&D in April of each year, until such time that the County P&D has determined that additional surveying is not considered necessary. **Monitoring:** P&D shall review the survey data provided by the applicant and provide a final determination on the mining pit boundary following the third winter of mining.

4. **Access Road Design.** The access road from the Processing Area to the Phase 1 mining pit shall include culverts or other provisions to allow winter river flows to pass along the east side of the mine pit (EIR Figure 3-8). The low berm around the initial mine pit shall not extend across the open river channel between the mine pit and the Processing Area. **Plan Requirements and Timing:** The flow passage facilities shall be indicated on the final plans for the mine which shall be submitted to P&D for review and approval prior to issuance of a Land Use Permit. The flow passage facilities shall also be shown on the annual mining plans submitted to P&D for review and approval. **Monitoring:** P&D shall review and approve the annual mining plans that include the flow passage facilities and shall conduct visual inspections of the project site throughout the life of the permit.
5. **Deer Park Creek Grade Control Structure.** The applicant shall include an earthen berm and grade control structure at the outlet of Deer Park Creek at the edge of the river. The berm and structure shall direct flows to the river, downstream of the mine pit, during the initial mining operations. If feasible, the berm and structure shall also direct flows during the full mine pit condition to the river instead of discharging into the mine pit as proposed in order to avoid a hydraulic “jump” that would be created at the edge of the full mine pit. The County Flood Control District shall review the berm and grade control structure design to ensure appropriate materials, size, and depth to prevent failure from channel bed erosion or by-passing flows. The berm and structure shall be included in the SMARA inspections by the County. **Plan Requirements and Timing:** The berm and grade control structure plans shall be indicated on the final plans for the mine which shall be submitted to P&D for review and approval prior to issuance of a Land Use Permit.

**Monitoring:** P&D shall review and approve the annual mining plans that include the conditions of the berm and grade control structure and shall conduct visual inspections of the project site throughout the life of the permit.

6. **Floodplain Development Permit.** The applicant shall acquire a floodplain development permit from the Santa Barbara County Public Works Department, Flood Control District, for the facilities in the Processing Area. The application for the permit shall include a drainage report prepared by a registered engineer that delineates the floodplain limits associated with Deer Park Creek and the drainage from the unnamed tributary and State Route 33 (if present). The application shall include floodproofing structures at the Processing Area in accordance with the County Floodplain Ordinance. It shall also include calculations to demonstrate that the proposed spaces between the screening berms would not cause localized flooding along State Route 33, nor exacerbate flooding along Deer Park Creek west of State Route 33. **Plan Requirements and Timing:** A copy of the application for a floodplain development permit shall be submitted to P&D for review. P&D shall provide recommendations to Santa Barbara County Public Works Department, Flood Control District concerning the flood hazard mitigation measures and proposed floodproofing. **Monitoring:** P&D shall conduct visual inspections of the project site throughout the life of the permit, as necessary to verify compliance with flood mitigation measures and floodproofing.
7. **Stormwater Percolation Swale Design.** The final design of the proposed stormwater percolation swale shall include the following elements:
  - a. The size, volume, and retention time of the percolation swale shall be designed in accordance with the design guidelines and criteria in the Storm Water Management Plan (SWMP) prepared in accordance with the County's NPDES Municipal Stormwater Permit.
  - b. The percolation swale shall be maintained on a regular basis to ensure the design percolation rates are achieved. Maintenance shall include periodic removal of fines.
  - c. Vegetation shall be established in the swale if it will increase the percolation rate, without significantly reducing storage volume and retention time.

In addition, excess fines shall not be placed in the mine pit that contain flocculants or that have not been washed of the flocculants prior to discharge to the mine pit. **Plan Requirements and Timing:** The design criteria for the percolation swale shall be indicated on the final plans for the Processing Area which shall be submitted to P&D for review and approval prior to issuance of a Land Use Permit. **Monitoring:** P&D shall review and approve the annual mining plans that include the percolation swale and shall conduct visual inspections of the swale throughout the life of the permit.

### **Geologic Hazards**

8. **Mine Pit Design Modifications.** The mining plan shall be modified per the recommendations in the Hilltop Geotechnical Slope Geological Report, summarized as follows: 1) the width of benches on exterior mine slopes shall be reduced to 20 feet; 2) the width of access roads on exterior mine slopes shall be reduced to 40 feet; 3) no mining shall occur below the water table; and 4) the mine pit shall not be dewatered by pumping for the purposes of resuming mining operations – mining shall only resume after natural drawdown. **Plan Requirements and Timing:** The modifications to the proposed mining plan shall be clearly indicated on the final plans submitted to P&D for review and approval prior to issuance of a Land Use Permit. **Monitoring:** P&D shall review and approve the annual mining plans that include the slope conditions and shall conduct visual inspections of the mine slopes throughout the life of the permit.

### **Groundwater and Water Use**

No Conditions

### **Biological Resources**

9. **Riverbank Restoration Timing.** The proposed riverbank restoration shall be completed and meet the performance criteria within five years of Land Use Permit issuance or before 20 acres are disturbed in the mine pit, whichever comes first. Annual status reports shall be submitted to the County Planning and Development Department (P&D) until the restoration has been completed. **Plan Requirements and Timing:** The applicant shall submit a stand alone riverbank restoration plan, separate from the mine reclamation plan, to P&D for review and approval within 6 months of Land Use Permit issuance. The plan shall include the above requirement. **Monitoring:** P&D shall review the annual status reports on the progress of the riverbank restoration, as part of annual inspections required by SMARA.
10. **Stream Terrace Revegetation.** The disturbed portions, estimated to be about 5.35 acres, of the stream terrace adjacent to the river channel (see EIR Figure 3-19) shall be enhanced and restored to provide native alluvial scrub habitat for wildlife use during the life of the permit. The applicant shall submit a restoration plan to P&D for review and approval. The plan shall indicate the enhancement and restoration areas and describe habitat objectives, restoration methodology, performance criteria, and implementation schedule. The overall objective is to reduce the amount of non-native weeds and increase native shrub cover (using species common to alluvial scrub) in order to enhance conditions for wildlife use. The enhancement and restoration plan shall be independent of the mine reclamation plan. The plan shall include removal of all saltcedar from the stream terrace, including the top of bank areas adjacent to the agricultural field. Saltcedar shall be removed during the period of July through February to avoid disruption of any

breeding birds. Cottonwood trees shall be planted in patches in suitable locations on the bank or at the toe of the bank between the stream terrace and agricultural field to provide bird roosting habitat. These restoration activities shall be completed within seven years of Land Use Permit issuance. **Plan Requirements and Timing:** The applicant shall submit a stand alone restoration plan, separate from the mine reclamation plan, to P&D for review and approval within 6 months of Land Use Permit issuance. **Monitoring:** P&D shall review the annual status reports on the progress of the restoration in conjunction with annual inspections required by SMARA.

11. **Blunt Nosed Leopard Lizard Protection.** The 16.87-acre stream terrace to be protected for blunt-nosed leopard lizard shall be maintained in a protected state during the life of the permit, which shall include measures to prevent unauthorized use by off-road vehicles, dumping, or other habitat damaging activities. No new roads shall be constructed in the area, and no equipment or stockpiles shall be placed within the boundaries. The area shall remain in a protected state until the County has determined that the mining pit and processing area have been fully reclaimed in accordance with the approved reclamation plan and SMARA and County requirements. **Plan Requirements and Timing:** The applicant shall submit a plan describing the boundaries of the protected area, and management actions to meet the above requirements. The plan shall be submitted to P&D for review and approval within 6 months of Land Use Permit issuance. **Monitoring:** P&D shall review the condition of the protected area during the annual SMARA site inspections.
12. **Ground Clearance Phasing.** To minimize the rate and extent of habitat loss as the mine pit is developed, the areas outside the active mine pit shall not be cleared, graded, or otherwise disturbed until such time that excavation is scheduled to begin in these areas. The applicant shall use the proposed perimeter flagging to delineate the boundary of the active mine, haul road, and low flow diversion berm. The applicant shall instruct all equipment operators to remain within the boundary. The applicant shall submit an up-to-date map of the active mine pit and haul road to P&D each year. **Plan Requirements and Timing:** The applicant shall submit an annual mining and haul route plan to P&D for review and approval which would show the location of the active mine mining area. **Monitoring:** P&D shall review the annual mining and haul route plan, as well as conduct visual inspections of the mining operations during the annual SMARA site inspections.
13. **Ground Disturbance Minimization.** The applicant shall minimize the disturbance zone associated with the construction and maintenance of low flow diversion berm surrounding the mining pit by employing grading methods that avoid extensive equipment movement in the river channel. Earthwork and equipment travel associated with the construction and maintenance of the berms shall not occur outside the project site boundaries. **Plan Requirements and Timing:** The applicant shall submit an annual mining and haul route plan to P&D for review and approval which would show the location of the low flow diversion berm and describe the construction and maintenance

- methods. **Monitoring:** P&D shall review the annual mining and haul route plan, as well as conduct visual inspections of the mining operations during the annual SMARA site inspections.
14. **Haul Road Alignment.** The haul road to the mine pit shall be sited in such a manner as to reduce the number of re-alignments required as the mine pit becomes larger. If possible, the initial haul road alignment shall be maintained throughout the duration of the Phase 1 mining in order to avoid unnecessarily disturbing river channel habitats prior to the expansion of the mine pit during Phase 2. **Plan Requirements and Timing:** The applicant shall submit an annual mining and haul route plan to P&D for review and approval which would show the location of the haul road. **Monitoring:** P&D shall review the annual mining and haul route plan, as well as conduct visual inspections of the mining operations during the annual SMARA site inspections.
15. **Weed Control.** The applicant shall manage aggressive non-native weeds that may periodically colonize the low flow diversion berm. Aggressive noxious species, such as Russian thistle and star thistle, shall be removed on an on-going basis using a combination of mechanical means and herbicide application. The cover of non-native aggressive weeds shall not exceed 20 percent of the total plant cover on the berms during the life of the permit. Herbicides shall only be used to manage weeds if: 1) approved aquatic herbicides are used, such as AquaMaster; 2) herbicides are not applied to open water, on saturated ground, or during the winter season when flows could remove applied herbicides (December 1 through April 1); 3) Best Management Practices (BMPs) are employed to reduce the amount of applied herbicide, including the BMPs associated with the state-wide aquatic pesticide permit; 4) a weed management plan with the selected BMPs is submitted to, and approved by, Planning & Development prior to issuance of the Land Use Permit; and 5) the applicant has acquired the required state and federal permits and approvals for the application of herbicides. **Plan Requirements and Timing:** The applicant shall submit a weed management plan to P&D for review and approval prior to the issuance of a Land Use Permit. Annual reports on the status of weed cover on the low flow diversion berm shall be submitted to P&D for review and acceptance. **Monitoring:** P&D shall review the annual weed status reports, as well as conduct visual inspections of the low flow diversion berm conditions during the annual SMARA site inspections.
16. **Night Lighting Minimization.** Nighttime lighting on the southern perimeter of the Processing Area shall be shielded and directed to reduce light impingement on the habitat area located south of, and adjacent to, the Processing Area. **Plan Requirements and Timing:** Information on the lighting at the Processing Area shall be included in final plans to be submitted to P&D for review and approval prior to issuance of a Land Use Permit. **Monitoring:** P&D shall conduct visual inspections of the Processing Area throughout the life of the permit, as necessary, to verify compliance.



17. **Haul Road Speed Limit.** A 15-mph speed limit shall be enforced on the access road from the Processing Area to the boundary of the mine pit, wherever it is located at the time. The speed limit shall be posted in both directions, and all haul truck operators shall be informed of the limit which is designed to reduce dust and collisions with wildlife. **Plan Requirements and Timing:** Speed limit signs shall be indicated on the final plans for the mine and Processing Area which shall be submitted to P&D for review and approval prior to issuance of a Land Use Permit. **Monitoring:** P&D shall conduct visual inspections of the project site throughout the life of the permit, as necessary to verify compliance. Annual SMARA inspections shall confirm that speed limit signs are in place as required.
  
18. **Wildlife Movement Corridor Setback.** The mining plan shall be modified to include a 75-foot setback from the toe of the east river bank to the low flow diversion berm, blunt-nosed leopard lizard exclusionary fence, or the top of the mine pit slopes (whichever comes first). This corridor shall be managed as open space with native alluvial scrub. It will allow wildlife to continue to travel uninterrupted through the project site on the east side of the river. No roads or vehicle access shall be allowed. In addition, the proposed blunt-nosed leopard lizard undercrossing for the mine pit access road (see Section 2.5.1) shall be installed and maintained (even if future studies indicate that the lizard is not present at the project site) in order to provide passage across the road for all reptiles and small mammals. **Plan Requirements and Timing:** The setback shall be indicated on the final plans for the mine and Processing Area which shall be submitted to P&D for review and approval prior to issuance of a Land Use Permit. The setback shall also be shown on the appropriate annual mining plans also submitted to P&D for review and approval. **Monitoring:** P&D shall review and approve the annual mining plans that include the setback, and shall conduct visual inspections of the project site throughout the life of the permit.
  
19. **Blunt Nosed Leopard and California Horned Lizard Surveys.** The applicant shall conduct field investigations to determine if the blunt-nosed leopard lizard or California horned lizard is present in the river channel or other areas to be disturbed at the project site. The field investigations shall be conducted by a qualified biologist approved by Planning & Development, using survey protocols approved by the US Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG). The field investigations shall occur during each of the first five years of project operations. The results shall be provided to Planning & Development and USFWS and CDFG for review and acceptance. If the results demonstrate that lizards are absent from the river channel and unlikely to ever be present, Planning & Development will consult with USFWS and CDFG to determine if the use of exclusionary fence around the mine pit is still considered necessary. Planning & Development shall amend the conditions of approval related to the fencing in this situation. If the results indicate that blunt-nosed leopard lizards or California horned lizards are present in the river channel areas to be mined or

other areas to be disturbed, the applicant shall acquire necessary permits and approvals from USFWS and CDFG to remove and relocate lizards from areas to be mined or disturbed. The applicant shall provide Planning & Development with a copy of an approved lizard relocation plan and necessary permits prior to implementation. **Plan Requirements and Timing:** The applicant shall submit the results of the annual blunt-nosed leopard lizard and California horned lizard surveys during the first five years of operations, including any correspondence with USFWS and CDFG. A final report and recommendation shall be included in the last report, including any correspondence or communication with USFWS and CDFG. **Monitoring,** P&D shall review the recommendations in the last report and make or recommend appropriate amendments to permit conditions.

20. **Blunt Nosed Leopard Lizard Protection Area Modifications.** The applicant-proposed exclusionary fence around the blunt-nosed leopard lizard protection area adjacent to the mine site shall be modified as follows. A permanent fence shall not be placed around the blunt-nosed leopard lizard protection area as planned. Instead, the exclusionary fence to prevent blunt-nosed leopard lizards from entering the mine pit or crossing the access road to the mine pit shall be placed along the perimeter of these work areas, and shall be moved as necessary as the mine pit is enlarged and the access road location is moved. This approach will allow blunt-nosed leopard lizards to move freely between the river channel and the protected area, as shown on EIR Figure 3-21 for the Phase 1 mining layout. The exclusionary fence shall be temporarily removed during the period December 1 through April 1 of each year in locations that may be susceptible to winter river flows. The exclusionary fence shall also be placed along the perimeter of the Processing Area, if the survey results from Condition of Approval No. 19 indicate a need. **Plan Requirements and Timing:** The location and description of the exclusionary fence and guidelines on annual placement shall be included in the final plans for the mine and Processing Area to be submitted to P&D for review and approval prior to issuance of a CUP. **Monitoring:** P&D shall review and approve the annual mining plans that include the locations of all exclusionary fencing, and shall conduct visual inspections of the fencing throughout the life of the permit, as necessary to verify compliance.

### **Traffic and Circulation**

21. **DELETED (this condition is no longer applicable to the proposed project due to the truck traffic restriction requirements of Condition No. 34)**
22. **State Route 33 Turn Lane.** The applicant shall design and construct a northbound left-turn lane on State Route 33 at the entrance to the project site. The applicant shall coordinate as necessary with Caltrans to acquire the necessary approvals for this facility. The turn lane shall be completed prior to initiation of contract sales of material from the processing operations. This condition may be modified or delayed by the County if evidence of Caltrans approval of a modification or delay is provided. **Plan**

**Requirements and Timing:** The proposed mining plan shall include this facility, including evidence of Caltrans engineering and right of way approvals. **Monitoring:** Completion of the left turn lane to be verified by P&D staff no later than the second annual SMARA compliance inspection after issuance of the use permit, or by an alternative time if approved by Caltrans.

23. **Traffic Safety Requirements.** The following measures shall be implemented to increase truck safety along State Routes 33 and 166:

- a. All applicant-owned trucks and independent truckers shall use headlights during the day when traveling to and from the project site along State Routes 33 and 166.
- . **(This condition has been deleted because it is no longer applicable to the proposed project due to the truck traffic restriction requirements of Condition No. 34)**
- b. Trucks shall be prohibited from parking, staging, or queuing along State Route 33 shoulders.
- c. Truck caravans to and from the mine site on State Route 33 south of the project site shall be prohibited.
- d. The applicant shall post and maintain a phone recording complaint line for residents to report possible violations. Trucks owned by the applicant shall be readily identifiable by a placard with a unique number that is sized and located on all four sides of the vehicle in order to be clearly visible to individuals wishing to make a complaint against an individual driver. Since the applicant has no direct control over the vehicles used by independent truckers, the applicant shall use the truck trip logs and the complaint logs (i.e., especially the time and date) to identify truckers against whom a complaint has been made and to resolve complaints.

**Plan Requirements and Timing:** The provisions listed in Condition 23 shall be included in the plans submitted at the land use permit stage. **Monitoring:** The applicant shall post these conditions and provide copies to all truckers (both applicant-owned and independent truckers). The applicant shall maintain daily records of all truck trips along State Routes 33 and 166 indicating the departure time and date, with clearly noted prohibited times for departures and prohibited parking locations. The applicant also shall maintain records of the phone complaint line. The County shall inspect these daily records and verify that all conditions are posted as part of the annual SMARA compliance inspection, or at any other time, to determine compliance.

## Noise

24. **On-Site Noise Attenuation Measures.** To reduce impacts of mining operations on nearby residential receptors, the following noise attenuation measures shall be implemented:
- a. Sound barriers at least 10 feet high shall be installed along the southern property line adjacent to the Processing Area to reduce noise emissions from truck loading and movements in the Processing Area that would affect the nearby residences at the Los Padres National Forest Ventucopa Work Camp, particularly at night. The preferred sound barrier would be constructed of landscaped berms, but other materials may be acceptable if the berms are infeasible. The proposed site layout shall be modified to provide for the barriers. An example is provided on EIR Figure 3-35.
  - b. Machinery associated with crushing and screening at the Processing Area shall use electric motors or have manufacturer's mufflers and other noise reduction measures to minimize noise levels on diesel engines. Localized barriers or curtains shall be used to shield and reduce noise levels from truck loading activities.
  - c. Trucks shall be prohibited from parking, staging, or queuing along State Route 33 shoulders at or near the entrance of the Processing Area.
  - d. The use of jake brakes shall be prohibited when entering the Processing Area.

**Plan Requirements and Timing:** Locations of noise producing equipment and noise barriers/details shall be shown on the Land Use Permit. Equipment and shielding shall remain in the designated locations throughout the operation of the project. **Monitoring:** Permit Compliance shall perform site inspections to ensure compliance.

25. **Traffic Noise Reduction Measures.** To reduce noise impacts of haul trucks on residential receptors along State Route 33 from the project site to Lockwood Valley Road, the following noise attenuation measures shall be implemented:
- a. Truck trips on State Route 33 south of the project site on Sundays shall be limited on Sundays to 11:00 a.m. to 6:00 p.m. Exceptions may be granted on a case by case basis by the County P&D Director and shall be limited to situations of emergency construction or repairs by Caltrans or utility companies, or other similar situations that may warrant an exception for the public interest.
  - b. No more than 33 percent of the allowable daily truck trips shall occur during the period 10:00 p.m. to 5:00 a.m. Exceptions may be granted on a case by case basis by the County P&D Director and shall be limited to situations of emergency construction or repairs by Caltrans or utility companies, or other similar situations that may warrant an exception for the public interest.

- c. Trucks shall be prohibited from parking, staging, or queuing along State Route 33.
- d. Truck caravans to and from the mine site on State Route 33 south of the project site shall be prohibited.
- e. The use of jake brakes shall be prohibited on applicant-owned and independent trucks between Ozena and the project site.
- f. The applicant shall post and maintain a phone recording complaint line to report possible violations of these restrictions by residents. Trucks owned by the applicant shall be readily identifiable by a placard with a unique number that is sized and located on all four sides of the vehicle in order to be clearly visible to individuals wishing to make a complaint against an individual driver. Since the applicant has no direct control over the vehicles used by independent truckers, the applicant shall use the truck trip logs and the complaint logs (i.e., especially the time and date) to identify truckers against whom a complaint has been made and to resolve complaints.

**Plan Requirements and Timing:** Conditions shall be included as conditions of approval for Use Permit. Conditions shall remain applicable throughout the life of the project.  
**Monitoring:** Permit Compliance to conduct inspections and respond to complaints to ensure compliance.

### Air Quality

26. **Dust Control.** The following measures would reduce fugitive dust emissions during the construction of the Processing Area facilities. They are based on the standard dust mitigation measures of the APCD.
  - a. Areas subject to clearing, grading, earth moving or excavation shall be kept sufficiently moist, through use of either water trucks or sprinkler systems, to prevent dust from leaving the site. Water trucks or sprinkler systems shall also be used to keep on-site roads (paved and unpaved) damp enough to prevent dust raised from leaving the site. At a minimum, this shall include wetting down these areas in the late morning and after work is completed for the day. At the end of the day, areas with disturbed soil shall be sufficiently moistened to create a crust. Increased watering frequency shall be required whenever the wind speed exceeds 15 mph. These areas must also be kept moist during weekends and days when no construction activities are occurring.
  - b. Stockpiles and barren areas at the project site that would be disturbed on a periodic basis (at least once every 5 days) shall be kept sufficiently moist by the use of water trucks or sprinklers to prevent dust from leaving the site.

- c. Stockpiles and barren areas at the project site that would remain undisturbed for more than 5 days shall be stabilized by the use of tackifiers, soil binders, or other measures. These stabilization agents shall be replenished throughout the dry season on an as-needed basis to prevent dust emissions.
  - d. On-site vehicle speeds shall be limited to 15 miles per hour or less.
  - e. Gravel pads or similar devices shall be installed at the project entrance to prevent tracking of mud on to public roads.
  - f. Highway 33 shall be inspected daily (midday and at the end of the day) during periods of truck hauling to determine if there is an accumulation of silt on the road that could cause fugitive dust. The highway shall be kept clean of such silt by the use of a street sweeper or watering truck.
  - g. Trucks transporting fill material to and from the site shall be tarped from the point of origin or loaded in a manner that provides sufficient freeboard to prevent visible dust plumes from being emitted.
  - h. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. The name and telephone number of such persons shall be provided to the APCD prior to initiation of construction. All dust control requirements shall be shown on grading and building plans.
27. **On-Site NO<sub>x</sub> Emission Reduction.** The following measures would reduce NO<sub>x</sub> emissions from construction equipment and associated truck trips during the construction of the Processing Area facilities. They are based on the standard mitigation measures of the APCD.
- a. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) should be utilized wherever feasible.
  - b. The engine size of construction equipment shall be the minimum practical size.
  - c. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
  - d. Construction equipment shall be maintained in tune per the manufacturer's specifications.
  - e. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
  - f. Diesel catalytic converters, diesel oxidation catalysts, diesel particulate filters, or other control measures as certified and/or verified by EPA or California ARB shall be installed, as required by future rules.

**Plan Requirements and Timing:** these requirements shall be noted on all plans. Plans are required prior to approval of a Land Use Permit. **Monitoring:** Grading inspector shall perform periodic site inspections.

28. **Truck Transportation NOx Emission Reduction.** Average daily truck trips during the year shall not exceed 100 trips (50 exit loads) in order to reduce vehicular emissions below the County and APCD impact threshold for on-road NO<sub>x</sub>. Notwithstanding the traffic generation requirements of Condition 34, this limitation may be adjusted upwards if the County Planning & Development and County APCD approve an applicant-prepared haul truck emissions mitigation plan that demonstrates that higher daily truck volumes would not exceed the 25 lbs/day threshold in Santa Barbara County due to the future use of trucks by the project with lower emission rates, or other similar factors. This limitation may also be adjusted downward based on data regarding project-related truck distribution and estimated vehicle miles traveled in Santa Barbara County. This measure does not limit the total annual production directly, but would likely reduce the total annual production to about 540,000 tons per year due to limitations on truck size. The 100 truck trip limitation does not apply to the concrete recycle operations. However, the maximum annual concrete recycle deliveries shall not exceed 25,000 tons per year in order to ensure additional emissions are not created. **Plan Requirements and Timing:** These measures are to be included as conditions of approval for the Use Permit. **Monitoring:** Project applicant shall maintain logs of truck trips and production, and Permit Compliance shall periodically inspect, to ensure compliance.
29. **Diesel Exhaust Reduction.** In order to minimize diesel exhaust from on-site operations and to ensure that excess cancer risk levels from diesel exhaust remain below 10 in 1 million, the project shall incorporate a combination of measures to achieve at least an 85 percent reduction in diesel exhaust particulate matter or other controls that achieve the same limitation on excess cancer risk. One or more of the following methods may be uses:
- a. Purchasing new engines/equipment (Tier 2 or better)
  - b. Adding controls to existing equipment (diesel particulate filters)
  - c. Electrification
  - d. Other methods based on newer technology

**Plan Requirements and Timing:** The applicant shall prepare a revised health risk assessment based on the final inventory of engines to be operated and current Health Risk Assessment Guidelines, for review and approval by the County prior to occupancy or the start of operations. The effectiveness of any alternative control measures shall be confirmed by SBAPCD. **Monitoring:** Periodic inspection of proposed equipment

## **Visual Resources**

30. **Landscape Berm Maintenance.** The applicant shall develop and implement a monitoring and maintenance plan for the landscaping on the screening berms, and along the southern property boundary, to ensure the growth and health of the landscaping. **Plan Requirements and Timing:** The applicant shall submit a landscape monitoring and maintenance plan to County Planning & Development for review and approval prior to issuance of a land use permit. The plan shall include irrigation, fertilizing, pruning, and dust removal scheduling, and any other identified maintenance needs to ensure optimal growth. The plan shall include growth and survival performance goals for the trees for the life of the permit, including contingency plans to replant diseased or stressed trees. **Monitoring:** Installation and maintenance of the screening landscaping shall be included in the annual SMARA mine inspections by the County.
  
31. **Additional Processing Area Screening.** Additional screening shall be provided on the south side of the Processing Area to screen views from northbound viewers on State Route 33. The applicant shall modify the site layout (if necessary) and landscaping plan to provide a windrow of irrigated perennial trees between the haul road and the southern property boundary that extends at least 500 feet from State Route 33. The screening trees may include non-invasive ornamentals if no native trees would be effective in this application and location. Tamarisk shall not be used. See Mitigation Measure NS-1, Item (1) and Figure 3-35 for noise attenuation berms on the southern boundary that may provide visual screening under this measure. **Plan Requirements and Timing:** The final site layout and landscaping plans shall incorporate the additional screening landscaping and shall be submitted to County Planning & Development for review and approval prior to issuance of a land use permit. **Monitoring:** Installation and maintenance of the screening landscaping shall be included in the annual SMARA mine inspections by the County.
  
32. **Project Area Lighting.** Lighting installed at the Processing Area shall have a low glare design, and shall be hooded to direct light downward onto specific areas of the Processing Area. Light fixtures shall be shielded so that neither the lamp nor the related reflective interior surface shall be directly visible outside the Processing Area, and light levels at the perimeter of the Processing Area shall not exceed 0.5 foot candles. **Plan Requirements and Timing:** The applicant shall submit a lighting plan to County Planning & Development for review and approval, specifying the height, location, and intensity of all site lighting. An arrow should be included for each light fixture which indicates the direction of light being cast by such fixture. The plan shall also include a time management component which calls for the reduction of lighting to minimal security levels when there are no nighttime operations. The plan shall be submitted to County Planning & Development for review and approval prior to issuance of a land use permit. **Monitoring:** Ensuring the proper installation and use of lighting fixtures shall be included in the annual SMARA mine inspections by the County.

## **Cultural Resources**



33. **Resource Discovery.** In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements and Timing:** This condition shall be printed on the construction and mining plans. **Monitoring:** County Planning & Development staff shall check mining plans prior to approval of the land use permit.

### **Agriculture**

No Conditions

### **Project Specific Conditions**

34. **Limitations on Project-Generated Truck Trips.** Truck traffic to and from the Diamond Rock project site shall be prohibited 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.

Any proposed change to the truck trip limitations required by this condition shall require the project applicant to file an application to modify the project's Conditional Use Permit. Planning & Development shall provide copies of the permit modification application to the Ventura County and City of Ojai Planning Departments. The application to modify 03CUP-00000-00037 shall be considered by the Santa Barbara County Planning Commission at a publicly noticed hearing. Notice of said hearing shall also be provided to the Ventura County and City of Ojai Planning Departments, and notices shall be provided in a newspaper of general distribution in the Ojai area in accordance with Santa Barbara County noticing procedures.

35. **Project-Generated Truck Traffic Monitoring.** Daily weight receipt records for material hauling trucks leaving the project site shall be made available for inspection by the County. The weight receipts shall also indicate the origin location of the truck, destination of the truck, and the time it left the project site. The permittee shall keep at least the previous 365 days weight receipts on file at the project at all times.

36. **Regional Permit Monitoring Program.** Upon the effective date of a permit monitoring condition imposed by the County of Ventura on aggregate mines in Ventura County, the permittee shall participate in a permit monitoring program developed by the County Ventura and the County of Santa Barbara for the purpose of uniform permit condition monitoring by both jurisdictions. The program shall apply to this project as well as other relevant projects in both counties (i.e., mines for which at least 50% of the traffic uses State Route 33).

37.

In regard to truck monitoring, the joint monitoring program may include, but is not limited to, the following elements:

- a. Traffic monitoring devices (counter hoses, etc) at or near the project entrance that record the timing and/or identification of trucks arriving and departing the project.
- b. Use of public employees or consultants hired by the count(ies) to monitor and record truck movements in Ventura, Santa Barbara, Kern and/or San Luis Obispo Counties.
- c. Review on demand the project weigh tickets as requested by public employees or County authorized consultants. Toward this end, the permittee shall keep at least the previous 365 days weigh tickets on file at the project at all times.

The cost of this program, including any consultant or County staff costs, shall be borne by the participating projects based on their pro rata share of the total mining traffic (i.e. previously permitted trips and any additional trips approved by this or future modifications to this permit) generated by the participating projects.

38. **Truck Identification.** Upon the effective date of a truck identification condition imposed by the County of Santa Barbara on aggregate mines in Ventura County, the permittee shall participate in a truck identification program developed jointly by the mine operators, the County of Santa Barbara and the County of Ventura that allows easy determination of what mine the truck is utilizing. The program shall apply to product or delivery trucks traveling to, or leaving from, the site. This identification system only applies to trucks being used by customers with accounts on file with the project.

The purpose of this condition is to develop a unified vehicle identification program for mining projects in Santa Barbara and Ventura that allows designated condition compliance monitors (see Condition 36) or members of the public to easily identify the mine the truck is utilizing. Such identification will help to monitor condition limits on numbers of truck-trips, designated routes, and/or permitted hours of operation for some of the mines in the two counties.

The cost of this program, including any materials, consultant and/or County staff costs, shall be borne by the participating projects based on their pro rata share of the total traffic (i.e. previously permitted trips and any additional trips approved by this or future modifications to this permit) generated by the participating projects.

39. **Annual Report.** As part of the SMARA Annual Status Report [LUDC 35.82.160.H.1.b(9)] the permittee shall prepare and submit to the County and Conditional Use Permit compliance report that describes how all conditions and mitigation measures of this permit are being implemented, any problems with such implementation, and the proposed resolution of identified problems.
  
40. **Landscape Plan and Performance Securities.** Landscape plans for the proposed screening berms along State Route 33 shall be provided. **Plan Requirements/Timing:** All landscape plans shall be reviewed by P&D and BAR prior to approval of a Land Use Permit. Two performance securities shall be provided by the applicant prior to approval of a Land Use Permit, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for five (5) years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in sections (a). If plants and irrigation have been established and maintained, P&D may release the maintenance security 5 years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another 5 years. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:
  - a. Installation of all landscaping and irrigation with timers in accordance with the approved landscape plan prior to occupancy clearance.
  
41. **Water Quality Permit.** The applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. **Plan Requirements and Timing:** Prior to approval of a Land Use Permit the applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. The objective of the SWPPP shall be to demonstrate that the proposed project would not result in a net increase in sediment discharges from the project site. A copy of the SWPPP must be retained on the project site during mining activities.
  
42. **Streambed Alteration Agreement Required.** No alterations to the channel or banks of the Cuyama River shall be permitted until the Department of Fish and Game has issued a Streambed Alteration Agreement. **Plan Requirements and Timing:** A copy of the approved Streambed Alteration Agreement shall be provided to Planning and Development prior to approval of a Land Use Permit.
  
43. **404 Permit Required.** Prior to approval of a Land Use Permit for project-related grading or fill activity activities within the Cuyama River, the applicant shall obtain a U.S. Army Corps of Engineers 404 permit. **Plan Requirements and Timing:** A copy of

the approved 404 Permit shall be provided to Planning and Development prior to approval of a Land Use Permit.

44. **401 Certification Required.** Prior to approval of a Land Use Permit, the applicant shall obtain a 401 Water Quality Certification from the Regional Water Quality Control Board. **Plan Requirements and Timing:** A copy of the approved 401 Water Quality Certification shall be provided to Planning and Development prior to approval of a Land Use Permit.
45. **Project Site Appearance.** Mining operations shall be conducted in a neat and orderly manner, free from junk, trash, or unnecessary debris. Where in public view, salvageable equipment stored in a non-operating condition shall be suitably screened or stored in an enclosed structure.
46. **Revised Reclamation Plan.** Prior to submittal of the proposed reclamation Plan to the California Office of Mine Reclamation for review and comment, the project applicant shall submit a revised reclamation plan that is consistent with the approved project description and conditions or approval.

#### **Conditional Use Permit Conditions**

47. This Conditional Use Permit is not valid until a Land Use Permit for the development and/or use has been obtained. Failure to obtain said Land Use Permit shall render this Conditional Use Permit null and void. Prior to the issuance of the Land Use Permit, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to approval of Land Use Permits must be satisfied. Upon issuance of the Land Use Permit, the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of expiration of the appeal period, or if appealed, the date of action by the Board of Supervisors.
48. If the Planning Commission determines at a noticed public hearing that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of Sec. 35.82.060 of the LUDC, the Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.
49. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Land Use Permit issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit.
50. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.

51. Within 18 months after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until a Land Use Permit has been issued. Failure to commence the construction and/or use pursuant to a valid Land Use Permit shall render the Conditional Use Permit null and void.
52. All time limits may be extended by the Planning Commission for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.
53. The operator and owner are responsible for complying with all conditions of approval contained in this Conditional Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.
54. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of issuance of a Land Use Permit.
55. This permit is issued pursuant to the provisions of Section 35.82.060 of the LUDC and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:
  - a. If any of the conditions of the Conditional Use Permit are not complied with, the Planning Commission, after written notice to the permittee and a notices public hearing, may in addition to revoking the permit, amend, alter, delete or add conditions to the permit at a subsequent public hearing noticed for such action.
  - b. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.
  - c. Said time may be extended by the Planning Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.
56. **Additional Permits Required.** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Land Use Permit from Planning and Development. This Permit is required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

57. **Signed Agreement to Comply Required.** Prior to approval of Land Use Permits for the project, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.
58. **Compliance with Departmental letters required as follows:\**
  - a. Flood Control dated May 15, 2007.
  - b. Public Health dated May 22, 2007.
  - c. Santa Barbara APCD dated May 29, 2007.
  - d. Fire Department, dated March 18, 2005
59. **Print & illustrate conditions on plans.** All applicable final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
60. **Mitigation Monitoring required.** The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:
  - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
  - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
  - c. Pay fees prior to approval of a Land Use Permit as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
61. **Fees Required.** Prior to issuance of a Land Use Permit, the applicant shall pay all applicable P&D permit processing fees in full.
62. **Indemnity and Separation Clauses.** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Conditional Use Permit. In the event that the County fails promptly to notify the applicant of any such claim,

action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

63. **Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

#### **ADDITIONAL CONDITIONS**

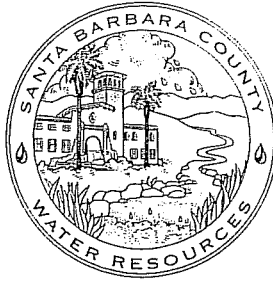
64. **Groundwater Protection.** The mine pit shall not be excavated to the level of ground water, and shall stay at least an average of 6 feet above ground water level. If ground water is encountered, material shall be replaced in the pit to a depth of 6 feet above ground water, and excavation may continue above that elevation.”

DIANNE BLACK, ZONING ADMINISTRATOR

FOR:  
JOHN BAKER, DIRECTOR

---

Date



RECEIVED

MAY 16 2007

S.B. COUNTY  
PLANNING & DEVELOPMENT

Santa Barbara County Public Works Department  
Flood Control & Water Agency

May 15, 2007

Planning Commission  
S.B. County Planning & Development  
123 E. Anapamu St.  
Santa Barbara, CA 93101

**Re: 03-CUP-00000-00037; Diamond Rock Sand & Gravel Mine and Processing Facility  
APN: 149-220-002; -011; & -065/Ventucopa**

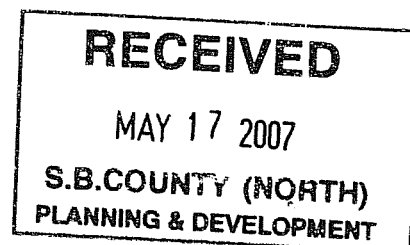
Dear Commissioners:

This District recommends that approval of the above referenced project be subject to the following conditions.

1. Prior to issuance of Land Use Permits, the applicant shall comply with the Flood Control Standard Conditions of Approval.
2. Prior to issuance of Land Use Permits, the applicant shall submit Grading & Drainage Plans for District review and approval. Said plans shall convey drainage from Deer Park Creek, and runoff from all other areas, to the Cuyama River in a non-erosive manner.
3. The applicant will be required to pay the current plan check fee deposit at the time the plans are submitted for review.

Sincerely,

Dale W. Weber, P.E.  
Development Engineer



cc: Joyce Gerber, Planning & Development  
Gary Kaiser, Planning & Development  
West Coast Environmental, 1838 Eastman Ave., Suite 200, Ventura, CA 93003  
Troesh Ready Mix, Inc., 305 Cuyama Lane, Nipomo, CA 93852  
Triangle E Farms, 2830 State Route 33, Maricopa, CA 93852



Santa Barbara County  
**PUBLIC Health**  
DEPARTMENT

**Environmental Health Services**

2125 S. Centerpointe Pkwy., #333 • Santa Maria, CA 93455-1340  
805/346-8460 • FAX 805/346-8485

Elliot Schulman, MD, MPH Health Officer/Director  
Michele Mickiewicz, Deputy Director  
Rick Merrifield, Environmental Health Director

TO: Gary Kaiser, Planner  
Planning & Development Department  
Development Review Division

FROM: Paul Jenzen  
Environmental Health Services

DATE: May 22, 2007

SUBJECT: Case No. 03CUP-00000-00037

Ventucopa Area

Applicant: Troesh Materials Inc.  
305 Cuyama Lane  
Nipomo, CA. 93444

Property Location: Assessor's Parcel No. 149-220-002, 011 & 065, zoned U & AG-II-40, located at 2830 State Route 33.

Case No. 03CUP-00000-00037 represents a request to establish a new sand and gravel extraction and processing facility. Part of the project would include a scale house, restroom facilities and 7,500 square foot office.

Domestic water supply is proposed to be provided by a private water system. As a business, a single-parcel water system would be required to serve the proposed project.

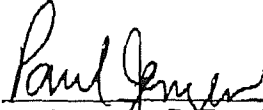
Sewage disposal is proposed to be provided by an on-site wastewater treatment system. The applicant has provided an engineering report completed by Ensitu Engineering and dated June 26, 2003 that indicates a septic system could be constructed to serve the proposed project.

Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as Conditions of Approval:

1. Prior to Issuance of Zoning Clearance, an application for a **Single Parcel Water System Permit** shall be reviewed and approved by Environmental Health Services in accordance with Santa Barbara County Code Chapter 34B.

Planning and Development Department  
Case Number 03CUP-00000-00037  
May 22, 2007  
Page 2 of 2

2. Prior to Issuance of Zoning Clearance, an application for an On-site Wastewater Treatment System permit shall be reviewed and approved by Environmental Health Services.



Paul Jenzen, R.E.H.S.  
Senior Environmental Health Specialist

cc: Applicant  
Agent, West Coast Environmental and Engineering, 1838 Eastman Ave., Suite 200, Ventura,  
CA. 93003  
Mark Matson, Planning & Development Dept, Building Div., Santa Maria  
Rick Furtado, Environmental Health Services

LU-4726



**Santa Barbara County  
Air Pollution Control District**

May 29, 2007

Gary Kaiser, Project Manager  
County of Santa Barbara  
Development Review, North County Office  
624 W. Foster Road, Suite C  
Santa Maria, CA 93455

**RE: Diamond Rock Sand and Gravel Mining and Processing Facility: Recommended  
Conditions of Approval**

Dear Gary:

The Santa Barbara County Air Pollution Control District (SBCAPCD), as a responsible agency under CEQA, appreciates the opportunity to recommend conditions of approval for the P&D permitting action on above mentioned project. We recommend the following conditions of approval, updated from the mitigations described in the FEIR:

1. Prior to issuance of land use clearance, SBCAPCD permits (Authority to Construct and Permit to Operate) must be issued for this project.
2. Fugitive Dust Control during construction and operation of the mining project:
  - a) Areas subject to clearing, grading, earth moving or excavation shall be kept sufficiently moist, through use of either water trucks or sprinkler systems, to prevent dust from leaving the site.
  - b) Water trucks or sprinkler systems shall also be used to keep on-site roads (paved and unpaved) damp enough to prevent dust raised from leaving the site. At a minimum, this shall include wetting down these areas in the late morning and after work is completed for the day. At the end of the day, areas with disturbed soil shall be sufficiently moistened to create a crust. Increased watering frequency shall be required whenever the wind speed exceeds 15 mph. These areas must also be kept moist during weekends and days when no construction activities are occurring.
  - c) Stockpiles and barren areas at the project site that would be disturbed on a periodic basis (at least once every 5 days) shall be kept sufficiently moist by the use of water trucks or sprinklers to prevent dust from leaving the site.
  - d) Stockpiles and barren areas at the project site that would remain undisturbed for more than 5 days shall be stabilized by the use of tackifiers, soil binders, or other measures. These stabilization agents shall be replenished throughout the dry season on an as-needed basis to prevent dust emissions.
  - e) On-site vehicle speeds shall be limited to 15 miles per hour or less.

Terence E. Dressler - Air Pollution Control Officer

5. A minimum 85 percent reduction in diesel exhaust particulate matter from on-site operations shall be achieved by a combination of using Tier 2 or newer engines, installing diesel particulate filters, and electrification of equipment. The applicant shall prepare a revised health risk assessment based on the final inventory of engines and control equipment to be operated for review and approval by the County and APCD prior to issuance of the Land Use (grading) permit.

Sincerely,

/s/

Bobbie Bratz  
Public Information and Community Programs Supervisor

cc: Michael F. Goldman, APCD Engineering Supervisor  
TEA Project File (Diamond Rock Mining Facility)  
TEA Chron File

# Memorandum

**Date:** March 18, 2005



**To:** Valentin Alexeeff, Director  
Planning and Development  
Santa Barbara

**From:** Brad Lane, Inspector  
Fire Department

**Subject:** APN: 149-220-002/011/065; Case #: 03CUP-00037/03RPP-00002/05EIR-00001  
Site: Troesh Ready-Mix, Inc., Diamond Rock, Sand and Gravel Mine

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The above project is located within the jurisdiction of the Santa Barbara County Fire Department. To comply with the established standards, we submit the following with the understanding that the Fire Protection Certificate application may involve modifications, which may determine additional conditions.

**PRIOR TO OCCUPANCY CLEARANCE THE FOLLOWING CONDITIONS MUST BE MET:**

1. Stop work immediately and contact the County Fire Department, Hazardous Materials Unit (HMU) at 686-8170 if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU.
2. Permits for the use and storage of hazardous and/or flammable materials/wastes may be required.

These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

As always, if you have any questions or require further information please call 681-5500.

BL:reb

c: APN/Chron

**Diamond Rock Mine Reclamation Plan 03RPP-00000-00002**  
**APNs: 149-220-002; -011; & -065**

**Project Description**

1. This Reclamation Plan is based upon and limited to compliance with the project description presented below, the Reclamation Plan dated February 21, 2008, as amended below, and the conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the reclamation plan and/or further environmental review. Deviations without the above described approval would constitute a violation of reclamation plan approval.

**The project description is as follows:**

**River Bank Restoration**

Bank Stabilization. The eastern riverbank has historically been disturbed by various erosion control measures such as tree planting, placement of riprap and old automobiles, and the establishment of berms. Tree planting included Tamarix ramosissima (saltcedar, an invasive species) and Populus fremontii (cottonwoods, a desirable species). Some of the cottonwoods are now 30 feet in height while others have not received regular irrigation and are under stress or have already died.

The applicant would restore a 1,400-foot long portion of the eastern river bank containing buried cars within the first five years of operation. Buried automobiles would be removed and disposed offsite in compliance with local ordinances and other applicable regulations, including those of Santa Barbara County Department of Environmental Health Services. The riverbank would be reconstructed, as necessary, into a stable configuration. The bank would be graded to match the elevation of the existing adjacent bank with a 2- to 4-foot-wide top. The overall slope of the riverbank would be no greater than 3:1 (H:V), unless the use of rip-rap is permitted in the construction. The bank would be constructed of on-site materials, free of debris.

Revegetation – Trees. Existing saltcedar would be removed and an eradication program implemented to ensure they do not become re-established. Existing cottonwood currently growing on or near the riverbank would be retained, as feasible. Additional cottonwood trees (1- or 5-gallon) would be planted on 20 to 30 foot centers along the top of the riverbank or near the toe of the restored bank.

**Revegetation – Seeding.** Native shrubs and herbs from the region would be established on the stabilized banks by seeding. The preliminary list of plants to be seeded is presented in Table 6.

**TABLE 6  
RIVERBANK RESTORATION SEEDING PRESCRIPTION**

Scientific Name	Common Name	Percent of Mix	Drill Rate PLS 1 / Acre
<b>Shrubs</b>			
<i>Atriplex canescens</i>	Four-wing saltbush	5.00	2.00
<i>Atriplex polycarpa</i>	Cattle spinach	5.00	1.50
<i>Chrysothamnus nauseosus</i>	Common rabbitbrush	5.00	0.33
<i>Ephedra californica</i>	California ephedra	5.00	4.00
<i>Eriogonum fasciculatum</i>	California buckwheat	6.00	0.50
<i>Lepidospartum squamatum</i>	California scalebroom	12.00	0.75
<i>Lupinus excubitus</i>	Bush lupine	Trace	Trace
<i>Yucca whipplei</i>	Chaparral yucca	Trace	Trace
<b>Grasses</b>			
<i>Festuca californica</i>	California fescue	10.00	0.50
<i>Achnatherum hymenoides</i>	Indian ricegrass	30.00	6.75
<i>Nassella cernua</i>	Needle grass	10.00	0.50
<i>Achnatherum speciosum (Hesperostipa comata)</i> <sup>2</sup>	Desert needlegrass (Needle-and-Thread)	2.50	.36(1.75)
<b>Forbs</b>			
<i>Lasthenia glabrata</i>	Yellowray goldfields	Trace	0.25
<i>Lupinus bicolor</i>	Pigmy-leaved lupine	2.50	1.00
<i>Lupinus sparsiflorus</i>	Coulter's lupine	4.00	4.00
<i>Malacothrix californica</i>	Desert dandelion	2.50	0.25
<i>Oenothera californica</i>	California primrose	Trace	Trace
<i>Phacelia tanacetifolia</i>	Lacy Phacelia	0.25	0.25

PLS = Pure Live Seed

<sup>2</sup> *Achnatherum speciosum* may not be available commercially and there is no local seed source. This species will be replaced by *Hesperostipa comata* (Needle-and-Thread), which is found in the foothills of Central California and documented to be an excellent revegetation species (Wolfe and Associates, 1996, as referenced in the County approved Reclamation Plan for Southwest Ready Mix Ventucopa Rock Plant, now called General Production Services, 09-30-97).

All seeding would be conducted after the temporary drip irrigation system has been installed. After seed has been applied, clean straw would be placed over the seeded area at a rate of 2.5 tons per acre. Application would only occur when wind velocities are low enough to prevent blowing the seed or straw off the slope. A tackifier would be applied, as specified below, on the same day the seed and straw are applied. The material would be mixed to form a slurry and applied with equipment equipped with a continuous agitation system of sufficient capacity to produce a homogeneous slurry.

Seeding would coincide with the late-spring rainy season. April and May are typically a good time to seed, although the final decision would be based on the weather conditions at the time of planting. It is often preferable to seed after the first rainfall when the ground is wet.

Irrigation would be used only as needed, although supplemental drip irrigation is expected to be necessary due to the semi-arid climate. Artificially supplied water would be slowly tapered off and would cease with cooler weather, usually in late-fall to early-winter. Additional water may be needed once or twice during extreme wind conditions if plants are experiencing critical wilt (i.e., a wilt that does not vanish or lessen with nightfall).

Prior to planting and seeding, all debris and any introduced weeds that have invaded the site would be removed. This can be accomplished by hand, since the area is relatively small.

All areas would be watered so that weed seeds that are already present in the soil would germinate. After germination, and when plants are in active growth, non-selective systemic herbicide (Roundup™ or equivalent) would be applied following manufacturer's specifications. This action would reduce the amount of weeds from the revegetation area prior to seeding with native plants.

Once irrigation is supplied, weeds from the soil and that are transported to the site by wind would compete with native plants for space and water. The presence of weeds could reduce extent of native seed germination. Hence, weeds would be controlled during the first growing season by the application of herbicide.

The success of the revegetation will be monitored for as many years as necessary to meet the performance criteria listed in Table 7 for two consecutive years without the use of supplemental irrigation and weed management.

### **Mine Reclamation**

Under the proposed reclamation plan, the mining area in the Cuyama River would be returned to natural open space and the Processing Area would be returned to irrigated agriculture.

Upon termination of the mining operation, the mining pits that are present would be graded and contoured to reduce any slopes to a 2:1 (H:V) grade with an overall slope (including benches) no greater than 3:1 (H:V). The upstream low-flow berm would be removed and disturbed areas surrounding the mine pits would be graded to match adjacent riverbed contours. The mining pits would remain open until natural flooding and sediment transport processes have filled them with sediments.



**TABLE 7  
 REVEGETATION PERFORMANCE CRITERIA**

<b>Seed Mix</b>	
Goal	Native vegetation attaining similar cover, density and composition as nearby undisturbed areas.
Performance Criteria	Cover: Native shrub cover greater than 5 percent. Density: Native shrub density equal to or greater than one shrub per square meter. Overall vegetative cover of at least 80 percent. Diversity: At least five native shrub species present within 100 linear feet.
Contingency Action	Reseed if density and/or diversity of native plants is low.
<b>Weeds</b>	
Goal	No interference with native plant establishment. Eradication of <i>Tamarix</i> sp. (saltcedar).
Performance Criteria	No weedy exotics present two years after irrigation is discontinued. No <i>Tamarix</i> sp. (saltcedar) present for two years.
Contingency Action	Hand weed or remove with chemical herbicide if weeds interfere with native plant establishment. Annually inspect for <i>Tamarix</i> sp. (saltcedar) and, when encountered, cut the <i>Tamarix</i> at ground level with loppers, chainsaws, and brushhooks and treat the stumps with an herbicide and procedures acceptable to the CDFG.
<b>Erosion</b>	
Goal	Erosion does not interfere with native plant establishment. Loss of topsoil from wind erosion is minimal.
Performance Criteria	No specific criterion.
Contingency Action	Repair erosion.

The access road and ramp to the mine pit would be removed. In the riverbed, this road would be graded to match existing riverbed contours. The road across the agricultural field between the Processing Area and the mine pit would be restored to agricultural uses. Gravel and base material used to construct the road would be removed and hauled off site. Topsoil and fines from the stockpile located in the mine pit would be placed on the road bed.

The stockpiled sand and gravel would be sold. Processing equipment, fencing, conveyors and most piping would be dismantled and removed from the site. Equipment, the fuel storage tank, and all materials stored onsite would be removed. The water well, restroom, septic system, concrete water retention basins, and a minor amount of piping would be retained to support agricultural uses on the property. Electrical service would be downsized to accommodate only that needed to support agricultural uses on the property.

The fines deposited in the water retention basins would be removed for proper use and/or disposal and the water retention basins retained for use by the landowner in support of

agricultural uses. To facilitate fines removal, the ends of each basin would be sloped, approximately 3:1 (H:V), to permit the entry and exit of equipment. A chain link fence may be placed around the water retention basins for safety.

All base material and fines at the Processing Area would be removed. If the topsoil underlying the Processing Area is considerably deeper than the one foot removed, a six inch layer of sand would be applied, followed by the placement of topsoil stored in the landscape berm. This would restore the site to its original grade and subsequent ripping and tilling would prepare a suitable growing medium for carrot and other crops. If, the topsoil underlying the Processing Area was not considerably deeper than one foot, it would be necessary to either recover and apply the topsoil placed on the agricultural field to the north, or import and apply the supplemental topsoil needed to restore the site to its original grade. Reclamation of the site would be complete when productive capability of the former Processing Area is equivalent or better than the pre-mining condition for two consecutive years.

Financial assurances approved by County and Office of Mine Reclamation would be posted for the life of the project to guarantee reclamation consistent with SMARA minimum verifiable reclamation standards. Once reclamation is completed to the satisfaction of the County, financial assurances would be released.

Final mine reclamation may also require additional habitat restoration measures that would be conditions of the 404 permit issued by the Corps of Engineers and the Streambed Alteration Agreement with the California Department of Fish and Game.

**A. Name and address of operator and agent**

<b>Owner</b>	<b>Operator</b>	<b>Agent/Engineer</b>
Triangle E Farms 2830 State Route 33 Maricopa, CA 93852	Troesh Materials, Inc. 305 Cuyama Lane Nipomo, CA 93444	West Coast Environmental 1838 Eastman Avenue Ventura, CA 93003

**B. Quantity and type of minerals for which the surface mining operation is to be conducted**

The Diamond Rock mine would extract sand and gravel from a pit located in the Cuyama River. The total volume of material proposed to be mined is estimated to be 9,213,300 cubic yards, or approximately 13.82 gross tons. Assuming seven percent of the mined material will be unsuitable for sale as Portland cement concrete (PCC)-grade aggregate, the net total anticipated production is 12.85 million tons.

**C. Proposed dates for the initiation and termination of the mining operation**

At a proposed average extraction rate of 500,000 tons per year, the proposed mine could operate for approximately 27.7 years. Flooding of the mine pit by the Cuyama River and rising groundwater will periodically inundate some or all of

the mining pit, which will limit or preclude mining operations. The project applicant has requested a 30-year permit to conduct mining operations.

**D. The maximum anticipated depth of the surface mining operation**

The maximum depth of the surface mine would be 90 feet below ground surface.

**E. Site Description**

1) Quarry Size

<u>APN</u>	<u>Parcel Size</u>	<u>CUP Area</u>
149-220-02	117.40	22.58
149-220-11	80.19	80.19
149-220-65	82.35	29.69
TOTAL	279.94	132.46

2) Legal description of the lands that will be affected by such operation

Refer to the legal description for the proposed project site included in section 2.3 of the February 21, 2008 Reclamation Plan.

3) A map that includes the boundaries and topographic details of such lands

The proposed project site plan (Reclamation Plan Figure 5) depicts the project boundaries and topographic details of the project site.

4) A description of the general geology of the area

Refer to the June, 2003 Geologic Report by West Coast Environmental and Engineering, included as Attachment 4 of the February 21, 2008 Reclamation Plan.

5) A detailed description of the geology of the area in which surface mining is to be conducted

Refer to the June, 2003 Geologic Report by West Coast Environmental and Engineering, included as Attachment 4 of the February 21, 2008 Reclamation Plan.

6) The location of all streams, roads, railroads, and utility facilities within, or adjacent to, such lands, the location of all proposed access roads to be constructed in conducting such operation

The proposed mining area is within the riverbed of the Cuyama River. The low-flow channel of the river is to the west of the proposed mining area.

When the Cuyama River reaches flood stage, it fills the riverbed bank-to-bank, which will preclude mining activity. Deer Park Creek is a small ephemeral stream located north of the proposed material processing area that drains to the River.

Access to the project site is from State Route 33, and a 24-foot wide all-weather driveway would be provided to serve the project site. There are no railroads in the project area. Electrical service is provided by lines along State Route 33.

7) The names and addresses of the owners of all surface and mineral interest of such lands

Triangle E Farms  
2830 State Route 33  
Maricopa, CA 93852

**F. A description of and plan for the type of surface mining to be employed and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.**

Refer to Conditional Use Permit 03CUP-00000-00037 condition of approval No. 1 for a description of proposed mine operations and phasing.

**G. A description of the proposed use or potential uses of the land after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses:**

Proposed reclamation plans for the mine pit would allow it to fill with sediment and revegetate naturally. No subsequent uses for lands within the river have been identified. Mine-related equipment would be removed from the proposed Processing Area, topsoil removed from the area would be returned, and agricultural operations would be restored. The proposed reclaimed conditions would be similar to existing conditions at the project site. Therefore, the project site would be reclaimed in a manner that would establish feasible end-uses that would be consistent with LUDC and the Comprehensive Plan.

All owners with possessory interest in the property subject to the Reclamation Plan 03RPP-00000-00002 have been notified as to the proposed uses of the land after reclamation.

**H. A description of the manner in which reclamation, adequate for the proposed use or potential uses will be accomplished.**

Refer to Reclamation Plan 03CUP-00000-0002 condition of approval No. 1, and the June 15, 2003 Reclamation Plan for a description of proposed mine reclamation activities.

**I. An assessment of the effect of implementation of the reclamation plan on future mining in the area:**

Reclamation of the mined lands would not have an effect on the potential future mining of other sites in the vicinity. Access to potential mining sites would not be impeded by the proposed final reclamation of the Diamond Rock mine site.

**J. A statement that the person submitting the plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan:**

In accordance with SMARA Section 2772, Triangle E Farms (owner) and Troesh Materials, Inc (operator) hereby accept responsibility for reclamation of the mined lands at the Diamond Rock mine in accordance with the approved Reclamation Plan.

(Signed statement available at the County of Santa Barbara)

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By James A. and Chris Wegis (owners), June 9, 2003

(Signed statement available at the County of Santa Barbara)

-----  
By Stephen M. Troesh (operator), June 9, 2003

**K. SMARA SECTION 2773.1, FINANCIAL ASSURANCES**

The amount of financial assurance by bond, letter of credit or other methods will be assessed annually by the County of Santa Barbara based on disturbed acreage and reasonable costs to reclaim those areas to be disturbed in the succeeding year pursuant to SMARA.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and

conditions of approval hereto. All plans (such as landscape plans) must be submitted for review and approval and shall be implemented as approved by the County.

### **Mitigation Measures from 05EIR-00000-00001**

Refer to condition numbers 2-33 of Condition Use Permit 03CUP-00000-00037

### **Project Specific Conditions**

34. **Disposition of Fines Material.** All fines shall be either; 1) removed from the site upon completion of operations or during site reclamation for disposal in an approved manner; or 2) mixed with native soil and used as backfill during the reclamation process and placed so that water infiltration or permeability is at least better than, or equal to, pre-mining conditions or rates for the area in which the fines are deposited.
35. **RWQCB Permit.** The applicant shall obtain a NPDES Storm Water permit from the Regional Water Quality Control Board (RWQCB). **Plan Requirements and Timing:** The applicant shall obtain a NPDES Storm Water permit or permit waiver from the RWQCB within one year of the approval of the Reclamation Plan. **Monitoring:** P&D staff shall review the submitted documentation to assure compliance with this requirement of State regulations.
36. **Survey Monuments.** Permanent survey monuments shall be installed at the project site. **Plan Requirements and Timing:** Prior to the approval of the Land Use Permit required for implementation of the Reclamation Plan, two permanent survey monuments shall be installed by a licensed land surveyor or a registered civil engineer at locations selected by the County in consultation with the mine operator. Detailed elevation and location information for each of these monuments shall be provided to the County at the time of installation. The monuments shall be placed at sites which will not be affected by the mining and reclamation activities described in the Reclamation Plan. **Monitoring:** P&D staff shall meet with the applicant and select the locations for the monuments. P&D staff shall either conduct a site inspection or review photo-documentation to assure that installation of the required monuments has occurred.
37. **Aerial Photographs.** To facilitate verification that the Reclamation Plan is implemented as approved, aerial photographs of the area included in the Diamond Rock Reclamation Plan and an updated topographic map of this area shall be periodically provided to the County. **Plan Requirements and Timing:** Stereographic aerial photographs at a scale of approximately 1"=500' which incorporate the area included in the Reclamation Plan shall be provided by the mine operator to the County prior to the month of June in the year 2007 and prior to June every five years thereafter until the completion of site reclamation. An updated topographic map of the area included in the Reclamation Plan at a scale of approximately 1"=50' prepared from the required stereographic aerial photographs shall be provided by the mine operator to the County prior to the month of June in the year 2012 and prior to June every ten years thereafter until the completion of site reclamation. Prior to the approval of the Land Use Permit required to implement the

Reclamation Plan, the mine operator shall provide a financial assurance to the County adequate to fund the cost of obtaining the required aerial photographs and topographic map. **Monitoring:** P&D staff shall review and approve the financial assurance proposed by the mine operator. The County SMARA Mine Inspector shall review the submitted photographs and maps to ensure that this condition is satisfied. In the event the mine operator does not provide the required items, the financial assurance shall be used to obtain these informational materials.

### **Standard Conditions for Reclamation Plans**

38. All reclamation shall comply with the applicable provisions County's Grading Ordinance (Chapter 14 of the Santa Barbara County Code) as determined by the Director of Planning and Development.
39. The conceptual financial assurance shall be approved by the State Office of Mine Reclamation prior to final approval by the County. Within sixty (60) days of final approval of the Reclamation Plan and financial assurance, the applicant shall post a performance security with Planning and Development for the full amount of the approved financial assurance to ensure that reclamation will proceed in conformance with the approved plan. The type of performance security shall be consistent with Section 2773.1 of SMARA. The security for reclamation shall remain in effect until completion of reclamation with provision for annual renewal and adjustment to reflect changes in security requirements and/or changes in the cost of reclamation. The amount of the performance security shall be based upon the estimate by the applicant's engineer of the costs to complete the reclamation of the site. The form, amount, and duration of security shall be subject to review and approval by Planning and Development and County Counsel staff prior to posting the security. Security shall remain in effect through completion of reclamation.
40. As part of the annual review of the reclamation plan, the form and/or amount of security may be adjusted in accordance with the applicable regional Consumer Price Index, or other appropriate index as determined by Planning and Development, to maintain the same relative value of the security over the life of the reclamation plan and to assure that performance security still reflects the actual cost for completing reclamation on-site. In addition, the amount of Financial Assurance is adjusted annually to account for physical changes on the mining site. The amount of financial assurance posted for the site must reflect the cost of reclaiming the site in a manner consistent with the requirements of the approved reclamation plan and based upon the current condition of the site. If the County determines that additional or new security must be posted, the applicant shall provide the required security within 60 days of notification of deficiency.
41. Planning and Development may declare all or part of the security for reclamation forfeited, pursuant to notice to the applicant and a public hearing, if the Planning Commission determines that the mining operation has been abandoned, the operator is financially incapable of carrying out the reclamation plan, or any provision of the approved reclamation plan is violated as noted in Section 2773.1 (B) of SMARA. No

- security shall be released until compliance with all applicable conditions of the reclamation plan is verified to the satisfaction of Planning and Development. At least three years of monitoring by County staff will be required to assure the successful implementation of reclamation under the approved plan. Upon completion of reclamation, the County SMARA Inspector and/or Permit Compliance staff shall perform a final site inspection to verify that all requirements of the reclamation plan have been satisfied. The operator shall be responsible for the costs of conducting and completing reclamation in accordance with the approved reclamation plan which are in excess of the proceeds from the forfeited financial assurances.
42. Site inspections to verify ongoing reclamation in conformance with the approved reclamation plan shall be conducted at annual intervals as required by the Surface Mining and Reclamation Act. Additional inspections may be conducted if deemed necessary by the Director of Planning and Development in order to assure reclamation of the site consistent with the approved Reclamation Plan. The applicant shall pay the cost of any required inspections by Planning and Development staff, or designated representative, based upon an hourly rate established by the Board of Supervisors, upon receipt of a bill from Santa Barbara County. Failure to pay the inspection fee within sixty (60) days of the due date shall constitute grounds for revocation of the reclamation plan by the Planning Commission and cessation of mining operations.
  43. If, after conducting the inspections required under condition No. 42, Planning and Development finds that the reclamation plan is not being implemented as approved, the mining operation shall be so notified and given a reasonable time to comply with the reclamation plan as specified in Section 2774.1 of the Public Resources Code. If at the end of this period of time, the reclamation plan is still not being implemented as approved, Planning and Development shall notify the mining operator and the Planning Commission of the continuing failure to comply. Planning and Development shall then set the matter for a public hearing before the Planning Commission. If the Planning Commission (or Board of Supervisors if appealed) determines that the reclamation plan is not being implemented as approved, the Planning Commission (or Board) shall have the authority to revoke the reclamation plan. Once the reclamation plan is revoked, all mining onsite shall cease in accordance with State law. If the Planning Commission or Board of Supervisors revoke the plan, Planning and Development shall declare all or part of the financial assurance (performance security) for reclamation forfeited in accordance with the assurance's provisions and State law.
  44. Within sixty (60) days of final reclamation plan approval, the applicant shall execute and record an agreement, subject to Planning and Development approval, to complete the work outlined in the reclamation plan within the time limits of said plan and consistent with all requirements of said plan. This agreement shall bind the applicant and any future owners of the mine. This agreement shall be prepared to conform to the requirements of SMARA Section 2772(j) regarding an applicant statement of responsibility for reclamation.



45. All applicable requirements of the Surface Mining and Reclamation Act of 1975, as may be amended from time to time, are made a part of this Reclamation Plan by reference, with the same force and effect as if the provisions therein were specifically and fully set out herein.
46. The mine operator shall prepare and forward an annual status report on the mining operation and ongoing reclamation efforts to the State Geologist and Planning and Development on a date established by the State Geologist and upon forms furnished by the State Mining and Geology Board pursuant to Public Resource Code Section 2207.
47. All reclamation shall be completed within 12 months of cessation of mining operations (not including periods when the mine is idle as defined by SMARA and an interim management plan has been submitted for County review).
48. Any required financial assurances shall remain in effect for the duration of the surface mining operation, during any periods that the mining operation is idle, and for any additional period after mining operations have ceased, until reclamation is completed in accordance with the approved Reclamation Plan. Prior to release of all or part of the Financial Assurance for the reclamation of the site, the applicant shall have met all requirements as found in the Reclamation Plan and applicable performance standards.
49. Within 90 days of a surface mining operation becoming idle, as defined in Section 2727.1 of SMARA, the mine operator shall submit an interim management plan to the County for review and approval by the Planning commission. The interim management plan shall fully comply with the requirements of SMARA, Section 277 (h) and shall provide measures the operator will implement to maintain the site in compliance with SMARA, including, but not limited to, all conditions of the approved Reclamation Plan.
50. In conformance with SMARA Section 2770(h, i), unless review of an interim management plan is pending before the Planning Commission, or an appeal is pending before the Board of Supervisors or the State Mining Board, a surface mining operation that remains idle for over one year (after becoming idle as defined in section 2727.1 of SMARA) without obtaining approval of an interim management plans shall be considered abandoned and the operator shall commence and complete reclamation in accordance with the approved Reclamation Plan.

### **County Rules and Regulations**

51. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, or conducting any reclamation activities under an approved Reclamation Plan, the applicant shall obtain a Land Use Permit from Planning and Development. The Land Use Permit is required by ordinance and is necessary to ensure implementation of the conditions of approval required by the Planning Commission. Before a Land Use Permit will be issued by Planning and Development, the applicant must demonstrate compliance with all conditions of approval and obtain written clearance from all departments having

- conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available in Planning and Development. The approval of the reclamation plan by the County of Santa Barbara shall expire if the Land Use Permit is not obtained within 90 days of reclamation plan approval, or a time extension is requested and granted pursuant to the requirements of County ordinance.
52. Developer (mine operator) shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Reclamation Plan. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
  53. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.
  54. Prior to approval of Land Use Permits, the applicant shall pay all applicable P&D permit processing fees in full.
  55. The applicant shall ensure that the project complies with all approved plans and all project conditions. To accomplish this, the applicant agrees to:
    - a. Contact P&D compliance staff as soon as possible after Reclamation Plan approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
    - b. Contact P&D compliance staff (the County SMARA Inspector) at least two weeks prior to commencement of reclamation activities to schedule an onsite pre-construction meeting with the owner, compliance staff, other agency personnel, and with key construction personnel.
    - c. Pay fees prior to approval of Land Use Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants, when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

56. Within 90 days of approval of proposed Reclamation Plan 03RPP-00000-00002, the applicant shall obtain an updated Land Use Permit that incorporates the conditions of approval of this plan. Mining without a County-approved Reclamation Plan is prohibited by the Surface Mining and Reclamation Act.

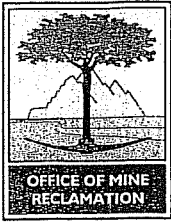
#### **ADDITIONAL CONDITIONS**

57. **Subsurface observation and documentation.** Subsurface conditions in the mine pit shall be inspected by a registered geologist or engineer. The subsurface conditions report will be required when the mine pit reaches 50 feet in depth, and again at 70 feet and 90 feet. In addition, a slope stability update report shall be prepared every 10 years that the mine is in operation. The required subsurface and slope stability reports shall identify modifications to mining operations or the configuration of the mine pit that may be needed to address any identified slope stability or other geologic concerns. All required reports shall be submitted to Planning and Development for review and approval, and any modifications to mine operations shall be enforced in conjunction with the County's annual SMARA inspections.
58. **Groundwater Protection.** The mine pit shall not be excavated to the level of ground water, and shall stay at least an average of 6 feet above ground water level. If ground water is encountered, material shall be replaced in the pit to a depth of 6 feet above ground water, and excavation may continue above that elevation.”

\*\*\*\*\*

**To view Attachment C: Diamond Rock Final EIR (05EIR-00000-00001)  
please refer to the following Web Page:**

**<http://www.sbcountyplanning.org/projects/03CUP-00037/index.cfm>**



# DEPARTMENT OF CONSERVATION

## OFFICE OF MINE RECLAMATION

801 K STREET • MS 09-06 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 323-9198 • FAX 916 / 445-6066 • TDD 916 / 324-2555 • WEBSITE [conservation.ca.gov](http://conservation.ca.gov)

November 8, 2007

Steve Rodriguez  
Santa Barbara County Planning and Development  
123 E. Anapamu St.  
Santa Barbara, CA 93101-2058

Dear Mr. Rodriguez:

DIAMOND ROCK SAND AND GRAVEL MINE 03CUP-00037, 03RPP-00002

The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the reclamation plan for Diamond Rock Sand and Gravel Mine. The applicant, Troesch Materials, Inc., is proposing to mine sand and gravel on a 132.64-acre site near the community of Ventucopa. The applicant estimates that up to 750,000 cubic yards of material will be removed annually. OMR staff conducted a site visit on October 29, 2007 to discuss reclamation issues.

The Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code Section 2710 et seq.) and the State Mining and Geology Board Regulations (California Code of Regulations (CCR) Title 14, Division 2, Chapter 8, Subchapter 1) require that specific items be addressed or included in reclamation plans. The following comments prepared by Beth Hendrickson, Restoration Ecologist, and John Wesling, Senior Engineering Geologist, are offered to assist in your review of this project. We recommend that the reclamation plan be supplemented to fully address these items.

### **Mining Operation and Closure**

(Refer to SMARA sections 2770, 2772, 2773, CCR sections 3502, 3709, 3713)

1. SMARA 2772(c)(3) requires that the dates of initiation and termination of mining be stated in the plan, e.g. January 1, 2008 to December 31, 2038.
2. SMARA Section 2772(c)(4) requires that the maximum anticipated depth of the surface mining operation be indicated in the reclamation plan. The depth of mining is given on page 16 of the reclamation plan as 90 feet. The depth of mining appears to be shown in terms of elevation on the topographic maps

accompanying the reclamation plan; however, the datum is undefined, and what appear to be final contours are not defined on the map "Legend" (see comment #3 below). We recommend that the depth of mining be clearly stated as an elevation in the text and tied to a verifiable bench mark that can be referenced in the field for compliance monitoring.

3. SMARA Section 2772(c)(5) requires that the reclamation plan include a map with boundaries and information pertinent to the reclamation of the site. The plot plan for this site should clearly show boundaries of active and future mining areas, topographic details, geology, streams, utilities, haul roads, and stockpile areas (topsoil and material) to scale. The maps included in the reclamation plan generally appear adequate, except for the following:
  - a. The numbering on the topographic contour lines is illegible on many maps (i.e., Figures 4, 4a, 6, and 7). The labels and/or maps should be enlarged.
  - b. The different colors of the topographic contours should be fully defined in the "Legend" for each map.
  - c. The maps do not show the soil berm that will be placed to prohibit low flows from entering the pit. The maps should be modified to depict the soil berm placement.
  - d. As discussed during the site visit, maps should be included to show the slope configurations for the "Modified Mine Pit Boundary" as appropriate.
  - e. The maps should be modified to give the topographic and geographic datum (e.g. mean sea-level in NAD27, NAD 83) and show real-world geographic coordinates (e.g. California State Plane, latitude-longitude, Universal Transverse Mercator).

**Geotechnical Requirements**  
(Refer to CCR sections 3502, 3704)

4. CCR Section 3704(f) requires that the final quarry cut slopes have a minimum factor of safety that is suitable for the proposed end use. The reclamation plan indicates that the maximum depth of excavation will be 90 feet with a maximum final individual slope gradient of 2 horizontal to 1 vertical (2H:1V) and an overall slope gradient of 3H:1V. The accompanying geotechnical report in Exhibit 6 prepared by Hilltop Geotechnical, Inc., dated August 31, 2005 (project no. 521-A05), evaluated the stability of slopes to a maximum height of 100 feet. No subsurface data were collected for the Hilltop report; assumed conditions for the slope stability analyses included loose, poorly to well graded sand (SP/SW) with no ground water. The results of the analyses indicate that slopes are stable under static condition (i.e., factors of safety [FOS] of 1.4 to 2.0); however, slopes are only marginally stable under conditions of earthquake loading (i.e., pseudostatic FOS of 1.0 to 1.3). Given the marginal stable conditions indicated by the pseudostatic analyses (i.e., FOS for several profiles of 1.0), the reclamation plan should be revised to provide for observation and evaluation of subsurface conditions by a registered geologist or engineer as the pit

excavation proceeds and reevaluation of slope stability.

The geologic report prepared by West Coast Environmental and Engineering (June 2003) indicates that the project site is underlain by weakly consolidated to unconsolidated alluvial sediments (conditions also assumed by Hilltop Geotechnical) that may have a moderate to high susceptibility for liquefaction when groundwater levels reach 20 to 40 feet below ground surface. Large seismic events are particularly relevant, because the site is located in a region of high seismicity with numerous active faults, such as the Big Pine and San Andreas faults. The West Coast study estimates a peak horizontal acceleration of 0.5-0.6g with a 10 percent probability of exceedance in 50 years for the site, indicating a high opportunity for liquefaction. Thus, the probability of liquefaction for the site also may be relatively high. The slope stability analysis and final design of slopes in the reclamation plan does not address liquefaction and lateral spreading, which can occur on slopes inclined as low as three degrees (i.e., ~19H:1V). The revised slope stability report also should address the potential effects of liquefaction and lateral spreading.

5. The mining and reclamation plan indicates that about 657,000 tons and 262,800 tons of excess sand and fines (i.e., waste materials), respectively, will be generated during the lifetime of the operation. Using the project estimate of 1.5 tons/cubic yard (c.y.), the mining operation will generate approximately 613,200 c.y. of excess material. The reclamation plan indicates that the excess materials may be sold as soil amendments or stockpiled in the processing areas for use in reclamation. The reclamation plan indicates that no backfilling is proposed (Section 7.3, page 37), and no spoils should be placed where they could enter the stream per the draft CA Department of Fish and Game 1602 agreement. If the excess fines and sand are not sold as soil amendments, the only area to place the fines is the approximately 19-acre processing area. This would result in backfilling of an average of 10 feet with the excess materials, which would violate the statement that no backfilling is proposed. The reclamation plan should be modified to specifically describe the disposition of the excess fines and sand.

### **Hydrology and Water Quality**

(Refer to SMARA sections 2772, 2773, CCR sections 3502, 3503, 3706, 3710, 3712)

6. Groundwater levels in the project area are described as being 40 to 50 feet below ground surface (bgs) during wet years (page 8). This estimate comes from several agricultural wells that are located on farmland adjacent to the Cuyama River. Static water levels of 53 feet, 54 feet, and 66 feet bgs are reported from three separate wells, which occur 10 feet topographically above the river bed. Water levels in one of the wells (Exhibit 3 – Water Well Data) had attained a depth of roughly 100 feet bgs, apparently during dry years; however, no data were presented that indicate the other wells ever had static water levels lower than 67 feet bgs.

No groundwater level data come from the area of the proposed pit; however, the operator's representatives described apparent anecdotal reports from the GPS Mine indicating that no groundwater has been observed in pits as deep as 100 feet. If the absence and/or presence of groundwater in the GPS pits have been systematically recorded, then it is a valuable dataset that should be presented in the mining and reclamation plan and/or other project documents. If it has not been systematically recorded, it is interesting information that may or may not be indicative of groundwater levels beneath the proposed mine site.

The anecdotal reports of no groundwater from the GPS Mine pits appears to be consistent with the water level shown for a well adjacent to the GPS pit on Figure 3-11 of the Final Environmental Impact Report. The figure also indicates that water levels in wells adjacent to the proposed Diamond Rock Mine pit are 40 to 75 feet bgs. This information may indicate that water levels are somewhat different from beneath the GPS Mine and the proposed Diamond Rock Mine. The groundwater system seems more complex than presented in the project documents. Faults acting as groundwater barriers have been described in other parts of the Cuyama groundwater basin. Perhaps a small fault, such as the one observed in stream cuts directly west of the proposed mine, forms a groundwater barrier between the two mine sites.

The above discussion and the discussion in the reclamation plan documents indicate that there is a large uncertainty in the groundwater levels beneath the site. The operator proposes to mine to a depth of 90 feet bgs, and if groundwater shallower than 90 feet bgs is encountered in the pit, they will simply move over and mine in dry areas of the pit. This trial-and-error mining approach assumes that the deepest groundwater conditions exist at the site. However, groundwater shallower than 90 feet bgs is likely in any given year, and groundwater likely will be intersected. This approach appears to be in conflict with requirements of the California Department of Fish and Game 1602 agreement (Exhibit 9 – CDFG, Draft 1602 Agreement) that states on page 3 of 11: "15. The pit shall not be excavated to the level of groundwater, and shall stay at least 6 feet above water level." The reclamation plan should be modified to state that groundwater will not be intersected by mining, and it should describe how mining will be accomplished on an annual basis so that it remains in compliance with CA Fish and Game requirements.

7. Section 4.2 (page 15) describes the requirement for a 900-foot wide open channel area between the west bank of the Cuyama River and the western edge of the mining pit for the first three years of operation. Troesh is to monitor river flows for the first three winters after mining has been initiated and document the effect of the low-flow berms on river flows. The County Planning Department will evaluate the data to determine the amount of setback is considered necessary to avoid impacts to the Cuyama River. This requirement raises several concerns regarding the reclamation plan:



- a. No plan to monitor flows/discharge in the river is included in the reclamation plan. A detailed plan for monitoring river flows and its effects on the berm and fluvial system should be included in the revised reclamation plan.
  - b. The CA Department of Fish and Game Draft 1602 agreement (Exhibit 9) Item 14 on page 3 of 11 indicates that there shall be a minimum 50-foot setback from the low-flow channel and the excavation pit. It further indicates that there shall be no impacts such as roads, to the setback/buffer zone, and the area shall be left undisturbed. Project documents indicate that the main low-flow channel of the Cuyama River traverses the western part of the proposed mine area. The 900-foot setback appears to be needed to stay in compliance with CA Fish and Game 1602 agreement requirements. Additionally, smaller ("other") low-flow channels traverse the central part of the proposed mine pit area. The reclamation plan should describe how mining will be accomplished on an annual basis so that it remains in compliance with CA Fish and Game 1602 agreement requirements.
  - c. As described above, the modified mine pit boundary is shown as a line on Figure 4. A separate figure should show finished slopes associated with the modified mine pit boundary.
8. CCR Sections 3706 and 3710 require that surface and ground water be protected in accordance with the Porter-Cologne and Clean Water Acts as implemented by the Regional Water Quality Control Board and the State Water Resources Control Board. Regulations approved by the State Water Resources Control Board require that a mine site which discharges storm waters that may have contacted any overburden, raw material, intermediate products, by-products, or waste products on the mine site obtain a general industrial activities storm water permit and submit a Storm Water Pollution Prevention Plan (SWPPP). No SWPPP was included with the reclamation plan package, although the plan referred to a SWPPP that had been developed for the site. The relevant erosion control measures and monitoring requirements of the SWPPP should be incorporated into the reclamation plan to satisfy SMARA, and a copy of the final SWPPP should be included with the reclamation plan.
9. CCR 3710(c) requires that in-stream channel elevations and bank erosion be evaluated annually using extraction quantities, cross-sections, and/or aerial photos. The reclamation plan indicates that biannual monitoring will consist of surveying river bottom elevations at three cross sections: (1) 1,000 feet upstream of the current mine pit; (2) in the middle of the current mine pit; and (3) 1,000 feet downstream of the current mine pit. It is uncertain what is meant by "the current mine pit," but it apparently refers to the GPS mine directly downstream of the proposed mine. Thus, the upstream monitoring point would be above the GPS mine but through the middle of the proposed Diamond Rock mine. At a minimum, the combined monitoring program should have the following cross section profiles: (1) 1,000 feet upstream of the proposed

Diamond Rock mine; (2) through the proposed Diamond Rock mine; (3) between the two mines; (4) through the GPS mine; and (5) 1,000 feet downstream of the GPS mine. Additionally, at least two profiles that approximate the thalwegs of the low flow channels should be run to monitor the longitudinal profile of the fluvial system and tie together the cross section profiles.

The approximate locations of cross section and longitudinal profiles should be shown on revised project maps, and the initial biannual surveying of the profiles should be required prior to mining. Additionally, the monitoring plan should specify the precision and accuracy of the surveying and that the survey should be completed by a Professional Land Surveyor registered in California.

The monitoring plan also refers to review of the topographic data by the County and the potential for modifying the mine pit layout, width, and/or depth if adverse hydraulic conditions are evident. The plan indicates that it may take several years to address adverse hydraulic conditions because of uncertainty in ascribing the impacts on the fluvial system to the presence of the mine pit. Performance criteria are needed in the reclamation plan to define what and when actions will be taken to mitigate "adverse hydraulic conditions." Scientific studies should be completed to develop a better understanding of the behavior of the fluvial system prior to mining so that what constitutes expected/natural variability in the fluvial system versus what is meant by "adverse hydraulic conditions" can be clearly defined in the monitoring plan. For example, geomorphic studies, such as interpretation and analysis of channel patterns, bed and bank erosion, and sedimentation on sequential historical aerial photographs and maps that predate mining, will likely give an enormous amount of data on the long-term behavior of the fluvial system above, through, and below the mine sites.

10. CCR 3502(b)(6) requires that temporary stream and water diversions be shown. As indicated above, the flood-control berm is not shown on project maps. The revised reclamation plan should show the location of the flood-control berm and include details of its construction.
11. The reclamation plan refers to a grade-control structure to eliminate uncontrolled downcutting by Deer Park Creek where it intersects the proposed mine pit. The location of the grade-control structure is shown along the east side of the proposed mine on project maps; however, no details about the design of the grade-control structure or hydrologic modeling of expected flows in Deer Park Creek are given in the reclamation plan. This information should be included in the reclamation plan prior to its approval.

The reclamation plan does not describe that the grade-control structure will be removed as part of final reclamation. If it will be removed as part of reclamation, the reclamation plan should state that it will be removed. If the grade-control

structure will remain as a permanent engineered structure, the justification/need for the structure when reclaiming to open space should be described in the revised reclamation plan. Permanent engineered structures should be properly designed by registered professionals, and plans and specifications of the construction should be included with the revised reclamation plan.

### **Resoiling and Revegetation**

(Refer to SMARA section 2773, CCR sections 3503, 3704, 3705, 3707, 3711)

12. Topsoil on the processing plant site is to be salvaged (one-foot depth). The plan describes stockpiling part of the topsoil in landscape berms and spreading the rest over the adjacent farm field. While this concept has merit in terms of improving agricultural production, OMR is concerned that storing topsoil on the adjacent field may necessitate including that area within the reclamation plan boundary. This issue should be resolved before proceeding with such a plan.
13. The plan describes planting native trees and shrubs on the topsoil berms for screening. The plan should also provide for seeding the berms, both for erosion control and to prevent weeds from establishing. A standard erosion control mix as recommended by the County Agricultural Department should be adequate for this area, since the soil will be returned to agricultural use.
14. A seeding method was not specified in the plan, although the Financial Assurance Cost Estimate (FACE) lists a backhoe loader with spreader attachment to be used for the seeding. The method of seeding should be specified within the reclamation plan.
15. The reclamation plan should clearly indicate which areas are to receive the native seed mix. The text describes the use of the mix on the riverbank restoration area, however the revegetation task in the FACE calls for seeding 22 acres with the native mix. The riverbank restoration area is surely much less than 22 acres in size. The reclamation plan should clarify where the remaining seed mix will be applied.
16. One of the weed control measures described is to pre-germinate weed seeds by irrigation, and then kill the emerging seedlings using herbicide. OMR points out that such a procedure would have to be carefully timed (perhaps done the previous autumn while temperatures are still high enough to germinate the weeds) to avoid a late application of the native seed mix and ensuing potential failure.
17. The shrub cover criterion for the riverbank restoration is stated to be 5%, but the density of native shrubs is set at 1 shrub per square meter. This would seem contradictory since, if the shrub density is really that high, cover would be much higher than 5%, at least when the shrubs are grown. During the site visit, it was observed that the density of shrubs in the naturally occurring vegetation was probably much lower than 1 per square meter. OMR suggests that the density

criterion be set to a more reasonable level tied to the baseline shrub density on the site.

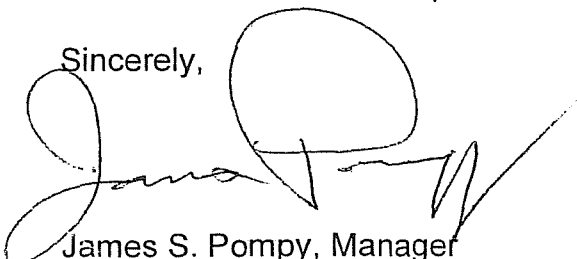
**Administrative Requirements**

(Refer to SMARA sections 2772, 2773, 2774, 2776, 2777, PRC section 21151.7)

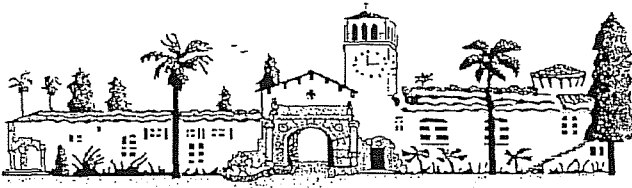
18. SMARA 2772(c)(10) requires that an applicant's signed statement accepting responsibility for reclamation per the reclamation plan be included. Page 28 of the reclamation plan refers to a Statement of Responsibility signed by Troesh on the last page of the Reclamation Plan; however, no such statement was found in OMR's copy. This statement should be added to the revised reclamation plan.
  
19. Recent legislation (Senate Bill 668, Chapter 869, Statutes of 2006) amended PRC Section 2774 with respect to lead agency approvals of reclamation plans, plan amendments, and financial assurances. These new requirements are applicable to the reclamation plan. Once OMR has provided comments on the reclamation plan, a proposed response to the comments listed above must be submitted to the Department at least 30 days prior to lead agency approval. The proposed response must describe whether you propose to adopt the comments. If you do not propose to adopt the comments, the reason(s) for not doing so must be specified in detail. At least 30 days prior notice must be provided to the Department of the time, place, and date of the hearing at which the reclamation plan is scheduled to be approved. If no hearing is required, then at least 30 days notice must be given to the Department prior to its approval. Finally, within 30 days following approval of the reclamation plan, a final response to these comments must be sent to the Department. Please ensure that you allow adequate time in your approval process to meet these new SMARA requirements.
  
20. Two typographical errors were noted in Section 7.9 on page 41. The text refers to Section 4.5.11 regarding the SPCC Plan and Section 4.5.12 regarding the SWPPP. The section numbers should be changed to read 4.5.12 when referring to the SPCC and 4.5.13 when referring to the SWPPP.

If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact me at (916) 323-8565.

Sincerely,



James S. Pompy, Manager  
Reclamation Unit



# County of Santa Barbara Planning and Development

John Baker, Director

Dianne Meester Black, Assistant Director

February 8, 2008

Mr. James S. Pompy  
Manager Reclamation Unit  
Department of Conservation Office of Mine Reclamation  
801 K Street  
Sacramento, CA 95481

Re: Diamond Rock Sand and Gravel Mine  
03CUP-0037, 03RPP-00002

Dear Mr. Pompy:

Thank you for your letter of November 8, 2007, that provides comments regarding the September 20, 2007 Reclamation Plan for the proposed Diamond Rock Sand and Gravel Mine. The purpose of this letter is to provide responses to your review comments. It is also the purpose of this letter to notify the Office of Mine Reclamation that a Panning Commission hearing has been scheduled for March 12, 2008 to consider final approval of the Reclamation Plan.

Responses to the individual comments provided in your November 8 letter are provided below.

1. The anticipated mining initiation and termination dates have been added to Section 4.3 of the Reclamation Plan. The anticipated mining initiation date is October 1, 2008, and the anticipated closure date is September 30, 2038.
2. The elevation of the maximum mine depth has been added to Section 4.4 of the final Reclamation Plan. In addition, Reclamation Plan figures have been revised to identify final contours in the map legend and to identify elevation datum. Please note that Reclamation Plan Condition of Approval No. 36 requires that permanent survey markers be installed at the project site prior to the approval of a Land Use Permit. The Land Use Permit must be approved prior to the initiation of mining operations at the project site.
3. The project applicant has revised Reclamation Plan Figures 4, 4a, 6 and 7 so that the proposed mine pit contour lines are legible, and full size copies of those figures are enclosed with this letter. Figures 4, 6 and 7 have been revised to depict mine pit elevation contours that would be developed should the southeastern mine pit boundary be permanently modified pursuant to the requirements of Reclamation Plan Condition of Approval No. 2. Figure 4a depicts mine pit contours that would be developed should it be subsequently determined that the 900-foot buffer is no longer required to minimize potential hydrologic impacts. Other items added to the maps include the location of the

proposed low flow water diversion berm; topographic and geographic datum, and geographic coordinates; and suggested modifications to the map legend.

4. A condition of approval will be added to the Reclamation Plan that will require observation and documentation of subsurface conditions in the mine pit by a registered geologist or engineer. The subsurface conditions report will be required when the mine pit reaches 50 feet in depth, and again at 70 feet and 90 feet. In addition, the condition of approval will require preparation of a slope stability update report every 10 years that the mine is in operation. The condition will also require that the subsurface and slope stability reports identify any modifications to mining operations or the configuration of the mine pit that may be needed to address any identified slope stability or other geologic concerns. All reports must be submitted to Planning and Development for review and approval, and any modifications to mine operations shall be enforced in conjunction with the County's annual SMARA inspections. It is the County's understanding that the condition requirements outlined above are consistent with the approach developed by Mr. John Wesling of your staff and Mr. John Hecht, engineer for the project applicant.

The EIR prepared for the Diamond Rock project concurs with your comments regarding the potential for liquefaction to occur at the project site, as the EIR characterized the liquefaction potential as being "moderate to high." The EIR concluded that potential liquefaction impacts would not result in a significant public safety impact because the public would not have access to the mine pit or material process area. Since the EIR was prepared, OMR has expressed a concern regarding potential liquefaction-related impacts to the high pressure natural gas pipeline located east of the proposed mine pit. The EIR did not specifically address this potential liquefaction impact because the pipeline is located approximately 360 feet east of the mine pit. A subsequent evaluation of the potential for liquefaction-related mine slope failures to affect the gas pipeline has been prepared (Hilltop Geotechnical, January 28, 2008). That evaluation concluded that potential project-related slope failure areas would be located at least 142 feet east of the pipeline route. Therefore, potential project-related slope failure impacts would not have an adverse effect on the gas pipeline. A copy of the supplemental slope stability report is attached to this letter.

5. The project applicant has indicated that there will be sufficient local demand for the excess fine material generated by the project, and that the excess material would be used by local agriculture operations. Section 4.5.3 of the Reclamation Plan has been amended to limit onsite storage of excess fine material in the processing area to 14,000 cubic yards.

Section 7.3 of the Reclamation Plan has also been amended to include the potential need for using native riverbed material to backfill the mine pit should groundwater be encountered. The placement of backfill material into the mine pit would be required by Condition No. 15 of the revised CDFG 1600 Agreement. Please refer to response No. 6 below.

6. The project applicant has contacted CDFG, which has agreed to revise Condition No. 15 of the Draft 1602 Agreement. The draft condition now indicates:

*"The pit shall not be excavated to the level of ground water, and shall stay at least an average of 6 feet above water level. If ground water is encountered, material shall be replaced to a depth of 6 feet, and excavation may continue above that elevation."*

Condition of Approval No. 41 of the County's Conditional Use Permit for the Diamond Rock project requires final approval of a Streambed Alteration Agreement by CDFG prior to approval of a Land Use Permit. Condition No. 41 currently requires that:

***Streambed Alteration Agreement Required.*** *No alterations to the channel or banks of the Cuyama River shall be permitted until the Department of Fish and Game has issued a Streambed Alteration Agreement. **Plan Requirements and Timing:** A copy of the approved Streambed Alteration Agreement shall be provided to Planning and Development prior to approval of a Land Use Permit.*

For consistency purposes, a condition similar to Condition No. 41 will be added to the Reclamation Plan.

- 7a. Conditional Use Permit and Reclamation Plan condition of approval No. 2 (Mine Pit Configuration Revision) implements this mitigation measure and requires the applicant to monitor river flows for the first three winters after mining has been initiated. This monitoring is to be conducted using low flow berms in the river channel. The effects of river flows on the berms are to be documented using photographs, maps diagrams and/or notes from personal observations.

To address this review comment, the "Plan Requirements and Timing" section of Condition of Approval No. 2 will be modified prior to Reclamation Plan approval. The revised condition will require that the stream elevation monitoring plan be developed and reviewed by OMR, the County and USCOE staff prior to approval of a Land Use Permit, which is required before mining operations can be inaugurated.

- 7b. The proposed mine pit would be located in the central portion of the river channel and a low flow channel is presently located between the west bank of the River and the proposed mine pit location. A berm would be constructed around the perimeter of the mine pit to prevent low flows in the River from entering the pit. The berm would not divert high river flows and water from high flows would quickly wash the berm away and the water would enter the mine pit. By diverting low flows around the mine pit, the required 50-foot setback between the mine pit and the existing low flow channel on the west side of the river can be maintained. No roads are proposed to be provided along the west side of the mine pit. CDFG has agreed to modify Condition No. 14 of the

Draft 1602 Agreement so that if the main low-flow channel on the west side of the River changes its course, or if smaller braids associated with the main low flow channel are created on the west side of the River, the berm could be used to divert the low flow channel and associated small braids away from the mine pit back towards the adjacent west bank of the River. The use of the diversion berm in this manner would allow the required 50-foot buffer area to be maintained. Condition No. 14 of the Draft 1602 permit now states:

*"There shall be a minimum 50 foot setback from the low flow channel and the excavation pit. There shall be no impacts, such as roads, to the setback/buffer zone, and the area shall be left undisturbed. The low flow channel and the small braids may be diverted back to the original location against the far bank if the low flow channel changes course."*

The 900-foot wide corridor to be located along the western edge of the mine pit would be provided to implement a mitigation measure for potential hydrologic impacts. The corridor is not required to satisfy any CDFG requirements.

- 7.c Reclamation Plan Figures 4, 6 and 7 depict the revised configuration of the southeast corner of the mine pit, and were provided to OMR by the project applicant on November 8, 2007. The same maps have been included in the final Reclamation Plan and are enclosed with this letter.
8. A SWPPP has been prepared for the Diamond Rock project and is generally described in section 4.5.13 of the Reclamation Plan. In addition, Section 6.7 of the Reclamation Plan has been amended to include language describing the Stormwater Monitoring Plan and stormwater percolation swale developed for the project. Prior to ground disturbance, a notice of Intent (NOI) will be filed with the RWQCB and a final SWPPP will be developed and submitted to the County. A description of erosion control measures for the mine slope can be found in section 7.5 of the Reclamation Plan.

A copy of the final SWPPP will be included in files maintained by Planning & Development. These files are available for County inspections, and a copy of the SWPPP can be provided to OMR if requested. However, the entire SWPPP will not be added as an attachment to the Reclamation Plan.

9. This comment provides suggested refinements to the monitoring requirements required by Conditional Use Permit and Reclamation Plan condition of approval No. 3 (River Channel Survey Requirements). To clarify one item raised by this comment, when Condition No. 3 refers to the "current mine pit," it is referring to the Diamond Rock mine pit as it would exist at the times the required survey program is implemented. The GPS mine pit is a separate project, however, it is anticipated that the monitoring plans for the Diamond Rock and GPS projects will be coordinated to provide for consistent data and efficient data collection.



OMR has provided reasonable suggestions and guidance to be included in the required river monitoring program. To implement these suggestions, the "Plan Requirements and Timing" section of Condition No. 3 will be modified to require that a River Channel Survey Plan be prepared and provided to the County, OMR and USCOE staff for review and approval prior to the approval of a Land Use Permit. At minimum, the plan shall:

- Provide maps depicting the location of monitoring cross section and longitudinal profiles.
- Indicate when profiles are to be developed, including the documentation of existing conditions prior to the start of mining activities.
- Identify performance criteria that are to be used to define what and when actions will be taken to mitigate adverse hydraulic conditions.

Regarding the need for additional "scientific studies" to be completed prior to the start of mining activities, County staff and the EIR consultant have determined that the project's impact analysis, the long history of in-river mining operations at the adjacent GPS site, and the recommended mitigation measures adequately reduce the potential for significant hydrology impacts to a less than significant.

10. As indicated in response No. 3, Reclamation Plan figures 4, 4a, 6 and 7 have been revised to depict the location of the proposed flood control berm. Details of the berm construction can be found in Section 4.5.9 of the Reclamation Plan.
11. A hydrologic evaluation for the required Deer Park Creek grade control structure has been completed (Hawks and Associates, February 5, 2008) and a copy is enclosed with this letter. The evaluation concluded that due to the low flows that generally occur in Deer Park Creek, a sandbag berm approximately two feet above grade would provide the flow control required by Reclamation Plan and Conditional Use Permit condition of approval No. 5. Similar to the low flow berm that is to be provided around the mine pit, the sandbag berm would require periodic maintenance and replacement. Condition of approval No. 5 currently requires an annual inspection of the diversion structure and will ensure that the berm is adequately maintained. Upon the cessation of mining activities, the grade control structure will be removed.
12. Section 4.5.1 of the Reclamation Plan has been revised so that only the soil needed to create the proposed landscape berms will be removed from the processing area.
13. Section 4.5.2 of the Reclamation Plan has been revised to identify the erosion control seed mix that is to be applied to the proposed landscape berms.
14. The method of seeding the topsoil berms has been added to section 6.4.6 of the Reclamation Plan.

15. Section 6.4.6 of the Reclamation Plan has been revised to identify all areas that will be subject to reseeded.
16. Section 6.4.6 of the Reclamation Plan has been revised to include the recommended weed control measures.
17. Section 6.4.7 of the Reclamation Plan has been revised to reflect the recommended plant density criteria.
18. The required statement of responsibility will be added to the Reclamation Plan prior to approval.
19. As required by PRC Section 2744, this letter provides OMR with the required minimum 30-day notice of when the hearing to consider the final Reclamation Plan has been scheduled. A hearing before the County Planning Commission has been scheduled for March 12, 2008. The hearing is to be held at the Betteravia Government Center in Santa Maria, CA. A time for the hearing has not yet been determined.
20. The suggested changes will be made to the Reclamation Plan prior to approval.

Thank you for your thorough review of the Diamond Rock Reclamation Plan, and we look forward to your response that this letter adequately addresses your comments. Please contact me if you have any questions or require additional information.

Sincerely,

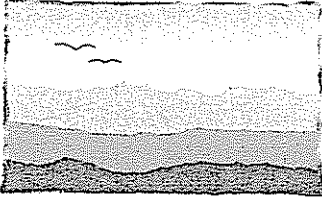


Steve Rodriguez, Contract Planner

Enclosures:

Draft Revised Reclamation Plan, January, 2008  
Reclamation Plan Figures 4, 4a, 5, 6, 7 and 8  
Hilltop Geotechnical Slope Stability Evaluation, January 28, 2008  
Hawks & Associates Dee Park Creek Grade Control Structure Report, February 5, 2008

c. Mr. John Hecht, West Coast Environmental w/o enclosures  
Mr. Gary Kaiser, Planning & Development w/o enclosures



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*www.wcenviro.com*

**Troesh Materials, Inc.**

**Reclamation Plan for:  
Diamond Rock Sand and Gravel Mine  
and Aggregate Processing Facilities**

**Location:  
State Route 33  
Maricopa, California**

*Submitted to:*

County of Santa Barbara  
Planning & Development  
123 E. Anapamu Street - 2nd floor  
Santa Barbara, CA 93101  
805-568-2004

*Contact Person: Mr. Gary Kaiser*

*Applicant:*

Troesh Materials, Inc.  
P.O. Box 2805  
Pismo Beach, CA 93448  
*Contact Person: Mr. Steven M. Troesh*

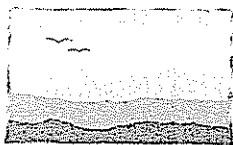
*Prepared by:*

West Coast Environmental  
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*Contact Person: Mr. John Hecht*

**Submitted: June 15, 2003**

**Revised: September 20, 2007**

**Revised : February 21, 2008**



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Revised: September 20, 2007  
Revised: February 21, 2008

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**Exhibits**

Exhibit 1	OMR Letter, dated September 23, 2003
Exhibit 2	Santa Barbara County Conditions of Approval
Exhibit 3	Well Water Data
Exhibit 4	Water Balance
Exhibit 5	Financial Assurance Cost Estimate
Exhibit 6	Report of Cut Slope Stability
Exhibit 7	Sediment Transport Study
Exhibit 8	USFWS, Biological Opinion
Exhibit 9	CDFG, Draft 1602 Agreement (Revised January 7, 2008)

## 1.0 INTRODUCTION

Troesh Materials, Inc. (Troesh) is proposing a new sand and gravel surface mining operation and aggregate processing facility that will be known as Diamond Rock Sand and Gravel Mine and Processing Facility (Diamond Rock). The processing facility will be located off-river and the mining operation will be located within the riverbed of the Cuyama River. This Reclamation Plan addresses the proposed mining and reclamation of Diamond Rock by Troesh and generally follows the Division of Mines & Geology prototype reclamation plan format as found in Special Publication 51 "California Surface Mining and Reclamation Policies and Procedures," Third Revision, January 2000.

The purpose of this Reclamation Plan is to ensure that adverse environmental impacts are prevented or minimized and that mined land is reclaimed to a usable condition which is readily adaptable for the proposed final land use. The Reclamation Plan was prepared in compliance with the:

- California Surface Mining and Reclamation Act (SMARA) of 1975, as amended (Public Resources Code Section 2710 et seq.)
- California Code of Regulations (CCR), Title 14, Division 2, Chapter 8, Subchapter 1, Article 9)
- County of Santa Barbara Non-Coastal Zoning Ordinance (Section 35-320 et seq. Reclamation and Mining Permits)

This Reclamation Plan has been amended to reflect the Department of Conservation's Office of Mine Reclamation review of the draft Reclamation Plan submitted to the County of Santa Barbara on June 15, 2003 and the Santa Barbara County Conditions of Approval. Please refer to Exhibit 1 – OMR Letter, dated September 23, 2003 and Exhibit 2 – Santa Barbara County Conditions of Approval.

### 1.1 Agencies Consulted

The following agencies have been consulted:

- Santa Barbara County - Planning & Development
- Santa Barbara County - Environmental Health Services
- Santa Barbara County - Air Pollution Control District
- California Department of Fish and Game
- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers

Troesh received a tentative approval of the Conditional Use Permit, Environmental Impact Report, and draft Reclamation Plan by the County of Santa Barbara Planning Commission on July 11, 2007. Final Project approval will be granted by the County of Santa Barbara upon approval of this Reclamation Plan and attached Financial Assurance Cost Estimate by the California Department of Conservation, Office of Mine Reclamation.

## 1.2 Permits Required

Diamond Rock operations will require a wide range of approvals in the form of permits, plans, licenses and certificates. Table 1-1 provides a list of these approvals and the issuing agencies.

### List of Federal, State and Local Permits Needed

Permit/Plan/License/Certificate	Issuing Agency
<b>County of Santa Barbara</b>	
Conditional Use Permit Environmental Impact Report Reclamation Plan	Planning & Development
Business Plan Hazardous Materials Inventory Above-Ground Storage Tank (diesel)	Environmental Health Services
Certificate of Compliance (Surveyor) Road Encroachment Permit	Public Works
Permit to Construct Permits to Operate (PTO)	Air Pollution Control District
Welding Permit Hazardous Materials Storage and Use	Fire
Certificate of Registration (re: truck scale) Weighmaster License (re: truck scale)	Agricultural Commissioner (Weights and Measures)
Business License Tax Registration Certificate	Tax Collector
<b>State of California</b>	
Mine ID Number Reclamation Plan Financial Assurance Cost Estimate	Department of Conservation
Section 1602 Streambed Alteration Agreement	Department of Fish and Game
Carrier Number Biennial Terminal Inspection	Highway Patrol
NPDES Permit (General) Spill Prevention, Control, and Countermeasure Plan Storm Water Pollution Prevention Plan Clean Water Act Section 401 Certification	Regional Water Quality Control Board
EPA ID number	Department of Toxic Substance Control
Vendor Use Fuel Tax Permit	Board of Equalization
<b>Federal Government</b>	
Clean Water Act Section 404 Permit	U.S. Army Corps of Engineers
Radio License	Federal Communications Commission



## 2.0 PROJECT AND PROPERTY INFORMATION

### 2.1 Mine Operator and Property Owner Information

Mine Name: Diamond Rock

Mine Operator: Troesh Materials, Inc.  
P.O. Box 2805  
Pismo Beach, CA 93448  
Contact Person: Steven M. Troesh  
(805) 773-2494 phone  
(805) 773-2494 fax

Land Owner:  
(Surface and Mineral) Triangle E Farms  
2830 State Route 33  
Maricopa, CA 93852  
Contact Person: James A. Wegis  
(616) 766-2602 phone and fax

Mine Operator's Designated Agent: West Coast Environmental and Engineering  
1838 Eastman Avenue, Suite 200  
Ventura CA 93003  
Contact Person: John Hecht  
(805) 644-7976 phone  
(805) 644-5929 fax

### 2.2 Location

Diamond Rock is located within unincorporated Santa Barbara County, immediately southwest of State Route 33, approximately 5.9 miles southeast of its intersection with State Route 166 (refer to Figure 1 - Vicinity Map). The proposed mining area lies within the riverbed of the Cuyama River (refer to Figure 2 - Aerial Photo). Access will be taken off State Route 33 via a newly constructed all-weather road. Other points of reference include:

- The GPS Quarry adjacent and immediately to the north.
- The Los Padres National Forest adjacent and immediately to the south.
- The Ventura County line approximately 2.3 miles due east of the Project's access off State Route 33.
- The Santa Barbara County line approximately 5.1 miles to the south via State Route 33.
- The San Luis Obispo County line approximately 3.2 miles to the north via State Route 33.

### 2.3 Legal Description and Assessors Parcel Information

Diamond Rock is located within the Cuyama Peak United States Geologic Survey (USGS) 7.5-minute topographic quadrangle as follows:

Section: 18  
Township: 9N  
Range: 24W  
Meridian: San Bernardino  
Baseline: San Bernardino

Diamond Rock consists of approximately 132.64 acres, including portions of the parcels noted in Table 2-1 below (refer to Figure 3 - Assessor's Parcel Map):

**Table 2-1 Parcel Information**

Assessors Parcel #	Total Acres	CUP Acres	General Plan	Zoning
149-220-02	117.40	22.58	A-II (Agricultural)	U (Unlimited Agricultural) Ordinance 661
149-220-11	80.19	80.19	A-II (Agricultural)	U (Unlimited Agricultural) Ordinance 661
149-220-65	82.35	29.69	AC (Agricultural Commercial)	AG-II-40 (Agricultural, 40 Acre Minimum)

**2.4 Access and Utilities**

Access will be taken directly off State Route 33 by constructing a 24-foot wide all-weather road into Assessor's Parcel Number (APN) 149-220-65 along its southern boundary. Truck traffic will use this all-weather road to obtain products at the mine or for delivery of supply materials.

There are no railroads in this area of the County. Electrical service is available from the electrical utility grid along State Route 33. Power poles are currently located along the southern boundary of APN 149-220-65. Electrical service will be provided from the existing network of power poles onsite. No gas service is needed. Telephone service will be installed by the local service provider.

**2.5 Water Source and Use**

Diamond Rock water will be provided from a currently idle well onsite (i.e., Well # 4 in close proximity to Well #5). Water will be used primarily for dust control and washing sand. Domestic water use will be negligible in comparison. Water will be drawn from the onsite well to charge the water system and that water will be recycled to the Water Retention Basins, percolate back into the groundwater, lost to evaporation, or leave the site with the aggregate products. Other wells (i.e., Well # 1, 2, 3 and 5) are within 500 feet of the Project (for a map of well locations and well reports refer to Exhibit 3 - Well Water Data).

Operated at its average production rate of 500,000 tons per year, Diamond Rock will use approximately 351,016 gallons of water per day. Recycled water will account for approximately 74 percent of the water used, with the remainder being replaced from Well # 4. This equates to the consumption of approximately 59,686 gallons of water per day. The water budget for an average annual production of 500,000 tons is noted in Table 2-2 below, water demand for peak production years is also presented in Table 2-3 below. Refer to Exhibit 4 - Water Balance.

**Table 2-2 Water Budget for Average Production (500,000 tons)**

	Used	Recycled	Percolated	Total Consumption
Gallons/hour	21,757	16,244	2,054	3,476
Gallons/day	351,016	258,744	32,867	59,686
Acre-feet/year	326.40	240.60	30.56	55.24

**Table 2-3 Water Budget for Peak Production (750,000 tons)**

	Used	Recycled	Percolated	Total Consumption
Gallons/hour	32,453	24,449	3,076	4,955
Gallons/day	522,161	390,026	49,211	83,346
Acre-feet/year	485.54	362.67	45.76	77.11

The EIR analyzed historic water consumption for alfalfa cultivation on the Project site to assess whether the Project would result in a net increase in water consumption. Please refer to Table 2-3 below and Final EIR, Section 3.3.2.2.2. The Project site has a Historic Use Credit of 45.80 acre-feet per year for alfalfa cultivation. The Project would utilize 6.25 acre-feet more than under current conditions and will not exceed the County of Santa Barbara's significance threshold for groundwater usage.

**Table 2-4 Net Water Consumption**

Project Production Level	Use During Average Production Year (500,000 tons)
Project Total Water Demand	-55.24 AFY <sup>1</sup>
Recharge Adjustment	3.19 AFY
Historic Use Credit	45.80 AFY
Net New Consumptive Use	-6.25 AFY

<sup>1</sup> AFY = Acre Feet per Year

### **3.0 ENVIRONMENTAL SETTING**

#### **3.1 Geology**

The geologic setting and other geologic considerations pertaining to Diamond Rock are described in the Geology Report. This report includes discussions of the physiography, stratigraphy, and such related geotechnical properties, as erosion, slope stability, expansive/collapsible soils). Refer to Project Application Binder - Vol. 1 - Tab 4 - Geology Report (submitted June 15, 2003) and Final EIR, Section 3.2 for more detail.

#### **3.2 Seismic Setting**

The region is characterized by a series of east-west trending active fault systems with the potential of producing earthquakes of significant magnitude. The San Andreas Fault System, north of the project site and the Big Pine Fault, to the south, are known and potentially active fault systems capable of producing earthquakes with magnitudes of 7.2 to 6.7 respectively on the Richter scale. Refer to Project Application Binder - Vol. 1 - Tab 4 - Geology Report (submitted June 15, 2003) and Final EIR, Section 3.2 for more detail.

#### **3.3 Noise**

Ambient noise levels were measured overnight beginning on May 7, 2003 to determine typical evening and nighttime noise levels at the site. The measurements were made using a Bruel & Kjaer 2260 (Type 1) sound level meter. These measurements determined the daytime and nighttime ambient noise and projected Diamond Rock operational noise levels during the evening and nighttime time frames. Refer to Project Application Binder - Vol. 1 - Tab 6 - Noise Study (submitted June 15, 2003) and Final EIR, Section 3.6.

#### **3.4 Surface Water**

##### **3.4.1 Streams**

The proposed mining area lies within the riverbed of the Cuyama River, which generally flows in an east-to-west direction in the coastal mountains of Central California, although it flows in a southeast-to-northwest direction in the Project area. The Cuyama River is located north of the City of Santa Barbara and south of City of San Luis Obispo, between drainages for the Salinas River to the north and Santa Ynez River to the south.

The Cuyama River is impounded approximately 24 miles upstream from the ocean by Twitchell Dam (elevation 687 feet). Approximately 7 miles below Twitchell Dam is its confluence with the Sisquoc River, which has a smaller drainage area, but carries more water. After the confluence it is called the Santa Maria River, and flows through the city of the same name.

The low-flow channel of the Cuyama River flows well to the west of the proposed mining area. When the Cuyama River reaches flood stage, it fills the riverbed bank-to-bank, which will preclude mining activity.

A minor ephemeral stream (Deer Park Creek) flows parallel to the north side of the agricultural area lying between it and the Processing Facilities Area. This ephemeral stream has its confluence with the Cuyama River on the east side of the mining area. A flood control berm and grade control structure have been included into the mining plan to direct flows from Deer Park

Creek into the mine pit in a controlled manner. The earthen berm, four to six feet tall, would be constructed using riverbed materials and would be located across the mouth of the drainage. The berm would prevent erosion of the sides of the mine pit and headcutting of the tributary. During the initial mining phase when the mine is not at the mouth of the creek, the berm would divert flows downstream, away from the mine pit. The berm will be included in the annual SMARA inspections by the County. Please refer to Final EIR, Section 3.1.1.1.6 and Condition of Approval #5.

### 3.4.2 FEMA Flood Hazard Mapping

Flood Insurance Rate Maps (FIRM) are used to determine insurance rates, based upon the various zones depicted. Portions of Diamond Rock are mapped as being within FIRM Zone A<sup>1</sup>, which is the flood insurance rate zone that corresponds to the 100-year floodplain (refer to Figure 4 - Project Site Plan and Figure 5 - Processing Facilities Site Plan). The only project component involving human occupancy is the caretaker security trailer, which will be located outside Zone A by elevating the foundation one foot above the flood plain on the east side of the shop building.

In 1968, the United States Congress passed the National Flood Insurance Act, which created the National Flood Insurance Program (NFIP). Congress recognized that the success of this program required that community participation be widespread, that studies be conducted to accurately assess the flood risk within each participating flood-prone community, and that insurance premium rates be established based on the risks involved and accepted actuarial principles. To meet these objectives, the 1968 Act called for:

- The identification and publication of information within five years for all floodplain areas that have special flood hazards; and
- The establishment of flood-risk zones in all such areas to be completed over a 15-year period following the passage of the act.

The Federal Emergency Management Agency (FEMA) is the agency responsible for administration of the NFIP, which includes mitigating and mapping flood hazards. To this end, FEMA's Technical Services Division conducts hydrologic and hydraulic analyses to identify flood hazards in communities throughout the United States through partnerships with local governments, public officials, and communities. The objective is to reduce flood losses and foster prudent floodplain management. The tool is a flood hazard map, which enables FEMA to determine the flood risk homeowners face.

The Flood Disaster Protection Act of 1973, which also amended the 1968 Act, required that flood-prone communities be notified of their flood hazards to encourage program participation. This notification was accomplished through the publication of Flood Hazard Boundary Maps for all communities that were identified as containing flood hazard areas. The term "100-year flood" is often used to characterize flood hazard areas and is somewhat misleading because it is not meant to imply a flood will occur once every 100 years. Rather, it is the delineation of a flood elevation that has a one-percent chance of being equaled or exceeded each year. Thus, the

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<sup>1</sup> Source: U.S. Department of Housing and Urban Development, Federal Insurance Administration, Flood Insurance Rate Map, Santa Barbara, County, California (Unincorporated Areas), Panel 350 of 975. Community-Panel Number 060331 0350 B. Effective Date: March 15, 1979.

100-year flood could occur more than once in a relatively short period of time. The 100-year flood, which is the standard used by most Federal and state agencies, is used by the NFIP as the standard for floodplain management and to determine the need for flood insurance.

### 3.5 Groundwater

There are five water wells on or near the Diamond Rock site. Well data from Well Nos. 1, 2 and 5 describes the standing water level below surface of the ground as being 53 feet, 66 feet, and 54 feet, respectively. Because these wells are located in the vicinity of the Processing Facilities Area, and are approximately 10 feet above the surface of the proposed mining area, groundwater may be encountered at depths of 40 to 50 feet in wet years (refer to Exhibit 3 - Well Water Data and Final EIR, Section 3.3). It is anticipated that groundwater levels under the mining pit will fluctuate over the course of any given year. To protect groundwater quality, Diamond Rock will actively mine dry areas of the mining pit. Should groundwater rise to inundate a portion of the pit, operations will be moved to mine within a dry location. If the mining pit floods, either due to a rise in groundwater, or from the Cuyama River, operations will be curtailed until the water has receded. Please refer to Final EIR, Sections 3.3.1.2 and 3.3.2.2.1.

### 3.6 Flora and Fauna

The bed of the Cuyama River is the most prominent feature on the project site and largely defines the natural vegetation type in this area. Alluvial terraces, up to six feet above the active river channel, exist within the eastern portion of the Site. Remnants of the alluvial terrace also occur as islands, some of which are several acres in size, within the dry bed of the river. A series of higher terraces (some of which are currently farmed) rise from the first terrace located above the eastern bank of the river. The Processing Facilities Area will be located on one of these terraces. Refer to Project Application Binder - Vol. 1 - Tab 7 - Biological Resources Reports (submitted June 15, 2003) and Final EIR, Section 3.4.

The eastern riverbank has historically been disturbed by erosion control measures (e.g., tree plantings {cottonwood, salt cedar}, placement of riprap {including old cars}, and the establishment of berms). Portions of the eastern bank also receive irrigation runoff from the adjacent agricultural fields and thus support non-native weedy herbaceous species.

Baseline conditions are described in the Final EIR, Section 3.4.2.

#### 3.6.1 Plant Species

The dominant plant community in the proposed mining area is a mixed shrub type dominated by scalebroom (*Lepidospartum squamatum*). Other common shrubs include big sagebrush (*Artemisia tridentata*), smoothleaf yerba santa (*Eriodictylon trichocalyx*), thickleaf yerba santa (*Eriodictylon crassifolium*), and chaparral yucca (*Yucca whipplei*). Herbaceous species are commonly found growing at the bases of the shrubs. Total vegetation canopy cover at the peak of spring in the channel areas of the Cuyama River is less than five percent for all shrubs and annuals.

Seven rare or endangered plant species were identified that occur in the Cuyama Valley, including three federally listed species: California jewel-flower (*Caulanthus californicus*), Hoover's eriastrum (*Eriastrum hooveri*), and San Joaquin woolly threads (*Monolopia congdonii*).

The other four species are included on CMPS List 1B – plants considered rare and endangered in California. The occurrence of these species and their habitat types at the Project site was investigated during the 2002, 2003 and 2004 surveys by Bumgardner Biological Consulting and URS (EIR Consultant). No listed rare or endangered plant species were observed at the Project site, nor are any expected to occur due to the absence of suitable habitat. Please refer to Final EIR, Section 3.4.2 and Final EIR Errata Sheet.

### 3.6.2 Wildlife Species

The September 9, 2002 Biological Resources Report noted that the only special-status wildlife species recorded on the project site during the August 2002 wildlife survey were California horned lark, loggerhead shrike, Brewer's sparrow, and American badger. Nesting was not confirmed for any of the special-status birds recorded on the project site, but it is likely that loggerhead shrike nested on the project site given the species' propensity to remain on and defend a winter territory that consists of at least part of the nesting territory.

The May 13, 2003 Biological Resources Report noted that the only special-status wildlife species recorded on the project site during the 2003 survey is Lawrence's goldfinch. Although not observed or otherwise documented on the project site during the 2003 survey, 10 other special-status wildlife species are considered to have some potential to occur on the project site. These species include California condor (*Gymnogyps californianus*), golden eagle (*Aquila chrysaetos*), California horned lark (*Eremophila alpestris*), loggerhead shrike (*Lanius ludovicianus*), Brewer's sparrow (*Spizella breweri*), western spadefoot (*Scaphiopus hammondi*), blunt-nosed leopard lizard (*Gambelia sila*), California horned lizard (*Phrynosoma coronatum frontale*), American badger (*Taxidea taxus*), and San Joaquin kit fox (*Vulpes macrotis mutica*). Please refer to Final EIR, Sections 3.4.2.3 and 3.4.2.5.

### 3.6.3 Permitting, Mitigation and Monitoring

As part of the U.S. Army Corps of Engineers (USACOE) permit under Section 404 of the Clean Water Act, Troesh has completed the Section 7 consultation process with the U.S. Fish and Wildlife Service (USFWS), required by the Federal Endangered Species Act. This process resulted in a Biological Opinion from the USFWS (Exhibit 7) concluding that issuance of the USACOE permit and compliance with the conditions set forth by the USFWS will not jeopardize continuance of the listed species (blunt-nosed leopard lizard and San Joaquin kit fox). The letter specifically references the exclusionary fencing and temporary fencing designed to prevent blunt-nosed leopard lizards from entering the excavation or other disturbance areas. Measures to avoid take of the species include a worker education program, the exclusionary fencing, preservation and restoration of appropriate habitat, pre-construction surveys and re-location of individuals if necessary, and monitoring and reporting to the USFWS. Biological work will be conducted by a professional biologist approved by the USFWS.

In addition, the California Department of Fish and Game (CDFG) provided a draft streambed alteration agreement for the Project (Exhibit 8), which establishes approximate conditions to preserve and restore habitat and to minimize the adverse effects of the Project.

The Conditions of Approval for the Diamond Rock Mine and Processing Facility approved by the County of Santa Barbara are as follows:

**Condition of Approval #9**

The proposed riverbank restoration shall be completed and meet the performance criteria within five years of Land Use Permit issuance or before 20 acres are disturbed in the mine pit, whichever comes first. Annual status reports shall be submitted to the County Planning and Development Department (P&D) until the restoration has been completed.

**Plan Requirements and Timing.** The applicant shall submit a stand alone riverbank restoration plan, separate from the mine reclamation plan, to P&D for review and approval within 6 months of Land Use Permit issuance. The plan shall include the above requirement.

**Monitoring.** P&D shall review the annual status reports on the progress of the riverbank restoration, as part of annual inspections required by SMARA.

**Condition of Approval #10**

The disturbed portions, estimated to be about 5.35 acres, of the stream terrace adjacent to the river channel (see Figure 3-19) shall be enhanced and restored to provide native alluvial scrub habitat for wildlife use during the life of the permit. The applicant shall submit a restoration plan to P&D for review and approval. The plan shall indicate the enhancement and restoration areas and describe habitat objectives, restoration methodology, performance criteria, and implementation schedule. The overall objective is to reduce the amount of non-native weeds and increase native shrub cover (using species common to alluvial scrub) in order to enhance conditions for wildlife use. The enhancement and restoration plan shall be independent of the mine reclamation plan. The plan shall include removal of all saltcedar from the stream terrace, including the top of bank areas adjacent to the agricultural field. Saltcedar shall be removed during the period of July through February to avoid disruption of any breeding birds. Cottonwood trees shall be planted in patches in suitable locations on the bank or at the toe of the bank between the stream terrace and agricultural field to provide bird roosting habitat. These restoration activities shall be completed within seven years of Land Use Permit issuance.

**Plan Requirements and Timing.** The applicant shall submit a stand alone restoration plan, separate from the mine reclamation plan, to P&D for review and approval within 6 months of Land Use Permit issuance.

**Monitoring.** P&D shall review the annual status reports on the progress of the restoration in conjunction with annual inspections required by SMARA.

**Condition of Approval #11**

The 16.87-acre stream terrace to be protected for blunt-nosed leopard lizard shall be maintained in a protected state during the life of the permit, which shall include measures to prevent unauthorized use by off-road vehicles, dumping, or other habitat damaging activities. No new roads shall be constructed in the area, and no equipment or stockpiles shall be placed within the boundaries. The area shall remain in a protected state until the County has determined that the mining pit and processing area have been fully reclaimed in accordance with the approved reclamation plan and SMARA and County requirements.

**Plan Requirements and Timing.** The applicant shall submit a plan describing the boundaries of the protected area, and management actions to meet the above requirements. The plan shall be submitted to P&D for review and approval within 6 months of Land Use Permit issuance.



**Monitoring.** P&D shall review the condition of the protected area during the annual SMARA site inspections.

**Condition of Approval #12**

To minimize the rate and extent of habitat loss as the mine pit is developed, the areas outside the active mine pit shall not be cleared, graded, or otherwise disturbed until such time that excavation is scheduled to begin in these areas. The applicant shall use the proposed perimeter flagging to delineate the boundary of the active mine, haul road, and flood control low flow diversion berm. The applicant shall instruct all equipment operators to remain within the boundary. The applicant shall submit an up-to-date map of the active mine pit and haul road to P&D each year.

**Plan Requirements and Timing.** The applicant shall submit an annual mining and haul route plan to P&D for review and approval which would show the location of the active mine mining area.

**Monitoring.** P&D shall review the annual mining and haul route plan, as well as conduct visual inspections of the mining operations during the annual SMARA site inspections.

**Condition of Approval #13**

The applicant shall minimize the disturbance zone associated with the construction and maintenance of flood control low flow diversion berm surrounding the mining pit by employing grading methods that avoid extensive equipment movement in the river channel. Earthwork and equipment travel associated with the construction and maintenance of the berms shall not occur outside the project site boundaries.

**Plan Requirements and Timing.** The applicant shall submit an annual mining and haul route plan to P&D for review and approval which would show the location of the flood control low flow diversion berm and describe the construction and maintenance methods.

**Monitoring.** P&D shall review the annual mining and haul route plan, as well as conduct visual inspections of the mining operations during the annual SMARA site inspections.

**Condition of Approval #14**

The haul road to the mine pit shall be sited in such a manner as to reduce the number of re-alignments required as the mine pit becomes larger. If possible, the initial haul road alignment shall be maintained throughout the duration of the Phase 1 mining in order to avoid unnecessarily disturbing river channel habitats prior to the expansion of the mine pit during Phase 2.

**Plan Requirements and Timing.** The applicant shall submit an annual mining and haul route plan to P&D for review and approval which would show the location of the haul road.

**Monitoring.** P&D shall review the annual mining and haul route plan, as well as conduct visual inspections of the mining operations during the annual SMARA site inspections.

**Condition of Approval #15**

The applicant shall manage aggressive non-native weeds that may periodically colonize the flood control low flow diversion berm. Aggressive noxious species, such as Russian thistle and star thistle, shall be removed on an on-going basis using a combination of mechanical means and herbicide application. The cover of non-native aggressive weeds shall not exceed 20 percent of

the total plant cover on the berms during the life of the permit. Herbicides shall only be used to manage weeds if: 1) approved aquatic herbicides are used, such as AquaMaster; 2) herbicides are not applied to open water, on saturated ground, or during the winter season when flows could remove applied herbicides (December 1 through April 1); 3) Best Management Practices (BMPs) are employed to reduce the amount of applied herbicide, including the BMPs associated with the state-wide aquatic pesticide permit; 4) a weed management plan with the selected BMPs is submitted to, and approved by, Planning & Development prior to issuance of the Land Use Permit; and 5) the applicant has acquired the required state and federal permits and approvals for the application of herbicides.

**Plan Requirements and Timing** The applicant shall submit a weed management plan to P&D for review and approval prior to the issuance of a Land Use Permit. Annual reports on the status of weed cover on the flood control low flow diversion berm shall be submitted to P&D for review and acceptance.

**Monitoring.** P&D shall review the annual weed status reports, as well as conduct visual inspections of the flood control low flow diversion berm conditions during the annual SMARA site inspections.

#### **Condition of Approval #16**

Nighttime lighting on the southern perimeter of the Processing Area shall be shielded and directed to reduce light impingement on the habitat area located south of, and adjacent to, the Processing Area.

**Plan Requirements and Timing.** Information on the lighting at the Processing Area shall be included in final plans to be submitted to P&D for review and approval prior to issuance of a Land Use Permit.

**Monitoring.** P&D shall conduct visual inspections of the Processing Area throughout the life of the permit, as necessary, to verify compliance.

#### **Condition of Approval #17**

A 15-mph speed limit shall be enforced on the access road from the Processing Area to the boundary of the mine pit, wherever it is located at the time. The speed limit shall be posted in both directions, and all haul truck operators shall be informed of the limit which is designed to reduce dust and collisions with wildlife.

**Plan Requirements and Timing.** Speed limit signs shall be indicated on the final plans for the mine and Processing Area which shall be submitted to P&D for review and approval prior to issuance of a Land Use Permit.

**Monitoring.** P&D shall conduct visual inspections of the project site throughout the life of the permit, as necessary to verify compliance. Annual SMARA inspections shall confirm that speed limit signs are in place as required.

#### **Condition of Approval #18**

The mining plan shall be modified to include a 75-foot setback from the toe of the east river bank to the flood control low flow diversion berm, blunt-nosed leopard lizard exclusionary fence, or the top of the mine pit slopes (whichever comes first). This corridor shall be managed as open space with native alluvial scrub. It will allow wildlife to continue to travel uninterrupted through the project

site on the east side of the river. No roads or vehicle access shall be allowed. In addition, the proposed blunt-nosed leopard lizard under crossing for the mine pit access road (see Section 2.5.1) shall be installed and maintained (even if future studies indicate that the lizard is not present at the project site) in order to provide passage across the road for all reptiles and small mammals.

**Plan Requirements and Timing.** The setback shall be indicated on the final plans for the mine and Processing Area which shall be submitted to P&D for review and approval prior to issuance of a Land Use Permit. The setback shall also be shown on the appropriate annual mining plans also submitted to P&D for review and approval.

**Monitoring.** P&D shall review and approve the annual mining plans that include the setback, and shall conduct visual inspections of the project site throughout the life of the permit.

#### **Condition of Approval #19**

The applicant shall conduct field investigations to determine if the blunt-nosed leopard lizard or California horned lizard is present in the river channel or other areas to be disturbed at the project site. The field investigations shall be conducted by a qualified biologist approved by Planning & Development, using survey protocols approved by the US Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG). The field investigations shall occur during each of the first five years of project operations. The results shall be provided to Planning & Development and USFWS and CDFG for review and acceptance. If the results demonstrate that lizards are absent from the river channel and unlikely to ever be present, Planning & Development will consult with USFWS and CDFG to determine if the use of exclusionary fence around the mine pit is still considered necessary. Planning & Development shall amend the conditions of approval related to the fencing in this situation. If the results indicate that blunt-nosed leopard lizards or California horned lizards are present in the river channel areas to be mined or other areas to be disturbed, the applicant shall acquire necessary permits and approvals from USFWS and CDFG to remove and relocate lizards from future undisturbed areas to be mined or disturbed. The applicant shall provide Planning & Development with a copy of an approved leopard lizard relocation plan and necessary permits prior to implementation.

**Plan Requirements and Timing.** The applicant shall submit the results of the annual blunt-nosed leopard lizard and coast horned lizard surveys during the first five years of operations, including any correspondence with USFWS and CDFG. A final report and recommendation shall be included in the last report, including any correspondence or communication with USFWS and CDFG.

**Monitoring.** P&D shall review the recommendations in the last report and make or recommend appropriate amendments to permit conditions.

#### **Condition of Approval #20**

The applicant-proposed exclusionary fence around the blunt-nosed leopard lizard protection area adjacent to the mine site shall be modified as follows. A permanent fence shall not be placed around the blunt-nosed leopard lizard protection area as planned. Instead, the exclusionary fence to prevent blunt-nosed leopard lizards from entering the mine pit or crossing the access road to the mine pit shall be placed along the perimeter of these work areas, and shall be moved as necessary as the mine pit is enlarged and the access road location is moved. This approach will allow blunt-nosed leopard lizards to move freely between the river channel and the protected area, as shown on Figure 3-21 for the Phase 1 mining layout. The exclusionary fence shall be temporarily removed during the period December 1 through April 1 of each year in locations that

may be susceptible to winter river flows. The exclusionary fence shall also be placed along the perimeter of the Processing Area, if the survey results from Mitigation Measure BIO-11 indicate a need.

**Plan Requirements and Timing.** The location and description of the exclusionary fence and guidelines on annual placement shall be included in the final plans for the mine and Processing Area to be submitted to P&D for review and approval prior to issuance of a CUP.

**Monitoring.** P&D shall review and approve the annual mining plans that include the locations of all exclusionary fencing, and shall conduct visual inspections of the fencing throughout the life of the permit, as necessary to verify compliance.

### 3.7 Air Quality

Diamond Rock includes conveyor spray bars and other dust control measures to control fugitive dust. Mobile equipment incorporates Best Available Control Technologies (BACT) to reduce mobile emissions. Processing equipment is electrically powered to reduce stationary source emissions, and conveyors are used extensively to reduce equipment engine hour totals.

The Project included dust control measures for mining, on-site hauling and processing (refer to Final EIR, Sections 2.3.3 and 2.5.3). These measures will be included as part of the approved Project, and subject to compliance monitoring and enforcement under the County's land use and SMARA permitting authority (refer to Conditions of Approval #26, 27, 28 and 29). Troesh will also require a Permit to Operate from the County APCD for the mine processing, which will include standard APCD fugitive dust controls, along with monitoring and enforcement.

### 3.8 Archaeology and Paleontology

There are no known cultural resources at the Project site based on an archival record search and field survey. The proposed mining operations would not affect the adjacent historic property on the south side of the Project site. While no prehistoric archeological sites are known to be present at the Project site, there is a very small possibility that previously unknown artifacts or deposits could be encountered during the preparation of the Processing Area. The likelihood of encountering cultural remains in the mining area is remote, due to its location in the river channel. The County of Santa Barbara has included a standard condition of approval into the Conditional Use Permit to ensure that there will be no impacts to cultural resources. Please refer to Conditions of Approval #33.

## 4.0 MINING PLAN

### 4.1 Mineral Resource Designation

The mining area is currently unclassified by the California Department of Conservation. However, the area is known to be a significant source of Portland cement concrete-grade (PCC-grade) mineral deposits (e.g., the GPS Quarry immediately downstream).

### 4.2 Quantity and Type of Minerals to be Mined

Diamond Rock will extract aggregate from a pit located in the Cuyama River in two phases. Mined materials will be mechanically crushed, sorted by size and type using triple-deck and double-deck dry scalping screens. Sand will be washed to remove fine material. Finished products will be stockpiled, and products will be transported offsite via haul trucks with a 29½-ton capacity. Proposed production levels will vary based on market demand. Although Diamond Rock may produce up to 750,000 tons per year, the rolling average production rate over the life of Diamond Rock is expected to be 500,000 tons per year. Peak daily production will be limited to the physical capabilities of the processing equipment, which is capable of processing 9,600 tons per day (600 tons per hour). Actual production levels will vary over time and are a direct function of the rate of development within the facility's market area, the number and type of contracts obtained (e.g., Caltrans), the overall economy, equipment downtime, as well as hours and days of operation. Initial testing indicates that the deposit is comprised of:

- ~ 38 percent Gravel
- ~ 60 percent Sand (estimated 55 percent marketable, up to 5 percent excess)
- ~ 2 percent Fines (pumpable excess)

Gross volume of the aggregate proposed to be excavated from the mining area is estimated to be 9,213,300 cubic yards. At an assumed density of 1.5-tons/cubic yard, a total of 13.82 million tons of material is delineated within the plan, as illustrated in Figure 4 – Reclamation Plan. Assuming seven percent of the material will be unsuitable for sale as PCC-grade aggregate, the net reserves are estimated at 12.85 million tons.

Figure 4 – Reclamation Plan delineates a modified mine pit configuration allowing a 900 foot wide open channel area between the west bank of the Cuyama River and the western edge of the berm surrounding the mining pit as required by Santa Barbara County Condition of Approval #2. The condition states that Troesh shall monitor river flows for the first three winters after mining has been initiated and document the effect of the low flow berms on river flows. County Planning and Development will review this information and determine if the additional channel width is considered necessary to avoid impacts to the Cuyama River. At the end of the three year monitoring, County Planning and Development will determine if the modification to the mine pit boundary will continue, shall be considered a permanent limit, or shall be rescinded and the original proposed boundary reinstated. Figure 4a – Reclamation Plan (excluding modified mine pit boundary) is included in this Reclamation Plan and delineates potential mining limits if the County rescinds Condition of Approval #2.

The assumed material composition and quantities are based on limited data. As the deposit is mined, Troesh may encounter material that does not match these assumptions. While this may result in a different market, the operating parameters of Diamond Rock will not change.

Finished products will be PCC-grade aggregate and other aggregate products. Processing also creates scalped fines as a byproduct, some of which may be used as a soil amendment by the landowner and other area agricultural operations. Fines not immediately used or sold as soil amendments will be stockpiled and used in reclamation of the processing area.

#### 4.3 Mining Initiation and Schedule

The anticipated mining initiation date is October 1, 2008 to September 30, 2038. At the proposed average extraction rate of 500,000 tons per year, this resource could last for 27.7 years, assuming that the river does not replenish material over time. Troesh is requesting a 30-year permit and mining operations will begin upon County of Santa Barbara final approval of a Conditional Use Permit and State and County approval of this Reclamation Plan. It is expected the Cuyama River will flood into the excavated areas of the Project during the life of the Project, and that rising groundwater will periodically inundate some, or all, of the mining pit floor. To the extent that these events occur, mining activities will be seasonal.

#### 4.4 Mining Depth

Maximum anticipated depth of the surface mining operation is 90 feet below ground surface (BGS). The starting elevation of the mine pit boundary at the southern end of the mine pit is approximately 2800 feet above sea level (asl) and is approximately 2765 feet asl at the northern end of the mine pit. The anticipated maximum depth of the mine pit would be 2675 feet asl. Please refer to Figure 4 – Reclamation Plan.

#### 4.5 Mining Method

The Mining Plan calls for two phases of mining. Phase 1 will be divided into a series of cuts and lifts; Phase 2 will involve a single cut. The phases, cuts and lifts are summarized in Table 4-1 below and illustrated in Figure 6 (Mining Plan - Phase 1), Figure 7 (Mining Plan - Phase 2), and Figure 8 (Mining Cross Sections). Mining within the riverbed requires entering into a Streambed Alteration Agreement with the California Department of Fish and Game (CDFG) under Section 1602 of the California Fish and Game Code. A draft agreement was issued by CDFG on June 6, 2005. No blasting is proposed.

Table 4-1 Gross Tonnage by Mining Phase<sup>1</sup>

Gross Tonnage by Mining Phase			
Phase	Duration <sup>2</sup>	Tonnage <sup>3</sup>	Cubic Yards
Pre-Production	1.4 years	690,000	460,000
Phase 1 Cut 1 Lift 1	3.3 years	1,640,000	1,090,000
Phase 1 Cut 1 Lift 2	2.5 years	1,230,000	820,000
Phase 1 Cut 1 Lift 3	1.9 years	960,000	640,000
Phase 1 Cut 2	5.9 years	2,970,000	1,980,000
Phase 2	12.7 years	6,330,000	4,220,000
TOTAL	27.7 years	13,820,000	9,210,000

<sup>1</sup> 2003 tonnage estimates have not been changed to reflect Santa Barbara County Conditions of Approval required setbacks

<sup>2</sup> Assumes a mining rate of 500,000 tons per year

<sup>3</sup> Assumes 1.5 tons per cubic yard, rounded to nearest hundred.

This representation of phases is based upon the "ideal condition" and assumes the Cuyama River does not flood and excavation is able to proceed in an orderly manner throughout the life of the Project. However, it is expected the Cuyama River will flood into the excavated areas of the Project during the life of the Project.

Excavation will begin at the southwest corner of the mining area by excavating a narrow pit parallel to the flow direction of the river. As each narrow pit is completed, the next pit will be excavated parallel to and on the east side of the previous pit, incrementally further away from the river's low-flow channel, which ensures areas of completed mining are to the west of active mining areas.

Within each pit, the excavation will proceed through a series of cuts and lifts until excavated to final depth. Each lift will involve an excavation depth of approximately 30 feet. As the excavation of one pit drops into the second lift (approximately 31 to 60 feet), excavation on the first lift of the adjacent parallel pit to the east will commence. In this manner, when the final depth of 90 feet (BGS) is reached on the first pit, the second pit will be at a depth of approximately 60 feet, and the third pit will be at a depth of approximately 30 feet. If groundwater is encountered, native riverbed material will be backfilled and replaced to a depth of six feet as required by Condition #15 of the CDFG 1602 Agreement (Exhibit 9).

It is expected that pit excavation will proceed as described above until the Cuyama River reaches flood stage, when the river floods bank-to-bank and will fill the excavated pits. In advance of such flooding, mining activities will be suspended and equipment will be moved out of the riverbed and onto the processing area. Due to the positioning of pit excavation, it will be easier to return equipment to the riverbed without having to cross over, enter, or re-excavate the pits previously mined.

Post-flooding, once excavated area will be evaluated and if the deposited material is found to be high in marketable aggregate materials, the pits may be re-excavated. If not (i.e., due to a high percentage of unmarketable fine materials) excavation would commence either on the next narrow pit, and/or on the remaining unexcavated portion of the flooded pit.

The initial mine pit will be situated in the middle of the river channel. A low-flow flood control berm would be constructed around the perimeter of the active mine pit to divert any flow or volume from small braids that may enter the Project site to the main channel and prevent low volume flooding from entering the pit. If at any time the main low-flow channel changes its course, the CDFG agreement allows the low flow channel and the small braids of this channel to be diverted back to their original location against the west bank. Please refer to Exhibit 9 – CDFG, Draft 1602 Agreement #14.

Prior to the commencement of mining, existing vegetation in the Cuyama River will be removed, crushed and placed on the visual screening berms and stockpiled topsoil. The material will act as mulch and protect the berms from wind and water erosion. In time, the crushed vegetation will decompose and add to the soil's organic matter.

#### 4.5.1 Topsoil Salvage

Approximately 12,300 cubic yards of topsoil directly under the Processing Area will be excavated and used to construct temporary six foot high visual screening berms along State Route 33. The remaining topsoil will be left in place and amended before revegetation as described in Section 6.4.3 below. Please refer to Figure 4 – Reclamation Plan for location of visual screening berms.

#### 4.5.2 Visual Screening

The proposed screening berms are designed to obscure views from State Route 33. These berms would be approximately six feet high and would be planted with three native tree species and one native shrub species. To ensure visual impacts are minimized, Condition of Approval #31 has incorporated two additional screening berms to reduce visual impacts and screen the Processing Facilities Area from travelers driving on State Route 33.

The plant palette is noted in Table 4-2 and seed mix in Table 4-3 below.

**Table 4-2 Landscape Berm Plant Palette**

Botanical Name	Common Name	Size	Quantity
<i>Calocedrus decurrens</i>	Incense cedar	15 gallons	68
<i>Pinus coulteri</i>	Coulter Pine	15 gallons	27
<i>Quercus douglasii</i>	Blue Oak	15 gallons	37
<i>Heteromeles arbutifolia</i>	Toyon	5 gallons	123

In addition to the native trees, the landscape berms will be seeded with the following native seed mix:

**Table 4-3 Landscape Berm Native Seed Mix**

Common Name	Scientific Name	Lbs/acre
<i>Chrysothamnus nauseosus</i>	Common rabbitbrush	4
<i>Eriogonum fasciculatum</i>	California buckwheat	8
<i>Festuca californica</i>	California Fescue	3
<i>Achnatherum hymenoides</i>	Indian ricegrass	4
<i>Nassella cernua</i>	Needle grass	3
<i>Lasthenia glabrata</i>	Yellowray goldfields	1
<i>Malacothrix californica</i>	Desert dandelion	2
<i>Oenothera californica</i>	California primrose	1

#### 4.5.3 Material Balance

Diamond Rock has been designed to balance grading throughout the life of the project. Nearly all of the materials processed will be marketed. However, it is estimated that fines and excess sand may account for up to seven percent of mined material.



As mined materials are screened, washed and processed, fines will be derived from the scalping screens and from the deposition that settles out within the Water Retention Basins (i.e., estimated two percent of mined material). Excess sand is defined as non-marketable sand, which is estimated to be five percent of mined material. In addition, excess fines are estimated to be two percent of mined material as listed below in Table 4-4. These fines and excess sand will be sold as soil amendment. Onsite storage of excess fine material in the processing area will generally be 2,000 to 4,000 cubic yards and will be limited to 14,000 cubic yards which is approximately two 50-foot high stockpiles.

The mining operation is expected to generate the fines and excess sand noted in Table 4-3.

**Table 4-4 Mining Rate, Fines and Excess Sand <sup>1</sup>**

Mining Year	Product Mined (tons)	Excess Materials		Cumulative Excess (tons)
		Fines (tons)	Sand (tons)	
1	500,000	10,000	25,000	35,000
2	500,000	10,000	25,000	70,000
3	500,000	10,000	25,000	105,000
4	500,000	10,000	25,000	140,000
5	500,000	10,000	25,000	175,000
6	500,000	10,000	25,000	210,000
7	500,000	10,000	25,000	245,000
8	500,000	10,000	25,000	280,000
9	500,000	10,000	25,000	315,000
10	500,000	10,000	25,000	350,000
11	500,000	10,000	25,000	385,000
12	500,000	10,000	25,000	420,000
13	500,000	10,000	25,000	455,000
14	500,000	10,000	25,000	490,000
15	500,000	10,000	25,000	525,000
16	500,000	10,000	25,000	560,000
17	500,000	10,000	25,000	595,000
18	500,000	10,000	25,000	630,000
19	500,000	10,000	25,000	665,000
20	500,000	10,000	25,000	700,000
21	500,000	10,000	25,000	735,000
22	500,000	10,000	25,000	770,000
23	500,000	10,000	25,000	805,000
24	500,000	10,000	25,000	840,000
25	500,000	10,000	25,000	875,000
26	500,000	10,000	25,000	910,000
27	140,000	2,800	7,000	919,800
<b>TOTAL</b>	<b>13,140,000</b>	<b>262,800</b>	<b>657,000</b>	<b>919,800</b>

<sup>1</sup> Assumes an average annual excavation rate of 500,000 tons per year.

#### 4.5.4 Automobile Removal and Riverbank Restoration and Revegetation

The eastern riverbank has historically been disturbed by erosion control measures, such as tree planting, placement of riprap and old automobiles, and the establishment of berms. Tree planting included *Tamarix ramosissima* (saltcedar, an invasive species) and *Populus fremontii*

(cottonwoods, a desirable species). Some of the cottonwoods are now 30 feet in height while others have not received regular irrigation and are under stress, or have already died.

Troesh would restore a 1,400 foot long portion of the eastern river bank containing buried cars within the first five years of operation. Buried automobiles would be removed and disposed offsite in compliance with local ordinances and other applicable regulations, including those of Santa Barbara County Department of Public Health Services. The riverbank would be reconstructed, as necessary, into a stable configuration. The bank would be graded to match the elevation of the existing adjacent bank with a two to four foot wide top. The overall slope of the riverbank would be no greater than 3:1 (h:v), unless the use of rip-rap is permitted in the construction. The bank would be constructed of on-site materials, free of debris.

Existing saltcedar would be removed and an eradication program implemented to ensure they do not become re-established. Existing cottonwood currently growing on or near the riverbank would be retained, as feasible. Additional cottonwood trees would be planted on 20 to 30 foot centers along the top of the riverbank or near the toe of the restored bank. Please refer to Final EIR, Section 2.4.1.3 regarding revegetation and seeding.

Troesh has prepared a Blunt-nosed Leopard Lizard Avoidance Plan to minimize potential impacts to the species. Please refer to Conditions of Approval #9 through 20 and Final EIR, Section 3.4.3.7.

#### **4.5.5 Mining Pit Setbacks**

The proposed mining pits will be set back at least 50 feet from property lines to assure that offsite property is not affected by slope failures and erosion of the pit slope cuts. In addition, the mining pit will be set back a minimum of 100 feet from the confluence of Deer Park Creek (an ephemeral tributary) and the Cuyama River to account for potential head-cutting and to facilitate wildlife movement.

#### **4.5.6 Slope Gradient During Active Mining**

Slopes adjacent to property lines will be no steeper than 2:1 (h:v) gradient, with an overall slope (including benches) no greater than 3:1 (h:v). The gradient for slopes to Diamond Rock's interior will be governed by operational safety considerations, with a maximum 2:1 slope (h:v) (refer to Figure 8 – Mining Cross Sections).

A Report of Cut Slope Stability, dated August 31, 2005 was prepared for the Project by Hilltop Geotechnical, Inc. (please refer to Exhibit 6). The report evaluated the slope stability of the cut slopes for the Project and concluded the following:

- The proposed exterior cut slopes with reduced bench widths have adequate factors for safety for both static and seismic conditions under no groundwater condition.
- The proposed temporary interior cut slopes have adequate factors of safety for static conditions under no groundwater condition.
- The proposed interior and exterior cut slopes do not have adequate factors of safety under saturated conditions. Therefore, no mining is recommended below a water table and/or in the event of flooding that cause the slopes to become saturated.

- Per the Project description, the excavation will proceed through a series of cuts and lifts until excavated to final depth. The pit excavation will proceed until the Cuyama River floods and mining activities will be suspended and equipment will be moved out of the riverbed. In addition, there is no area which is prone to damages to buildings and life threatening injuries in case of slope failure.
- When the Cuyama River floods, it is expected that the excavated pit will receive flood deposited material and the mass of the flood deposited material would increase the resisting force against slope failure.
- As described in the Project description, a flood control berm will be graded around the upstream portions of the open pit to prevent low volume flooding from entering the pit. The flood control berm also prevents surficial slope failures and erosion.
- A slope stability analysis under saturated conditions was also performed for static groundwater condition with mine excavation full of water and a worst case rapid drawdown scenario. With a uniform groundwater condition, a factor of safety of 1.1 was determined for static conditions. For a rapid drawdown condition, a factor of safety of less than 1.0 was determined. Therefore, mining should not proceed below the groundwater table and the excavation should not be pumped dry after flooding in order to maintain an adequate factor of safety against slope failure.

#### 4.5.7 Mining Impacts on River Hydraulic Conditions

A Sediment Transport Analysis was completed to determine if the combined mine production rates of the downstream GPS mine and the Project could adversely affect hydraulic conditions in the river at the mine sites, and in both upstream and downstream areas. The analysis provides an estimate of the sediment transport capacity of the river in the vicinity of the two mine sites. By estimating this capacity, potential changes in river hydraulics can be identified, such as headcutting, channel bed scouring and/or channel sediment aggradation. Please refer to Conditions of Approval #2 through 6, Exhibit 7 – Sediment Transport Study and Final EIR, Section 3.1.2.2.3 Impact on Sediment Transport.

The results of the modeling indicate that the estimated annual sediment inflow to the combined mine sites is about 314,000 tons per year with an average annual outflow of 85,000 tons, resulting in an annual accumulation of 229,000 tons. Since 1988, the GPS mine had been removing about 160,000 tons per year, on average, which is similar to the predicted annual accumulation of the Project. The GPS mine has been filled periodically since its inception in 1969, providing empirical support for the modeled estimates.

The sediment transport model indicated that both mines operating would create a sediment deficit as mining rates exceed replenishment rates. As the mine pits become larger, there is a potential for change in river hydraulics, which could result in downstream degradation and upstream headcutting. The magnitude of these impacts is expected to be minor, and is not expected to cause bank erosion. None of these hydraulic impacts would affect structures, public infrastructure or valuable in-channel habitats. In light of the inherent uncertainty of simulation models and the potential to underestimate these effects, the impacts on river hydraulics and sediment transport due to the Project, in combination with the GPS mine, could be potentially significant, but mitigable as described in the EIR. For that reason, the following Project Condition of Approval is required by the County:

### Condition of Approval #3

The applicant shall survey the river bottom elevations from bank to bank each April and October at three locations: (1) 1,000 feet upstream of the current mine pit; (2) in the middle of the current mine pit; and (3) 1,000 feet downstream of the current mine pit. Elevations of the channel bottom shall be collected at survey points in three transects across the river. The number of survey points shall be sufficient to provide cross sections to compare the channel cross sections from year to year. These data shall be reviewed each year by County P&D, in consultation with County Flood Control District, during the annual SMARA inspections to determine if there is evidence of headcutting or channel degradation. If adverse hydraulic conditions are evident, or appear to be developing, which could result in off-site impacts, County P&D will confer with the County Flood Control to determine modifications to the mining pit layout, width, and/or depth that would avoid these impacts. Given the uncertainty in ascribing these impacts to the presence of the mine pit, an incremental, multi-year approach to address these impacts by mine pit modifications would be implemented by the County P&D.

**Plan Requirements and Timing.** The applicant shall submit the results of the annual surveys to County P&D in April of each year, until such time that the County P&D has determined that additional surveying is not considered necessary.

**Monitoring.** P&D shall review the survey data provided by the applicant and provide a final determination on the mining pit boundary following the third winter of mining.

#### 4.5.8 Riverbed Access

Access from the Processing Facilities Area into the riverbed will involve the construction of a 24-foot wide all-weather ramp. This ramp will be excavated into a small area of agricultural land directly adjacent to the east riverbank, with the grade declining to match the elevation of the riverbed at the bank. This activity will require a CDFG Streambed Alteration Agreement (Section 1602). Constructed in this manner, the access ramp will not require the use of fill material within the riverbed.

#### 4.5.9 Mining Pit Flood Control Berm

The Project mine pit would be constructed in the Cuyama River channel. The channel is approximately 2,500 feet wide at the Project site and flows seasonally during the winter months. Flow velocities are typically too low to create a well-defined and persistent low-flow channel. Estimated flow velocities are very low and non-erosive for flows less than the 50-year event due to the low slope (approximately 1 percent) and wide river channel.

A low flow flood control berm would be constructed around the perimeter of the active mine pit during all mining phases and is designed to divert low flows around the mine pit. The berm would be constructed of riverbed material and would be approximately four feet high and ten feet wide at the base. Flooding from substantial rain events could wash away the berms or overtop them. In such instances, flood flows would enter the mine pit and preclude mining until the flows have ceased and the mining area has dried out. The berm would be maintained on an as-needed basis and would be repaired after flooding events. If at any time the main low-flow channel changes its course, Condition #14 of the CDFG Agreement allows the low flow channel and the small braids of the channel to be diverted back to their original location against the west bank.

To determine the effects of the berms on various flows in the river, an analysis was completed for the Project EIR using hydraulic modeling. Based on the analysis and considerations identified in the EIR, the impact of the low berms surrounding the mine pit on river hydraulic conditions would be considered less than significant. The altered hydraulic conditions for low to moderate flows due to the presence of the berms may cause localized backwater effects, channel bed scouring and sediment mobilization. However, these conditions would extend only a short distance from the Project site, and would not damage any structures, flood control improvements or bank protection. Modifications of the river channel conditions at the Project site would be temporary and the river channel would return to pre-mining conditions after significant flood events when the berms are overtopped and the mine pit is filled. Please refer to Final EIR, Section 3.1.2.2.1 for the complete river hydraulics analysis.

Under Section 404 of the CWA, the USACOE may assume jurisdictional responsibilities pertaining to projects *"that discharge material that has the effect of replacing any portion of a water of the U.S. with dry land or changing the bottom elevation of a water of the U.S."* Troesh has applied for the Section 404 Permit and is currently in consultation with the USACOE.

#### **4.5.10 Equipment in the Mining Pit**

Troesh may, at some point, find it operationally advantageous to place the Jaw Crusher at the bottom of the pit and convey the mined materials to the Surge Pile from that location. In consulting with the USACOE, it was determined that the placement of such equipment within the pit overnight may be subject to the requirements of Section 404 of the CWA.

#### **4.5.11 Equipment Fueling and Maintenance**

Vehicle fueling and maintenance will take place atop the Fueling and Maintenance Pad within the Processing Facilities Area (refer to Figure 5 - Processing Facilities Site Plan). This concrete pad includes a curbed containment berm and is adjacent to the fuel storage tank, which will be placed within a concrete secondary containment area. These precautionary measures are designed to ensure fueling and maintenance activities do not adversely affect surface water or groundwater.

#### **4.5.12 Spill Prevention, Control, and Countermeasure Plan**

A Spill Prevention, Control, and Countermeasure Plan (SPCC) was prepared to meet the requirements of:

- Title 40, Code of Federal Regulations (CFR), Part 112
- California H&S Code, Chapter 6.67, §25270 - Aboveground Petroleum Storage Act (1989)

The purpose of the SPCC is to identify procedures and controls to prevent accidental releases of petroleum products and to minimize the impact if a release occurs. Refer to Project Application Binder - Vol. 1 - Tab 10 - Spill Prevention, Control, and Countermeasure Plan (submitted June 15, 2003).

#### 4.5.13 Storm Water Pollution Prevention Plan

In 1987, Congress enacted the Water Quality Act, amending the Federal Water Pollution Control Act to include regulation of the discharge of storm water from industrial and certain municipal sources. EPA issued final regulations establishing permit application requirements for storm water in the November 16, 1990 Federal Register (55 FR 47990). The regulations provide for individual and group applications and for the issuance of individual and general permits.

In California, the State Water Resources Control Board (SWRCB) elected to issue a statewide General Permit that applies to all industrial storm water discharges requiring a permit except those from construction activities. The SWRCB adopted the General Permit and Fact Sheet on November 19, 1991, which was reissued on April 17, 1997.

The General Permit requires that each facility:

- Eliminate unauthorized non-storm water discharges.
- Develop and implement a Storm Water Pollution Prevention Plan (SWPPP).
- Monitor discharges of storm water.

A Storm Water Pollution Prevention Plan (SWPPP) was developed to comply with the requirements set forth in the General Permit No. CAS000001, the purpose of which is to fulfill two major objectives:

- Identify sources of pollution that may contaminate industrial storm water discharges.
- Describe and ensure the implementation of practices to reduce pollutants in storm water discharges.

Refer to Project Application Binder - Vol. 1 - Tab 10 - Storm Water Pollution Prevention Plan (submitted June 15, 2003) and section 6.7 below.

#### 4.6 Hours and Days of Operation and Employment

With the exception of truck loading operations, Diamond Rock will operate up to 303 days/year, employing eight people fulltime (i.e., five during the day shift, three during the night shift, with a one-hour meal break). Proposed operating hours are as follows:

- Mining/Primary Crushing                      Monday through Saturday: 5 AM to 6 PM (during daylight hours)
- Processing/Secondary Crushing              Monday through Saturday: 5 AM (during morning daylight hours) to 10 PM
- Truck Loading                                      Daily: 24-hours/day

Contract requirements often require the providers of PCC-grade aggregate to provide materials on a 24-hour basis. These contracts involve large-scale projects, such as highway resurfacing by Caltrans, major public works road projects, and U.S. Army Corps of Engineer projects to reinforce dam toes or dikes, among others. In some instances, operations may necessitate

Sunday operations as well. Nighttime operations will apply to Processing Operations until 10 PM, and to Truck Loading/Hauling Operations, which operate on a 24-hour basis. Nighttime mining operations are not proposed.

Diamond Rock will provide a source for PCC-grade aggregate to Santa Barbara, San Luis Obispo, Kern and Ventura Counties. It is important to note that 24-hour/day construction projects will derive required material from whatever sources are available, even if long distance hauling is required. Providing a regional source for PCC-grade aggregate serves to reduce haul distances and the associated impacts. It is expected that up to 50 percent of deliveries from Diamond Rock will occur at night, primarily toward Santa Maria, to provide the PCC-grade aggregate needed for Caltrans and public works projects, night paving, and industrial and commercial buildings.

#### **4.7 Description of Mining and Processing Facility Operations**

Processing will occur at an electrically powered processing facility capable of processing 600 tons of material per hour. The following is a brief process description, which refers to Diamond Rock components (refer to Figure 4 – Reclamation Plan and Figure 5 - Processing Facilities Site Plan).

- 1) Material is excavated from the riverbed using heavy mobile equipment and transported by trucks, scraper or conveyor to the Loading Hopper. From this point on, material is moved throughout the Processing Facility via a system of conveyors.
- 2) Once in the Loading Hopper, gravel and boulders are conveyed from the river's edge to the Jaw Crusher where they are reduced in size, then conveyed for placement onto the Surge Pile. (Note: As noted above, at some point, it may become operationally advantageous to place the Jaw Crusher at the bottom of the pit and convey the mined materials to the Surge Pile from that location.
- 3) From the Surge Pile, crushed aggregate falls into tunnels and is conveyed to the Triple Deck Dry Scalping Screen to remove oversized material.
- 4) Material too large for the Triple Deck Dry Scalping Screen is diverted and conveyed to the adjacent Cone Crusher for additional crushing, and is conveyed back through the Triple Deck Dry Scalping Screen. Material leaving the Triple Deck Dry Scalping Screen is conveyed onto the ¾" Rock, ¾" Rock or Scalped Fines stockpiles, or into the Double Deck Dry Scalping Screen.
- 5) Material entering the Double Deck Dry Scalping Screen is separated into Birds-Eye Rock and Concrete Sand. The Bird-Eye Rock is conveyed onto a stockpile and the Concrete Sand is passed through a Sand Washer.
- 6) Concrete Sand is then conveyed through the Dewatering Screen before being conveyed onto the Concrete Sand stockpile.
- 7) Wash water from the Sand Washer and Dewatering Screen flows by gravity back to the Water Retention Basins where a flocculant is added (i.e., a triple basin clarifier, with three concrete basins 80 feet x 130 feet and 10 feet deep). While in the Water Retention Basins, the flocculated fine material "settles out" and 61 percent of the water is reclaimed for re-use in material washing. Fine material deposited in these basins is removed and deposited on the Scalped Fines stockpile by a front-end loader.

- 8) The finished product placed on the Birds-Eye Rock stockpile is available for sale from that location. Material placed on the Scalped Fines stockpile is hauled offsite for use as soil amendments or landfill top cover.
- 9) The finished product placed in the Concrete Sand or ¾" Rock stockpiles fall into tunnels and are conveyed to the Loading Bins. The finished product placed in the ¾" Rock stockpile fall into a tunnel and is conveyed to a Load-Out area.
- 10) On-road haul trucks enter Diamond Rock and are loaded either at the Loading Bins (Concrete Sand or ¾" Rock), a Load-Out area (¾" Rock), or by front-end loader at the Birds-Eye Rock or Scalped Fines stockpiles.
- 11) Concrete rubble accepted for recycling is stockpiled and a portable crusher brought onsite to periodically crush the concrete rubble. A conveyor (or radial stacker) transfers the crushed product into a second stockpile. On-road haul trucks entering Diamond Rock proceed to the Recycled Concrete Stockpile where they are loaded by a front-end loader.

#### 4.8 Onsite Mobile Equipment

Onsite mobile equipment will include:

- Three Front-End Loaders (two 980s, one in the yard and one in the mining pit, and a 988 in the mining pit)
- Water Truck (4,000-gallon capacity)
- Two Scrapers (33-ton capacity – CAT 633)
- Two Haul Trucks (40-ton capacity)
- Excavator (235 CAT)
- Man Lift
- Backhoe (Case 535)
- D-8 Dozer
- Service Truck (lubrication vehicles for periodic servicing of vehicles and equipment)
- Crane (25-ton lift)
- Welding Unit

#### 4.9 Other Onsite Equipment and Facilities

Other equipment and facilities that are part of Diamond Rock include:

- Conveyors
- Triple Deck Dry Scalping Screen
- Double Deck Dry Scalping Screen
- Sand Washer (screw type)
- Dewatering Screen
- Load-out bins (auto-loader)
- Material stockpiles
- 20,000-gallon above-ground diesel fuel tank, with secondary containment and bermed fueling and maintenance pad
- 10,000 gallon domestic water storage tank with Fire Department drafting hydrant
- Water Retention Basins (three, each being 80 feet x 130 feet x 10 feet deep)
- Stormwater Percolation Swale



- Water reclamation system
- Scale house (office and dispatch operations)
- Restroom facilities and septic system
- Truck scale (70' above-ground Toledo)
- Well (electric pump)
- Office (7,500 square feet)
- 24-foot wide, two-lane all-weather road and turn-around to provide haul trucks with access to the Loading Bins and Truck Scale
- Interior aggregate surfaced roads to/from the other stockpiles for loading
- Parking spaces for 12 automobiles, plus one handicapped
- Parking spaces for 4 trucks
- Entrance sign and perimeter fencing around the Processing Facilities Area
- Flag fence around the mining pit, or some other means to alert people to the presence of the mining pits
- Onsite signs needed for safety and traffic direction
- Caretaker/security trailer

#### 4.10 Onsite Materials Storage

Chemicals delivered to and stored onsite will include the following:

<u>Chemical</u>	<u>Quantity</u>	<u>Chemical Family</u>
76 Guardol QLT 15W-40	2 x 55 gallons	petroleum hydrocarbon
Diesel #2	20,000 gallons	petroleum hydrocarbon
Hydraulic Oil AW 46	2 x 55 gallons	petroleum hydrocarbon
Waste Motor Oil	55 gallons	petroleum hydrocarbon
Acetylene	2 x 420 cu.ft.	acetylene gas
Grease	3 x 35 gallons	petroleum hydrocarbon
Oxygen	2 x 420 cu.ft.	Oxygen gas
(Flocculant type and amount to be determined)		flocculant

## **5.0 LEAD AGENCY AND FINANCIAL ASSURANCE INFORMATION**

### **5.1 Lead Agency Information:**

Lead Agency: County of Santa Barbara  
Planning & Development  
123 E. Anapamu Street - 2nd floor  
Santa Barbara, CA 93101

Staff Contact: Gary Kaiser

Telephone Number: 805-934-6259

### **5.2 Financial Assurance Information:**

Troesh recognizes its responsibility to ensure the successful and timely completion of the reclamation of this project. A Financial Assurance Cost Estimate (refer to Exhibit5) was prepared in compliance with SMARA, as amended, and with the Santa Barbara County Non-Coastal Zoning Ordinance (i.e., Section 35-320 - Reclamation and Mining Permits).

Refer to the Statement of Responsibility, signed by Troesh (last page of this Reclamation Plan).

## **6.0 RECLAMATION PLAN**

### **6.1 Proposed Use of Mined Land after Reclamation**

The proposed end use for the site, as addressed in this Reclamation Plan, is a return of the Cuyama Riverbed to "open space" and the Processing Facilities Area to "agricultural use."

### **6.2 Mine Reclamation Activities**

Upon termination of the mining operation, mined land will be reclaimed in compliance with this State and County-approved Reclamation Plan. The disturbed mining pits will be graded and contoured to reduce any slopes to a 2:1 horizontal to vertical (h:v) grade with an overall slope (including benches) no greater than 3:1 (h:v).

Mined land will be allowed to return to the natural floodplain of the Cuyama River through natural flooding processes, which will fill the mined area with alluvial sediments over time. This area lies in the natural flood plain of the river as defined by the Santa Barbara County Flood Control and Water Conservation District and Water Agency.

### **6.3 Riverbank Restoration**

The eastern riverbank will be restored after mining operations commence. Buried automobiles will be removed and disposed of in compliance with pertinent governmental requirements, such as a CDFG Streambed Alteration Agreement (Section 1602), and those of the Santa Barbara County Department of Environmental Health Services. The overall slope of the riverbank will be no greater than 3:1 (h:v), unless the use of riprap is permitted in the construction. Riverbank revegetation will include the indigenous trees and native plant species detailed in Section 6.4.5 below. To the extent possible, existing cottonwoods will be retained in place. Existing saltcedar will be removed and an eradication program implemented to ensure they do not re-establish themselves.

### **6.4 Revegetation**

#### **6.4.1 Existing Conditions**

Refer to Section 3.6 above.

#### **6.4.2 Revegetation of Mining Site**

Prior to initiating mining activities, vegetation currently growing in the mining area will be removed, crushed and stored in stockpiled topsoil and visual screening berms, described below in Section 6.4.3. The history of the Cuyama River has demonstrated its highly erosive and depositional nature, leading to the conclusion that any vegetation planted within the mining pit would soon be lost. Therefore, the interior slopes and the pit bottom are not proposed for revegetation, as they are expected to be covered by the alluvial material deposited within the pit when the Cuyama River floods. Instead, the river will be allowed to reclaim the site naturally.

#### **6.4.3 Revegetation of Processing Facilities Area**

The Processing Facilities Area is currently in agricultural use and will be returned to the same use upon termination of all activities. This area was originally similar to the typical high river terraces that support a mixed shrub community, with little or no topsoil. Existing topsoil, which

is approximately 12 inches in depth now, was generated by the property owner/farmer over the course of many years by adding soil amendments. There are no distinctive soil horizons.

Approximately 12,300 cubic yards needed to reclaim the Processing Facilities Area will be stored within the temporary landscape berms, located adjacent to State Route 33. Please refer to Project Application Binder - Vol. 1 - Tab 9 - Conceptual Landscape Plan (submitted June 15, 2003) and Figure 4 - Reclamation Plan).

Upon the termination of Diamond Rock operations, the Processing Facilities Area will be decompacted and graded to smooth contours, the topsoil within the landscape berms will be spread over the former Processing Facilities Area and soil amendments will be added to increase the viability of the soil. Reclamation of the site will be deemed complete when productive capability of the affected land is equivalent or better than the pre-mining condition for two consecutive years. The Processing Facilities Area is currently producing alfalfa and hay at a rate of approximately 180 bales per acre, per year.

6.4.4 Revegetation of Riverbank Restoration Area Riverbank restoration will require entering into a Streambed Alteration Agreement with the CDFG (Section 1602). As such, the descriptions provided below are subject to change.

The eastern riverbank has historically been disturbed by erosion control measures, such as tree planting, placement of riprap and old automobiles, and the establishment of berms. Tree planting included *Tamarix ramosissima* (saltcedar, an invasive species) and *Populus fremontii* (cottonwoods, a desirable species). Some of the cottonwoods are now 30 feet in height while others have not received regular irrigation and are under stress, or have already died. Portions of the eastern bank also support non-native weedy herbaceous species.

Eastern riverbank will be restored within five years of Land Use Permit issuance or before 20 acres are disturbed. Refer to Condition of Approval #9. Buried automobiles will be removed and disposed of in compliance with pertinent governmental agencies, including a CDFG Streambed Alteration Agreement (Section 1602) and the County Department of Environmental Health Services. The objective is to:

- develop a stable riverbank along that portion of the Agricultural Restoration Area that extends downstream from the existing riverbank created by the row of automobiles;
- create a stable, self-sustaining plant community that will provide the mix of species, cover, density and diversity criteria defined through consultation with the CDFG;
- minimize wind erosion; and
- prevent the re-establishment of invasive plant species.

Riverbank revegetation will include the indigenous trees and native plant species detailed in Section 6.4.5 below. To the extent possible, existing cottonwoods will be retained in place. Existing saltcedar will be removed and an eradication program implemented to ensure they do not re-establish themselves. The overall slope of the riverbank will be no greater than 3:1 (h:v), unless the use of riprap is permitted in the construction.

In addition, reclamation will also include riverbank restoration of the 24-foot wide all-weather access ramp from the Processing Facilities Area into the riverbed. This ramp will be excavated into a small area of agricultural land directly adjacent to the east riverbank, with the grade declining to match the elevation of the riverbed at the bank. Access ramp restoration will use

the indigenous trees and native plant species detailed in Section 6.4.5 below, and the final design and approval will be determine under a CDFG Streambed Alteration Agreement (Section 1602).

#### 6.4.5 Revegetation Plant Mix

Every effort will be made to retain the cottonwood trees (*Populus fremontii*) currently growing on or near the riverbank. Additional cottonwood trees will be planted on 20 to 30 foot centers along the top of the riverbank or near the toe of the restored bank where large rocks will afford protection from high in-stream flows. Height at 3 years is estimated to be 7 feet. Height at 5 years is estimated to be 12 feet.

Other native plant species will be seeded as well, using quality seeds with the minimum Pure Live Seed (PLS) (% purity x % germination) as indicated in Table 6-5 below. Weed seed will not exceed 0.5 percent of pure live seed and inert material. Species and/or varieties will not be substituted without prior written approval by the County of Santa Barbara and the CDFG.

Species are native to California and the area, and contain annuals and rapidly establishing perennials that are well suited for revegetation of disturbed soils and slopes. Seeding will be conducted after the temporary drip irrigation system has been installed.

**Soil Testing** - It is not proposed to analyze the riverbank soil for nutrients and soluble toxic elements to determine if it will support native vegetation because:

- The site has not been graded or excavated and has not been chemically altered.
- Native soil is still present to provide a growth media.

**Revegetation Test Plots** - The initial river bank restoration area provides an early opportunity to develop riverbank restoration test plots along the eastern riverbank. This early restoration will make use of test plots, which will be carefully monitored to evaluate planting procedures, revegetation success, and other factors to identify the changes needed, if any, to ensure revegetation success.

**Mulching** - After seed has been applied, clean straw will be placed over the seeded area at a rate of 2.5 tons per acre. Application will only occur when wind velocities are low enough to prevent blowing the straw off the slope. The clean straw will be anchored with a tackifier, as specified below, on the day of application. The material will be mixed to form a slurry and applied with equipment equipped with a continuous agitation system of sufficient capacity to produce a homogeneous slurry.

**Seed Mix** - The seed mix and species composition to be used in riverbank restoration are noted below in Table 6-4:

**Table 6-5 Riverbank Restoration Seeding Prescription**

Genus and Species	Common Name	Spacing	
		Percent of Mix	Drill Rate PLS <sup>1</sup> / Acre
<b>Trees</b>			
<i>Populus fremontii</i>	Fremont cottonwood	20 to 30-foot centers	
<b>Shrubs</b>			
<i>Atriplex canescens</i>	Four-wing salt bush	5.00	2.00
<i>Atriplex polycarpa</i>	Cattle spinach	5.00	1.50
<i>Chrysothamnus nauseosus</i>	Common rabbitbrush	5.00	0.33
<i>Ephedra californica</i>	California ephedra	5.00	4.00
<i>Eriogonum fasciculatum</i>	California buckwheat	6.00	0.50
<i>Lepidospartum squamatum</i>	California scalebroom	12.00	0.75
<i>Lupinus excubitus</i>	Bush Lupine	Trace	Trace
<i>Yucca whipplei</i>	Chaparral yucca	Trace	Trace
<b>Grasses</b>			
<i>Festuca californica</i>	California Fescue	10.00	0.50
<i>Achnatherum hymenoides</i>	Indian ricegrass	30.00	6.75
<i>Nassella cernua</i>	Needle grass	10.00	0.50
<i>Achnatherum speciosum</i> ( <i>Hesperostipa comata</i> ) <sup>2</sup>	Desert Needlegrass (Needle-and-Thread grass)	2.50	.36 (1.75)
<b>Forbs</b>			
<i>Lasthenia glabrata</i>	Yellowray goldfields	Trace	0.25
<i>Lupinus bicolor</i>	Pigmy-leaved lupine	2.50	1.00
<i>Lupinus sparsiflorus</i>	Coulter's lupine	4.00	4.00
<i>Malacothrix californica</i>	Desert dandelion	2.50	0.25
<i>Oenothera californica</i>	California primrose	Trace	Trace
<i>Phacelia tanacetifolia</i>	Lacy Phacelia	0.25	0.25

PLS = Pure Live Seed

<sup>2</sup> *Achnatherum speciosum* may not be available commercially and there is no local seed source. This species will be replaced by *Hesperostipa comata* (Needle-and-Thread), which is found in the foothills of Central California and documented to be an excellent revegetation species (Wolfe and Associates, 1996, as referenced in the County approved *Reclamation Plan for Southwest Ready Mix Ventucopa Rock Plant*, 09-30-97).

**Tackifier** - The tackifier, described in Table 6-5 below, will be applied with uniform coverage to meet the following specifications. The material will be mixed to form a slurry and applied with equipment equipped with a continuous agitation system of sufficient capacity to produce a homogenous slurry.

**Table 6-6 Tackifier Composition**

Material	Rate Per Acre
Plantage Seed Husks (Psyllium) (e.g.; Ecology Control, M-Binder or Sentinel)	100 lbs
Wood Fiber	200 lbs
Water	250 gallons maximum

#### 6.4.6 Planting Procedure

**Timing and Irrigation** - Because the winters are particularly cold in the Diamond Rock area, seeding will coincide with the late-spring rainy season. April and May are typically a good time to seed, although the final decision will be based on the weather conditions at the time of planting. It is best to wait until just after a major storm, and to seed when the ground is soaked.

Irrigation will be used only as needed, although supplemental drip irrigation is expected to be necessary due to the semi-arid climate. Artificially supplied water will be slowly tapered off and will cease with cooler weather, usually in late-fall to early-winter. Additional water may be needed once or twice during extreme wind conditions if plants are experiencing critical wilt (i.e., a wilt that does not vanish or lessen with nightfall).

#### Areas to be Seeded

- Riverbank Restoration Area – approximately 1.5 acres
- Landscape Berms – approximately 1.3 acres
- Processing Facilities Area – approximately 20 acres

**Seeding Method** – Seeding of the Riverbank Restoration Area and landscape berms will be applied using hydroseed method. Seeding of the Processing Facilities area will be applied using a backhoe loader with a spreader attachment.

**Site Preparation** - Prior to planting and seeding, debris and any introduced weeds that have invaded the site will be removed. This can be accomplished by hand, since the area is relatively small. Large boulders, in the form of riprap, will be placed at the bottom of the slopes and the plants and seeds will be planted in the remaining space and along the top of the bank.

*Prior to Seeding* – Areas will be watered in the early fall so that weed seeds within the soil germinate. After germination, and when plants are in active growth, non-selective systemic herbicide with the active ingredient isopropylamine salt of glyphosate (Roundup™ or equivalent) will be applied following manufacturer's specifications. Rodeo™, or equivalent, will be used to control weed in the riverbank area. Native seed mixes will be applied in the spring after the threat of frost has passed and weeds have been eradicated.

*After seeding* – Once irrigation is supplied, weeds will compete for space and water. Although weeds are not expected to persist after supplemental irrigation has ended, their initial presence within seeded areas may decrease the establishment of seeded areas. Control of broad-leaf

weeds with a selective herbicide may be used during the first growing season after seeds are applied.

6.4.7 Reclamation Monitoring Since the revegetation area is relatively small, a visual analysis by a qualified biologist of existing vegetation of the entire site is proposed. Overall vegetative cover, relative percent cover by species, and density (number of individual plants) will be determined through actual counts of individual plants and the estimation of total canopy coverage by species, respectively, in accordance with Daubenmire (1959). Differences in density, mean total vegetation cover and mean relative cover will be analyzed. Overall, a minimum cover of 80 percent will indicate revegetation success. Performance criteria are described in Table 6-4 below.

**Table 6-7 Revegetation Performance Criteria**

<b>Seed Mix</b>	
Goal	Native vegetation attaining similar cover, density and composition as nearby undisturbed areas.
Performance Criteria	Cover: Native shrub cover greater than 5 percent. Density: Native shrub density equal to or greater than one shrub per ten square meters. Overall vegetative cover of at least 80 percent. Diversity: At least five native shrub species present within 100 linear feet.
Contingency Action	Reseed if density and/or diversity of native plants is low.
<b>Weeds</b>	
Goal	No interference with native plant establishment. Eradication of <i>Tamarix sp.</i> (saltcedar).
Performance Criteria	No weedy exotics present two years after irrigation is discontinued. No <i>Tamarix sp.</i> (saltcedar) present for two years.
Contingency Action	Hand weed or remove with chemical herbicide if weeds interfere with native plant establishment. Annually inspect for <i>Tamarix sp.</i> (saltcedar) and, when encountered, cut the <i>Tamarix</i> at ground level with loppers, chainsaws, and brushhooks and treat the stumps with an herbicide and procedures acceptable to the CDFG.
<b>Erosion</b>	
Goal	Erosion does not interfere with native plant establishment. Loss of topsoil from wind erosion is minimal.
Performance Criteria	No specific criterion.
Contingency Action	Repair erosion.

## 6.5 Effect of Reclamation Plan Implementation on Future Mining

Implementation of this Reclamation Plan will allow for the full utilization of available aggregate resources. It is anticipated that the Cuyama River will replenish aggregate on a regular basis, as it has done for millennia during its normal flooding cycle.



## 6.6 Proposed Reclamation's Affect on Public Health and Safety

Diamond Rock will include an administration office and dispatch/operations building for normal everyday business. Nighttime and weekend security will be provided by perimeter fencing around the Processing Facilities Area, locked gates, lighting, and a person living in a caretaker/security trailer. The office area may be alarmed. Equipment will be disabled daily at the end of the shift.

Precautionary fencing and signs will be placed around the mining pit, where needed, for mine safety. Such fencing may utilize metal posts to which rows of wide, brightly colored flagging attached, or some other means to alert people to the presence of the mining pits.

No specific measures are proposed after reclamation activities are complete. It is expected that the Cuyama River will fill the pit over a relatively short period of time.

## 6.7 Contaminant Control and Mining Excess Disposal

A SPCC has been prepared, which identifies procedures and controls to prevent accidental releases of petroleum products and to minimize the impact if a release occurs. Refer to Project Application Binder - Vol. 1 - Tab 10 - Spill Prevention, Control, and Countermeasure Plan (submitted June 15, 2003).

Diesel fuels and oils are contained in operating equipment and securely stored within the Processing Facilities Area. Fueling and maintenance of equipment will be performed atop the Fueling and Maintenance Pad within the Processing Facilities Area (refer to Figure 5 – Processing Facilities Site Plan).

A SWPPP has been developed to comply with the requirements set forth in the General Permit No. CAS000001, the purpose of which is to fulfill two major objectives:

- Identify sources of pollution that may contaminate industrial storm water discharges.
- Describe and ensure the implementation of practices to reduce pollutants in storm water discharges.

Refer to Project Application Binder - Vol. 1 - Tab 10 - Storm Water Pollution Prevention Plan (submitted June 15, 2003).

As required by the Water Board General Permit, the Stormwater Pollution Prevention Plan will be updated and the Notice of Intent will be filed with the Water Board prior to onsite activity.

A Stormwater Monitoring Plan (SWMP) was developed and submitted to the County in 2003. The SWMP was developed in accordance with the requirements set fourth in the statewide industrial stormwater discharge NPDES Permit. The purpose of the SWMP is to:

- Ensure that stormwater discharges are in compliance with discharge prohibitions, effluent limitations and receiving water limitations.
- Ensure practices at the facility to control pollutants in stormwater discharges are evaluated and revised to meet changing conditions.
- Aid in the implementation of the Storm Water Pollution Prevention Plan.

- Measure the effectiveness of Best Management Practices to prevent contamination of stormwater discharge.

In addition, a stormwater percolation swale was developed for the Processing Area to control stormwater runoff. The stormwater percolation swale capacity was designed to accommodate a 25-year one-hour storm event, which the Santa Barbara County Flood Control District estimates to be 0.55 inches of rainfall. Please refer to Figure 4 – Reclamation Plan for location of the stormwater percolation swale.

Fines and excess sand will be placed in stockpiles, as described in Section 4.5.3, and sold as soil amendment.

### **6.8 Rehabilitation of Affected Streambed Channels and Streambanks**

Refer to Sections 4.5.4, 6.2, 6.3, 6.4.2, and 6.4.4 through 6.4.7 above.

## 7.0 RECLAMATION STANDARDS

Reclamation activities must comply with 14 CCR § 3700-3713 Reclamation Standards. The following is a discussion of how Diamond Rock will comply with each of these standards.

### 7.1 § 3702 Financial Assurances

Refer to Section 5.2 above for discussion and Exhibit 5- Financial Assurance Cost Estimate.

### 7.2 § 3703 Performance Standards for Wildlife Habitat

Baseline conditions are described in the Biological Resources Report (2002, 2003s, 2003b) prepared by Bumgardner Biological Consulting. Please refer to Project Application Binder - Vol. 1 - Tab 7 - Biological Resources Reports (submitted June 15, 2003) and Final EIR, Section 3.4.

Seven rare or endangered plant species were identified that occur in the Cuyama Valley, including three federally listed species: California jewel-flower, Hoover's eriastrium and San Joaquin woolly threads. The other four species are included on CNPS List 1B – plants considered rare or endangered in California. The occurrence of these species and their habitat types at the Project site was investigated during the 2002, 2003 and 2004 surveys by Bumgardner Biological Consulting and URS (EIR consultant). No listed rare or endangered plant species were observed at the Project site, nor are any expected to occur due to the absence of suitable habitat.

Special-status wildlife species recorded on the project site include:

- California horned lark (September 2002 Report)
- Loggerhead shrike (September 2002 Report)
- Brewer's sparrow (September 2002 Report)
- American badger (September 2002 Report)
- Lawrence's goldfinch (May 2003 Report)
- Blunt-nosed leopard lizard (June 2003 Survey)

Nesting was not confirmed for any of the special-status birds recorded on the project site, but it is likely that loggerhead shrike nested on the project site given the species' propensity to remain on and defend a winter territory that consists of at least part of the nesting territory. It is also likely the Lawrence's goldfinch may nest on the project site, given the time of year of the observations and behavior of the birds.

Two blunt-nosed leopard lizards were recorded in the study area during the June 2003 survey (Bumgardner Biological Consulting, 2003b). Both individuals were observed on the stream terrace with mixed alluvial scrub on the east bank of the river. It is expected to occur in low densities in the alluvial scrub habitat at the Project site. The blunt-nosed leopard lizard is likely to be most common on the stream terrace at the Project site, but may occasionally forage or travel in the alluvial scrub habitat in the river channel when flows are absent. The barren river bed habitat is not likely to be used by this species except for traveling between patches of more suitable scrub.

The blunt-nosed leopard lizard is listed under the Endangered Species Act of both the federal government and the State of California. The Applicant received a letter from USFWS concluding that issuance of the USACOE permit and compliance with the conditions set forth by the USFWS will not jeopardize continuance of the species. The letter specifically references the exclusionary fencing and temporary fencing designed to prevent blunt-nosed leopard lizards entering the excavation area and other disturbance areas. Measures to avoid take of the species include a worker education program, the exclusionary fencing, preservation and restoration of appropriate habitat, pre-construction surveys and re-location of individuals, if necessary, and monitoring and reporting to the USFWS. An impact avoidance program was developed and approved by the USFWS and CDFG. Please refer to Exhibit 8 – USFWS, Biological Opinion and Exhibit 9 – CDFG, draft 1602 Agreement.

Diamond Rock has incorporated measures to limit hours of operation to remove major sources of nighttime noise within the riverbed and at the riverbank (i.e., mining equipment and the jaw crusher), which eliminates the need for nighttime illumination within the riverbed. Such noise and nighttime lighting could potentially have an adverse impact upon the few residential homes in the area and upon wildlife activity during the night. By curtailing processing operations by 10 PM each day, the primary noise source within the Processing Area which could affect wildlife will be eliminated.

In addition, the mining pit and its access road will be set back a minimum of 100 feet from the confluence of Deer Park Creek (an ephemeral tributary) and the Cuyama River to account for potential head-cutting and to facilitate wildlife movement. Refer to Conditions of Approval #4 and 18.

### **7.3 § 3704 Performance Standards for Backfilling, Regrading, Slope Stability, and Recontouring**

Slopes adjacent to property lines will be no steeper than 2:1 (h:v) gradient, with an overall slope (including benches) no greater than 3:1 (h:v). The gradient for slopes to the Project's interior will be governed by operational safety considerations, with a maximum 2:1 slope (h:v).

No backfilling is proposed. Mined land will be allowed to return to the natural floodplain of the Cuyama River through natural flooding processes, which will fill the mined area with alluvial sediments. If groundwater is encountered, native riverbed material will be replaced to a depth of six feet as required by Condition #15 of the CDFG, 1602 Agreement.

### **7.4 § 3705 Performance Standards for Revegetation**

Revegetation of the Riverbank Restoration Area and removal of the access ramp into the riverbed and restoration of that portion of the riverbank will be in compliance with terms and conditions specified in the Conditional Use Permit issued by the County of Santa Barbara (Planning and Development) and a CDFG Streambed Alteration Agreement (Section 1602). Refer to the discussions throughout Section 6.0 and Exhibit 9 – CDFG, draft 1602 Agreement.

## 7.5 § 3706 Performance Standards for Drainage, Diversion Structures, Waterways, and Erosion Control

Surface runoff during periods of major rainfall will flow to and be collected by the Stormwater Percolation Swale (i.e., low-profile), where it will percolate to groundwater. Capacity has been designed to accommodate a 25-year one-hour storm event, which the Santa Barbara County Flood Control District estimates to result in 0.55 inches of rainfall<sup>2</sup>. Upon reclamation, the re-contouring of the Processing Facilities Area will serve to remove the Stormwater Percolation Swale.

Final slopes adjacent to the mining boundary will be inspected after large storm events. Erosion of rills greater in cross section than six square inches exceeding six feet in length will be arrested by placement of natural materials to slow concentrated runoff.

The flood control berm will be graded around the upstream portions of the open pit to prevent low volume flooding from entering the pit. Upon reclamation, this flood control berm will be removed and restored to original grade. This activity will require consultation with the USACOE because it is regulated by, and subject to, the requirements of Section 404 of the CWA.

Access from the Processing Facilities Area into the riverbed will involve the construction of a 24-foot wide all-weather ramp. This ramp will be excavated into a small area of agricultural land directly adjacent to the east riverbank, with the grade declining to match the elevation of the riverbed at the bank. Constructed in this manner, the access ramp will not require the use of fill material within the riverbed. Reclamation of this portion of the riverbank will utilize the restoration and revegetation procedures describe in Section 6.4.5 above. Revegetation will be consistent with the species list listed in Table 6-2 above. This will be under a CDFG Streambed Alteration Agreement (Section 1602).

Mined land will be allowed to return to the natural floodplain of the Cuyama River through natural flooding processes, which will fill the mined area with alluvial sediments. This area lies in the natural flood plain of the river as defined by the Santa Barbara County Flood Control and Water Conservation District and Water Agency. The interior slopes and the pit bottom are not proposed for revegetation, as they are expected to be covered by the alluvial material deposited within the pit when the Cuyama River floods.

In addition, the County of Santa Barbara has included the following Conditions of Approval to further reduce potential Project related impacts related to drainage and erosion:

### Condition of Approval #2

The proposed mining plan shall be modified to reconfigure the southwest corner of the proposed mine pit to allow for a minimum 900-foot wide open channel area between the west bank of the Cuyama River and the western edge of the berm surrounding the pit. An example of the overall intent of the modified mining plan is provided on Figures 3-8 and 3-9. The applicant shall monitor river flows for the first three winters after mining has been initiated (with the use of low flow berms in the river channel). The applicant shall document the effect of the low flow berms on river flows,

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<sup>2</sup> Source: Telephone conversation with Matt Naftaly (Santa Barbara County Flood Control District), who derived the 25-year one-hour storm information from the Station 221 (Cuyama Ranch) rainfall data. Station 436 (Cuyama Fire Station #41) data was used in the water balance calculation and was found to be incomplete for estimating the 25-year one-hour storm event.

and the converse (effect of river flows on the berms) during these winters through the use of on-ground photographs, maps, diagrams, and/or notes from personal observations. This information shall be provided to County P&D at the end of each winter (April) for review. County P&D will review this information and determine if the additional channel width under this mitigation measure is considered necessary to avoid adverse hydraulic impacts in the river channel such as excessive berm erosion, river bank erosion, and channel scouring. The applicant shall coordinate with County P&D staff prior to the first monitoring year to ensure that the information to be provided is sufficient for evaluation purposes. At the end of three years of monitoring, if there are sufficient data, County P&D will determine if the modification of the mining pit boundary shall be continued while more monitoring data is collected, shall be considered a permanent limit, or shall be rescinded and the original proposed boundary reinstated.

**Plan Requirements and Timing:** The applicant shall submit the results of the annual winter flow observations to County P&D following the first three winters of operation.

**Monitoring:** P&D shall review the information provided by the applicant and provide a final determination on the mining pit boundary following the third winter of mining.

#### **Condition of Approval #3**

The applicant shall survey the river bottom elevations from bank to bank each April and October at three locations: (1) 1,000 feet upstream of the current mine pit; (2) in the middle of the current mine pit; and (3) 1,000 feet downstream of the current mine pit. Elevations of the channel bottom shall be collected at survey points in three transects across the river. The number of survey points shall be sufficient to provide cross sections to compare the channel cross sections from year to year. These data shall be reviewed each year by County P&D, in consultation with County Flood Control District, during the annual SMARA inspections to determine if there is evidence of headcutting or channel degradation. If adverse hydraulic conditions are evident, or appear to be developing, which could result in off-site impacts, County P&D will confer with the County Flood Control to determine modifications to the mining pit layout, width, and/or depth that would avoid these impacts. Given the uncertainty in ascribing these impacts to the presence of the mine pit, an incremental, multi-year approach to address these impacts by mine pit modifications would be implemented by the County P&D.

**Plan Requirements and Timing.** The applicant shall submit the results of the annual surveys to County P&D in April of each year, until such time that the County P&D has determined that additional surveying is not considered necessary.

**Monitoring.** P&D shall review the survey data provided by the applicant and provide a final determination on the mining pit boundary following the third winter of mining.

#### **Condition of Approval #4**

The access road from the Processing Area to the Phase 1 mining pit shall include culverts or other provisions to allow winter river flows to pass along the east side of the mine pit. The low berm around the initial mine pit shall not extend across the open river channel between the mine pit and the processing area.

**Plan Requirements and Timing.** The flow passage facilities shall be indicated on the final plans for the mine which shall be submitted to P&D for review and approval prior to issuance of a Land Use Permit. The flow passage facilities shall also be shown on the annual mining plans submitted to P&D for review and approval.

**Monitoring.** P&D shall review and approve the annual mining plans that include the flow passage facilities and shall conduct visual inspections of the project site throughout the life of the permit.

**Condition of Approval #5**

The applicant shall include an earthen berm and grade control structure at the outlet of Deer Park Creek at the edge of the river. The berm and structure shall direct flows to the river, downstream of the mine pit, during the initial mining operations. If feasible, the berm and structure shall also direct flows during the full mine pit condition to the river instead of discharging into the mine pit as proposed in order to avoid a hydraulic "jump" that would be created at the edge of the full mine pit. The County Flood Control District shall review the berm and grade control structure design to ensure appropriate materials, size, and depth to prevent failure from channel bed erosion or bypassing flows. The berm and structure shall be included in the SMARA inspections by the County.

**Plan Requirements and Timing.** The berm and grade control structure plans shall be indicated on the final plans for the mine which shall be submitted to P&D for review and approval prior to issuance of a Land Use Permit.

**Monitoring.** P&D shall review and approve the annual mining plans that include the conditions of the berm and grade control structure and shall conduct visual inspections of the project site throughout the life of the permit.

**Condition of Approval #6**

The applicant shall acquire a floodplain development permit from the Santa Barbara County Public Works Department, Flood Control District, for the facilities in the Processing Area. The application for the permit shall include a drainage report prepared by a registered engineer that delineates the floodplain limits associated with Deer Park Creek and the drainage from the unnamed tributary and State Route 33 (if present). The application shall include flood proofing structures at the Processing Area in accordance with the County Floodplain Ordinance. It shall also include calculations to demonstrate that the proposed spaces between the screening berms would not cause localized flooding along State Route 33, nor exacerbate flooding along Deer Park Creek west of State Route 33.

**Plan Requirements and Timing.** A copy of the application for a floodplain development permit shall be submitted to P&D for review. P&D shall provide recommendations to Santa Barbara County Public Works Department, Flood Control District concerning the flood hazard mitigation measures and proposed flood proofing.

**Monitoring.** P&D shall conduct visual inspections of the project site throughout the life of the permit, as necessary to verify compliance with flood mitigation measures and flood proofing.

**Condition of Approval #7**

The final design of the proposed stormwater percolation swale shall include the following elements:

- 1) The size, volume, and retention time of the percolation swale shall be designed in accordance with the design guidelines and criteria in the Storm Water Management Plan (SWMP) prepared in accordance with the County's NPDES Municipal Stormwater Permit.
- 2) The percolation swale shall be maintained on a regular basis to ensure the design percolation rates are achieved. Maintenance shall include periodic removal of fines.

- 3) Vegetation shall be established in the swale if it will increase the percolation rate, without significantly reducing storage volume and retention time. In addition, excess fines shall not be placed in the mine pit that contain flocculants or that have not been washed of the flocculants prior to discharge to the mine pit.

**Plan Requirements and Timing.** The design criteria for the percolation swale shall be indicated on the final plans for the Processing Area which shall be submitted to P&D for review and approval prior to issuance of a Land Use Permit.

## **7.6 § 3707 Performance Standards for Prime Agricultural Land Reclamation**

The Processing Facilities Area will be located on approximately 14.2 acres of prime agricultural land. The topsoil at this location is quite thin, being approximately one foot deep, and has been developed by the local farmers over the past 20± years through agricultural cultivation practices. Aside from this thin layer of topsoil, the underlying soil is comprised of unconsolidated alluvial deposits without typical soil horizons. During the life of the Project, agricultural use of these acres will be precluded. Reclamation of the 14.2 Processing Facilities Area will be complete when productive capacity is equivalent or better than the pre-mining condition for two consecutive years. The Processing Facilities Area is currently producing alfalfa and hay at a rate of approximately 180 bales per acre, per year.

## **7.7 § 3708 Performance Standards for Other Agricultural Land**

Mining activities will occur upon parcels of lands with a General Plan designation of A-II (Agricultural) and a Zoning designation of U (Unlimited Agricultural). However, the subject parcels lie within the Cuyama Riverbed and are periodically subjected to high flood waters. As such, no agricultural activity has occurred, nor is any expected.

## **7.8 § 3709 Performance Standards for Building, Structure and Equipment Removal**

Processing equipment, conveyors and most piping will be dismantled and removed from the site. Equipment, the fuel storage tank, and all materials stored onsite will be removed in compliance with Santa Barbara County health and safety ordinances. The water well, restroom, septic system, concrete Water Retention Basins, Stormwater Percolation Swale, and a minor amount of piping will be retained to support agricultural uses on the property. Electrical service will be downsized to accommodate only that needed to support agricultural uses on the property. Please refer to Project Application Binder - Vol. 1 - Tab 8 - Percolation Test and Septic System Design (submitted June 15, 2003).

The fines deposited in the Water Retention Basins will be removed for proper use and/or disposal and the Water Retention Basins retained for use by the landowner in support of agricultural uses. To facilitate fines removal, the ends of each basin will be sloped, approximately 3:1 (h:v), to permit the entry and exit of equipment.

## **7.9 § 3710 Performance Standards for Stream Protection, Including Surface and Groundwater**

To protect groundwater quality, Diamond Rock will actively mine dry areas of the mining pit. Should groundwater rise to inundate a portion of the pit, operations will be moved to mine within a dry location. If the mining pit floods, either due to a rise in groundwater, or from the Cuyama River, operations will be curtailed until the water has receded. Refer to Section 3.5 above.



Refer to Section 4.5.12 above regarding the Spill Prevention, Control, and Countermeasure Plan.

Refer to Section 4.5.13 above regarding the Storm Water Pollution Prevention Plan.

Refer also to the discussions in Section 6.3 - Riverbank Restoration and Section 6.4 - Revegetation Plan (above).

Changes in channel elevation will be calculated annually, using records of annual extraction quantities, bench marked annual cross-sections and/or sequential aerial photography.

Though the Cuyama River is an active stream, it runs dry most of the year and therefore does not support a riparian plant community, or a fish population. These conditions, and the fact that active mining will be limited to an area outside of the low-flow channel, cause Diamond Rock to have no effect upon riparian habitat, of fish populations, spawning or migratory activities.

#### **7.10 § 3711 Performance Standards for Topsoil Salvage, Maintenance, and Redistribution**

Refer to the following sections above:

- Section 4.5.1 - Topsoil Salvage
- Section 4.5.3 - Material Balance
- Section 6.4.3 - Revegetation of Processing Facilities Area

#### **7.11 § 3712 Performance Standards for Tailing and Mine Waste Management**

Mining and processing activities are expected to generate fines and excess sand, accounting for approximately seven percent of the material mined. Fines and excess sand will be sold as soil amendments and/or placed in stockpiles for use in future reclamation (refer to Sections 4.2 and 4.5.3 above).

#### **7.12 § 3713 Performance Standards for Closure of Surface Openings**

There are no drill holes, monitoring wells, portals, shaft or tunnels associated with the mining operations proposed for the site that would require abandonment. The well water used as the water source for aggregate processing and dust control will be used for agricultural purposes post-reclamation.

Refer to Sections 6.2, 7.3 and 7.5 above.

## STATEMENT OF RESPONSIBILITY

I, Steven M. Troesh, Troesh Ready Mix, Inc., hereby accept responsibility for reclaiming the mined lands as described and submitted herein and in conformance with the following applicable requirements:

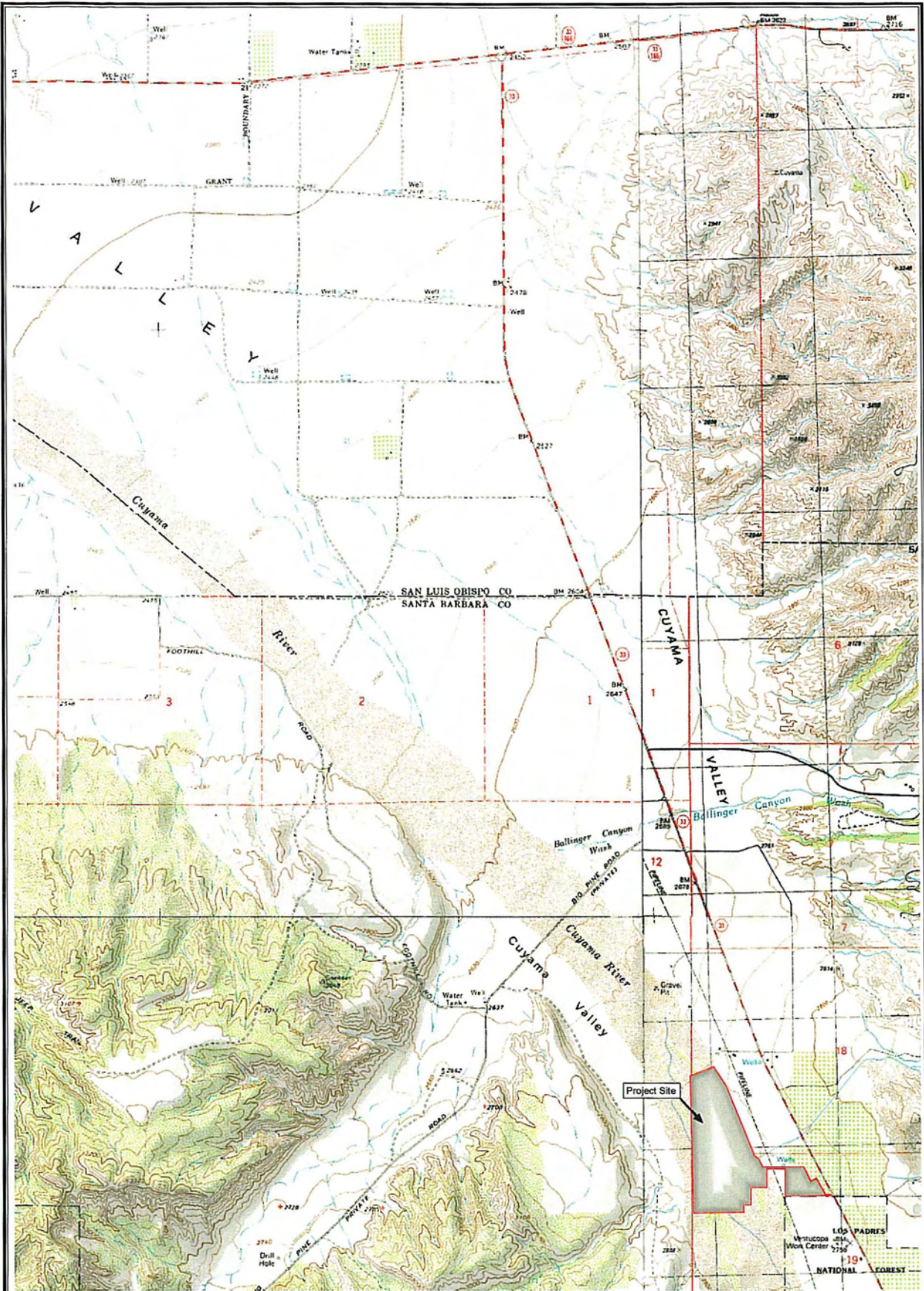
1. Article 1 and 9 (commencing with Sections 3500 et seq. and 3700 et seq., respectively) of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations; the
2. Surface Mining and Reclamation Act of 1975, as amended and commencing with Section 2710 et seq.; with
3. Section 35-320 et seq. of the Santa Barbara County's Mining and Reclamation Plan Ordinance;
4. Chapter 14 of the Santa Barbara County Grading Ordinance; and
5. Any modifications requested by the administering agency as conditions of approval.

Signed this 5th day of June, 2003.

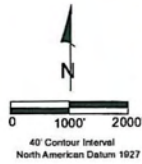
  
Steven M. Troesh, Troesh Ready Mix, Inc.


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**Figure 1 – Vicinity Map**



Source: Cuyama Peak CA, Quadrangle 1991, USGS Topographic  
 Ballinger Canyon CA, Quadrangle 1991, USGS Topographic  
 Fox Mountain CA, Quadrangle 1964 (Photo Revision 1988), USGS Topographic  
 Cuyama CA, Quadrangle 1964, USGS Topographic



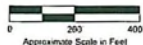
		<b>VICINITY MAP</b>	
		Diamond Rock Aggregate Mine and Processing Troesh Ready Mix, Inc. Maricopa, CA	
PROJECT: TR190-001	DATE: 10-9-02	<b>FIGURE 1</b>	
DRAWN BY: DSM	DATE: 10-9-02	REVISION: 6-12-03, BAJ	
APPROVED BY: PLT	DATE: 10-9-02	PRINTED: 6-12-03	
DRAWING: TR190-Fig1-bej 6/10		SCALE: As Shown	

**Figure 2 – Aerial Photo**



**EXPLANATION**

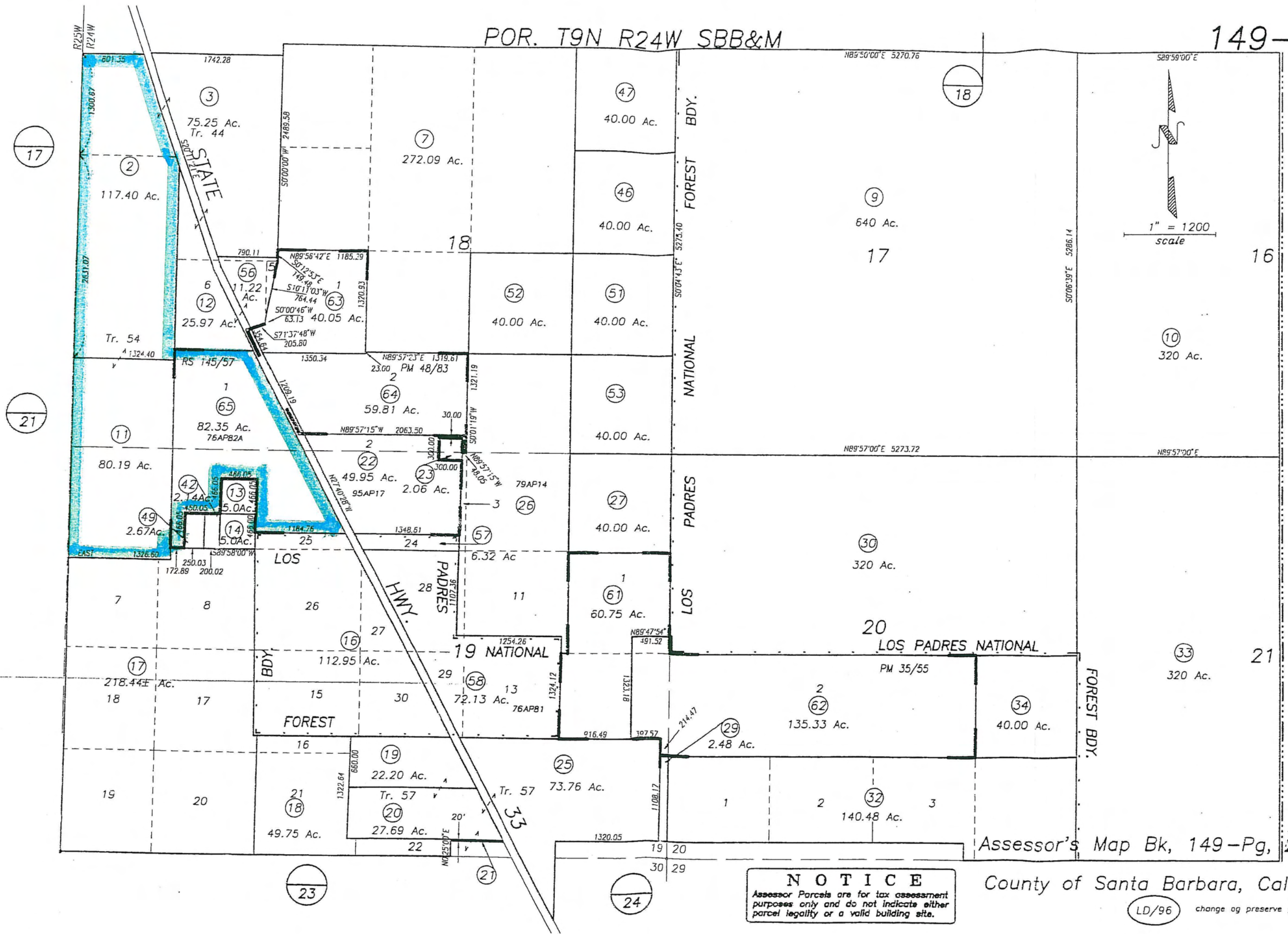
 Approximate CUP Boundary



Aerial photography, Golden State Aerial Surveys, dated 7/17/02

	<b>AERIAL PHOTOGRAPHY</b> Showing Approximate CUP Boundary Diamond Rock Aggregate Mine Treesh Ready Mtn, Inc. Maricopa, California	
	<b>FIGURE 2</b>	
PROJECT TR10-001	DATE: 10/10/02	REVISION: 05/12/03, BAJ
DRAWN BY: DSM	DATE: 10/10/02	PRINTED: 05/12/03
APPROVED BY: JAHLM	DATE: 10/10/02	SCALE: As Shown
DRAWING: TR10-Aerial-02-04-03-10		

**Figure 3 – Assessor’s Parcel Maps**



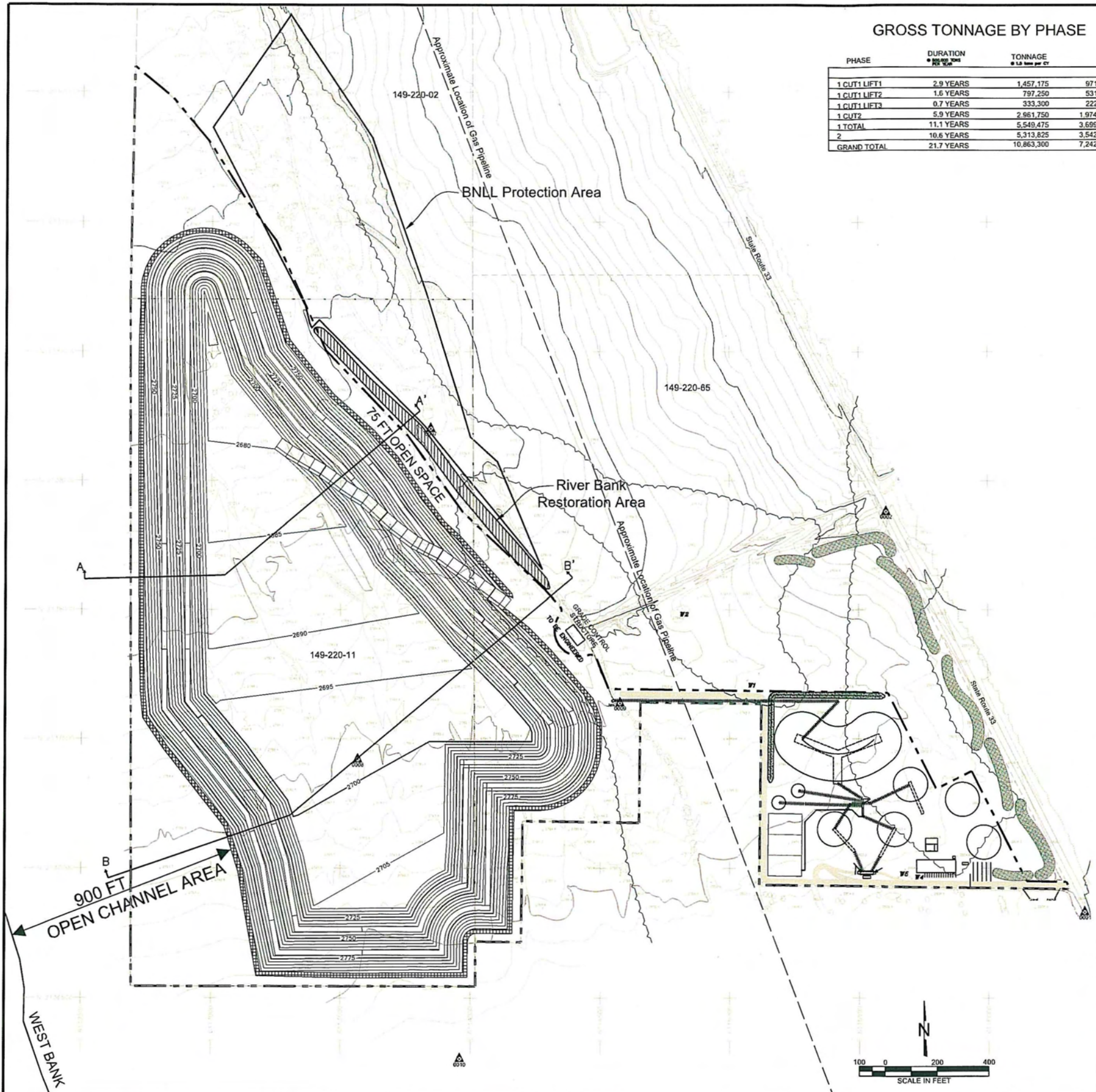
Assessor's Map Bk, 149-Pg, 22

County of Santa Barbara, Calif.

**NOTICE**  
 Assessor Parcels are for tax assessment purposes only and do not indicate either parcel legality or a valid building site.

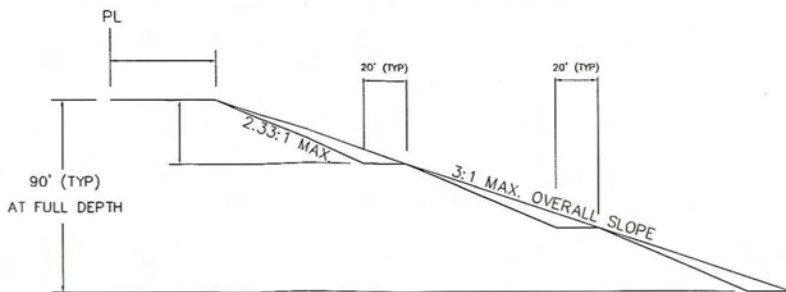


**Figure 4 – Reclamation Plan**

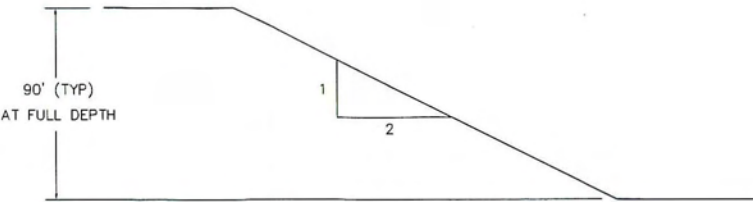


**GROSS TONNAGE BY PHASE**

PHASE	DURATION in Years	TONNAGE in LBS per CY	CY
1 CUT1 LIFT1	2.9 YEARS	1,457,175	971,450
1 CUT1 LIFT2	1.6 YEARS	797,250	531,500
1 CUT1 LIFT3	0.7 YEARS	333,300	222,200
1 CUT2	5.9 YEARS	2,961,750	1,974,500
1 TOTAL	11.1 YEARS	5,549,475	3,699,650
2	10.6 YEARS	5,313,825	3,542,550
GRAND TOTAL	21.7 YEARS	10,863,300	7,242,200



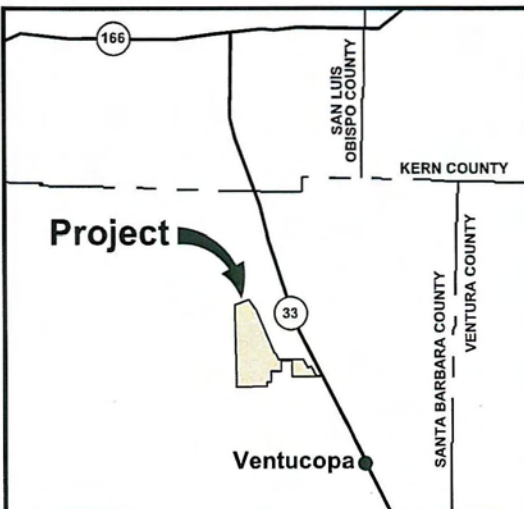
PROPERTY LINE SLOPE DETAIL (TYPICAL)



INTERIM SLOPE DETAIL (TYPICAL)

**LEGEND**

- Internal Access Roads
- Mine Pit Diversion Berms
- Landscaped Berm (For Detail, see Landscape Plan)
- Stormwater Percolation Swale
- Conveyor
- Assessor Parcel Boundaries
- CUP Boundary
- FEMA, Zone A
- Water Wells
- Existing Major 10' Contours
- Existing Minor 2' Contours, Showing Spot Elevations
- Proposed Major 25' Contours
- Proposed Minor 5' Contours



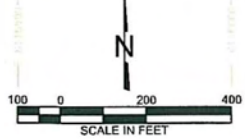
**VICINITY MAP**

- NTS
- NOTES:**
- ALL SETBACKS FROM PROPERTY LINE ARE TO BE A MINIMUM OF 50 FEET.
  - FINISHED CUT SLOPES ARE TO BE EXCAVATED 3 HORIZONTAL TO 1 VERTICAL OVERALL SLOPE.
  - TYPICAL CUT CROSS-SECTION IS A 2.33 TO 1 SLOPE WITH A TWENTY FOOT BENCH EVERY 30 FEET VERTICAL.
  - 900 FOOT OPEN CHANNEL SPACE ALONG THE WEST SIDE OF THE PROPERTY MAY BE DEEMED UNNECESSARY AS NOTED IN THE RECLAMATION PLAN. THEREFORE FINAL CONFIGURATION OF THE PIT MAY INCLUDE MINING IN THAT AREA.

Troesch Cuyama Field Survey Control Points

CP #	Easting	Northing	Elevation
0001	6116369.816	2135629.806	2810.766
0002	6115607.171	2138379.318	2815.232
0003	6114468.266	2140695.853	2813.066
0004	6114016.948	2141955.224	2788.965
0005	6112429.314	2141840.738	2743.430
0006	6112551.951	2140496.649	2753.774
0007	6113847.337	2138701.984	2777.324
0008	6113566.523	2137419.649	2791.358
0009	6114577.569	2137637.429	2753.668
0010	6113958.468	2136266.528	2804.516

Survey Done By: Fargen Surveys, Inc.  
2450 Professional Pkwy  
Santa Maria, CA 93455



TITLE:  
**DIAMOND ROCK QUARRY – END OF MINING**

PREPARED FOR:  
**WEST COAST ENVIRONMENTAL**

CONTOUR INTERVAL: AERIAL – 2 FT.  
DESIGN – 5 FT.

Sources:  
Topography: Golden State Aerial Surveys, S.L.O. CA, 7/17/02  
Datum: California State Plane NAD83, Zone V  
Control Points by: Fargen Surveys Inc. Santa Maria, CA, 93455 (#02068)  
Mining Plan Contours: Daniel J. Pellow Consulting,  
P.E. Civil, No. C28164, Exp. 3/31/06, Glendora CA, 6/12/03  
Agricultural Restoration Area Contours: Daniel J. Pellow Consulting,  
P.E. Civil, No. C28164, Exp. 3/31/06, Glendora CA, 6/12/03  
All other Details: West Coast Environmental, Ventura CA, 6/12/03

DATE:  
**12/20/07**

DATE OF PHOTO:  
**07/17/02**

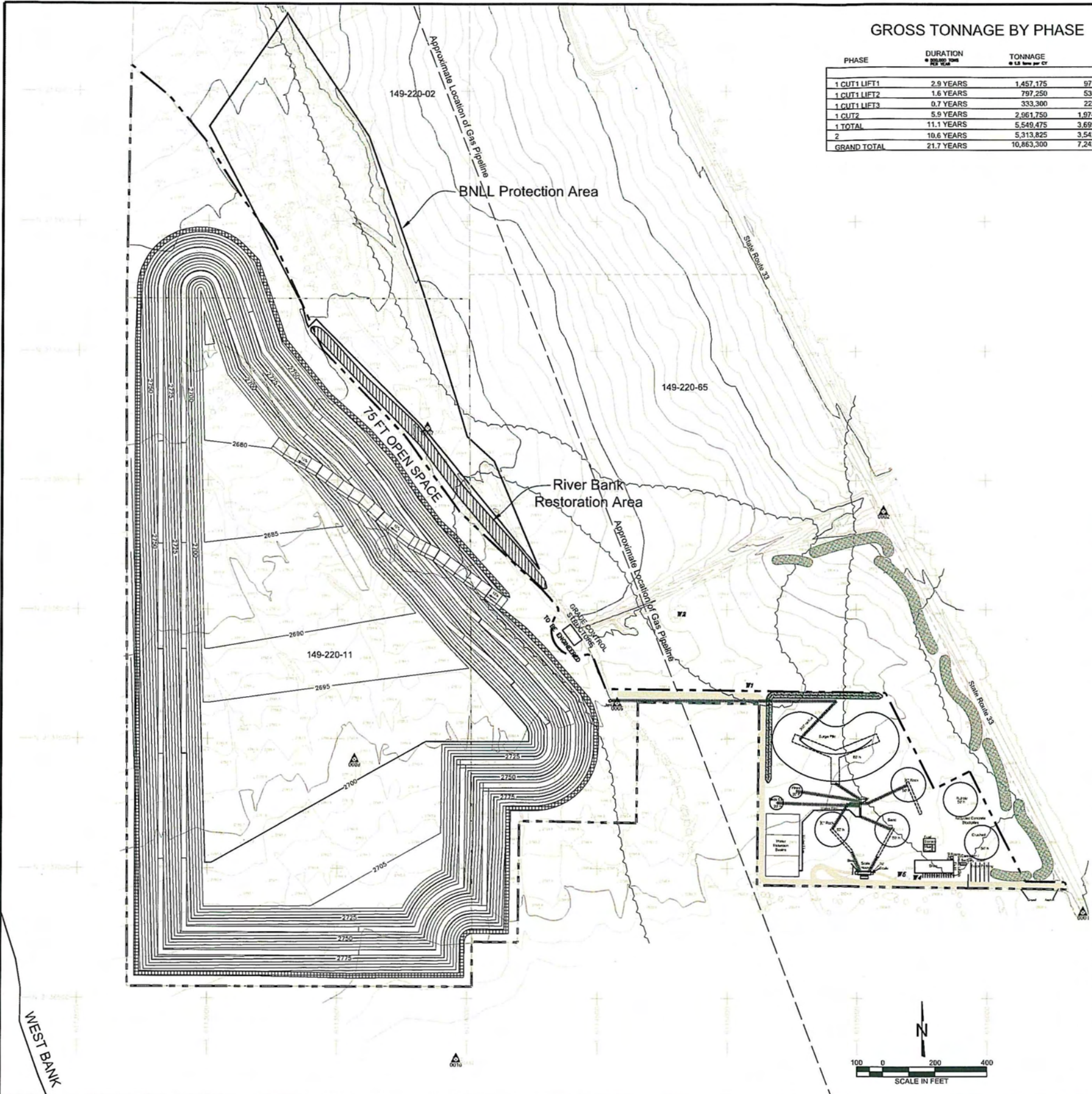
**DANIEL J. PELLOW CONSULTING**

2030 E. ROUTE 66, SUITE 300, GLENDORA, CA. 91740  
PHONE: (626) 335-0656 FAX: (626) 852-9408

Reclamation Plan  
Diamond Rock Aggregate Mine  
and Processing Facility  
Troesch Ready Mix, Inc.  
Maricopa, California

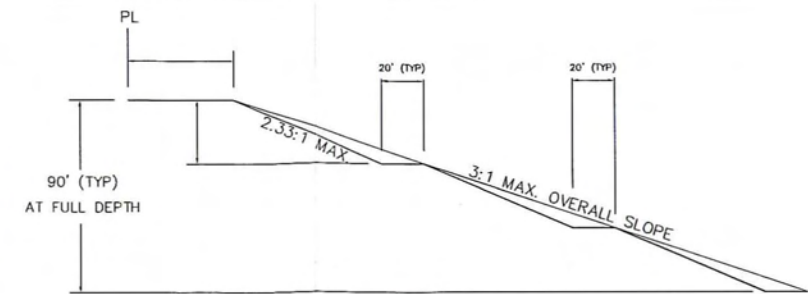
PROJECT: TRO190-001-03      FIGURE 4  
DRAWN BY: GOZ      DATE: 01/15/08      REVISED: 01/22/08 GOZ  
APPROVED BY: JEF/DSM      DATE: 01/15/08      PRINTED: 01/22/08

**Figure 4a – Reclamation Plan  
Excluding modified mine pit boundary –  
Condition of Approval #2**

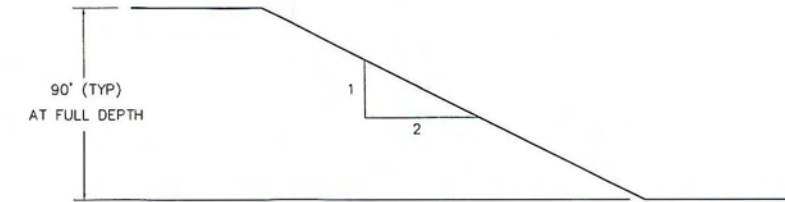


**GROSS TONNAGE BY PHASE**

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PROPERTY LINE SLOPE DETAIL  
(TYPICAL)



INTERIM SLOPE DETAIL  
(TYPICAL)

**LEGEND**

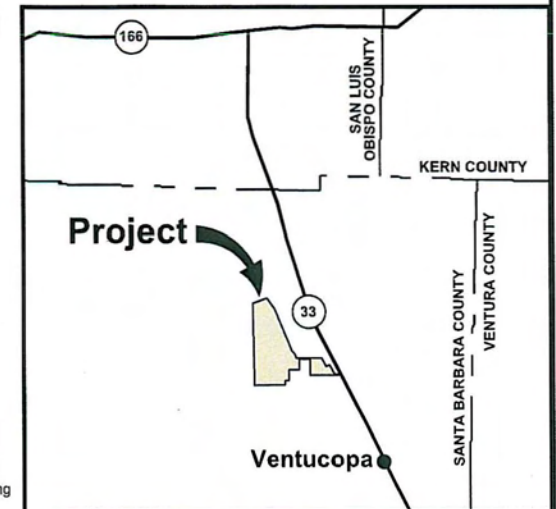
- Internal Access Roads
- Mine Pit Diversion Berms
- Landscaped Berm  
(For Detail, see Landscape Plan)
- Stormwater Percolation Swale
- Conveyor
- Assessor Parcel Boundaries
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- FEMA, Zone A
- Water Wells
- Existing Major 10' Contours
- Existing Minor 2' Contours, Showing Spot Elevations
- Proposed Major 25' Contours
- Proposed Minor 5' Contours

1" = 100' Cross Section Trace See Figure 8 for Detail

▲ Control Points from Field Survey, Fargen Surveys Inc.

CP #	Easting	Northing	Elevation
0001	6116369.816	2138829.806	2810.768
0002	6115607.171	2138373.318	2815.232
0003	6114468.266	2140655.853	2813.088
0004	6114016.948	2141955.224	2788.965
0005	6112429.314	2141840.738	2743.430
0006	6112951.951	2140496.649	2753.774
0007	6113847.337	2138701.984	2777.324
0008	6113596.523	2137419.649	2751.358
0009	6114577.569	2137637.429	2793.668
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Survey Done By: Fargen Surveys, Inc.  
2450 Professional Pkwy  
Santa Maria, CA 93455



**VICINITY MAP**  
NTS

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Reclamation Plan  
Diamond Rock Aggregate Mine  
and Processing Facility  
Trosch Ready Mix, Inc.  
Maricopa, California

WEST COAST ENVIRONMENTAL AND ENGINEERING

PROJECT: TRO190-001-03      FIGURE 4a  
DRAWN BY: GOZ      DATE: 01/15/08      REVISED: 02/05/08      GOZ  
APPROVED BY: JEF/DSM      DATE: 01/15/08      PRINTED: 02/05/08

TITLE: DIAMOND ROCK QUARRY - END OF MINING  
PREPARED FOR: WEST COAST ENVIRONMENTAL

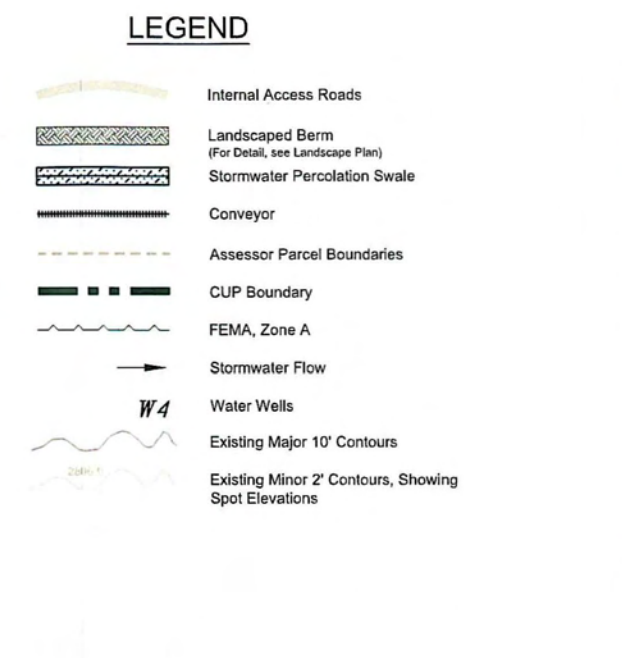
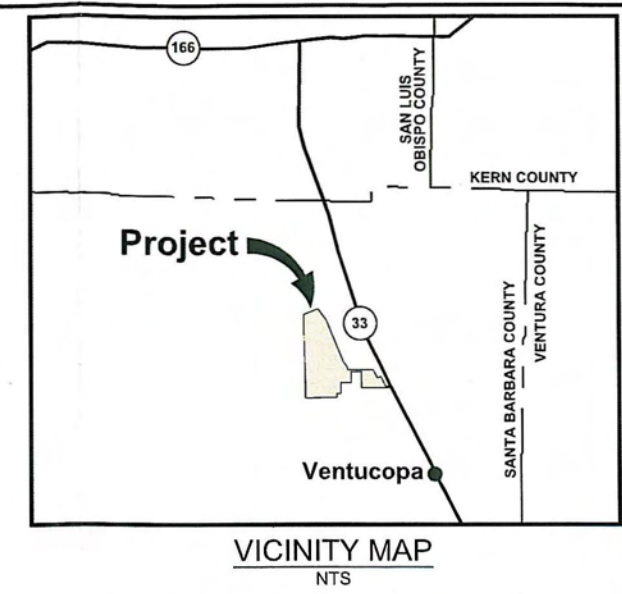
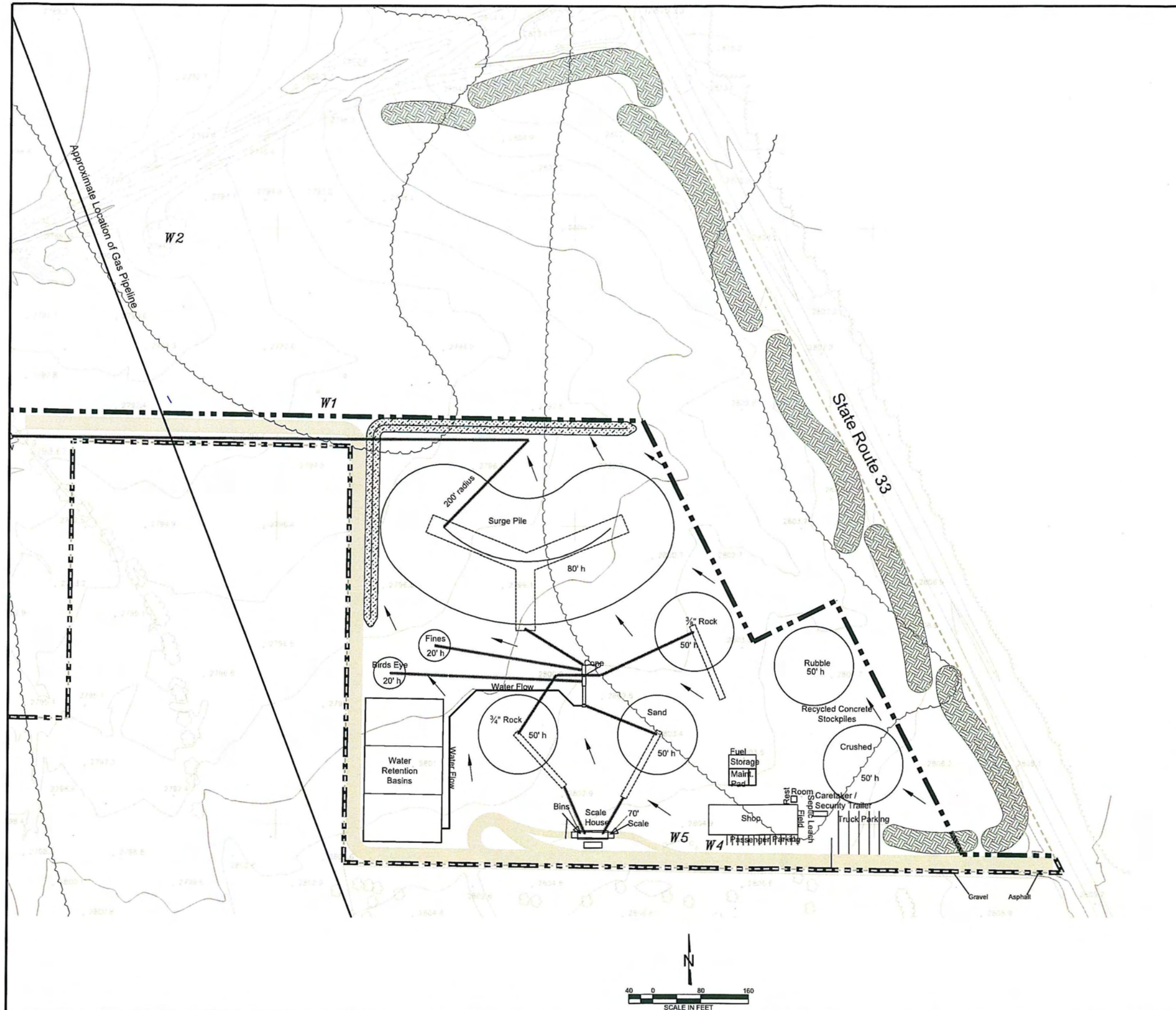
CONTOUR INTERVAL: AERIAL - 2 FT.  
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Sources:  
Topography: Golden State Aerial Surveys, S.L.O. CA, 7/17/02  
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P.E. Civil, No. C28164, Exp. 3/31/06, Glendora CA, 6/12/03  
All other Details: West Coast Environmental, Ventura CA, 6/12/03

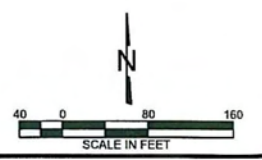
DATE: 12/20/07  
DATE OF PHOTO: 07/17/02

DANIEL J. PELLOW CONSULTING  
2030 E. ROUTE 66, SUITE 300, GLENDORA, CA. 91740  
PHONE: (626) 335-0656 FAX: (626) 852-9408

**Figure 5 – Processing Facilities Site Plan**



- Notes:**
- Caretaker Security Trailer will be elevated one foot above the flood plain.
  - Stormwater percolation swale as required by Condition of Approval #7
- Condition of Approval #7**  
The final design of the proposed stormwater percolation swale shall include the following elements:
- The size, volume, and retention time of the percolation swale shall be designed in accordance with design guidelines and criteria in the Storm Water Management Plan (SWMP) prepared in accordance with the County's NPDES Municipal Storm Water Permit.
  - The percolation swale shall be maintained on a regular basis to ensure the design percolation rates are achieved. Maintenance shall include periodic removal fines.
  - Vegetation shall be established in the swale if it will increase the percolation rate, without significantly reducing storage volume and retention time. In addition, excess fines shall not be placed in the mine pit that contain flocculants or that have not been washed of the flocculants prior to discharge to the mine pit.



TITLE:  
**DIAMOND ROCK QUARRY – FACILITIES SITE PLAN**

PREPARED FOR:  
**WEST COAST ENVIRONMENTAL**

CONTOUR INTERVAL: AERIAL – 2 FT.  
DESIGN – 5 FT.

Sources:  
Topography: Golden State Aerial Surveys, S.L.O. CA, 7/17/02  
Datum: California State Plane NAD83, Zone V  
Control Points by: Fargen Surveys Inc, Santa Maria, CA, 93455 (#02068)  
Mining Plan Contours: Daniel J. Pellow Consulting,  
P.E. Civil, No. C28164, Exp. 3/31/06, Glendora CA, 6/12/03  
Agricultural Restoration Area Contours: Daniel J. Pellow Consulting,  
P.E. Civil, No. C28164, Exp. 3/31/06, Glendora CA, 6/12/03  
All other Details: West Coast Environmental, Ventura CA, 6/12/03

DATE:  
**12/20/07**

DATE OF PHOTO:  
**07/17/02**

**Processing Facilities Site Plan**  
Diamond Rock Aggregate Mine and  
Processing Facility  
Troesch Ready Mix, Inc.  
Maricopa, California

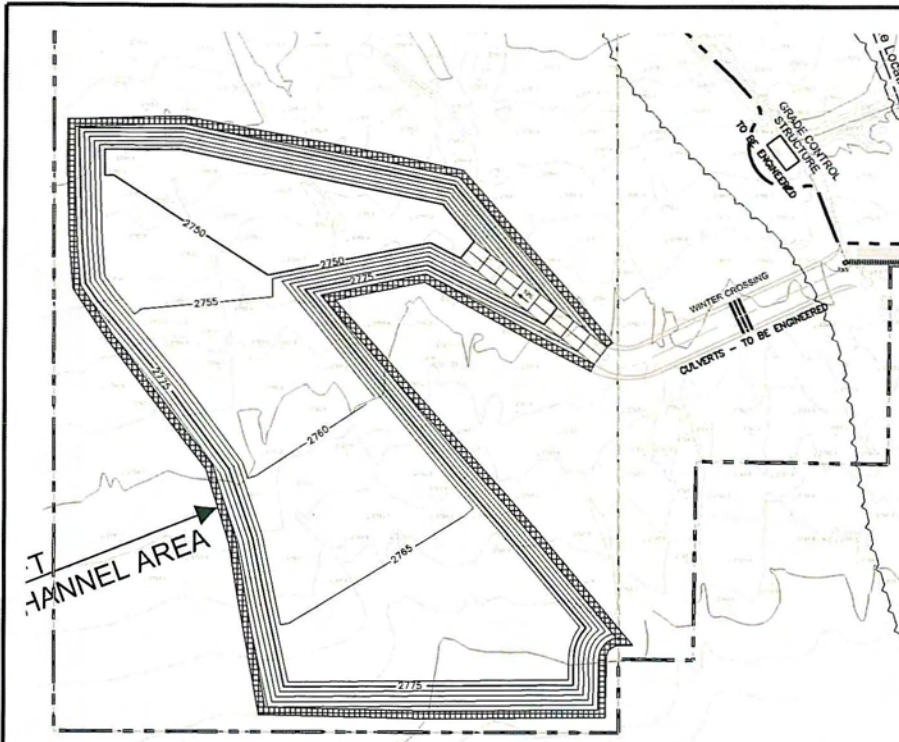
WEST COAST ENVIRONMENTAL AND ENGINEERING

PROJECT: TR0190-001-03      FIGURE 5  
DRAWN BY: GOZ      DATE: 01/15/08      REVISED: 01/21/08      GOZ  
APPROVED BY: JEF/DSM      DATE: 01/15/08      PRINTED: 01/21/08

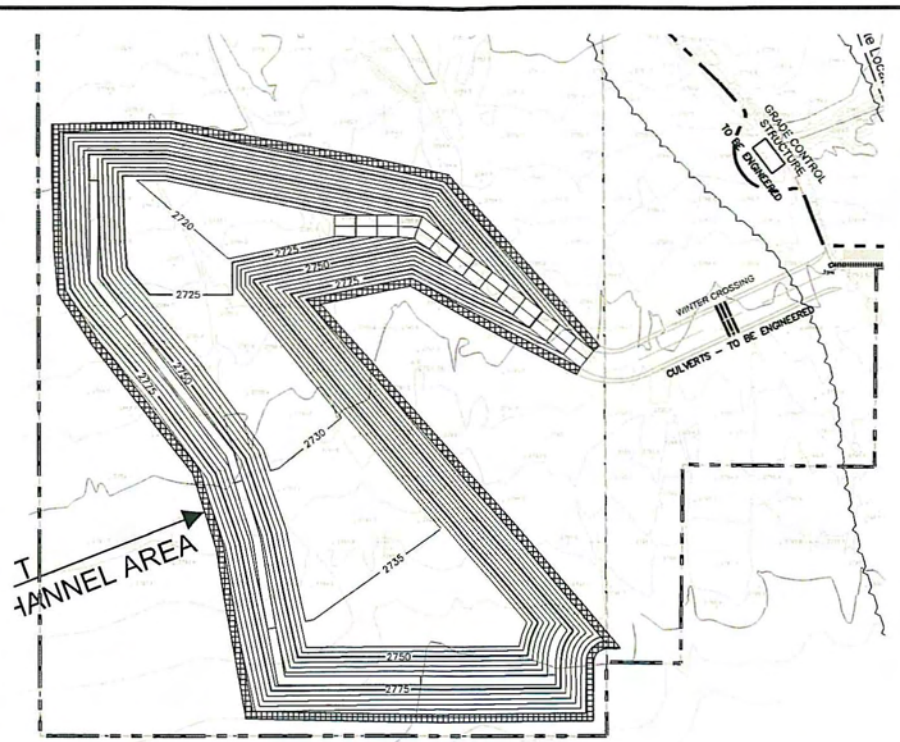
**DANIEL J. PELLOW CONSULTING**

2030 E. ROUTE 66, SUITE 300, GLENDORA, CA. 91740  
PHONE: (626) 335-0656 FAX: (626) 852-9408

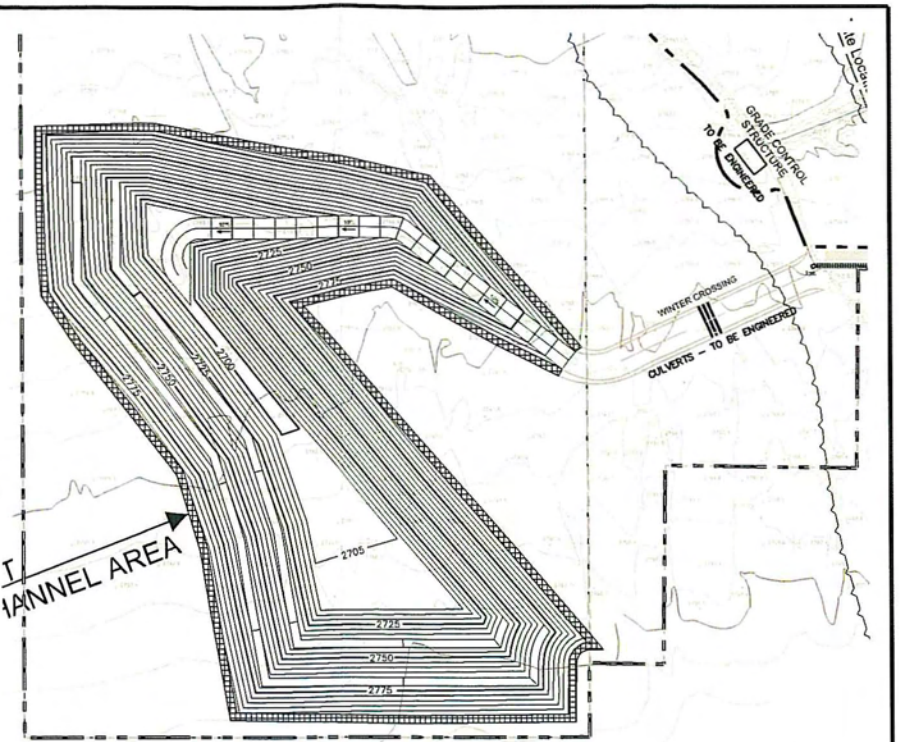
**Figure 6 – Mining Plan – Phase 1**



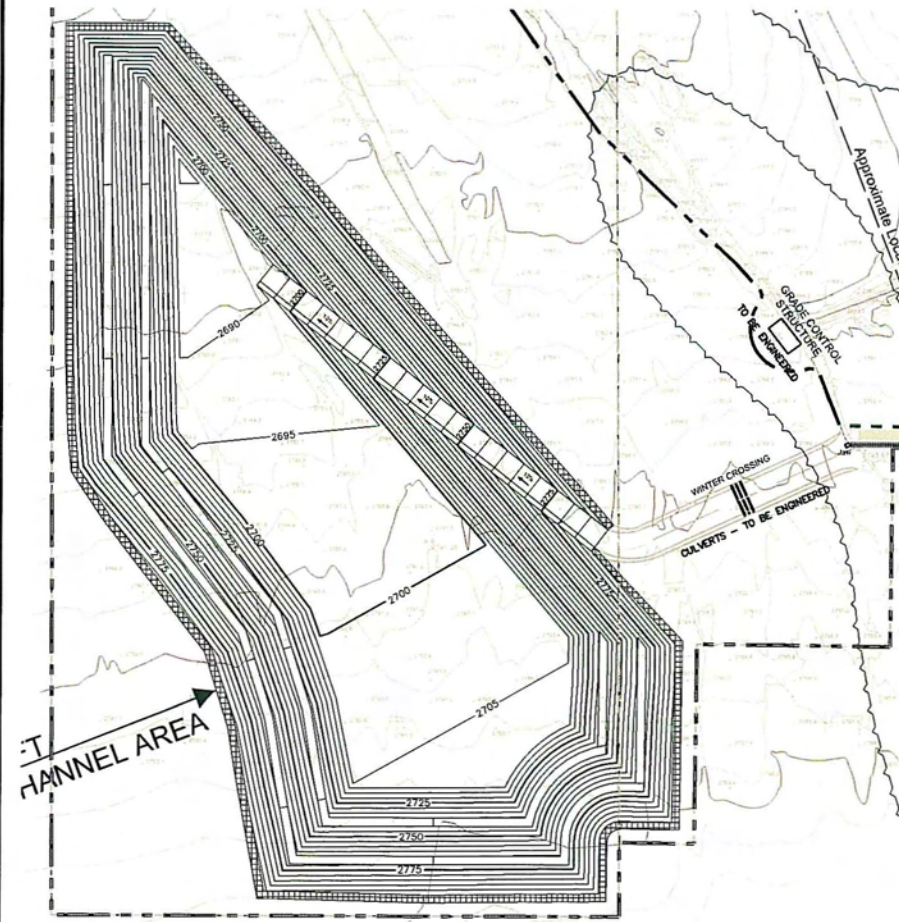
Phase 1 Cut 1 Lift 1



Phase 1 Cut 1 Lift 2



Phase 1 Cut 1 Lift 3



Phase 1 Cut 2

- NOTES:
1. ALL SETBACKS FROM PROPERTY LINE ARE TO BE A MINIMUM OF 50 FEET.
  2. FINISHED CUT SLOPES ARE TO BE EXCAVATED 3 HORIZONTAL TO 1 VERTICAL OVERALL SLOPE (SEE FIGURE 4).
  3. TYPICAL CUT CROSS-SECTION IS A 2.33 TO 1 SLOPE WITH A TWENTY FOOT BENCH EVERY 30 FEET VERTICAL (SEE FIGURE 4).
  4. 900 FOOT OPEN CHANNEL SPACE ALONG THE WEST SIDE OF THE PROPERTY MAY BE DEEMED UNNECESSARY AS NOTED IN THE RECLAMATION PLAN. THEREFORE FINAL CONFIGURATION OF THE PIT MAY INCLUDE MINING IN THAT AREA.

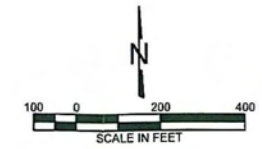
- Notes:
- 1.) Modified mine pit boundary reflects Condition of Approval #2.
  - 2.) 75 foot wide wildlife corridor/setback for creek flow as required by Condition of Approval # 18.
  - 3.) Deer Park Creek Grade Control Structure as required by Condition of Approval #5.
  - 4.) Three 24" flow-through culverts to allow winter river flows to pass along the east side of the mine pit as required by Condition of Approval #4. (locations are approximate).

GROSS TONNAGE BY PHASE

PHASE	DURATION # of Years	TONNAGE @ 1.8 tons per CY	CY
1 CUT1 LIFT1	2.9 YEARS	1,457,175	971,450
1 CUT1 LIFT2	1.6 YEARS	797,250	531,500
1 CUT1 LIFT3	0.7 YEARS	333,300	222,200
1 CUT2	5.9 YEARS	2,961,750	1,674,500
1 TOTAL	11.1 YEARS	5,549,475	3,699,650
2	10.6 YEARS	5,313,825	3,542,550
GRAND TOTAL	21.7 YEARS	10,863,300	7,242,200

LEGEND

- Internal Access Roads
- Assessor Parcel Boundaries
- CUP Boundary
- FEMA, Zone A
- Existing Major 10' Contours
- Existing Minor 2' Contours, Showing Spot Elevations
- Proposed Major 25' Contours
- Proposed Minor 5' Contours
- Cross Section Trace See Figure 8 for Detail



TITLE:  
DIAMOND ROCK QUARRY - PHASE 1-CUT 1- LIFT 1

PREPARED FOR:  
WEST COAST ENVIRONMENTAL

CONTOUR INTERVAL: AERIAL - 2 FT.  
DESIGN - 5 FT.

Sources:  
Topography, Golden State Aerial Surveys, S.L.O. CA, 7/17/02  
Datum: California State Plane NAD83, Zone V  
Control Points by: Fargen Surveys Inc. Santa Maria, CA, 93455 (#02068)  
Mining Plan Contours; Daniel J. Pellow Consulting,  
P.E. Civil, No. C28164, Exp. 3/31/06, Glendora CA, 6/12/03  
Agricultural Restoration Area Contours; Daniel J. Pellow Consulting,  
P.E. Civil, No. C28164, Exp. 3/31/06, Glendora CA, 6/12/03  
All other Details: West Coast Environmental, Ventura CA, 6/12/03

DATE:  
12/20/07

DATE OF PHOTO:  
07/17/02

Mining Plan- Phase 1  
Diamond Rock Aggregate Mine and  
Processing Facility  
Troesch Ready Mix, Inc.  
Maricopa, California

WEST COAST  
ENVIRONMENTAL  
AND ENGINEERING

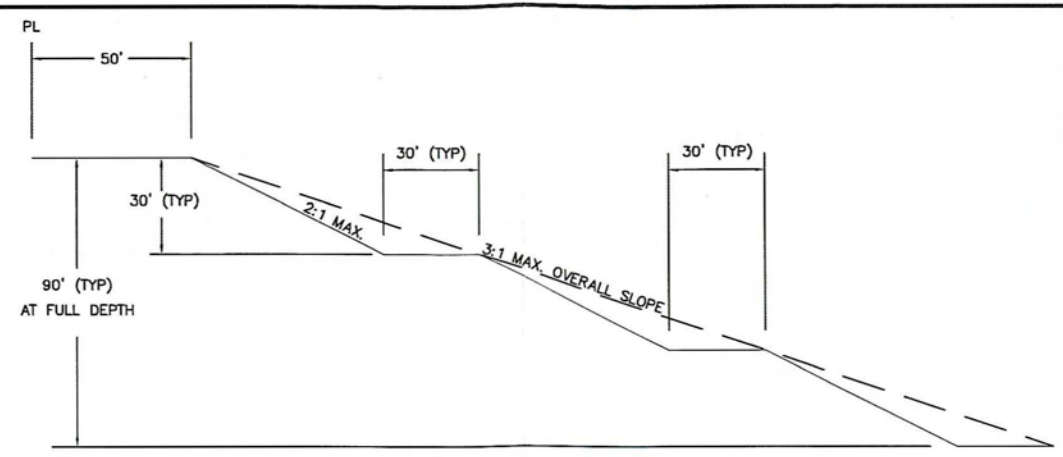
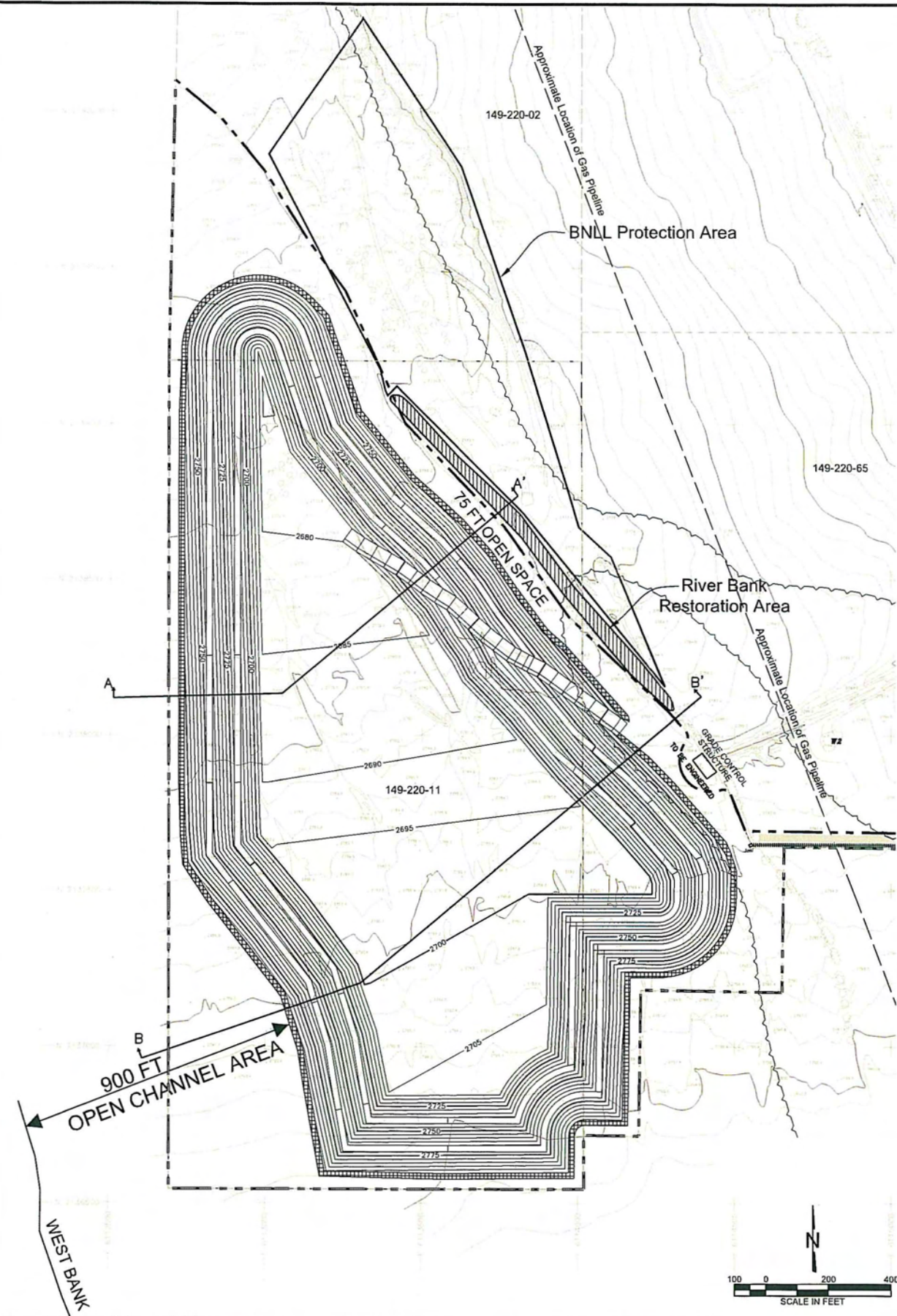
PROJECT: TRO190-001-03      FIGURE 6  
DRAWN BY: GOZ      DATE: 01/15/08      REVISED: 01/22/08      GOZ  
APPROVED BY: JEF/DSM      DATE: 01/15/08      PRINTED: 01/22/08

**DANIEL J. PELLOW  
CONSULTING**

2030 E. ROUTE 66, SUITE 300, GLENDORA, CA. 91740  
PHONE: (626) 335-0656 FAX: (626) 852-9408



**Figure 7 – Mining Plan - Phase 2**



PROPERTY LINE CONTOUR DETAIL  
NTS

**PHASE 2 RESERVES**

3.54 MILLION CY  
5.31 MILLION TONS  
@ 1.5 tons per cubic yard.

**RESERVE STATUS  
END OF PHASE 2**

MINED	10.86 Million Tons
REMAINING	0 Million Tons
<b>TOTAL</b>	<b>10.86 Million Tons</b>

**NOTES:**

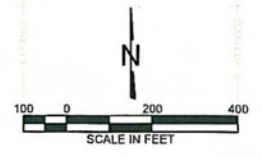
1. ALL SETBACKS FROM PROPERTY LINE ARE TO BE A MINIMUM OF 50 FEET.
2. FINISHED CUT SLOPES ARE TO BE EXCAVATED 3 HORIZONTAL TO 1 VERTICAL OVERALL SLOPE (SEE FIGURE 4).
3. TYPICAL CUT CROSS-SECTION IS A 2.33 TO 1 SLOPE WITH A TWENTY FOOT BENCH EVERY 30 FEET VERTICAL (SEE FIGURE 4).
4. 900 FOOT OPEN CHANNEL SPACE ALONG THE WEST SIDE OF THE PROPERTY MAY BE DEEMED UNNECESSARY AS NOTED IN THE RECLAMATION PLAN. THEREFORE FINAL CONFIGURATION OF THE PIT MAY INCLUDE MINING IN THAT AREA.

**Notes:**

- 1.) Modified mine pit boundary reflects Condition of Approval #2.
- 2.) 75 foot wide wildlife corridor/setback for creek flow as required by Condition of Approval # 18.
- 3.) Deer Park Creek Grade Control Structure as required by Condition of Approval #5.
- 4.) Three 24" flow-through culverts to allow winter river flows to pass along the east side of the mine pit as required by Condition of Approval #4. (locations are approximate).

**LEGEND**

- Internal Access Roads
- Conveyor
- Assessor Parcel Boundaries
- CUP Boundary
- FEMA, Zone A
- Existing Major 10' Contours
- Existing Minor 2' Contours, Showing Spot Elevations
- Proposed Major 25' Contours
- Proposed Minor 5' Contours
- B1 B' Cross Section Trace See Figure 8 for Detail



TITLE:  
**DIAMOND ROCK QUARRY - PHASE 2**

PREPARED FOR:  
**WEST COAST ENVIRONMENTAL**

CONTOUR INTERVAL: AERIAL - 2 FT.  
DESIGN - 5 FT.

Sources:  
Topography: Golden State Aerial Surveys, S.L.O. CA, 7/17/02  
Datum: California State Plane NAD83, Zone V  
Control Points by: Fergen Surveys Inc, Santa Maria, CA, 93455 (#02068)  
Mining Plan Contours: Daniel J. Pellow Consulting,  
P.E. Civil, No. C28164, Exp. 3/31/06, Glendora CA, 6/12/03  
Agricultural Restoration Area Contours: Daniel J. Pellow Consulting,  
P.E. Civil, No. C28164, Exp. 3/31/06, Glendora CA, 6/12/03  
All other Details: West Coast Environmental, Ventura CA, 6/12/03

DATE:  
**12/20/07**

DATE OF PHOTO:  
**07/17/02**

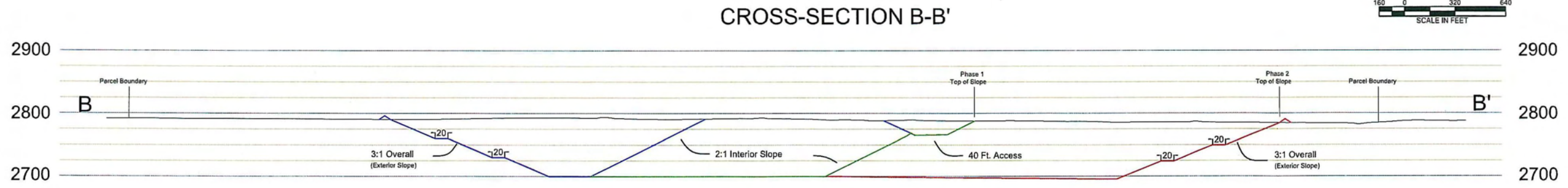
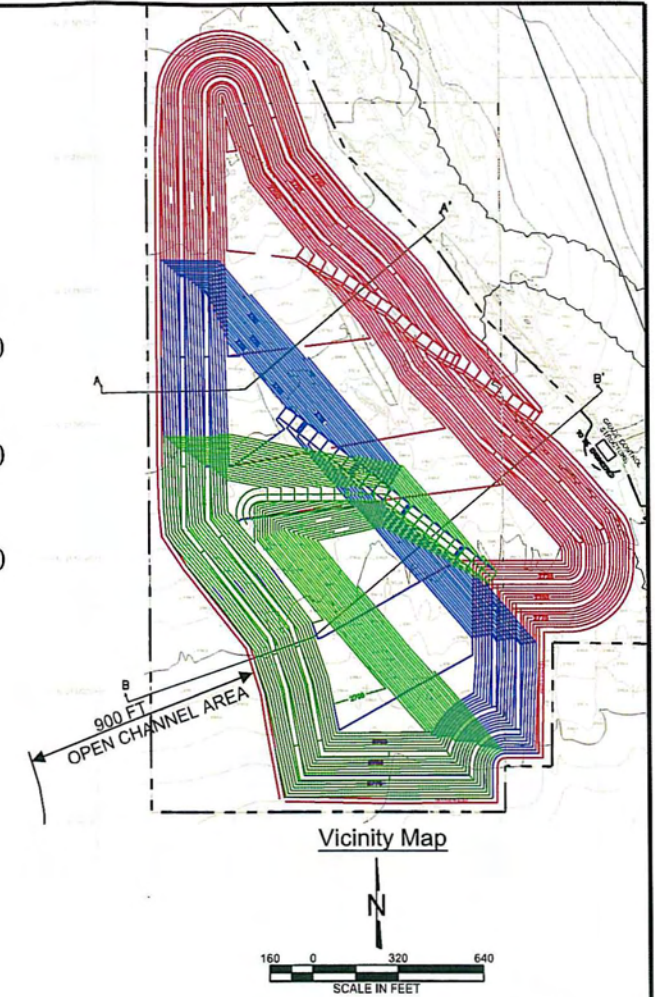
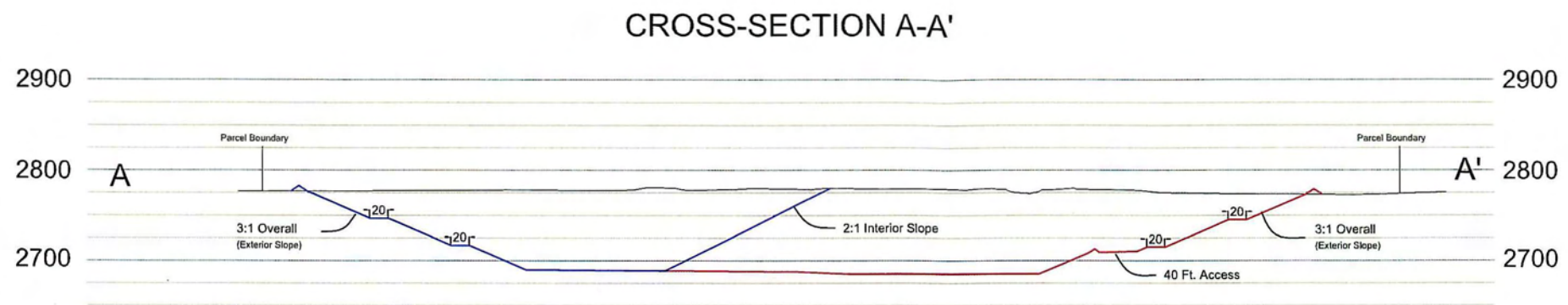
Mining Plan- Phase 2  
Diamond Rock Aggregate Mine  
and Processing Facility  
Troesch Ready Mix, Inc.  
Maricopa, California

**DANIEL J. PELLOW  
CONSULTING**

2030 E. ROUTE 66, SUITE 300, GLENDORA, CA. 91740  
PHONE: (626) 335-0656 FAX: (626) 852-9408

PROJECT: TRO190-001-03      FIGURE 7  
DRAWN BY: GOZ      DATE: 01/15/08      REVISED: 01/22/08      GOZ  
APPROVED BY: JEF/DSM      DATE: 01/15/08      PRINTED: 01/22/08

**Figure 8 – Mining Cross Sections**



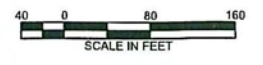
**NOTES**  
All slopes to be cut as per Figure 4 details.

**LEGEND**

ORIGINAL GROUND	
PHASE 1 - CUT 1	
END OF PHASE 1	
END OF PHASE 2	

TITLE:  
**DIAMOND ROCK QUARRY- CROSS-SECTION SHEET**

PREPARED FOR:  
**WEST COAST ENVIRONMENTAL**



Sources:  
Topography: Golden State Aerial Surveys, S.L.O. CA, 7/17/02  
Datum: California State Plane NAD83, Zone V  
Control Points by: Fargen Surveys Inc. Santa Maria, CA, 93455 (#02068)  
Mining Plan Contours: Daniel J. Pellow Consulting, P.E. Civil, No. C26164, Exp. 3/31/06, Glendora CA, 6/12/03  
Agricultural Restoration Area Contours: Daniel J. Pellow Consulting, P.E. Civil, No. C26164, Exp. 3/31/06, Glendora CA, 6/12/03  
All other Details: West Coast Environmental, Ventura CA, 6/12/03

DATE:  
**12/21/07**

DATE OF PHOTO:  
**07/17/02**

	<b>Mining Plan Cross Sections</b> Diamond Rock Aggregate Mine and Processing Facility Troesch Ready Mix, Inc. Maricopa, California	
	PROJECT: TRO190-001-03	FIGURE 8
	DRAWN BY: GOZ	DATE: 01/15/08 REVISED: 01/21/08 GOZ
APPROVED BY: JEF/DSM DATE: 01/15/08 PRINTED: 01/21/08		

**DANIEL J. PELLOW CONSULTING**

2030 E. ROUTE 66, SUITE 300, GLENDORA, CA 91740  
PHONE: (626) 335-0656 FAX: (626) 852-9408

**Exhibit 1 – OMR Letter**



DEPARTMENT OF CONSERVATION  
STATE OF CALIFORNIA

September 23, 2003

**VIA FAX: (805) 934-6258**  
**CONFIRMATION MAILED**

OFFICE OF MINE  
RECLAMATION

■ ■ ■

801 K STREET  
MS 09-06  
SACRAMENTO  
CALIFORNIA  
95814

PHONE  
916/323-9198

FAX  
916/322-4862

TDD  
916/324-2555

INTERNET  
CONSV.CA.GOV

■ ■ ■

GRAY DAVIS  
GOVERNOR

Mr. Gary Kaiser  
Contract Planner III  
County of Santa Barbara  
Planning and Development Department  
123 East Anapamu Street  
Santa Barbara, CA 93101-2058

Dear Mr. Kaiser:

**Review of Mining and Reclamation Plan for the proposed  
Troesh Ready Mix Diamond Rock Sand and Gravel Mine**

The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the proposed Mining and Reclamation Plan (dated June 15, 2003) for the proposed Troesh Ready Mix Diamond Rock Sand and Gravel Mine near Ventucopa, on the Upper Cuyama River. The following comments are provided to aid in your review of this project.

The Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code Section 2710 et seq.) and the State Mining and Geology Board regulations for surface mining and reclamation practice (California Code of Regulations (CCR) Title 14, Chapter 8, Article 1, Section 3500 et seq.; Article 9, Section 3700 et seq.) require that specific items be addressed or included in reclamation plans. The following items were either not included or not sufficiently addressed in the reclamation plan. We recommend that the reclamation plan be supplemented to adequately address these mandatory items.

**Geotechnical Requirements, Hydrology and Water Quality**

(Refer to SMARA Sections 2772(c)(8), 2773(a), and CCR Sections 3502(b)(3), (b)(4), (b)(6), 3503(a)(2), (a)(3), (b)(1), (b)(2), (d), (e), 3704 (a), (b), (d), (e), (f) 3706(a),(b), (c),(d),(e),(f),(g), 3710 (a),(b),(c), 3712)

1. The mining plan proposes to excavate a 90-foot deep, 83-acre pit within the floodplain of the Cuyama River. The pit is expected to flood occasionally and fill with river-borne sediment. A similar

Gary Kaiser  
September 23, 2003  
Page 2

mining project (CID#91-42-23), consisting of a 90-foot deep floodplain pit, is located downstream and adjacent to this site. The existing site appears to rely on sediment replenishment in its reclamation plan.

2. The mining and reclamation plan should include a discussion of sediment supply and replenishment, and a characterization of the sediment that will be deposited in the pit. No assessment of an extended time frame to mine replenished material is given. There should be an assessment of head cut erosion and downstream scour effects on the channel bed, banks and infrastructure such as buried pipelines and road crossings that may result from the project. A discussion of the interruption of the sediment transport in the Cuyama River and its impact on reclamation of the downstream site should be provided. A discussion of the depth to groundwater and seasonal variation in the water table and how often groundwater would be exposed in the excavation should be included. A justification for the mining depth should be stated relative to all of these issues. The intent to monitor the instream mining project using annual cross sections and aerial photos is mentioned, but no details of these requirements are given. An in depth discussion of how the data would be analyzed or how the analyses would be used to adaptively manage the site should be included. The reclamation plan should incorporate a thorough discussion of these instream mining issues and the mining scenario should be revised to minimize adverse impacts resulting from surface mining operations.
3. The slope stability discussion should characterize ground water and its impact on the slope design. The discussion should consider the issue of erosion by floodwaters entering the mining pit. A discussion of seismic effects on the slope design should be provided.
4. Performance criteria should be included in the reclamation plan in order to identify how much erosion can be tolerated before implementing erosion control treatments and to identify methods that will be employed to address increasingly severe erosion features. Such criteria must state, for a given intensity and type of erosion, what best management practices will be employed at each level, as in the following example: "erosion of rills greater in cross section than 5 square inches exceeding 5 feet in length will be arrested by placement of graded rock interceptors or straw bales to slow concentrated runoff within 1 week following any rainfall event." Similar criteria should be adopted to trigger erosion control treatments at several stated levels of erosion that may possibly occur.

Gary Kaiser  
September 23, 2003  
Page 3

**Environmental Setting and  
Protection of Fish and Wildlife Habitat**

(Refer to CCR Sections 3502(b)(1), 3503(c), 3703 (a), (b), (c), 3704(g), 3705(a), 3710(d), 3713(b))

5. The operator should be commended for presenting a thorough biological assessment of the project, however, mitigation measures for the blunt nosed leopard lizard are not described as required. Rare, threatened or endangered species as listed by the California Department of Fish and Game, (California Code of Regulations, Title 14, sections 670.2 - 670.5) or the U. S. Fish and Wildlife Service, (50 CFR 17.11 and 17.12) or species of special concern as listed by the California Department of Fish and Game in the Special Animals List, Natural Diversity Data Base, and their respective habitat, shall be conserved as prescribed by the federal Endangered Species Act of 1973, 16 U.S.C. section 1531 et. seq., and the California Endangered Species Act, Fish and Game Code section 2050 et seq. If avoidance cannot be achieved through the available alternatives, mitigation shall be proposed in accordance with the provisions of the California Endangered Species Act, Fish and Game Code section 2050 et seq., and the federal Endangered Species Act of 1973, 16 U.S.C. section 1531 et seq. The reclamation plan must provide mitigation for the protection of the lizard.
  
6. Revegetation performance standards are proposed, however, there is no indication that baseline data was collected as required by CCR 3705(a). TABLE 6-4 lists the Revegetation Performance Criteria Goal as "*Native vegetation attaining similar cover, density and composition as nearby undisturbed areas*" but does not describe what the percent cover, density or species richness is for the native vegetation. It therefore is not possible to determine if the performance standards proposed are adequate for the project (eg. *Native shrub cover greater than 5 percent*). The reclamation plan needs to state the reference values for the density, percent cover and species richness of the native vegetation. A performance standard for the planted cottonwoods survival should also be listed.

The performance standard for the agricultural area says that "*Reclamation of the site will be deemed complete when productive capability of the affected land is equivalent or better than the pre-mining condition for two consecutive years.*" The reclamation plan needs to describe what this production is (e.g. bales of alfalfa/year).



Gary Kaiser  
September 23, 2003  
Page 4

**Resoiling and Revegetation**

(Refer to SMARA Section 2773(a), CCR Sections 3503(a)(1), (f), (g), 3704(c),  
3705(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), 3707(b), (d),  
3711(a), (b), (c), (d), (e))

7. Species selection for revegetation of the Riverbank Restoration Seeding Prescription is comprehensive and contains a very good mix of native species for the planned restoration. However, the reclamation plan qualifies the seeding mix and the planting prescription because of ongoing consultation with the California Department of Fish and Game regarding a 1603 permit. The reclamation plan must contain the final approved seed mix and planting methods. CCR 3705(a) requires that the vegetative cover must be suitable to the end use and be self-sustaining.

Clarification of the final slope configuration and the possible use of rip-rap must also be provided in the plan. The use of riprap and steeper bank slope as a possible approved alternative may require a different prescription for revegetation. The final revegetation prescription must be presented in the plan.

If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact me at (916) 323-8565.

Sincerely,



James S. Pompy, Manager  
Reclamation Unit

cc: Larry Appel, P & D

**Exhibit 2 – Santa Barbara County  
Conditions of Approval**

**ATTACHMENT B: CONDITIONS OF APPROVAL**

**Diamond Rock Mine Conditional Use Permit  
03CUP-00000-00037**

I. A Conditional Use Permit is Hereby Granted:

TO: Troesh Materials, Inc

APN: 149-220-002; -011; & -065

PROJECT ADDRESS: State Route 33, Maricopa, CA 93852

ZONE: "U" & "AG-II-40"

AREA/SUPERVISORIAL DISTRICT: Ventucopa area, Fifth District

FOR: Establishment of a new in-river sand and gravel mine.

II. This permit is subject to compliance with the following conditions:

**Project Description**

1. This Conditional Use Permit is based upon and limited to compliance with the project description presented below, compliance with the approved Reclamation Plan for this mining facility, and the conditions of approval set forth below. The location of project components authorized by this CUP are illustrated on Exhibits D-K, dated May 30, 2007. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the mining plan and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

**The project description is as follows:**

Aggregate would be mined from a pit located in the Cuyama River (Exhibit D). Mined materials would be mechanically crushed, sorted by size and type using triple-deck and double-deck dry scalping screens. Sand would be washed to remove fine material. All finished products would be stockpiled, and products would be transported offsite via haul trucks with a 29½-ton capacity (~20 cubic yards). An overview of the mining and processing areas is presented on Exhibits E and F.

The average annual production (based on a rolling average) over the 30-year life of the project is estimated to be 500,000 tons of product per year. Under this annual rate, the average hourly and daily production would be about 103 tons per hour (16 hours of operation per day) and 1,650 tons per day (six days per week), based on 303 processing

days per year. The maximum annual production from the mine would be 750,000 tons. The higher production would be achieved by higher daily production. Peak daily production would be limited to the physical capabilities of the processing equipment, which is capable of processing 9,600 tons per day (600 tons per hour). To produce 750,000 tons in a year with 303 processing days, the average hourly and daily production would increase to 154 tons per hour (16 hours of operation per day) and 2,475 tons per day (six days per week).

The actual production levels would vary over time and would be a direct function of the general regional economic conditions, the number and type of contracts obtained, and equipment usage rate and maintenance requirements. However, the maximum annual mine production would not exceed 750,000 tons per year.

Based on initial testing of the riverbed area, the deposits to be mined consist of the following materials: 38 percent gravel, 60 percent sand (estimated 55 percent marketable, 5 percent excess), and 2 percent fines. Gross volume of the aggregate proposed to be excavated from the 83.76-acre mining area is estimated to be 9,210,000 cubic yards, which is estimated to be 13,820,000 tons of material (based on an assumed density of 1.5-tons per cubic yard). The net reserves are estimated at 12,850,000 tons, assuming seven percent of the material will be unsuitable for sale as PCC-grade aggregate.

At the proposed average extraction rate of 500,000 tons per year, the aggregate resource would last for 27.7 years, assuming that the river does not replenish material over time. As such, the applicant has requested a 30-year permit.

Finished products would be PCC-grade aggregate and other aggregate products. Processing also creates "scalped fines" as a byproduct, which would be sold or placed in the mining pit as backfill. Some of the fines may also be used as a soil amendment by the landowner and others in the area.

It should be noted that the assumed material composition and quantities are based on limited data. As the deposit is mined, material may be encountered that does not match these assumptions. If this occurs, the proposed product line would be revised accordingly. However, the overall operations at Diamond Rock would not change.

**Mining Depth and Phases.** Mining would occur in the bed of the Cuyama River where a pit would be created and excavated. The mining plan has two phases (Exhibits G and H) and the entire pit could encompass about 84 acres. The maximum anticipated depth would be 90 feet below ground surface (Exhibit I). Phase 1 would encompass about 46 acres and would be divided into a series of cuts and lifts as shown below in Table 1. Phase 2 would involve a single cut.

**TABLE 1**  
**SUMMARY OF MINING PHASES**

Phase	Duration <sup>1</sup>	Tonnage <sup>2</sup>	Cubic Yards
Pre-Production	1.4 years	690,000	460,000
Phase 1 Cut 1 Lift 1	3.3 years	1,640,000	1,090,000
Phase 1 Cut 1 Lift 2	2.5 years	1,230,000	820,000
Phase 1 Cut 1 Lift 3	1.9 years	960,000	640,000
Phase 1 Cut 2	5.9 years	2,970,000	1,980,000
Phase 2	12.7 years	6,330,000	4,220,000
Total	27.7 years	13,820,000	9,210,000

<sup>1</sup> Assumes a mining rate of 500,000 tons per year

<sup>2</sup> Assumes 1.5 tons per cubic yard.

The above description of the mining phases is based on ideal conditions, and the assumptions that the mine pit would not be flooded during the life of the project and that excavation would proceed in an orderly manner throughout the life of the project. However, it is expected the Cuyama River will periodically flood the mine pit during the life of the project, which would deposit sediment back into the mining pit. The addition of new material and water to the pit would modify the location, depth, and rate of excavation. Mining would continue in accordance with the proposed plan and within the proposed mining limits. However, it is unlikely that the full mine pit shown on Exhibit H would ever be achieved due to the likelihood of periodic flooding.

Under the proposed mining plan, excavation would begin at the southwest corner of the mining area by excavating a narrow pit parallel to the flow direction of the river. As each 30-to 50-foot-wide pit is completed, the next pit would be excavated parallel to and on the east side of the previous pit, incrementally further away from the river's main channel, which ensures areas of completed mining are located west of active mining areas. This eastward progression of mining also allows mining to occur in previously unmined areas during periods where there is standing water in active excavation areas.

Within each pit, the excavation would proceed through a series of cuts and lifts until excavated to final depth. Each lift would involve an excavation depth of approximately

30 feet. As the excavation of one pit drops into the second lift (approximately 31 to 60 feet), excavation on the first lift of the adjacent parallel pit to the east would commence. In this manner, when the final depth is reached on the first pit, the second pit would be at a depth of approximately 60 feet, and the third pit would be at a depth of approximately 30 feet.

It is expected that pit excavation would proceed as described above until the Cuyama River reaches flood stage, when the river floods bank-to-bank and would fill the excavated pits. In advance of such flooding, mining activities would be suspended and equipment would be moved out of the riverbed and onto the Processing Area. Following the flooding, the mine pits would be inspected. If the deposited material contains marketable aggregate, the flooded pits would be re-excavated after drying. If there is a high percentage of unmarketable fine materials, excavation would commence in the next narrow pit.

A low flood control berm would be constructed around the perimeter of the active mine pit, as shown on Exhibit J. The berm would be constructed of riverbed material, and would be approximately four feet high and 10 feet wide at the base. The berm would not be an engineered structure designed for a specific design storm. Several times each year, there are light rains in the watershed that cause sheet flows within the riverbed that may be several inches deep. The berm would divert those low flows from the mine pit. However, flooding from substantial rain events would wash away the berms or overtop them. The berm would be maintained on an as-needed basis, and would be repaired after flooding events.

Another earthen flood control berm would be constructed at the mouth of Deer Park Creek, as shown on Exhibit J. An earthen berm, 4 to 6 feet tall, would be constructed across the mouth of the drainage to direct flows into the mine pit in a controlled manner, most likely along the access ramp. The berm would prevent erosion of the sides of the mine pit. The berm would not be an engineered structure; it would be constructed of on-site materials. The berm would be maintained on an as-needed basis, and would be repaired after flooding events. During the initial mining phase when the mine pit is not located at the mouth of the creek, the berm would divert flows downstream, away from the mine pit.

The proposed mining pit would be set back at least 50 feet from all property lines to assure that offsite property is not affected by slope failures and erosion of the pit slope cuts. Slopes adjacent to property lines would be no steeper than 2:1 (H:V), with an overall slope (including benches) no greater than 3:1 (H:V), as shown on. Active mine area slopes not along property lines would have a maximum 2:1 (H:V).

The Phase 2 mining pit would be set back a minimum of 100 feet from the confluence of Deer Park Creek (an ephemeral tributary) and the Cuyama River.

Access from the Processing Area into the riverbed would be provided by a 24-foot-wide all-weather road constructed of riverbed materials. The ramp would extend from the riverbank to the mining pit. Its length and location would vary depending on the location of the mining pit. Hence, during the initial mining phase, the road would extend across the riverbed (Exhibit J). At the full mine pit phase, the road would serve as a ramp from the existing riverbank into the adjacent pit.

**Topsoil Salvage.** The topsoil directly under the 14.2-acre Processing Area would be excavated to a depth of approximately one foot prior to installation of equipment and structures. The amount of topsoil to be salvaged at the Processing Area is estimated to be 22,900 cubic yards. Approximately 12,300 cubic yards would be used to construct temporary 6-foot-high visual screening berms along State Route 33 (see Exhibit E). The remaining 10,600 cubic yards of topsoil would be applied to the agricultural field immediately north of the Processing Area, bounded by Highway 33 on the east, Deer Park Creek to the north, and the river channel to the west. The topsoil is expected to increase the productivity of this existing field. Based on a 75-foot setback from Deer Park Creek, there would be 18.14 acres on which to spread the 10,600 cubic yards of topsoil. This would equate to a depth of six (6) inches. The material would not be applied during crop production but after a harvest, when tilling would be required anyway.

At the end of the project, 10,600 cubic yards of topsoil would be removed from the field and placed at the Processing Area, along with the topsoil stored in the berms. At that time, the Processing Area would be returned to pre-project grades and available for agricultural production. If the topsoil underlying the Processing Area has sufficient depth, it may only be necessary to apply the topsoil stored in the landscaping berms and soil amendments, and leave the previously removed topsoil in the adjacent field where it was placed over the past 30 years.

The following materials would be stored in stockpiles in the mining area and the Processing Area: 1) excess topsoil from the Processing Area that is not spread on nearby agricultural fields; 2) unsuitable fines encountered in the mining process, particularly materials deposited from flooding in active mine pits; and 3) unmarketable fines and excess sands generated from processing. Unmarketable fines would be generated at the Processing Area from the scalping screens and from the sediments that settle within the water retention basins (estimated to comprise about two percent of mined material). Excess sand is non-marketable sand derived from processing which is estimated to be up to 5 percent of mined material, or 25,000 cubic yards over the life of the permit.

There may be one or more stockpiles of topsoil, fines, and excess sand. Prior to the discovery of the blunt-nosed leopard lizard at the project site and the need to protect its habitat, this material was planned to be used in improving soil conditions at the leopard lizard protection area (Exhibit J) for its conversion to agriculture. Material would be added to the stockpile(s) on a continuous basis, as fines are encountered during mining and/or produced during processing. Over time, stockpiles of unmarketable fines and

excess sand would be placed into the finished portions of the mine pit. More than half of the topsoil would be stockpiled within the landscaping berm throughout the mining period. The remaining topsoil would either be used to further enhance the agricultural field directly north of the Processing Area; and/or used in final reclamation of the mine pit and Processing Area as a top dressing.

Topsoil stored within the 6-foot-high landscape berm would be planted to prevent wind and water erosion and to preserve soil microbes. The plant palette is shown in Table 2. Supplemental irrigation will be applied, as needed, to establish this vegetation. These berms would also be used for visual screening.

**TABLE 2  
LANDSCAPE BERM PLANT PALETTE**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Size</b>	<b>Quantity</b>
<i>Calocedrus decurrens</i>	Incense cedar	15 gallons	68
<i>Pinus coulteri</i>	Coulter Pine	15 gallons	27
<i>Quercus douglasii</i>	Blue Oak	15 gallons	37
<i>Heteromeles arbutifolia</i>	Toyon	5 gallons	123

#### **Material Processing**

The mined materials would be processed at the 14.2-acre Processing Area adjacent to State Route 33. A description of the facilities and material processing is provided below.

**Processing Equipment and Materials.** Equipment, materials, and facilities that would be located at the Processing Area are listed below:

- Conveyors
- Triple deck dry scalping screen
- Double deck dry scalping screen
- Sand washer (screw type)
- Dewatering screen
- Load-out bins (auto-loader)
- Material stockpiles
- 20,000-gallon above-ground diesel fuel tank, with secondary containment and bermed fueling and maintenance pad



- 10,000-gallon domestic water storage tank with Fire Department drafting hydrant
- Water retention basins (three, each being 80 feet x 130 feet x 10 feet deep)
- Stormwater percolation swale (design capacity of 162,000 gallons, approximately 750 feet in length, depth and width vary with an average depth of 3.8 feet and an average width of 22.8 feet)
- Water reclamation system (three-stage clarifier – each concrete basin being 80' wide x 130' long x 10' deep)
- Scale house (office and dispatch operations)
- Restroom facilities and septic system
- Truck scale (70' above-ground Toledo)
- Well (electric pump)
- Office (7,500 square feet)
- 24-foot-wide, two-lane all-weather access road and turn-around to provide haul trucks with access to the loading bins and truck scale
- Parking spaces for 12 automobiles, plus one handicapped; parking spaces for 4 trucks
- Entrance sign and perimeter fencing (6-foot-high chain link fence) around the Processing Area
- Flagging around the perimeter of the mine pit
- Caretaker/security trailer
- Electricity supplied by the power grid (power pole already onsite)

Chemicals delivered to and stored at the Processing Area onsite are listed below in Table 3.

**TABLE 3  
ON-SITE CHEMICALS**

<b>Chemical</b>	<b>Quantity</b>	<b>Type</b>
6 Guardol QLT 15W-40	2 x 55 gallons	Petroleum hydrocarbon
Diesel #2	20,000 gallons	Petroleum hydrocarbon
Hydraulic Oil AW 46	2 x 55 gallons	Petroleum hydrocarbon
Waste Motor Oil	55 gallons	Petroleum hydrocarbon
Acetylene	2 x 420 cu. ft.	Acetylene gas
Grease	3 x 35 gallons	Petroleum hydrocarbon
Oxygen	2 x 420 cu. ft.	Oxygen gas
Flocculant (e.g., Nalclear)	Unknown at this time	Flocculant (organic polymers)

Onsite mobile equipment (most of which would be used in mining) would include the following:

- Three front-end loaders (two CAT 980s, one in the yard and one in the mining pit, and a CAT 988 in the mining pit)
- Water truck (4,000-gallon capacity)
- Two scrapers (33-ton capacity – CAT 633)
- Two haul trucks (40-ton capacity)
- Excavator (235 CAT)
- Man lift
- Backhoe (Case 535)
- CAT D-8 dozer
- Service truck (lubrication vehicles for periodic servicing of vehicles and equipment)
- Crane (25-ton lift)
- Welding unit

All vehicle fueling and maintenance would take place atop the fueling and maintenance pad within the Processing Area. The concrete pad would include a curbed containment berm and would be located adjacent to the fuel storage tank, which would be placed within a concrete secondary containment area.

**Processing Operations.** Processing would occur at an electrically-powered processing facility capable of processing 600 tons of material per hour. A detailed description of the sequence of processing is provided below.

Material would be excavated from the riverbed using heavy mobile equipment and transported by trucks, scraper or conveyor to the loading hopper. From this point on, material would be moved throughout the Processing Area via a system of conveyors.

- Once in the loading hopper, gravel and boulders would be conveyed from the river's edge to the jaw crusher where they are reduced in size, then conveyed for placement onto the surge pile.
- From the surge pile, crushed aggregate would fall into tunnels and be conveyed to the triple deck dry scalping screen to remove oversized material.
- Material too large for the triple deck dry scalping screen would be diverted and conveyed to the adjacent cone crusher for additional crushing, and is conveyed back through the triple deck dry scalping screen. Material leaving the triple deck dry scalping screen would be conveyed onto the ¾" rock, ¾" rock or scalped fines stockpiles, or into the double deck dry scalping screen.
- Material entering the double deck dry scalping screen is separated into birds-eye rock and concrete sand. The bird-eye rock is conveyed onto a stockpile and the concrete sand is passed through a sand washer.
- Concrete sand would then be conveyed through the dewatering screen before being conveyed onto the concrete sand stockpile.
- Wash water from the sand washer and dewatering screen would flow by gravity back to the water retention basins where a flocculant is added (i.e., a triple basin clarifier, with three concrete basins 80 feet x 130 feet and 10 feet deep). While in the water retention basins, the flocculated fine material would "settle out" and 61 percent the water would be reclaimed for re-use in material washing. Fine material deposited in these basins would be removed and deposited on the fines stockpile by a front-end loader.
- The finished product placed on the birds-eye rock stockpile would be available for sale from that location. Material placed on the scalped fines stockpile would be hauled offsite for use as soil amendments, landfill top cover, or placed within the mine pit.
- The finished product would be placed in the concrete sand or ¾" rock stockpiles where it would fall into tunnels and be conveyed to the loading bins.
- On-road haul trucks entering Diamond Rock would be loaded either at the loading bins (concrete sand or ¾" rock), a load-out area (¾" rock), or by front-end loader at the birds-eye rock or scalped fines stockpiles.

- Concrete rubble accepted for recycling would be stockpiled and a portable crusher brought onsite to periodically crush the concrete rubble. A conveyor (or radial stacker) would transfer the crushed product into a second stockpile. On-road haul trucks entering Diamond Rock would proceed to the recycled concrete stockpile where they are loaded by a front-end loader.

In the future, it may be operationally advantageous to place the jaw crusher at the bottom of the mine pit and convey the mined materials to the surge pile from that location (Step 2).

**Water Source and Use.** Drinking water for employees and visitors at the Processing Area would be supplied by bottled water. Water for the project operations would be provided from a currently idle well (Well # 4), which is located along the southern boundary of the site near Well #5. This non-potable water would be used for the purposes listed below:

- Replenish water trucks, which would be used to control dust on the access road to the mining pit, and in the mining pit
- Washing aggregate materials at the Processing Area
- Dust control using spray bar nozzles on the conveyors to wet aggregate materials being transported to the surge pile
- Dust control by ground watering (from a watering truck) the area where loaders operate within the Processing Area and between the mining pit and the crusher
- Dust control using sprayers at the three-deck and two-deck dry scalping screens
- Restroom facilities

Water would be introduced into the processing system from the on-site well. Most of the water would be used and then re-used as it is recycled through the aggregate processing system. Approximately 74 percent of the water used in washing and dust control would be collected and conveyed to the water retention basins (Exhibit F) where suspended solids would be removed and clarified water returned to the processing system. Water would be consumed by: 1) evaporation to the atmosphere, and 2) water included in products trucked from the project site. Water would be removed from the processing cycle through percolation, although this water would eventually become available as groundwater.

The estimated total annual water demand for average and maximum production rates were developed using the following assumptions:

- Conveyance to Surge Pile:

- 6 material drop points (conveyance system to surge pile)
- 6 conveyor spray bars, each with 2 nozzles spraying at a rate of 0.5 gallons per hour, operated 25 percent of the time given the inherent moisture of the mined material (i.e., operated during the hottest daylight hours)
- 100 percent of this water is assumed lost to evaporation or held within mined material
- Aggregate Washing (Scalp Screening, Washing and Conveyance to Stockpiles):
  - 31,200 square foot surface area for water retention basins
  - 207 gallons of water used per ton for aggregate washing
  - Water used for fugitive dust control is consumed
  - Water used in the product is consumed
  - Water that returns to the Water Retention Basins, less evaporation, is recovered
  - Water that percolates is recovered
- Dust Suppression:
  - 3.5 acres where loaders operate in the Processing Facilities Area and to and from the mining area to the crusher
  - 0.43 gallons per square yard per day
  - Surge pile watering during periods of high winds
  - 100 percent of this water is assumed lost to evaporation

Based on the above assumptions, Diamond Rock would use approximately 351,016 gallons of water per day if operated at its average production rate of 500,000 tons per year. Approximately 74 percent would be recycled and reused. About 17 percent (approximately 59,686 gallons of water per day) would be consumed during the processing, and 9 percent would percolate into the ground.

Operating at a peak production rate of 750,000 tons per year, Diamond Rock would use approximately 522,161 gallons of water per day. Recycled water would account for approximately 75 percent of the water used, with the remainder being replaced from Well #4. This equates to the consumption of approximately 83,346 gallons of water per day.

**Administration, Security, and Public Safety.** Diamond Rock would include an administration office and dispatch/operations building for normal everyday business (depicted as shop on Exhibit F). Nighttime and weekend security at the Processing Area would be provided by perimeter fencing, locked gates, nighttime lighting, and a person

living in a caretaker/security trailer. The office area may be alarmed. Equipment would be disabled daily at the end of the shift.

Precautionary fencing and signs would be placed around the mining pit, where needed, for mine safety. In some areas, fencing may be used with wooden or metal posts with wire, flagging, or other materials to alert people to the presence of the mining pits. Metal fencing would be placed in areas that would not be susceptible to flooding (and possibly conveyance downstream to other properties), or would be removed prior to the winter season. Alternative barriers that meet mine safety standards would also be used, such as simple sand berms.

**Hours and Days of Operation and Employment.** With the exception of truck loading operations, Diamond Rock would operate up to 303 days per year, employing eight people fulltime (i.e., five during the day shift, three during the night shift). Proposed operating hours are as follows:

- Mining/Primary Crushing. Monday through Saturday: 5 a.m. to 6 p.m. (during daylight hours)
- Processing/Secondary Crushing. Monday through Saturday: 5 a.m. (during morning daylight hours) to 10 p.m.
- Truck Loading. Daily: 24 hours per day

The co-occurrence of the various activities at the project site is summarized in Table 4.

**TABLE 4  
ACTIVITIES AT THE PROJECT SITE**

Hours	Mining/Primary Crushing	Processing <sup>2</sup>	Truck Loading <sup>3</sup>
Daytime: 5 a.m. – 6 p.m. <sup>1</sup>	X	X	X
Evening: 6 p.m. – 10 p.m.		X	X
Night: 10 p.m. – 5 a.m.			X

<sup>1</sup> As daylight is available.

<sup>2</sup> Total processing time is expected to be up to 16 hours per day, within this 17 hour period.

<sup>3</sup> Loading will occur per demand, which is typically met during the day, but could occur at night for unusually larger orders.

Nighttime operations include as-needed processing until 10 p.m., and truck loading and hauling (using stockpiles at the Processing Area) on a 24-hour basis if required to meet demand (e.g., nighttime road work). No mining would occur at night. It is expected that up to 50 percent of deliveries from Diamond Rock would occur at night, primarily toward Santa Maria, to provide the PCC-grade aggregate needed for Caltrans and public works projects, night paving, and industrial and commercial buildings.

Contract requirements often require the producers of PCC-grade aggregate to provide materials on a 24-hour basis. These contracts involve large-scale projects, such as highway resurfacing by Caltrans, major public works road projects, and Corps of Engineer projects to reinforce dam toes or dikes, among others. In some instances, it may be necessary to conduct processing and loading, or only loading, on Sundays (5 a.m. to 6 p.m.).

**Project Generated Traffic.** Truck traffic would vary with production. An estimate of the average daily truck trips associated with the proposed project is provided below based on information provided by the project applicant. Estimates based on average annual production (500,000 tons) and maximum annual production (750,000 tons) are provided below for year-round operations (365 days per year) and the use of 29½-ton capacity hauls trucks to deliver finished products to destinations:

- Average production year (500,000 tons) – 46 exit loads, which equates to 92 one-way truck trips
- Maximum production year (750,000 tons) – 69 exit loads, which equates to 138 one-way truck trips.

Truck trips would primarily occur during the daylight hours (5 a.m. to 6 p.m.) with up to 12 hours of loading. For certain orders, truck loading may occur through the night.

The applicant has indicated that project-related average daily truck trips through Ojai shall be limited so that the five pounds per day air quality threshold of significance adopted by Ventura County for the Ojai planning area shall not be exceeded.

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The Diamond Rock mine would also accept an average of 25,000 tons per year of concrete rubble for recycling, using 25-ton capacity trucks, which would generate an estimated 6 average daily truck trips (ADT) over the year. Diamond Rock-related traffic would also include an estimated 16 ADT from the four employees working each of two shifts, and the estimated 4 ADT associated with Diamond Rock-related deliveries and service vehicles.

Total estimated Diamond Rock-related vehicle trips are summarized in Table 5 below.

**TABLE 5  
 ESTIMATED VEHICLE TRIPS**

<b>Truck Trips<sup>1</sup></b>	<b>Average Daily Trips</b>	<b>Maximum Daily Trips</b>
Aggregate deliveries	92	138
Recyclable concrete	6	6
Other Trips	4	4
Employees	16	16
Total=	118	164

<sup>1</sup> In general, most of the truck trips would occur during daylight hours. However, there may be orders which involve truck trips at night. The total number of daily truck trips would not increase. Instead, the frequency of truck trips per hour would be less.

**Mitigation Measures from 05EIR-00000-00001**

**Drainage, Erosion and Water Quality**

2. **Mine Pit Configuration Revision.** The proposed mining plan shall be modified to reconfigure the southwest corner of the proposed mine pit to allow for a minimum 900-foot wide open channel area between the west bank of the Cuyama River and the western edge of the berm surrounding the pit. An example of the overall intent of the modified



mining plan is provided on Figures 3-8 and 3-9. The applicant shall monitor river flows for the first three winters after mining has been initiated (with the use of low flow berms in the river channel). The applicant shall document the effect of the low flow berms on river flows, and the converse (effect of river flows on the berms) during these winters through the use of on-ground photographs, maps, diagrams, and/or notes from personal observations. This information shall be provided to County P&D at the end of each winter (April) for review. County P&D will review this information and determine if the additional channel width under this mitigation measure is considered necessary to avoid adverse hydraulic impacts in the river channel such as excessive berm erosion, river bank erosion, and channel scouring. The applicant shall coordinate with County P&D staff prior to the first monitoring year to ensure that the information to be provided is sufficient for evaluation purposes. At the end of three years of monitoring, if there are sufficient data, County P&D will determine if the modification of the mining pit boundary shall be continued while more monitoring data is collected, shall be considered a permanent limit, or shall be rescinded and the original proposed boundary reinstated. **Plan Requirements and Timing:** The applicant shall submit the results of the annual winter flow observations to County P&D following the first three winters of operation. **Monitoring:** P&D shall review the information provided by the applicant and provide a final determination on the mining pit boundary following the third winter of mining.

3. **River Channel Survey Requirements.** The applicant shall survey the river bottom elevations from bank to bank each April and October at three locations: (1) 1,000 feet upstream of the current mine pit; (2) in the middle of the current mine pit; and (3) 1,000 feet downstream of the current mine pit. Elevations of the channel bottom shall be collected at survey points in three transects across the river. The number of survey points shall be sufficient to provide cross sections to compare the channel cross sections from year to year. These data shall be reviewed each year by County P&D, in consultation with County Flood Control District, during the annual SMARA inspections to determine if there is evidence of headcutting or channel degradation. If adverse hydraulic conditions are evident, or appear to be developing, which could result in off-site impacts, County P&D will confer with the County Flood Control to determine modifications to the mining pit layout, width, and/or depth that would avoid these impacts. Given the uncertainty in ascribing these impacts to the presence of the mine pit, an incremental, multi-year approach to address these impacts by mine pit modifications would be implemented by the County P&D. **Plan Requirements and Timing:** The applicant shall submit the results of the annual surveys to County P&D in April of each year, until such time that the County P&D has determined that additional surveying is not considered necessary. **Monitoring:** P&D shall review the survey data provided by the applicant and provide a final determination on the mining pit boundary following the third winter of mining.

4. **Access Road Design.** The access road from the Processing Area to the Phase I mining pit shall include culverts or other provisions to allow winter river flows to pass along the east side of the mine pit (Figure 3-8). The low berm around the initial mine pit shall not extend across the open river channel between the mine pit and the Processing Area. **Plan Requirements and Timing:** The flow passage facilities shall be indicated on the final plans for the mine which shall be submitted to P&D for review and approval prior to issuance of a Land Use Permit. The flow passage facilities shall also be shown on the annual mining plans submitted to P&D for review and approval. **Monitoring:** P&D shall review and approve the annual mining plans that include the flow passage facilities and shall conduct visual inspections of the project site throughout the life of the permit.
  
5. **Deer Park Creek Grade Control Structure.** The applicant shall include an earthen berm and grade control structure at the outlet of Deer Park Creek at the edge of the river. The berm and structure shall direct flows to the river, downstream of the mine pit, during the initial mining operations. If feasible, the berm and structure shall also direct flows during the full mine pit condition to the river instead of discharging into the mine pit as proposed in order to avoid a hydraulic “jump” that would be created at the edge of the full mine pit. The County Flood Control District shall review the berm and grade control structure design to ensure appropriate materials, size, and depth to prevent failure from channel bed erosion or by-passing flows. The berm and structure shall be included in the SMARA inspections by the County. **Plan Requirements and Timing:** The berm and grade control structure plans shall be indicated on the final plans for the mine which shall be submitted to P&D for review and approval prior to issuance of a Land Use Permit. **Monitoring:** P&D shall review and approve the annual mining plans that include the conditions of the berm and grade control structure and shall conduct visual inspections of the project site throughout the life of the permit.
  
6. **Floodplain Development Permit.** The applicant shall acquire a floodplain development permit from the Santa Barbara County Public Works Department, Flood Control District, for the facilities in the Processing Area. The application for the permit shall include a drainage report prepared by a registered engineer that delineates the floodplain limits associated with Deer Park Creek and the drainage from the unnamed tributary and State Route 33 (if present). The application shall include floodproofing structures at the Processing Area in accordance with the County Floodplain Ordinance. It shall also include calculations to demonstrate that the proposed spaces between the screening berms would not cause localized flooding along State Route 33, nor exacerbate flooding along Deer Park Creek west of State Route 33. **Plan Requirements and Timing:** A copy of the application for a floodplain development permit shall be submitted to P&D for review. P&D shall provide recommendations to Santa Barbara County Public Works Department, Flood Control District concerning the flood hazard mitigation measures and

proposed floodproofing. **Monitoring:** P&D shall conduct visual inspections of the project site throughout the life of the permit, as necessary to verify compliance with flood mitigation measures and floodproofing.

7. **Stormwater Percolation Swale Design.** The final design of the proposed stormwater percolation swale shall include the following elements:
  - a. The size, volume, and retention time of the percolation swale shall be designed in accordance with the design guidelines and criteria in the Storm Water Management Plan (SWMP) prepared in accordance with the County's NPDES Municipal Stormwater Permit.
  - b. The percolation swale shall be maintained on a regular basis to ensure the design percolation rates are achieved. Maintenance shall include periodic removal of fines.
  - c. Vegetation shall be established in the swale if it will increase the percolation rate, without significantly reducing storage volume and retention time.

In addition, excess fines shall not be placed in the mine pit that contain flocculants or that have not been washed of the flocculants prior to discharge to the mine pit. **Plan Requirements and Timing:** The design criteria for the percolation swale shall be indicated on the final plans for the Processing Area which shall be submitted to P&D for review and approval prior to issuance of a Land Use Permit. **Monitoring:** P&D shall review and approve the annual mining plans that include the percolation swale and shall conduct visual inspections of the swale throughout the life of the permit.

#### Geologic Hazards

8. **Mine Pit Design Modifications.** The mining plan shall be modified per the recommendations in the Hilltop Geotechnical Slope Geological Report, summarized as follows: 1) the width of benches on exterior mine slopes shall be reduced to 20 feet; 2) the width of access roads on exterior mine slopes shall be reduced to 40 feet; 3) no mining shall occur below the water table; and 4) the mine pit shall not be dewatered by pumping for the purposes of resuming mining operations – mining shall only resume after natural drawdown. **Plan Requirements and Timing:** The modifications to the proposed mining plan shall be clearly indicated on the final plans submitted to P&D for review and approval prior to issuance of a Land Use Permit. **Monitoring:** P&D shall review and approve the annual mining plans that include the slope conditions and shall conduct visual inspections of the mine slopes throughout the life of the permit.

#### Groundwater and Water Use

No Conditions

**Biological Resources**

9. **Riverbank Restoration Timing.** The proposed riverbank restoration shall be completed and meet the performance criteria within five years of Land Use Permit issuance or before 20 acres are disturbed in the mine pit, whichever comes first. Annual status reports shall be submitted to the County Planning and Development Department (P&D) until the restoration has been completed. **Plan Requirements and Timing:** The applicant shall submit a stand alone riverbank restoration plan, separate from the mine reclamation plan, to P&D for review and approval within 6 months of Land Use Permit issuance. The plan shall include the above requirement. **Monitoring:** P&D shall review the annual status reports on the progress of the riverbank restoration, as part of annual inspections required by SMARA.
  
10. **Stream Terrace Revegetation.** The disturbed portions, estimated to be about 5.35 acres, of the stream terrace adjacent to the river channel (see EIR Figure 3-19) shall be enhanced and restored to provide native alluvial scrub habitat for wildlife use during the life of the permit. The applicant shall submit a restoration plan to P&D for review and approval. The plan shall indicate the enhancement and restoration areas and describe habitat objectives, restoration methodology, performance criteria, and implementation schedule. The overall objective is to reduce the amount of non-native weeds and increase native shrub cover (using species common to alluvial scrub) in order to enhance conditions for wildlife use. The enhancement and restoration plan shall be independent of the mine reclamation plan. The plan shall include removal of all saltcedar from the stream terrace, including the top of bank areas adjacent to the agricultural field. Saltcedar shall be removed during the period of July through February to avoid disruption of any breeding birds. Cottonwood trees shall be planted in patches in suitable locations on the bank or at the toe of the bank between the stream terrace and agricultural field to provide bird roosting habitat. These restoration activities shall be completed within seven years of Land Use Permit issuance. **Plan Requirements and Timing:** The applicant shall submit a stand alone restoration plan, separate from the mine reclamation plan, to P&D for review and approval within 6 months of Land Use Permit issuance. **Monitoring:** P&D shall review the annual status reports on the progress of the restoration in conjunction with annual inspections required by SMARA.
  
11. **Blunt Nosed Leopard Lizard Protection.** The 16.87-acre stream terrace to be protected for blunt-nosed leopard lizard shall be maintained in a protected state during the life of the permit, which shall include measures to prevent unauthorized use by off-road vehicles, dumping, or other habitat damaging activities. No new roads shall be

constructed in the area, and no equipment or stockpiles shall be placed within the boundaries. The area shall remain in a protected state until the County has determined that the mining pit and processing area have been fully reclaimed in accordance with the approved reclamation plan and SMARA and County requirements. **Plan Requirements and Timing:** The applicant shall submit a plan describing the boundaries of the protected area, and management actions to meet the above requirements. The plan shall be submitted to P&D for review and approval within 6 months of Land Use Permit issuance. **Monitoring:** P&D shall review the condition of the protected area during the annual SMARA site inspections.

12. **Ground Clearance Phasing.** To minimize the rate and extent of habitat loss as the mine pit is developed, the areas outside the active mine pit shall not be cleared, graded, or otherwise disturbed until such time that excavation is scheduled to begin in these areas. The applicant shall use the proposed perimeter flagging to delineate the boundary of the active mine, haul road, and low flow diversion berm. The applicant shall instruct all equipment operators to remain within the boundary. The applicant shall submit an up-to-date map of the active mine pit and haul road to P&D each year. **Plan Requirements and Timing:** The applicant shall submit an annual mining and haul route plan to P&D for review and approval which would show the location of the active mine mining area. **Monitoring:** P&D shall review the annual mining and haul route plan, as well as conduct visual inspections of the mining operations during the annual SMARA site inspections.
13. **Ground Disturbance Minimization.** The applicant shall minimize the disturbance zone associated with the construction and maintenance of low flow diversion berm surrounding the mining pit by employing grading methods that avoid extensive equipment movement in the river channel. Earthwork and equipment travel associated with the construction and maintenance of the berms shall not occur outside the project site boundaries. **Plan Requirements and Timing:** The applicant shall submit an annual mining and haul route plan to P&D for review and approval which would show the location of the low flow diversion berm and describe the construction and maintenance methods. **Monitoring:** P&D shall review the annual mining and haul route plan, as well as conduct visual inspections of the mining operations during the annual SMARA site inspections.
14. **Haul Road Alignment.** The haul road to the mine pit shall be sited in such a manner as to reduce the number of re-alignments required as the mine pit becomes larger. If possible, the initial haul road alignment shall be maintained throughout the duration of the Phase 1 mining in order to avoid unnecessarily disturbing river channel habitats prior to the expansion of the mine pit during Phase 2. **Plan Requirements and Timing:** The applicant shall submit an annual mining and haul route plan to P&D for review and

approval which would show the location of the haul road. **Monitoring:** P&D shall review the annual mining and haul route plan, as well as conduct visual inspections of the mining operations during the annual SMARA site inspections.

15. **Weed Control.** The applicant shall manage aggressive non-native weeds that may periodically colonize the low flow diversion berm. Aggressive noxious species, such as Russian thistle and star thistle, shall be removed on an on-going basis using a combination of mechanical means and herbicide application. The cover of non-native aggressive weeds shall not exceed 20 percent of the total plant cover on the berms during the life of the permit. Herbicides shall only be used to manage weeds if: 1) approved aquatic herbicides are used, such as AquaMaster; 2) herbicides are not applied to open water, on saturated ground, or during the winter season when flows could remove applied herbicides (December 1 through April 1); 3) Best Management Practices (BMPs) are employed to reduce the amount of applied herbicide, including the BMPs associated with the state-wide aquatic pesticide permit; 4) a weed management plan with the selected BMPs is submitted to, and approved by, Planning & Development prior to issuance of the Land Use Permit; and 5) the applicant has acquired the required state and federal permits and approvals for the application of herbicides. **Plan Requirements and Timing:** The applicant shall submit a weed management plan to P&D for review and approval prior to the issuance of a Land Use Permit. Annual reports on the status of weed cover on the low flow diversion berm shall be submitted to P&D for review and acceptance. **Monitoring:** P&D shall review the annual weed status reports, as well as conduct visual inspections of the low flow diversion berm conditions during the annual SMARA site inspections.
16. **Night Lighting Minimization.** Nighttime lighting on the southern perimeter of the Processing Area shall be shielded and directed to reduce light impingement on the habitat area located south of, and adjacent to, the Processing Area. **Plan Requirements and Timing:** Information on the lighting at the Processing Area shall be included in final plans to be submitted to P&D for review and approval prior to issuance of a Land Use Permit. **Monitoring:** P&D shall conduct visual inspections of the Processing Area throughout the life of the permit, as necessary, to verify compliance.
17. **Haul Road Speed Limit.** A 15-mph speed limit shall be enforced on the access road from the Processing Area to the boundary of the mine pit, wherever it is located at the time. The speed limit shall be posted in both directions, and all haul truck operators shall be informed of the limit which is designed to reduce dust and collisions with wildlife. **Plan Requirements and Timing:** Speed limit signs shall be indicated on the final plans for the mine and Processing Area which shall be submitted to P&D for review and approval prior to issuance of a Land Use Permit. **Monitoring:** P&D shall conduct visual inspections of the project site throughout the life of the permit, as necessary to verify

compliance. Annual SMARA inspections shall confirm that speed limit signs are in place as required.

18. **Wildlife Movement Corridor Setback.** The mining plan shall be modified to include a 75-foot setback from the toe of the east river bank to the low flow diversion berm, blunt-nosed leopard lizard exclusionary fence, or the top of the mine pit slopes (whichever comes first). This corridor shall be managed as open space with native alluvial scrub. It will allow wildlife to continue to travel uninterrupted through the project site on the east side of the river. No roads or vehicle access shall be allowed. In addition, the proposed blunt-nosed leopard lizard undercrossing for the mine pit access road (see Section 2.5.1) shall be installed and maintained (even if future studies indicate that the lizard is not present at the project site) in order to provide passage across the road for all reptiles and small mammals. **Plan Requirements and Timing:** The setback shall be indicated on the final plans for the mine and Processing Area which shall be submitted to P&D for review and approval prior to issuance of a Land Use Permit. The setback shall also be shown on the appropriate annual mining plans also submitted to P&D for review and approval. **Monitoring:** P&D shall review and approve the annual mining plans that include the setback, and shall conduct visual inspections of the project site throughout the life of the permit.
  
19. **Blunt Nosed Leopard and Coast Horned Lizard Surveys.** The applicant shall conduct field investigations to determine if the blunt-nosed leopard lizard or coast horned lizard is present in the river channel or other areas to be disturbed at the project site. The field investigations shall be conducted by a qualified biologist approved by Planning & Development, using survey protocols approved by the US Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG). The field investigations shall occur during each of the first five years of project operations. The results shall be provided to Planning & Development and USFWS and CDFG for review and acceptance. If the results demonstrate that lizards are absent from the river channel and unlikely to ever be present, Planning & Development will consult with USFWS and CDFG to determine if the use of exclusionary fence around the mine pit is still considered necessary. Planning & Development shall amend the conditions of approval related to the fencing in this situation. If the results indicate that blunt-nosed leopard lizards or coast horned lizards are present in the river channel areas to be mined or other areas to be disturbed, the applicant shall acquire necessary permits and approvals from USFWS and CDFG to remove and relocate lizards from areas to be mined or disturbed. The applicant shall provide Planning & Development with a copy of an approved lizard relocation plan and necessary permits prior to implementation. **Plan Requirements and Timing:** The applicant shall submit the results of the annual blunt-nosed leopard lizard and coast horned lizard surveys during the first five years of operations, including any

correspondence with USFWS and CDFG. A final report and recommendation shall be included in the last report, including any correspondence or communication with USFWS and CDFG. **Monitoring:** P&D shall review the recommendations in the last report and make or recommend appropriate amendments to permit conditions.

20. **Blunt Nosed Leopard Lizard Protection Area Modifications.** The applicant-proposed exclusionary fence around the blunt-nosed leopard lizard protection area adjacent to the mine site shall be modified as follows. A permanent fence shall not be placed around the blunt-nosed leopard lizard protection area as planned. Instead, the exclusionary fence to prevent blunt-nosed leopard lizards from entering the mine pit or crossing the access road to the mine pit shall be placed along the perimeter of these work areas, and shall be moved as necessary as the mine pit is enlarged and the access road location is moved. This approach will allow blunt-nosed leopard lizards to move freely between the river channel and the protected area, as shown on EIR Figure 3-21 for the Phase 1 mining layout. The exclusionary fence shall be temporarily removed during the period December 1 through April 1 of each year in locations that may be susceptible to winter river flows. The exclusionary fence shall also be placed along the perimeter of the Processing Area, if the survey results from Mitigation Measure BIO-11 indicate a need. **Plan Requirements and Timing:** The location and description of the exclusionary fence and guidelines on annual placement shall be included in the final plans for the mine and Processing Area to be submitted to P&D for review and approval prior to issuance of a CUP. **Monitoring:** P&D shall review and approve the annual mining plans that include the locations of all exclusionary fencing, and shall conduct visual inspections of the fencing throughout the life of the permit, as necessary to verify compliance.

#### **Traffic and Circulation**

21. **Ojai Area Peak Hour Trip Exclusion.** Truck operations that involve travel on State Route 33 south of Highway 150 shall be restricted as follows: 1) No southbound truck trips shall be allowed at this location during the a.m. peak period (6:30 – 9:00 a.m.) during Monday through Saturday; and 2) No northbound truck trips shall be allowed at this location during the p.m. peak period (3:30 – 6:00 p.m.) during Monday through Saturday. **Plan Requirements and Timing:** The proposed mining plan shall include this condition. **Monitoring:** The applicant shall maintain daily records of all southbound truck trips on State Route 33 (both applicant-owned and independent truckers) indicating the departure time and date, with clearly noted prohibited times for departures that would result in truck traffic during these hours. The County shall inspect these records as part of the annual SMARA compliance inspection, or at any other time, to determine compliance. The applicant shall provide a phone number for complaints and maintain these phone records for review by the County, per Condition TR-3.



22. **State Route 33 Turn Lane.** The applicant shall design and construct a northbound left-turn lane on State Route 33 at the entrance to the project site. The applicant shall coordinate as necessary with Caltrans to acquire the necessary approvals for this facility. The turn lane shall be completed prior to initiation of contract sales of material from the processing operations. **Plan Requirements and Timing:** The proposed mining plan shall include this facility, including evidence of Caltrans engineering and right of way approvals. **Monitoring:** Completion of the left turn lane to be verified by P&D staff no later than the second annual SMARA compliance inspection after issuance of the use permit.
23. **Traffic Safety Requirements.** The following measures shall be implemented to increase truck safety along State Routes 33 and 166:
- a. All applicant-owned trucks and independent truckers shall use headlights during the day when traveling to and from the project site along State Routes 33 and 166 (from Santa Maria to Ventura).
  - b. During the school year, truck trips on State Route 33 in Ojai shall be prohibited from the following time periods to avoid conflicts with pedestrians and drivers at Nordhoff High School in Ojai during lunch and afternoon breaks: 7:00 a.m. to 8:00 a.m., and 2:30 p.m. to 3:15 p.m.
  - c. Trucks shall be prohibited from parking, staging, or queuing along State Route 33 shoulders.
  - d. Truck caravans to and from the mine site on State Route 33 south of the project site shall be prohibited.
  - e. The applicant shall post and maintain a phone recording complaint line for residents to report possible violations. Trucks owned by the applicant shall be readily identifiable by a placard with a unique number that is sized and located on all four sides of the vehicle in order to be clearly visible to individuals wishing to make a complaint against an individual driver. Since the applicant has no direct control over the vehicles used by independent truckers, the applicant shall use the truck trip logs and the complaint logs (i.e., especially the time and date) to identify truckers against whom a complaint has been made and to resolve complaints.

**Plan Requirements and Timing:** The provisions listed in TR-3 shall be included in the plans submitted at the land use permit stage. **Monitoring:** The applicant shall post these conditions and provide copies to all truckers (both applicant-owned and independent truckers). The applicant shall maintain daily records of all truck trips along State Routes 33 and 166 indicating the departure time and date, with clearly noted prohibited times for

departures and prohibited parking locations. The applicant also shall maintain records of the phone complaint line. The County shall inspect these daily records and verify that all conditions are posted as part of the annual SMARA compliance inspection, or at any other time, to determine compliance.

### Noise

24. **On-Site Noise Attenuation Measures.** To reduce impacts of mining operations on nearby residential receptors, the following noise attenuation measures shall be implemented:
- a. Sound barriers at least 10 feet high shall be installed along the southern property line adjacent to the Processing Area to reduce noise emissions from truck loading and movements in the Processing Area that would affect the nearby residences at the Los Padres National Forest Ventucopa Work Camp, particularly at night. The preferred sound barrier would be constructed of landscaped berms, but other materials may be acceptable if the berms are infeasible. The proposed site layout shall be modified to provide for the barriers. An example is provided on EIR Figure 3-35.
  - b. Machinery associated with crushing and screening at the Processing Area shall use electric motors or have manufacturer's mufflers and other noise reduction measures to minimize noise levels on diesel engines. Localized barriers or curtains shall be used to shield and reduce noise levels from truck loading activities.
  - c. Trucks shall be prohibited from parking, staging, or queuing along State Route 33 shoulders at or near the entrance of the Processing Area.
  - d. The use of jake brakes shall be prohibited when entering the Processing Area.

**Plan Requirements and Timing:** Locations of noise producing equipment and noise barriers/details shall be shown on the Land Use Permit. Equipment and shielding shall remain in the designated locations throughout the operation of the project. **Monitoring:** Permit Compliance shall perform site inspections to ensure compliance.

25. **Traffic Noise Reduction Measures.** To reduce noise impacts of haul trucks on residential receptors along State Route 33 from the project site to Lockwood Valley Road, the following noise attenuation measures shall be implemented:
- a. Truck trips on State Route 33 south of the project site on Sundays shall be limited on Sundays to 11:00 a.m. to 6:00 p.m. Exceptions may be granted on a case by case basis by the County P&D Director and shall be limited to situations of

emergency construction or repairs by Caltrans or utility companies, or other similar situations that may warrant an exception for the public interest.

- b. No more than 33 percent of the allowable daily truck trips shall occur during the period 10:00 p.m. to 5:00 a.m. Exceptions may be granted on a case by case basis by the County P&D Director and shall be limited to situations of emergency construction or repairs by Caltrans or utility companies, or other similar situations that may warrant an exception for the public interest.
- c. Trucks shall be prohibited from parking, staging, or queuing along State Route 33.
- d. Truck caravans to and from the mine site on State Route 33 south of the project site shall be prohibited.
- e. The use of jake brakes shall be prohibited on applicant-owned and independent trucks between Ozena and the project site.
- f. The applicant shall post and maintain a phone recording complaint line to report possible violations of these restrictions by residents. Trucks owned by the applicant shall be readily identifiable by a placard with a unique number that is sized and located on all four sides of the vehicle in order to be clearly visible to individuals wishing to make a complaint against an individual driver. Since the applicant has no direct control over the vehicles used by independent truckers, the applicant shall use the truck trip logs and the complaint logs (i.e., especially the time and date) to identify truckers against whom a complaint has been made and to resolve complaints.

**Plan Requirements and Timing:** Conditions shall be included as conditions of approval for Use Permit. Conditions shall remain applicable throughout the life of the project.

**Monitoring:** Permit Compliance to conduct inspections and respond to complaints to ensure compliance.

#### Air Quality

26. **Dust Control.** The following measures would reduce fugitive dust emissions during the construction of the Processing Area facilities. They are based on the standard dust mitigation measures of the APCD.
  - a. Areas subject to clearing, grading, earth moving or excavation shall be kept sufficiently moist, through use of either water trucks or sprinkler systems, to prevent dust from leaving the site. Water trucks or sprinkler systems shall also be used to keep on-site roads (paved and unpaved) damp enough to prevent dust

raised from leaving the site. At a minimum, this shall include wetting down these areas in the late morning and after work is completed for the day. At the end of the day, areas with disturbed soil shall be sufficiently moistened to create a crust. Increased watering frequency shall be required whenever the wind speed exceeds 15 mph. These areas must also be kept moist during weekends and days when no construction activities are occurring.

- b. Stockpiles and barren areas at the project site that would be disturbed on a periodic basis (at least once every 5 days) shall be kept sufficiently moist by the use of water trucks or sprinklers to prevent dust from leaving the site.
  - c. Stockpiles and barren areas at the project site that would remain undisturbed for more than 5 days shall be stabilized by the use of tackifiers, soil binders, or other measures. These stabilization agents shall be replenished throughout the dry season on an as-needed basis to prevent dust emissions.
  - d. On-site vehicle speeds shall be limited to 15 miles per hour or less.
  - e. Gravel pads or similar devices shall be installed at the project entrance to prevent tracking of mud on to public roads.
  - f. Highway 33 shall be inspected daily (midday and at the end of the day) during periods of truck hauling to determine if there is an accumulation of silt on the road that could cause fugitive dust. The highway shall be kept clean of such silt by the use of a street sweeper or watering truck.
  - g. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
  - h. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to initiation of construction. All dust control requirements shall be shown on grading and building plans.
27. **On-Site NO<sub>x</sub> Emission Reduction.** The following measures would reduce NO<sub>x</sub> emissions from construction equipment and associated truck trips during the construction of the Processing Area facilities. They are based on the standard mitigation measures of the APCD.
- a. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) should be utilized wherever feasible.

- b. The engine size of construction equipment shall be the minimum practical size.
- c. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- d. Construction equipment shall be maintained in tune per the manufacturer's specifications.
- e. Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
- f. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- g. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available and if determine to be reasonable and feasible by P&D.

**Plan Requirements and Timing:** these requirements shall be noted on all plans. Plans are required prior to approval of a Land Use Permit. **Monitoring:** Grading inspector shall perform periodic site inspections.

28. **Truck Transportation NO<sub>x</sub> Emission Reduction.** Daily truck trips at any time of the year shall not exceed 100 trips (50 exit loads) in order to reduce vehicular emissions below the County and APCD impact threshold for on-road NO<sub>x</sub>. This limitation may be adjusted upwards if the County Planning & Development and County APCD approve an applicant-prepared haul truck emissions mitigation plan that demonstrates that higher daily truck volumes would not exceed the 25 lbs/day threshold in Santa Barbara County. This measure does not limit the total annual production directly, but would likely reduce the total annual production to about 540,000 tons per year due to limitations on truck size. The 100 truck trip limitation does not apply to the concrete recycle operations. However, the maximum annual concrete recycle deliveries shall not exceed 25,000 tons per year in order to ensure additional emissions are not created. **Plan Requirements and Timing:** These measures are to be included as conditions of approval for the Use Permit. **Monitoring:** Project applicant shall maintain logs of truck trips and production, and Permit Compliance shall periodically inspect, to ensure compliance.
29. **Diesel Exhaust Reduction.** In order to minimize diesel exhaust from on-site operations and minimize cancer risk, the project shall incorporate a combination of measures to achieve at least an 85 percent reduction in diesel exhaust particulate matter. One or more of the following methods may be uses:
- a. Purchasing new engines/equipment (Tier 2 or better)

- b. Adding controls to existing equipment (diesel particulate filters)
- c. Electrification
- d. Other methods

**Plan Requirements and Timing:** The applicant shall prepare a revised health risk assessment based on the final inventory of engines to be operated and current Health Risk Assessment Guidelines, for review and approval by the County prior to issuance of the Land Use (grading) Permit. **Monitoring:** Periodic inspection of proposed equipment

#### Visual Resources

30. **Landscape Berm Maintenance.** The applicant shall develop and implement a monitoring and maintenance plan for the landscaping on the screening berms, and along the southern property boundary, to ensure the growth and health of the landscaping. **Plan Requirements and Timing:** The applicant shall submit a landscape monitoring and maintenance plan to County Planning & Development for review and approval prior to issuance of a land use permit. The plan shall include irrigation, fertilizing, pruning, and dust removal scheduling, and any other identified maintenance needs to ensure optimal growth. The plan shall include growth and survival performance goals for the trees for the life of the permit, including contingency plans to replant diseased or stressed trees. **Monitoring:** Installation and maintenance of the screening landscaping shall be included in the annual SMARA mine inspections by the County.
31. **Additional Processing Area Screening.** Additional screening shall be provided on the south side of the Processing Area to screen views from northbound viewers on State Route 33. The applicant shall modify the site layout (if necessary) and landscaping plan to provide a windrow of irrigated perennial trees between the haul road and the southern property boundary that extends at least 500 feet from State Route 33. The screening trees may include non-invasive ornamentals if no native trees would be effective in this application and location. Tamarisk shall not be used. See Mitigation Measure NS-1, Item (1) and Figure 3-35 for noise attenuation berms on the southern boundary that may provide visual screening under this measure. **Plan Requirements and Timing:** The final site layout and landscaping plans shall incorporate the additional screening landscaping and shall be submitted to County Planning & Development for review and approval prior to issuance of a land use permit. **Monitoring:** Installation and maintenance of the screening landscaping shall be included in the annual SMARA mine inspections by the County.
32. **Project Area Lighting.** Lighting installed at the Processing Area shall have a low glare design, and shall be hooded to direct light downward onto specific areas of the Processing Area. Light fixtures shall be shielded so that neither the lamp nor the related reflective interior surface shall be directly visible outside the Processing Area, and light

levels at the perimeter of the Processing Area shall not exceed 0.5 foot candles. **Plan Requirements and Timing:** The applicant shall submit a lighting plan to County Planning & Development for review and approval, specifying the height, location, and intensity of all site lighting. An arrow should be included for each light fixture which indicates the direction of light being cast by such fixture. The plan shall also include a time management component which calls for the reduction of lighting to minimal security levels when there are no nighttime operations. The plan shall be submitted to County Planning & Development for review and approval prior to issuance of a land use permit. **Monitoring:** Ensuring the proper installation and use of lighting fixtures shall be included in the annual SMARA mine inspections by the County.

Deleted: property boundary

### Cultural Resources

33. **Resource Discovery.** In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements and Timing:** This condition shall be printed on the construction and mining plans. **Monitoring:** County Planning & Development staff shall check mining plans prior to approval of the land use permit.

### Agriculture

No Conditions

### Project Specific Conditions

34. **Limitations on Project-Generated Truck Trips.** Truck traffic to and from the Diamond Rock project site shall be prohibited through Ojai, unless:
- a. New information is presented relative to operations and related truck traffic volumes which increases those volumes into Santa Barbara County from Ventura County.
  - b. A multi-agency agreement or Memorandum of Understanding which can include Santa Barbara County, Ventura County, Kern County and San Luis Obispo County is established which sets forth equitable and mutually agreeable trip distribution patterns for mine-related truck traffic on State Route 33.
  - c. Should future southbound truck trips be allowed through Ojai, the average daily project-generated number of truck trips through the Ojai area shall be limited so

that the five pounds per day air quality threshold for the Ojai Planning Area is not exceeded. The average number of project-related trucks allowed through the Ojai area per day shall be based on an applicant-prepared haul truck emissions assessment approved by P&D. The emissions assessment may be updated from time to time over the life of the mine project to reflect reasonable assumptions regarding current haul truck fleet age characteristics.

- d. Prior to allowing truck trips associated with the Diamond Rock mine to travel north or south on SR 33 through the Ojai area pursuant to the requirements of Condition No. 34, or to increase truck traffic in accordance with the requirements of Condition 34c, the project applicant shall file an application to modify the project's Conditional Use Permit. Planning & Development shall provide copies of the permit modification application to the Ventura County and City of Ojai Planning Departments. The application to modify 03CUP-00000-00037 shall be considered by the Santa Barbara County Planning Commission at a publicly noticed hearing. Notice of said hearing shall also be provided to the Ventura County and City of Ojai Planning Departments, and notices shall be provided in a newspaper of general distribution in the Ojai area in accordance with Santa Barbara County noticing procedures.
35. **Project-Generated Truck Traffic Monitoring.** Daily weight receipt records for material hauling trucks leaving the project site shall be made available for inspection by the County. The weight receipts shall also indicate the origin location of the truck, destination of the truck, and the time it left the project site. The permittee shall keep at least the previous 365 days weight receipts on file at the project at all times.
36. **Regional Permit Monitoring Program.** Upon the effective date of a permit monitoring condition imposed by the County of Ventura on aggregate mines in Ventura County, the permittee shall participate in a permit monitoring program developed by the County Ventura and the County of Santa Barbara for the purpose of uniform permit condition monitoring by both jurisdictions. The program shall apply to this project as well as other relevant projects in both counties (i.e., mines for which at least 50% of the traffic uses State Route 33).

In regard to truck monitoring, the joint monitoring program may include, but is not limited to, the following elements:

- a. Traffic monitoring devices (counter hoses, etc) at or near the project entrance that record the timing and/or identification of trucks arriving and departing the project.
- b. Use of public employees or consultants hired by the count(ies) to monitor and record truck movements in Ventura, Santa Barbara, Kern and/or San Luis Obispo Counties.



- c. Review on demand the project weigh tickets as requested by public employees or County authorized consultants. Toward this end, the permittee shall keep at least the previous 365 days weigh tickets on file at the project at all times.

The cost of this program, including any consultant or County staff costs, shall be borne by the participating projects based on their pro rata share of the total mining traffic (i.e. previously permitted trips and any additional trips approved by this or future modifications to this permit) generated by the participating projects.

37. **Truck Identification.** Upon the effective date of a truck identification condition imposed by the County of Santa Barbara on aggregate mines in Ventura County, the permittee shall participate in a truck identification program developed jointly by the mine operators, the County of Santa Barbara and the County of Ventura that allows easy determination of what mine the truck is utilizing. The program shall apply to product or delivery trucks traveling to, or leaving from, the site. This identification system only applies to trucks being used by customers with accounts on file with the project.

The purpose of this condition is to develop a unified vehicle identification program for mining projects in Santa Barbara and Ventura that allows designated condition compliance monitors (see Condition 36) or members of the public to easily identify the mine the truck is utilizing. Such identification will help to monitor condition limits on numbers of truck-trips, designated routes, and/or permitted hours of operation for some of the mines in the two counties.

The cost of this program, including any materials, consultant and/or County staff costs, shall be borne by the participating projects based on their pro rata share of the total traffic (i.e. previously permitted trips and any additional trips approved by this or future modifications to this permit) generated by the participating projects.

38. **Annual Report.** As part of the SMARA Annual Status Report [LUDC 35.82.160.H.1.b(9)] the permittee shall prepare and submit to the County and Conditional Use Permit compliance report that describes how all conditions and mitigation measures of this permit are being implemented, any problems with such implementation, and the proposed resolution of identified problems.

39. **Landscape Plan and Performance Securities.** Landscape plans for the proposed screening berms along State Route 33 shall be provided. **Plan Requirements/Timing:** All landscape plans shall be reviewed by P&D and BAR prior to approval of a Land Use Permit. Two performance securities shall be provided by the applicant prior to approval of a Land Use Permit, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for five (5) years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans

may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in sections (a). If plants and irrigation have been established and maintained, P&D may release the maintenance security 5 years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another 5 years. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:

- a. Installation of all landscaping and irrigation with timers in accordance with the approved landscape plan prior to occupancy clearance.
40. **Water Quality Permit.** The applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. **Plan Requirements and Timing:** Prior to approval of a Land Use Permit the applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. The objective of the SWPPP shall be to demonstrate that the proposed project would not result in a net increase in sediment discharges from the project site. A copy of the SWPPP must be retained on the project site during mining activities.
  41. **Streambed Alteration Agreement Required.** No alterations to the channel or banks of the Cuyama River shall be permitted until the Department of Fish and Game has issued a Streambed Alteration Agreement. **Plan Requirements and Timing:** A copy of the approved Streambed Alteration Agreement shall be provided to Planning and Development prior to approval of a Land Use Permit.
  42. **404 Permit Required.** Prior to approval of a Land Use Permit for project-related grading or fill activity activities within the Cuyama River, the applicant shall obtain a U.S. Army Corps of Engineers 404 permit. **Plan Requirements and Timing:** A copy of the approved 404 Permit shall be provided to Planning and Development prior to approval of a Land Use Permit.
  43. **401 Certification Required.** Prior to approval of a Land Use Permit, the applicant shall obtain a 401 Water Quality Certification from the Regional Water Quality Control Board. **Plan Requirements and Timing:** A copy of the approved 401 Water Quality Certification shall be provided to Planning and Development prior to approval of a Land Use Permit.
  44. **Project Site Appearance.** Mining operations shall be conducted in a neat and orderly manner, free from junk, trash, or unnecessary debris. Where in public view, salvageable

equipment stored in a non-operating condition shall be suitably screened or stored in an enclosed structure.

45. **Revised Reclamation Plan.** Prior to submittal of the proposed reclamation Plan to the California Office of Mine Reclamation for review and comment, the project applicant shall submit a revised reclamation plan that is consistent with the approved project description and conditions or approval.

#### **Conditional Use Permit Conditions**

46. This Conditional Use Permit is not valid until a Land Use Permit for the development and/or use has been obtained. Failure to obtain said Land Use Permit shall render this Conditional Use Permit null and void. Prior to the issuance of the Land Use Permit, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to approval of Land Use Permits must be satisfied. Upon issuance of the Land Use Permit, the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of expiration of the appeal period, or if appealed, the date of action by the Board of Supervisors.
47. If the Planning Commission determines at a noticed public hearing that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of Sec. 35.82.060 of the LUDC, the Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.
48. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Land Use Permit issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit.
49. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.
50. Within 18 months after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until a Land Use Permit has been issued. Failure to commence the construction and/or use pursuant to a valid Land Use Permit shall render the Conditional Use Permit null and void.
51. All time limits may be extended by the Planning Commission for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.

52. The operator and owner are responsible for complying with all conditions of approval contained in this Conditional Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.
53. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of issuance of a Land Use Permit.
54. This permit is issued pursuant to the provisions of Section 35.82.060 of the LUDC and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:
  - a. If any of the conditions of the Conditional Use Permit are not complied with, the Planning Commission, after written notice to the permittee and a notices public hearing, may in addition to revoking the permit, amend, alter, delete or add conditions to the permit at a subsequent public hearing noticed for such action.
  - b. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.
  - c. Said time may be extended by the Planning Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.
55. **Additional Permits Required.** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Land Use Permit from Planning and Development. This Permit is required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
56. **Signed Agreement to Comply Required.** Prior to approval of Land Use Permits for the project, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.

57. **Compliance with Departmental letters required as follows:**
- a. Flood Control dated May 17, 2006.
  - b. Public Health dated May 22, 2007.
  - c. Santa Barbara APCD dated May 29, 2007.
58. **Print & illustrate conditions on plans.** All applicable final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
59. **Mitigation Monitoring required.** The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
  - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
  - c. Pay fees prior to approval of a Land Use Permit as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
60. **Fees Required.** Prior to issuance of a Land Use Permit, the applicant shall pay all applicable P&D permit processing fees in full.
61. **Indemnity and Separation Clauses.** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Conditional Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

62. **Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

DIANNE BLACK, ZONING ADMINISTRATOR

FOR:  
JOHN BAKER, DIRECTOR

\_\_\_\_\_  
Date

**Diamond Rock Mine Reclamation Plan 03RPP-00000-00002**  
**APNs: 149-220-002; -011; & -065**

**Project Description**

1. This Reclamation Plan is based upon and limited to compliance with the project description presented below, the Reclamation Plan dated June 15, 2003, as amended below, and the conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the reclamation plan and/or further environmental review. Deviations without the above described approval would constitute a violation of reclamation plan approval.

**The project description is as follows:**

**River Bank Restoration**

Bank Stabilization. The eastern riverbank has historically been disturbed by various erosion control measures such as tree planting, placement of riprap and old automobiles, and the establishment of berms. Tree planting included Tamarix ramosissima (saltcedar, an invasive species) and Populus fremontii (cottonwoods, a desirable species). Some of the cottonwoods are now 30 feet in height while others have not received regular irrigation and are under stress or have already died.

The applicant would restore a 1,400-foot long portion of the eastern river bank containing buried cars (see Exhibit K) within the first five years of operation. Buried automobiles would be removed and disposed offsite in compliance with local ordinances and other applicable regulations, including those of Santa Barbara County Department of Environmental Health Services. The riverbank would be reconstructed, as necessary, into a stable configuration. The bank would be graded to match the elevation of the existing adjacent bank with a 2- to 4-foot-wide top. The overall slope of the riverbank would be no greater than 3:1 (H:V), unless the use of rip-rap is permitted in the construction. The bank would be constructed of on-site materials, free of debris.

Revegetation – Trees. Existing saltcedar would be removed and an eradication program implemented to ensure they do not become re-established. Existing cottonwood currently growing on or near the riverbank would be retained, as feasible. Additional cottonwood trees (1- or 5-gallon) would be planted on 20 to 30 foot centers along the top of the riverbank or near the toe of the restored bank.

**Revegetation – Seeding.** Native shrubs and herbs from the region would be established on the stabilized banks by seeding. The preliminary list of plants to be seeded is presented in Table 6.

**TABLE 6  
RIVERBANK RESTORATION SEEDING PRESCRIPTION**

Scientific Name	Common Name	Percent of Mix	Drill Rate PLS 1 / Acre
<b>Shrubs</b>			
<i>Atriplex canescens</i>	Four-wing saltbush	5.00	2.00
<i>Atriplex polycarpa</i>	Cattle spinach	5.00	1.50
<i>Chrysothamnus nauseosus</i>	Common rabbitbrush	5.00	0.33
<i>Ephedra californica</i>	California ephedra	5.00	4.00
<i>Eriogonum fasciculatum</i>	California buckwheat	6.00	0.50
<i>Lepidospartum squamatum</i>	California scalebroom	12.00	0.75
<i>Lupinus excubitus</i>	Bush lupine	Trace	Trace
<i>Yucca whipplei</i>	Chaparral yucca	Trace	Trace
<b>Grasses</b>			
<i>Festuca californica</i>	California fescue	10.00	0.50
<i>Achnatherum hymenoides</i>	Indian ricegrass	30.00	6.75
<i>Nassella cernua</i>	Needle grass	10.00	0.50
<i>Achnatherum speciosum (Hesperostipa comata)</i> <sup>2</sup>	Desert needlegrass (Needle-and-Thread)	2.50	.36(1.75)
<b>Forbs</b>			
<i>Lasthenia glabrata</i>	Yellowray goldfields	Trace	0.25
<i>Lupinus bicolor</i>	Pigmy-leaved lupine	2.50	1.00
<i>Lupinus sparsiflorus</i>	Coulter's lupine	4.00	4.00
<i>Malacothrix californica</i>	Desert dandelion	2.50	0.25
<i>Oenothera californica</i>	California primrose	Trace	Trace
<i>Phacelia tanacetifolia</i>	Lacy Phacelia	0.25	0.25

PLS = Pure Live Seed

<sup>2</sup> *Achnatherum speciosum* may not be available commercially and there is no local seed source. This species will be replaced by *Hesperostipa comata* (Needle-and-Thread), which is found in the foothills of Central California and documented to be an excellent revegetation species (Wolfe and Associates, 1996, as referenced in the County approved Reclamation Plan for Southwest Ready Mix Ventucopa Rock Plant, now called General Production Services, 09-30-97).

All seeding would be conducted after the temporary drip irrigation system has been installed. After seed has been applied, clean straw would be placed over the seeded area at a rate of 2.5 tons per acre. Application would only occur when wind velocities are low enough to prevent blowing the seed or straw off the slope. A tackifier would be applied, as specified below, on the same day the seed and straw are applied. The material would



be mixed to form a slurry and applied with equipment equipped with a continuous agitation system of sufficient capacity to produce a homogeneous slurry.

Seeding would coincide with the late-spring rainy season. April and May are typically a good time to seed, although the final decision would be based on the weather conditions at the time of planting. It is often preferable to seed after the first rainfall when the ground is wet.

Irrigation would be used only as needed, although supplemental drip irrigation is expected to be necessary due to the semi-arid climate. Artificially supplied water would be slowly tapered off and would cease with cooler weather, usually in late-fall to early-winter. Additional water may be needed once or twice during extreme wind conditions if plants are experiencing critical wilt (i.e., a wilt that does not vanish or lessen with nightfall).

Prior to planting and seeding, all debris and any introduced weeds that have invaded the site would be removed. This can be accomplished by hand, since the area is relatively small.

All areas would be watered so that weed seeds that are already present in the soil would germinate. After germination, and when plants are in active growth, non-selective systemic herbicide (Roundup™ or equivalent) would be applied following manufacturer's specifications. This action would reduce the amount of weeds from the revegetation area prior to seeding with native plants.

Once irrigation is supplied, weeds from the soil and that are transported to the site by wind would compete with native plants for space and water. The presence of weeds could reduce extent of native seed germination. Hence, weeds would be controlled during the first growing season by the application of herbicide.

The success of the revegetation will be monitored for as many years as necessary to meet the performance criteria listed in Table 7 for two consecutive years without the use of supplemental irrigation and weed management.

#### **Mine Reclamation**

Under the proposed reclamation plan, the mining area in the Cuyama River would be returned to natural open space and the Processing Area would be returned to irrigated agriculture.

Upon termination of the mining operation, the mining pits that are present would be graded and contoured to reduce any slopes to a 2:1 (H:V) grade with an overall slope (including benches) no greater than 3:1 (H:V). The upstream low-flow berm would be removed and disturbed areas.

**TABLE 7  
 REVEGETATION PERFORMANCE CRITERIA**

<b>Seed Mix</b>	
Goal	Native vegetation attaining similar cover, density and composition as nearby undisturbed areas.
Performance Criteria	Cover: Native shrub cover greater than 5 percent. Density: Native shrub density equal to or greater than one shrub per square meter. Overall vegetative cover of at least 80 percent. Diversity: At least five native shrub species present within 100 linear feet.
Contingency Action	Reseed if density and/or diversity of native plants is low.
<b>Weeds</b>	
Goal	No interference with native plant establishment. Eradication of <i>Tamarix</i> sp. (saltcedar).
Performance Criteria	No weedy exotics present two years after irrigation is discontinued. No <i>Tamarix</i> sp. (saltcedar) present for two years.
Contingency Action	Hand weed or remove with chemical herbicide if weeds interfere with native plant establishment. Annually inspect for <i>Tamarix</i> sp. (saltcedar) and, when encountered, cut the <i>Tamarix</i> at ground level with loppers, chainsaws, and brushhooks and treat the stumps with an herbicide and procedures acceptable to the CDFG.
<b>Erosion</b>	
Goal	Erosion does not interfere with native plant establishment. Loss of topsoil from wind erosion is minimal.
Performance Criteria	No specific criterion.
Contingency Action	Repair erosion.

surrounding the mine pits would be graded to match adjacent riverbed contours. The mining pits would remain open until natural flooding and sediment transport processes have filled them with sediments.

The access road and ramp to the mine pit would be removed. In the riverbed, this road would be graded to match existing riverbed contours. The road across the agricultural field between the Processing Area and the mine pit would be restored to agricultural uses. Gravel and base material used to construct the road would be removed and hauled off site. Topsoil and fines from the stockpile located in the mine pit would be placed on the road bed.

The stockpiled sand and gravel would be sold. Processing equipment, fencing, conveyors and most piping would be dismantled and removed from the site. Equipment, the fuel storage tank, and all materials stored onsite would be removed. The water well, restroom, septic system, concrete water retention basins, and a minor amount of piping would be

retained to support agricultural uses on the property. Electrical service would be downsized to accommodate only that needed to support agricultural uses on the property.

The fines deposited in the water retention basins would be removed for proper use and/or disposal and the water retention basins retained for use by the landowner in support of agricultural uses. To facilitate fines removal, the ends of each basin would be sloped, approximately 3:1 (H:V), to permit the entry and exit of equipment. A chain link fence may be placed around the water retention basins for safety.

All base material and fines at the Processing Area would be removed. If the topsoil underlying the Processing Area is considerably deeper than the one foot removed, a six inch layer of sand would be applied, followed by the placement of topsoil stored in the landscape berm. This would restore the site to its original grade and subsequent ripping and tilling would prepare a suitable growing medium for carrot and other crops. If the topsoil underlying the Processing Area was not considerably deeper than one foot, it would be necessary to either recover and apply the topsoil placed on the agricultural field to the north, or import and apply the supplemental topsoil needed to restore the site to its original grade. Reclamation of the site would be complete when productive capability of the former Processing Area is equivalent or better than the pre-mining condition for two consecutive years.

Financial assurances approved by County and Office of Mine Reclamation would be posted for the life of the project to guarantee reclamation consistent with SMARA minimum verifiable reclamation standards. Once reclamation is completed to the satisfaction of the County, financial assurances would be released.

Final mine reclamation may also require additional habitat restoration measures that would be conditions of the 404 permit issued by the Corps of Engineers and the Streambed Alteration Agreement with the California Department of Fish and Game.

**A. Name and address of operator and agent**

<b>Owner</b>	<b>Operator</b>	<b>Agent/Engineer</b>
Triangle E Farms 2830 State Route 33 Maricopa, CA 93852	Troesh Materials, Inc. 305 Cuyama Lane Nipomo, CA 93444	West Coast Environmental 1838 Eastman Avenue Ventura, CA 93003

**B. Quantity and type of minerals for which the surface mining operation is to be conducted**

The Diamond Rock mine would extract sand and gravel from a pit located in the Cuyama River. The total volume of material proposed to be mined is estimated to be 9,213,300 cubic yards, or approximately 13.82 gross tons. Assuming seven

percent of the mined material will be unsuitable for sale as Portland cement concrete (PCC)-grade aggregate, the net total anticipated production is 12.85 million tons.

**C. Proposed dates for the initiation and termination of the mining operation**

At a proposed average extraction rate of 500,000 tons per year, the proposed mine could operate for approximately 27.7 years. Flooding of the mine pit by the Cuyama River and rising groundwater will periodically inundate some or all of the mining pit, which will limit or preclude mining operations. The project applicant has requested a 30-year permit to conduct mining operations.

**D. The maximum anticipated depth of the surface mining operation**

The maximum depth of the surface mine would be 90 feet below ground surface. Refer to Exhibit G (Mining Plan – Phase 1), Exhibit H, (Mining Plan-Phase 2), and Exhibit I (Mining Cross-Sections).

**E. Site Description**

1) Quarry Size

<u>APN</u>	<u>Parcel Size</u>	<u>CUP Area</u>
149-220-02	117.40	22.58
149-220-11	80.19	80.19
149-220-65	82.35	29.69
TOTAL	279.94	132.46

2) Legal description of the lands that will be affected by such operation

Refer to the legal description for the proposed project site included as Exhibit 2 in the June 15, 2003 Reclamation Plan.

3) A map that includes the boundaries and topographic details of such lands

The proposed project site plan (Planning Commission Exhibit E – Site Plan) depicts the project boundaries and topographic details of the project site.

4) A description of the general geology of the area

Refer to the June, 2003 Geologic Report by West Coast Environmental and Engineering, included as Attachment 4 of the June 15, 2003 Reclamation Plan.

5) A detailed description of the geology of the area in which surface mining is to be conducted.

Refer to the June, 2003 Geologic Report by West Coast Environmental and Engineering, included as Attachment 4 of the June 15, 2003 Reclamation Plan.

- 6) The location of all streams, roads, railroads, and utility facilities within, or adjacent to, such lands, the location of all proposed access roads to be constructed in conducting such operation

The proposed mining area is within the riverbed of the Cuyama River. The low-flow channel of the river is to the west of the proposed mining area. When the Cuyama River reaches flood stage, it fills the riverbed bank-to-bank, which will preclude mining activity. Deer Park Creek is a small ephemeral stream located north of the proposed material processing area that drains to the River.

Access to the project site is from State Route 33, and a 24-foot wide all-weather driveway would be provided to serve the project site. There are no railroads in the project area. Electrical service is provided by lines along State Route 33.

- 7) The names and addresses of the owners of all surface and mineral interest of such lands

Triangle E Farms  
2830 State Route 33  
Maricopa, CA 93852

- F. **A description of and plan for the type of surface mining to be employed and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.**

Refer to Conditional Use Permit 03CUP-00000-00037 condition of approval No. 1 for a description of proposed mine operations and phasing.

- G. **A description of the proposed use or potential uses of the land after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses:**

Proposed reclamation plans for the mine pit would allow it to fill with sediment and revegetate naturally. No subsequent uses for lands within the river have been identified. Mine-related equipment would be removed from the proposed Processing Area, topsoil removed from the area would be returned, and agricultural operations would be restored. The proposed reclaimed conditions would be similar to existing conditions at the project site. Therefore, the project site would be reclaimed in a

manner that would establish feasible end-uses that would be consistent with LUDC and the Comprehensive Plan.

All owners with possessory interest in the property subject to the Reclamation Plan 03RPP-00000-00002 have been notified as to the proposed uses of the land after reclamation.

**H. A description of the manner in which reclamation, adequate for the proposed use or potential uses will be accomplished.**

Refer to Reclamation Plan 03CUP-00000-0002 condition of approval No. 1, and the June 15, 2003 Reclamation Plan for a description of proposed mine reclamation activities.

**I. An assessment of the effect of implementation of the reclamation plan on future mining in the area:**

Reclamation of the mined lands would not have an effect on the potential future mining of other sites in the vicinity. Access to potential mining sites would not be impeded by the proposed final reclamation of the Diamond Rock mine site.

**J. A statement that the person submitting the plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan:**

In accordance with SMARA Section 2772, Triangle E Farms (owner) and Troesh Materials, Inc (operator) hereby accept responsibility for reclamation of the mined lands at the Diamond Rock mine in accordance with the approved Reclamation Plan.

(Signed statement available at the County of Santa Barbara)

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By James A. and Chris Wegis (owners), June 9, 2003

(Signed statement available at the County of Santa Barbara)

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By Stephen M. Troesh (operator), June 9, 2003

#### M. SMARA SECTION 2773.1, FINANCIAL ASSURANCES

The amount of financial assurance by bond, letter of credit or other methods will be assessed annually by the County of Santa Barbara based on disturbed acreage and reasonable costs to reclaim those areas to be disturbed in the succeeding year pursuant to SMARA.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as landscape plans) must be submitted for review and approval and shall be implemented as approved by the County.

#### Mitigation Measures from 05EIR-00000-00001

Refer to condition numbers 2-33 of Condition Use Permit 03CUP-00000-00037

#### Project Specific Conditions

34. **Disposition of Fines Material.** All fines shall be either; 1) removed from the site upon completion of operations or during site reclamation for disposal in an approved manner; or 2) mixed with native soil and used as backfill during the reclamation process and placed so that water infiltration or permeability is at least better than, or equal to, pre-mining conditions or rates for the area in which the fines are deposited.
35. **RWQCB Permit.** The applicant shall obtain a NPDES Storm Water permit from the Regional Water Quality Control Board (RWQCB). **Plan Requirements and Timing:** The applicant shall obtain a NPDES Storm Water permit or permit waiver from the RWQCB within one year of the approval of the Reclamation Plan. **Monitoring:** P&D staff shall review the submitted documentation to assure compliance with this requirement of State regulations.
36. **Survey Monuments.** Permanent survey monuments shall be installed at the project site. **Plan Requirements and Timing:** Prior to the approval of the Land Use Permit required for implementation of the Reclamation Plan, two permanent survey monuments shall be installed by a licensed land surveyor or a registered civil engineer at locations selected by the County in consultation with the mine operator. Detailed elevation and location information for each of these monuments shall be provided to the County at the time of installation. The monuments shall be placed at sites which will not be affected by the mining and reclamation activities described in the Reclamation Plan. **Monitoring:** P&D staff shall meet with the applicant and select the locations for the monuments. P&D staff

shall either conduct a site inspection or review photo-documentation to assure that installation of the required monuments has occurred.

37. **Aerial Photographs.** To facilitate verification that the Reclamation Plan is implemented as approved, aerial photographs of the area included in the Diamond Rock Reclamation Plan and an updated topographic map of this area shall be periodically provided to the County. **Plan Requirements and Timing:** Stereographic aerial photographs at a scale of approximately 1"=500' which incorporate the area included in the Reclamation Plan shall be provided by the mine operator to the County prior to the month of June in the year 2007 and prior to June every five years thereafter until the completion of site reclamation. An updated topographic map of the area included in the Reclamation Plan at a scale of approximately 1"=50' prepared from the required stereographic aerial photographs shall be provided by the mine operator to the County prior to the month of June in the year 2012 and prior to June every ten years thereafter until the completion of site reclamation. Prior to the approval of the Land Use Permit required to implement the Reclamation Plan, the mine operator shall provide a financial assurance to the County adequate to fund the cost of obtaining the required aerial photographs and topographic map. **Monitoring:** P&D staff shall review and approve the financial assurance proposed by the mine operator. The County SMARA Mine Inspector shall review the submitted photographs and maps to ensure that this condition is satisfied. In the event the mine operator does not provide the required items, the financial assurance shall be used to obtain these informational materials.

#### **Standard Conditions for Reclamation Plans**

38. All reclamation shall comply with the applicable provisions County's Grading Ordinance (Chapter 14 of the Santa Barbara County Code) as determined by the Director of Planning and Development.
39. The conceptual financial assurance shall be approved by the State Office of Mine Reclamation prior to final approval by the County. Within sixty (60) days of final approval of the Reclamation Plan and financial assurance, the applicant shall post a performance security with Planning and Development for the full amount of the approved financial assurance to ensure that reclamation will proceed in conformance with the approved plan. The type of performance security shall be consistent with Section 2773.1 of SMARA. The security for reclamation shall remain in effect until completion of reclamation with provision for annual renewal and adjustment to reflect changes in security requirements and/or changes in the cost of reclamation. The amount of the performance security shall be based upon the estimate by the applicant's engineer of the costs to complete the reclamation of the site. The form, amount, and duration of security shall be subject to review and approval by Planning and Development and County Counsel staff prior to posting the security. Security shall remain in effect through completion of reclamation.



40. As part of the annual review of the reclamation plan, the form and/or amount of security may be adjusted in accordance with the applicable regional Consumer Price Index, or other appropriate index as determined by Planning and Development, to maintain the same relative value of the security over the life of the reclamation plan and to assure that performance security still reflects the actual cost for completing reclamation on-site. In addition, the amount of Financial Assurance is adjusted annually to account for physical changes on the mining site. The amount of financial assurance posted for the site must reflect the cost of reclaiming the site in a manner consistent with the requirements of the approved reclamation plan and based upon the current condition of the site. If the County determines that additional or new security must be posted, the applicant shall provide the required security within 60 days of notification of deficiency.
41. Planning and Development may declare all or part of the security for reclamation forfeited, pursuant to notice to the applicant and a public hearing, if the Planning Commission determines that the mining operation has been abandoned, the operator is financially incapable of carrying out the reclamation plan, or any provision of the approved reclamation plan is violated as noted in Section 2773.1 (B) of SMARA. No security shall be released until compliance with all applicable conditions of the reclamation plan is verified to the satisfaction of Planning and Development. At least three years of monitoring by County staff will be required to assure the successful implementation of reclamation under the approved plan. Upon completion of reclamation, the County SMARA Inspector and/or Permit Compliance staff shall perform a final site inspection to verify that all requirements of the reclamation plan have been satisfied. The operator shall be responsible for the costs of conducting and completing reclamation in accordance with the approved reclamation plan which are in excess of the proceeds from the forfeited financial assurances.
42. Site inspections to verify ongoing reclamation in conformance with the approved reclamation plan shall be conducted at annual intervals as required by the Surface Mining and Reclamation Act. Additional inspections may be conducted if deemed necessary by the Director of Planning and Development in order to assure reclamation of the site consistent with the approved Reclamation Plan. The applicant shall pay the cost of any required inspections by Planning and Development staff, or designated representative, based upon an hourly rate established by the Board of Supervisors, upon receipt of a bill from Santa Barbara County. Failure to pay the inspection fee within sixty (60) days of the due date shall constitute grounds for revocation of the reclamation plan by the Planning Commission and cessation of mining operations.
43. If, after conducting the inspections required under condition No. 42, Planning and Development finds that the reclamation plan is not being implemented as approved, the mining operation shall be so notified and given a reasonable time to comply with the reclamation plan as specified in Section 2774.1 of the Public Resources Code. If at the end of this period of time, the reclamation plan is still not being implemented as approved, Planning and Development shall notify the mining operator and the Planning

- Commission of the continuing failure to comply. Planning and Development shall then set the matter for a public hearing before the Planning Commission. If the Planning Commission (or Board of Supervisors if appealed) determines that the reclamation plan is not being implemented as approved, the Planning Commission (or Board) shall have the authority to revoke the reclamation plan. Once the reclamation plan is revoked, all mining onsite shall cease in accordance with State law. If the Planning Commission or Board of Supervisors revoke the plan, Planning and Development shall declare all or part of the financial assurance (performance security) for reclamation forfeited in accordance with the assurance's provisions and State law.
44. Within sixty (60) days of final reclamation plan approval, the applicant shall execute and record an agreement, subject to Planning and Development approval, to complete the work outlined in the reclamation plan within the time limits of said plan and consistent with all requirements of said plan. This agreement shall bind the applicant and any future owners of the mine. This agreement shall be prepared to conform to the requirements of SMARA Section 2772(j) regarding an applicant statement of responsibility for reclamation.
  45. All applicable requirements of the Surface Mining and Reclamation Act of 1975, as may be amended from time to time, are made a part of this Reclamation Plan by reference, with the same force and effect as if the provisions therein were specifically and fully set out herein.
  46. The mine operator shall prepare and forward an annual status report on the mining operation and ongoing reclamation efforts to the State Geologist and Planning and Development on a date established by the State Geologist and upon forms furnished by the State Mining and Geology Board pursuant to Public Resource Code Section 2207.
  47. All reclamation shall be completed within 12 months of cessation of mining operations (not including periods when the mine is idle as defined by SMARA and an interim management plan has been submitted for County review).
  48. Any required financial assurances shall remain in effect for the duration of the surface mining operation, during any periods that the mining operation is idle, and for any additional period after mining operations have ceased, until reclamation is completed in accordance with the approved Reclamation Plan. Prior to release of all or part of the Financial Assurance for the reclamation of the site, the applicant shall have met all requirements as found in the Reclamation Plan and applicable performance standards.
  49. Within 90 days of a surface mining operation becoming idle, as defined in Section 2727.1 of SMARA, the mine operator shall submit an interim management plan to the County for review and approval by the Planning commission. The interim management plan shall fully comply with the requirements of SMARA, Section 277 (h) and shall provide

measures the operator will implement to maintain the site in compliance with SMARA, including, but not limited to, all conditions of the approved Reclamation Plan.

50. In conformance with SMARA Section 2770(h, i), unless review of an interim management plan is pending before the Planning Commission, or an appeal is pending before the Board of Supervisors or the State Mining Board, a surface mining operation that remains idle for over one year (after becoming idle as defined in section 2727.1 of SMARA) without obtaining approval of an interim management plans shall be considered abandoned and the operator shall commence and complete reclamation in accordance with the approved Reclamation Plan.

#### **County Rules and Regulations**

51. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, or conducting any reclamation activities under an approved Reclamation Plan, the applicant shall obtain a Land Use Permit from Planning and Development. The Land Use Permit is required by ordinance and is necessary to ensure implementation of the conditions of approval required by the Planning Commission. Before a Land Use Permit will be issued by Planning and Development, the applicant must demonstrate compliance with all conditions of approval and obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available in Planning and Development. The approval of the reclamation plan by the County of Santa Barbara shall expire if the Land Use Permit is not obtained within 90 days of reclamation plan approval, or a time extension is requested and granted pursuant to the requirements of County ordinance.
52. Developer (mine operator) shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Reclamation Plan. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
53. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

54. Prior to approval of Land Use Permits, the applicant shall pay all applicable P&D permit processing fees in full.
55. The applicant shall ensure that the project complies with all approved plans and all project conditions. To accomplish this, the applicant agrees to:
  - a. Contact P&D compliance staff as soon as possible after Reclamation Plan approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
  - b. Contact P&D compliance staff (the County SMARA Inspector) at least two weeks prior to commencement of reclamation activities to schedule an onsite pre-construction meeting with the owner, compliance staff, other agency personnel, and with key construction personnel.
  - c. Pay fees prior to approval of Land Use Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants, when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
56. Within 90 days of approval of proposed Reclamation Plan 03RPP-00000-00002, the applicant shall obtain an updated Land Use Permit that incorporates the conditions of approval of this plan. Mining without a County-approved Reclamation Plan is prohibited by the Surface Mining and Reclamation Act.

\*\*\*\*\*

**Exhibit 3 – Well Water Data**



05/11/2001

# S. A. CAMP PUMP COMPANY

## PUMP TEST REPORT

TRIANGLE E WELL 1

CUSTOMER : TRIANGLE E FARMING CO  
 WELL # : 1  
 METER : 43483R  
 LEGAL :  
 LOCATION : 5 MILE SOUTH OF HWY 166 ON HWY 33 TO RESVOIR 1/4 MILE SOUTH  
 1/8 MILE WEST 1/8 MILE SOUTH  
 TEST DATE : 05/11/2001

### EQUIPMENT

Motor: U.S. HP:75/100 Volts:480 R.P.M.:1800 Serial No:1070093  
 Frame: 504 Type: CFU  
 Pump : PEERLESS Type: Oil Lube Turbine

### TEST RESULTS

Standing Water Level below Surface of Ground	_____	_____	53	FT
Draw Down From Standing to Pumping Level	_____	_____		FT
Pumping Water Level	_____	_____		FT
Discharge Head Above Ground	_____	GA-23.0	53.1	FT
TOTAL LIFT	_____	_____		FT
WATER PUMPED	_____	_____	1290	GPM.
Yield of Well (G.P.M. per foot Draw Down )	_____	_____		GPM/FT
HORSEPOWER INPUT TO MOTOR	_____	_____	85.7	H.P.
OVERALL PLANT EFFICIENCY	_____	_____		%
Acre Foot in 24 Hours	_____	_____	5.70	
Kilowatt Input to Motor	_____	_____	63.93	
Kilowatt Hours/Acre Foot Pumped	_____	_____	269.16	
Average Cost per KW	_____	_____		
Cost Per Acre Foot	_____	_____		

REVS: 75/60.8 8 CHECK VALVE IS NOT HOLDING  
 KH: 14.40  
 K: 1  
 ID: 81/16 51.80  
 SCALE: 24.90  
 AIRLINE:

TEST ENGINEER Jim Weir

Jun. 02 2003 02:07PM P3

FAX NO. :

FROM :

Received: 6/2/03 2:10PM

S . A . C A M P P U M P C O M P A N Y

05/19/2001 03:30 pm

Page: 5

P U M P T E S T F I L E R E P O R T  
T R I A N G L E E W E L L 1

Name	TRIANGLE E FARMING CO	!PUMP DATA INSTALLATION DATE	02/03/1993
Well	1	!PUMP SETTING	180
Meter	43483R	!AIRLINE	180
Legal		!CT&S SIZE	10 X 2 1/2 X 1 1/2
Location	5 MILE SOUTH OF HWY 166 ON HWY	!BOWLS	3 STAGES 12LDA3 820 PEERLESS
	33 TO RESVOIR 1/4 MILE SOUTH	!WELL DEPTH	16 TO 190
	1/8 MILE WEST 1/8 MILE SOUTH		

Motor U.S.	HP 75/100	Volts 480	R.P.M. 1800	Serial 1070093
Frame 504	Type CPU	Pump PEERLESS	Type Oil Lube	Turbine

DATE	05/23/97	06/07/99	04/20/00	05/11/01
STANDING WATER	65'	48'	55'	53'
DRAW DOWN	13'	15'		
PUMPING WATER	78'	63'		
DISCHARGE HEAD	53.1'	48.5'	53.1'	53.1'
TOTAL LIFT	131.1'	111.5'		
G.P.M.	1295	1331	1295	1290
GPM/FT	99.6	88.7		
H.P./RPM	83.7	86	85.6	85.7
EFF.	51.2	43.6		
AC FT IN				
24 HRS	5.72	5.88	5.72	5.70
KW TO MOTOR	62.44	64.16	63.86	63.93
KW HOURS				
PER AC FT	261.8	261.7	267.8	269.1
COST				
PER AC/FT				



S. A. CAMP PUMP COMPANY

05/11/2001

PUMP TEST REPORT

TRIANGLE E WELL 2

CUSTOMER : TRANGLE E FARMING CO
WELL # : 2
METER : 843R51
LEGAL :
LOCATION : 5/1/2 MILES SOUTH OF HWY 166 ON HWY 33 AND 100 YARDS WEST
TEST DATE : 05/11/2001

EQUIPMENT

Motor: F.M HP:60 Volts:480 R.P.M.:1760 Serial No:F391761
Frame: 405UP Type: KZKV3
Pump : PEERLESS Type: Oil Lube Turbine

TEST RESULTS

Standing Water Level below Surface of Ground 66 FT
Draw Down From Standing to Pumping Level 33 FT
Pumping Water Level 99 FT
Discharge Head Above Ground 2 FT
TOTAL LIFT 101 FT
WATER PUMPED 1073 GPM.
Yield of Well (G.P.M. per foot Draw Down ) 32.5 GPM/FT
HORSEPOWER INPUT TO MOTOR 76.1 H.P.
OVERALL PLANT EFFICIENCY 36 %
Acre Foot in 24 Hours 4.74
Kilowatt Input to Motor 56.77
Kilowatt Hours/Acre Foot Pumped 287.34
Average Cost per KW
Cost Per Acre Foot

REVS: 17/62.1
KH: 57.60
K: 1
ID: 101/4 82.50
SCALE: 13
AIRLINE:

TEST ENGINEER Jim Weir

P U M P T E S T F I L E R E P O R T  
T R I A N G L E E W E L L 2

Name	TRANGLE E FARMING CO	PUMP DATA INSTALLATION DATE	11/29/1994
Well	2	PUMP SETTING	240
Meter	843R51	AIRLINE	240
Legal		CT&S SIZE	10 X 2 1/2 X 1 1/2
Location	5/1/2 MILES SOUTH OF HWY 166 ON HWY 33 AND 100 YARDS WEST	BOWLS	4 STAGES 12DKMA4 FLOWAY 66
		WELL DEPTH	16 TO 270 DRILLED 1979
			BLANK 120

Motor F.M HP 60 Volts 480 R.P.M. 1760 Serial F391761  
Frame 405UP Type KZKV3 Pump PEERLESS Type Oil Lube Turbine

DATE	05/21/94	06/21/95	08/22/96	09/05/96	09/05/96	05/23/97	06/07/99	04/21/00
STANDING WATER	58'	50'	67'	67'	67'	63'	55'	62'
DRAW DOWN	27'	36'	53'	54'	54'	57'	36'	30'
PUMPING WATER	85'	86'	120'	121'	121'	120'	91'	92'
DISCHARGE HEAD	46'	9'	2'	2'	39'	2'	2'	2'
TOTAL LIFT	131'	95'	122'	123'	160'	122'	93'	94'
G.P.M.	1107	862	972	972	1098	930	1081	1073
GPM/FT	41	23.9	18.3	18	20.3	16.3	30	35.8
H.P./RPM	84.8	72.3	75.5	75.3	75.3	75.9	74	73.4
EFF.	43.1	28.6	39.7	40.1	58.9	37.7	34.3	34.7

LAC FT IN								
24 HRS	4.89	3.81	4.30	4.30	4.85	4.11	4.78	4.74
KW TO MOTOR	63.26	53.93	56.32	56.17	56.17	56.62	55.20	54.76
KW HOURS								
PER AC FT	310.3	339.8	314.7	313.8	277.8	330.6	277.3	277.1
COST								
PER AC/FT								

S. A. CAMP PUMP COMPANY

05/11/2001

PUMP TEST REPORT

TRIANGLE E NEW WELL 5

CUSTOMER : TRAIANGLE E FARMING CO
WELL # :
METER : 04R167
LEGAL :
LOCATION : 5 1/2 MILE SOUTH OF HWY 166 ON HWY 33 AND 1/8 MILE EAST
TEST DATE : 05/11/2001

EQUIPMENT

Motor: NEWMAN HP:125 Volts:480 R.P.M.:1775 Serial No:S1253101
Frame: 444TP Type:
Pump : PEERLESS Type: Oil Lube Turbine

TEST RESULTS

Table with 3 columns: Description, Reading, Unit. Rows include Standing Water Level below Surface of Ground (54 FT), Draw Down from Standing to Pumping Level (37 FT), Pumping Water Level (91 FT), Discharge Head Above Ground (80.9 FT), TOTAL LIFT (171.9 FT), WATER PUMPED (1551 GPM), Yield of Well (41.9 GPM/FT), HORSEPOWER INPUT TO MOTOR (114.4 H.P.), OVERALL PLANT EFFICIENCY (58.9 %), Acre Foot in 24 Hours (6.85), Kilowatt Input to Motor (85.34), Kilowatt Hours/Acre Foot Pumped (298.83), Average Cost per KW (113), Cost Per Acre Foot (33.77).

REVS: 4/64.8
KH: 4.80
K: 80
ID: 101/4 82.50
SCALE: 18.80
AIRLINE: 220

TEST ENGINEER Jim Weir

S . A . C A M P P U M P C O M P A N Y

05/19/2001 03:07 pm

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P U M P T E S T F I L E R E P O R T  
T R I A N G L E E N E W W E L L 5

Name TRAINGLE E FARMING CO  
Well  
Meter 04R167  
Legal  
Location 51/2 MILE SOUTH OF HWY 166 ON  
HWY 33 AND 1/8 MILE EAST

-----!  
!PUMP DATA INSTALLATION DATE 03/17/2001 !  
!PUMP SETTING 220 !  
!AIRLINE 220 !  
!CT&S SIZE 10 X 2 1/2 X 1 1/16 !  
!BOWLS 5 STAGES 12DKHA5 FLOWAY !  
!WELL DEPTH 15 TO 243 !  
!  
!  
!-----!

Motor NEWMAN HP 125 Volts 480 R.P.M. 1775 Serial S1253101  
Frame 444TP Type Pump PEERLESS Type Oil Lube Turbine

DATE	05/11/01						
STANDING WATER	54'						
DRAW DOWN	37'						
PUMPING WATER	91'						
DISCHARGE HEAD	80.9'						
TOTAL LIFT	171.9'						
G.P.M.	1551						
GPM/FT	41.9						
H.P./RPM	114.4						
EFF.	58.9						
AC FT IN							
24 HRS	6.85						
KW TO MOTOR	85.34						
KW HOURS							
PER AC FT	298.8						
COST							
PER AC/FT							



COUNTY OF SANTA BARBARA • HEALTH CARE SERVICES

LAWRENCE HART, M.D., M.P.H.  
Director and Health Officer

Date: January 19, 1982 . . .

Triangle E. Farms  
Star Rt 1 Box 112  
Maricopa, CA 93252

Gentlemen:

Re: Well Permit No. 3189 . . .  
AP #149-22-50

This department has reviewed the construction, ~~modification~~,  
~~abandonment or destruction~~ of the water well located on the subject property  
and has determined said work to have been performed in compliance with the  
requirements of the County Water Well Ordinance.

Comments: . . . . .  
. . . . .  
. . . . .

This department has reviewed the construction, modification,  
abandonment or destruction of the water well located on the subject property  
and has determined that said work was NOT PERFORMED in compliance with the  
requirements of the County Water Well Ordinance. No clearance can be granted  
by this department until the following is completed: . . . . .  
. . . . .  
. . . . .

If any additional information pertinent to this matter is desired, please  
contact me at the below-designated Health Center.

*Steven C. Denton*  
Departmental Representative

cc: Maggiora Bros.

MAIN OFFICE

315 Camino del Remedin  
Santa Barbara, CA 93110  
(805) 963-8846

BRANCH OFFICES

500 West Foster Rd.  
Santa Maria, CA 93454  
(805) 937-6365

100 East Locust Ave.  
Lompoc, CA 93436  
(805) 736-5671

1745 Mission Dr.  
Solvang, CA 93463  
(805) 688-8544

TRIPPLICATE  
ner's Copy

#3

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
DEPARTMENT OF WATER RESOURCES  
WATER WELL DRILLERS REPORT

Do not fill in  
No. 231436

Notice of Intent No. \_\_\_\_\_  
Event Permit No. or Date \_\_\_\_\_

State Well No. \_\_\_\_\_  
Other Well No. \_\_\_\_\_

(1) OWNER: Name Triangle F Farms Jim Megis  
Address Star Route 1 Box 112  
City Maricopa, CA 93252 Zip \_\_\_\_\_

(12) WELL LOG: Total depth 543 ft. Depth of completed well 305 ft.  
from ft. to ft. Formation (Describe by color, character, size or material)

0	3	Sand
3	120	DC Granite boulders
120	155	Brown Clay
135	140	Brown Clay & Gravel
140	150	Brown Clay
150	185	Coarse Sand & fines
185	190	Sand
190	194	Brown Clay
194	197	Coarse Sand
197	205	Brown Clay
205	207	Coarse Sand
207	225	Brown Clay
225	227	Coarse Sand
227	244	Brown Clay & Stringers of sa
244	290	Coarse Sand & Brown Clay
290	340	Brown Clay & Stringers of sa

(2) LOCATION OF WELL. (See instructions):  
County Santa Barbara Owner's Well Number \_\_\_\_\_  
Well address if different from above \_\_\_\_\_  
Township 9N Range 24W Section 18  
Distance from cities, roads, railroads, fences, etc.  
Cuyama

(3) TYPE OF WORK:

- New Well  Deepening
- Reconstruction
- Reconditioning
- Horizontal Well
- Destruction  (Describe destruction materials and procedures in Item 12)

(4) PROPOSED USE:

- Domestic
- Irrigation
- Industrial
- Test Well
- Stock
- Municipal
- Other

WELL LOCATION SKETCH

(5) EQUIPMENT:  
Rotary  Hovers   
Cable  Air   
Other  Bucket

(6) GRAVEL PACK:  
Yes  No  Size 1/2" to 3/4"  
Pack depth 95 ft. to 305 ft.

NOTE: Any person removing the cap from this well other than Miller Drilling Co. or authorized contractor approved by us will void all structural warranties.

(7) CASING INSTALLED:  
Steel  Plastic  Concrete

(8) PERFORATIONS:  
Type of perforation or size of screen:

From ft.	To ft.	Dia. in.	Cage or Wall	From ft.	To ft.	Slot size
0	95	1 1/2	1/4"	0	95	Blank
	95			95	305	Perf.

(9) WELL SEAL: No seal per owners instructions  
Was surface sanitary seal provided? Yes  No  If yes, to depth \_\_\_\_\_ ft.  
Were struts sealed against pollution? Yes  No  Interval \_\_\_\_\_ ft.  
Method of sealing \_\_\_\_\_

Work started 12/29/81 Completed 1/7/82

(10) WATER LEVELS:  
Depth of first water, if known 100 ft.  
Standing level after well completion 72 ft.

WELL DRILLER'S STATEMENT:  
This well was drilled under my supervision and this report is true to the best of my knowledge and belief.

(11) WELL TESTS:  
Was well test made? Yes  No  If yes, by whom? Miller  
Type of test Ball Test 104 gpm at 103'  
Ball Test 400+ gpm at 300'  
Depth to water at start of test \_\_\_\_\_ ft. At end of test \_\_\_\_\_ ft.  
Rate \_\_\_\_\_ gal/min after \_\_\_\_\_ hours Water temperature \_\_\_\_\_  
Soil analysis made? Yes  No  If yes, by whom? \_\_\_\_\_  
Was electric log made? Yes  No  If yes, attach copy to this report

SIGNED: [Signature] (Well Driller)  
NAME Miller Drilling Co. (Person, firm, or corporation) (Typed or printed)  
Address 501 No. Main St.  
City Templeton, CA 93265 Zip \_\_\_\_\_  
License No. 324634 Date of this report 1/8/82







S . A . C A M P P U M P C O M P A N Y

09/11/95 14:57

Page: 3

P U M P T E S T F I L E R E P O R T  
T R I A N G L E E W E L L 3 E N G I N E

```

Name          TRIANGLE E FARMING CO
Well          WELL 3 ENGINE DRIVEN
Meter         NONE
Legal
Location      5 MILES SOUTH OF HWY 166 ON
              HWY 33 AND 1/4 MILE WEST
    
```

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GEARHEAD JOHNSTON      HP 60      Ratio 1:1      R.P.M. 1760 Serial 76026
Frame NONE             Type NONE    Pump AURORA    Type Oil Lube Turbine
    
```

DATE	09/12/88	05/25/91	07/18/91	03/20/92			
STANDING							
WATER	96'	108'	110'	94'			
DRAW DOWN		28'	106'	69'			
PUMPING							
WATER		136'	216'	163'			
SCHARGE							
HEAD	32'	32'	32'	35'			
TOTAL							
LIFT		168'	248'	198'			
G.P.M.	310	60	100	127			
GPM/FT		2.1	9	1.8			
H.P./RPM	RPM	RPM	RPM	RPM			
EFF.	1600	1520	1880	1850			
AC FT IN							
24 HRS	1.37	27	44	56			
KW TO							
MOTOR							
KW HOURS							
PER AC FT							
ST							
ER AC/FT							

## **Exhibit 4 – Water Balance**

Facility Assumptions

Daily Operation	hrs/day	16
Annual	days/yr	303
Sand Washer Capacity	tons/hr	175
Sand Washer water usage <sup>1</sup>	gal/min	605
Sand washing water usage <sup>1</sup>	gals/ton	207.43
Wet area under sand log	acres	0.037
Nozzle water usage	gpm/nozzle	0.5
Nozzles		12
Unpaved area	acres	3.5
Unpaved area water usage	gal/yr <sup>2</sup> -day	0.43
Evaporation Rate <sup>2</sup>	in/yr	65
	ft/day	0.015
Recycle Basin	ft <sup>2</sup>	31200

Material Assumptions<sup>3</sup>

8-Aug-04

	lb/yr <sup>4</sup>	ton/yr <sup>4</sup>	% Moisture
Dry Gravel (1/4"-2")	2850	1.4	0%
Wet Gravel (1/4"-2")	3400	1.7	16%
Shipped gravel unit weight <sup>4</sup>	2907	1.5	2%
Dry Sand	2400	1.2	0%
Wet Sand	3100	1.6	23%
Shipped sand unit weight (damp) <sup>4</sup>	2520	1.3	5%

Production Throughput

		Maximum	Average
Annual	tons/yr	750,000	500,000
Daily	tons/day	2,475	1,650
Hourly	tons/hr	155	103

Water Content of Material

Blend	% Comp.	Raw Material Wet gal/ton	Shipped Prod. Appl.'s Spec. gal/ton
Gravel	38%	38.79	4.70
Sand	62%	54.15	11.42
Product		48.31	8.87

	Maximum Throughput					Average Throughput				
	gal/day	gal/hr	AFY	% of Incoming Water	% of Tot. Water Usage	gal/day	gal/hr	AFY	% of Incoming Water	% of Tot. Water Usage
<b>Water Balance</b>										
Screening and Washing										
Water Used in Washing Sand	513,437	32,090	477.43	100.00%	98.33%	342,291	21,393	318.29	100.00%	97.51%
Evaporation <sup>5</sup>	179	11	0.17	0.03%	0.03%	179	11	0.17	0.05%	0.05%
Percolation <sup>6</sup>	179	11	0.17	0.03%	0.03%	179	11	0.17	0.05%	0.05%
Transferred to Stockpiles <sup>7</sup>	119,590	7,474	111.20	20.15%	22.90%	79,727	4,983	74.14	20.15%	22.71%
Water Sent to Recycle Basins	393,489	24,593	365.90	76.64%	75.36%	262,207	16,388	243.62	76.60%	74.70%
Water Consumed	179	11	0.17	0.03%		179	11	0.17	0.05%	
<b>Production Stockpiles</b>										
Water Transferred to Stockpiles	119,590	7,474	111.20	100.00%	22.90%	79,727	4,983	74.14	100.00%	22.71%
Evaporation <sup>8</sup>	49,032	3,064	45.59	41.00%	9.39%	32,688	2,043	30.40	41.00%	9.31%
Percolation <sup>9</sup>	49,032	3,064	45.59	41.00%	9.39%	32,688	2,043	30.40	41.00%	9.31%
Shipped with Product	21,948	1,372	20.02	18.35%	4.20%	14,632	914	13.34	18.35%	4.17%
Water Consumed	70,979	4,436	65.61	59.35%		47,320	2,957	43.74	59.35%	
<b>Conveyors to Surge Pile</b>										
Dust Control Water Usage	1,440	60	1.34	100.00%	0.28%	1,440	60	1.34	100.00%	0.41%
Evaporation <sup>10</sup>	1,440	60	1.34	100.00%	0.28%	1,440	60	1.34	100.00%	0.41%
Water Consumed	1,440	60	1.34	100.00%		1,440	60	1.34	100.00%	
<b>Dust Suppression of Unpaved Areas</b>										
Dust Control Water Usage	7,284	304	6.77	100.00%	1.40%	7,284	304	6.77	100.00%	2.08%
Evaporation <sup>10</sup>	7,284	304	6.77	100.00%	1.40%	7,284	304	6.77	100.00%	2.08%
Water Consumed	7,284	304	6.77	100.00%		7,284	304	6.77	100.00%	
<b>Recycle Basins</b>										
Evaporation	3,463	144	3.22	100.00%	0.66%	3,463	144	3.22	100.00%	0.99%
Water Consumed	3,463	144	3.22	100.00%		3,463	144	3.22	100.00%	

Summary

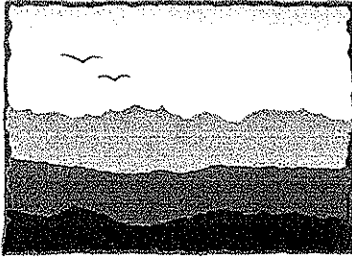
	gal/day	gal/hr	AFY	% of Incoming Water	% of Tot. Water Usage	gal/day	gal/hr	AFY	% of Incoming Water	% of Tot. Water Usage
Total Water Use	522,161	32,453	485.54	100.00%		351,016	21,757	326.40		100.00%
Total Evaporation	61,398	3,583	57.09	11.76%		45,054	2,562	41.89		12.84%
Total Percolation	49,211	3,076	45.76	9.42%		32,867	2,054	30.56		9.38%
Water Shipped with Product	21,948	1,372	20.02	4.20%		14,632	914	13.34		4.17%
Total Water Consumption <sup>11</sup>	83,346	4,955	77.11	15.96%		59,686	3,476	55.24		17.00%
Net Water Recycled <sup>12</sup>	390,026	24,449	362.67	74.69%		258,744	16,244	240.60		73.71%

- Source: McClanahan Corp. product specifications for a single screw washer capable of washing 175 tons per hour.
- Nearest historical pan evaporation data for Lockwood Valley (60.15 inches per year) was provided by the County of Ventura, Groundwater Management Agency, which recommended upward adjustment to 60.5 inches per year for Ozena Valley. To be conservative, this pan evaporation rate was adjusted further upward to 65.0 inches per year.
- Source: Caterpillar Performance Handbook, Edition 30, Table "Weight of Materials", p. 29-4
- The moisture content is per Applicant's specifications.
- Evaporation rate at processing area = Evaporation rate for water recycling basins but using area under sand log.
- Percolation rate at processing area = Evaporation rate for water recycling basins but using area under sand log.
- Product is composed of 62% sand/fines and 38% rock/gravel. The water content was found as follows:  
% water content = (0.62 x 23%) + (0.38 x 16%) = 20.15% - 20%
- Evaporation rate at stockpile area = 50% of the water transferred to stockpiles, not the water shipped with product.
- Percolation rate at stockpile area = 50% of the water transferred to stockpiles, not the water shipped with product.
- 100% of dust suppression water is assumed to evaporate.
- Total Water Consumption = (Total Evaporation) + (Water Shipped with Product)
- Water recycled is less evaporation from the Recycle Basins.

Constants

- 2000 lb/ton
- 60 min/hr
- 8.34 lb/gal
- 4840 yd<sup>3</sup>/acre
- 325,851 gal/AF
- 7.48 gal/ft<sup>3</sup>
- 27 ft<sup>3</sup>/yd<sup>3</sup>
- 12 in/ft
- 365 days/yr
- 24 hrs/day
- 43560.17 ft<sup>2</sup>/acre

**Exhibit 5 – Financial Assurance Cost Estimate**



**WEST COAST**  
**ENVIRONMENTAL**  
**AND ENGINEERING**

1838 Eastman Avenue  
Suite 200  
Ventura, CA 93003  
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[www.wcenviro.com](http://www.wcenviro.com)

## **FINANCIAL ASSURANCE COST ESTIMATE**

**TROESH MATERIALS, INC.  
DIAMOND ROCK SAND AND GRAVEL  
MINE & PROCESSING FACILITY**

Revision 2: February 21, 2008  
Revision 1: September 19, 2007  
Original: September 6, 2007

Prepared for: County of Santa Barbara  
Planning & Development  
123 E. Anapamu Street  
Santa Barbara CA 93101

Prepared by: West Coast Environmental and Engineering  
1838 Eastman Avenue Suite 200  
Ventura CA 93003

WCE Project No. TRO190



**WEST COAST**  
**ENVIRONMENTAL**  
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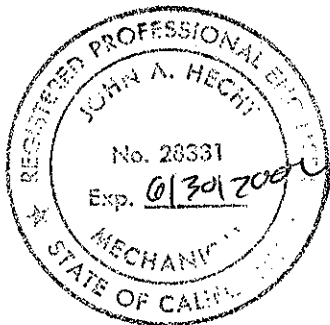
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**FINANCIAL ASSURANCE COST ESTIMATE**  
**Troesh Materials, Inc.**  
**Diamond Rock Sand and Gravel Mine & Processing Facility**

February 21, 2008

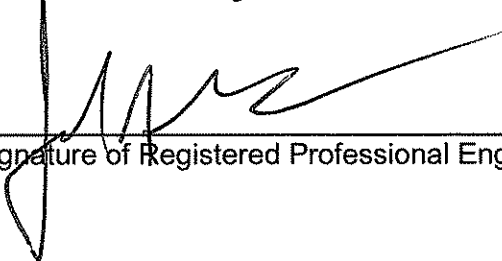
This financial assurance cost estimate was prepared based on:

- Public Resources Code Section 2207(a)(9) and 2773.1;
- California Code of Regulations Title 14 Section 3804;
- State Mining and Geology Board *Financial Assurance Guidelines* dated (January 16, 1997-A); and
- Information obtained from Troesh Materials, Inc.



John A. Hecht

Printed Name of Registered Professional Engineer

  
\_\_\_\_\_  
Signature of Registered Professional Engineer

(Seal)  
Date: 2/21/08

Registration No.: M 28331

State: CA



**FINANCIAL ASSURANCE COST ESTIMATE**  
**Troesh Materials, Inc.**  
**Diamond Rock Sand and Gravel Mine & Processing Facility**

**February 21, 2008**

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**FINANCIAL ASSURANCE COST ESTIMATE**  
**Troesh Materials, Inc.**  
**Diamond Rock Sand and Gravel Mine & Processing Facility**

**February 21, 2008**

**1.0 EXECUTIVE SUMMARY**

In accordance with the Surface Mining and Reclamation Act of 1975 (SMARA), as amended, and Public Resources Code Section 2710 et seq., surface mining operators are required to obtain lead agency approved Financial Assurance Cost Estimate (estimate) for reclamation. Based on the estimate, operators must then obtain a financial assurance mechanism to prevent the public from bearing the cost of reclaiming abandoned surface mining operations should mining operators be unable to fulfill their obligations. In the event of such abandonment or financial inability, the funds provided by the mechanism may be used by the lead agency or the Department of Conservation to reclaim the mined site in compliance with the approved Reclamation Plan.

This estimate has been prepared specifically for the Troesh Materials, Inc. (Troesh) Diamond Rock Sand and Gravel Mine and Processing Facility, located on State Route 33 in the Cuyama River Valley, Section 18 of Township 9 North, Range 24 West; San Bernardino Base and Meridian. A Mine ID has not yet been assigned. Troesh received a tentative approval of the Conditional Use Permit, Environmental Impact Report and Reclamation Plan by the County of Santa Barbara Planning Commission on July 11, 2007. Final project approval will be granted by the County of Santa Barbara upon approval of the Reclamation Plan and this estimate by the California Department of Conservation, Office of Mine Reclamation.

The Financial Assurance Guidelines recommend that when reviewing and approving a financial assurance cost estimate, lead agencies should include their administrative cost to draw on the financial assurance and implement the reclamation plan, should it become necessary. An administrative cost of 10% has been assigned for this site.

Primary Reclamation Activities	\$184,492
Revegetation	\$11,961
Plant Structures and Equipment Removal	\$18,429
Miscellaneous Costs	\$5,000
Monitoring and Maintenance	\$2,392
<b>Total of Direct Costs</b>	<b>\$222,274</b>
Supervision (5.6%)	\$12,447
Profit & Overhead (11.6%)	\$25,784
Contingencies (10%)	\$22,227
Mobilization (5%)	\$11,114
<b>Total of Indirect Costs</b>	<b>\$71,572</b>
<b>Total of Direct and Indirect Costs</b>	<b>\$293,846</b>
Lead Agency Administrative Costs*	\$29,385
<b>Total Estimated Cost of Reclamation</b>	<b>\$323,231</b>



## **2.0 RECLAMATION ACTIVITIES**

### **2.1 Projected Site Conditions**

The amount of Financial Assurance required is based on the anticipated mining and operating activities during the first year of operation after approval of the project. Troesh anticipates mining about 40% of the proposed average annual production, or approximately 200,000 tons. This volume of mining will produce approximately 14,000 cubic yards of excess unusable material.

During the first year of operations, Troesh anticipates completion of the following tasks:

- Remove the topsoil from the processing facilities site (12,300 cubic yards).
- Construct the Processing Facility.
- Build a landscape berm along State Route 33 (12,300 cubic yards).
- Vegetate the landscape berm along State Route 33.
- Excavate approximately 200,000 tons of mixed aggregate from Phase 1, Cut 1, Lift 1.

The County of Santa Barbara has required Troesh to implement a Riverbank Restoration Plan as part of the approved project. This restoration effort has not been included in this estimate because it will take at least one year after start of operations to complete the regulatory permitting needed for this phase of the project. The Riverbank Restoration effort will be included in future estimates.

### **2.2 Reclamation Tasks**

The amount of Financial Assurance for the proposed Diamond Rock Sand and Gravel Mine was calculated based on an analysis of the physical activities necessary to reclaim the mining site and the processing facilities site to conditions required by the Reclamation Plan. The following reclamation tasks will be required after one year of operation:

- Remove processing area equipment.
- Remove the landscape berm and return the topsoil from the landscape berm to the Processing Facility site.
- Remove stockpiles from the Processing Facility site.
- Grade the Processing Facility site to smooth, pre-project contours.
- Transport and distribute 14,000 cubic yards of stockpiled fines into the processing site or adjacent field.
- Decompact, scarify and regrade in-river haul roads.
- Remove "low flow" earthen berms.
- Revegetate the Processing Facility site and other disturbed areas.
- Monitor and maintain site to ensure adequate reclamation.
- Perform a Phase 1 Environmental Site Assessment to ensure adequate reclamation.
- Remove the mine access road.
- Remove the three 24" culverts underneath the mine access road.
- Remove the Deer Park Creek grade control structure.

- Remove the following fences:
  - Blunt nose leopard lizard (BNLL) protection fence,
  - Processing Facility Site fence, and
  - Pit precautionary fence.

### **2.3 Cost Estimate Calculation Methodology**

The estimate for the Diamond Rock site was calculated based on an analysis of the physical activities necessary to implement the reclamation plan today and includes anticipated activities within the next year. Various indirect costs including contingency and lead agency overhead have also been calculated as described by the California State Mining and Geology Board's (SMGB) *Financial Assurance Guidelines*.

Unit costs for direct reclamation activities were estimated by using:

- *Means Heavy Construction Cost Data 2007* (Means). Costs were adjusted per the Means Santa Barbara location factor of 1.056 to determine regional specific costs from national averages;
- *California State Prevailing Wage Rates* (SWPR);
- *CalTrans Labor Surcharge and Equipment Rental Rates* (CalTrans Rates); and
- *Caterpillar Performance Handbook, Edition 30* (Caterpillar Handbook).

Diamond Rock consists of approximately 132.64 acres, including portions of the parcels noted in Table 2-1 below (refer to Figure 3 - Assessor's Parcel Map):

**Table 2-1 Parcel Information**

Assessors Parcel #	Total Acres	CUP Acres	General Plan	Zoning
149-220-02	117.40	22.58	A-II (Agricultural)	U (Unlimited Agricultural) Ordinance 661
149-220-11	80.19	80.19	A-II (Agricultural)	U (Unlimited Agricultural) Ordinance 661
149-220-65	82.35	29.69	AC (Agricultural Commercial)	AG-II-40 (Agricultural, 40 Acre Minimum)

**2.4 Access and Utilities**

Access will be taken directly off State Route 33 by constructing a 24-foot wide all-weather road into Assessor's Parcel Number (APN) 149-220-65 along its southern boundary. Truck traffic will use this all-weather road to obtain products at the mine or for delivery of supply materials.

There are no railroads in this area of the County. Electrical service is available from the electrical utility grid along State Route 33. Power poles are currently located along the southern boundary of APN 149-220-65. Electrical service will be provided from the existing network of power poles onsite. No gas service is needed. Telephone service will be installed by the local service provider.

**2.5 Water Source and Use**

Diamond Rock water will be provided from a currently idle well onsite (i.e., Well # 4 in close proximity to Well #5). Water will be used primarily for dust control and washing sand. Domestic water use will be negligible in comparison. Water will be drawn from the onsite well to charge the water system and that water will be recycled to the Water Retention Basins, percolate back into the groundwater, lost to evaporation, or leave the site with the aggregate products. Other wells (i.e., Well # 1, 2, 3 and 5) are within 500 feet of the Project (for a map of well locations and well reports refer to Exhibit 3 - Well Water Data).

Operated at its average production rate of 500,000 tons per year, Diamond Rock will use approximately 351,016 gallons of water per day. Recycled water will account for approximately 74 percent of the water used, with the remainder being replaced from Well # 4. This equates to the consumption of approximately 59,686 gallons of water per day. The water budget for an average annual production of 500,000 tons is noted in Table 2-2 below, water demand for peak production years is also presented in Table 2-3 below. Refer to Exhibit 4 - Water Balance.

**Table 2-2 Water Budget for Average Production (500,000 tons)**

	Used	Recycled	Percolated	Total Consumption <sup>1</sup>
Gallons/hour	21,757	16,244	2,054	3,476
Gallons/day	351,016	258,744	32,867	59,686
Acre-feet/year	326.40	240.60	30.56	55.24

<sup>1</sup>Total Consumption = (Total Evaporation + Water Shipped with Product)

**Table 2-3 Water Budget for Peak Production (750,000 tons)**

	Used	Recycled	Percolated	Total Consumption <sup>1</sup>
Gallons/hour	32,453	24,449	3,076	4,955
Gallons/day	522,161	390,026	49,211	83,346
Acre-feet/year	485.54	362.67	45.76	77.11

<sup>1</sup>Total Consumption = (Total Evaporation + Water Shipped with Product)

The EIR analyzed historic water consumption for alfalfa cultivation on the Project site to assess whether the Project would result in a net increase in water consumption. Please refer to Table 2-3 below and Final EIR, Section 3.3.2.2.2. The Project site has a Historic Use Credit of 45.80 acre-feet per year for alfalfa cultivation. The Project would utilize 6.25 acre-feet more than under current conditions and will not exceed the County of Santa Barbara's significance threshold for groundwater usage.

**Table 2-4 Net Water Consumption**

Project Production Level	Use During Average Production Year (500,000 tons)
Project Total Water Demand	-55.24 AFY <sup>1</sup>
Recharge Adjustment	3.19 AFY
Historic Use Credit	45.80 AFY
Net New Consumptive Use	-6.25 AFY

<sup>1</sup>AFY = Acre Feet per Year

### 3.2 Distribute Stockpiled Fines

#### Task Description:

Approximately 14,000 cubic yards of stockpiled fines will be transported 150 feet from the stockpile area to the processing area and adjacent agricultural field.

#### Assumptions/References:

The following Means references are used to estimate the cost:

Means ID – 312323.14-4220

- A 200 hp dozer will push and distribute the material (150 feet push distance)

#### Cost Estimates:

A. Equipment – List all equipment required to complete identified task.

Activity	Equipment	Quantity	Unit	Unit Cost (\$)	Cost (\$)
Distribute Stockpiled Fines	Dozer, 200 hp	14,000	CY	\$0.95	\$13,300
<i>Total Equipment Cost for this Task</i>					<b>\$13,300</b>

CY = cubic yards

B. Labor – List all labor categories to complete identified task.

Activity	Equipment	Quantity	Unit	Unit Cost (\$)	Cost (\$)
Distribute Stockpiled Fines	Med. Equip. Operator	14,000	CY	\$0.40	\$5,600
<i>Total Equipment Cost for this Task</i>					<b>\$5,600</b>

C. Direct Cost for this Task

*Equipment Cost* \$13,300

*Labor Cost* \$5,600

**TOTAL DIRECT TASK COST \$18,900**

### 3.3 Remove Aggregate Stockpiles

#### Task Description:

Approximately 200,000 tons of sand and gravel are expected to be processed within the first year of mining operations. This estimate assumes that 10% (20,000 tons, 14,000 cubic yards) of this material will be stockpiled at any time during this first year.

A front end loader will load the stockpiled material, and off-highway dump trucks will haul the material to the pit bottom.

#### Assumptions/References:

The following Means references are used to estimate the cost:

Means ID – G1030135-700

- A wheel loader will load the material into a 100-ton off highway dump truck. The dump truck will haul the material an average of 800 feet into the pit floor (1,600 feet roundtrip).

#### Cost Estimates:

A. Equipment – List all equipment required to complete identified task.

Activity	Equipment	Quantity	Unit	Unit Cost (\$)	Cost (\$)
Remove Aggregate Stockpiles	Front End Loader Off Highway Dump Truck	14,000	CY	\$2.48	\$34,720
<i>Total Equipment Cost for this Task</i>					<b>\$34,720</b>

CY = cubic yards

B. Labor – List all labor categories to complete identified task.

Activity	Equipment	Quantity	Unit	Unit Cost (\$)	Cost (\$)
Remove Aggregate Stockpiles	Med. Equip. Operator Hvy. Truck Driver	14,000	CY	\$2.01	\$28,140
<i>Total Equipment Cost for this Task</i>					<b>\$28,140</b>

C. Direct Cost for this Task

Equipment Cost \$34,720

Labor Cost \$28,140

**TOTAL DIRECT TASK COST \$62,860**

### 3.4 Remove Low Flow Earthen Berm

#### Task Description:

A four foot high, ten foot wide earthen berm will be constructed around the perimeter of the actively mined portion of the pit. After the first year of mining operations, this berm will be approximately 800 feet long. A total of 600 cubic yards of earthen material will be pushed into the pit.

#### Assumptions/References:

The following Means references are used to estimate the cost:

Means ID – 312323.14-4220

- A 200 hp dozer will push and distribute the material (150 feet push distance)

#### Cost Estimates:

A. Equipment – List all equipment required to complete identified task.

Activity	Equipment	Quantity	Unit	Unit Cost (\$)	Cost (\$)
Remove Earthen Berm	Dozer, 200 hp	600	CY	\$0.95	\$570
<i>Total Equipment Cost for this Task</i>					<b>\$570</b>

CY = cubic yards

B. Labor – List all labor categories to complete identified task.

Activity	Equipment	Quantity	Unit	Unit Cost (\$)	Cost (\$)
Remove Earthen Berm	Med. Equip. Operator	600	CY	\$0.40	\$240
<i>Total Equipment Cost for this Task</i>					<b>\$240</b>

C. Direct Cost for this Task

*Equipment Cost* \$570

*Labor Cost* \$240

**TOTAL DIRECT TASK COST \$810**

### 3.5 Decompect and Grade Compacted Surfaces

#### Task Description:

Before revegetation, approximately 30 acres (1,307 MSF) of compacted surfaces will be decompacked and graded to smooth contours. These surfaces include the Processing Facility area, all roadways and any other disturbed areas.

This cost includes the cost to grade the Deer Park Creek grade control earthen berm and the "low flow" earthen berm to smooth contours.

#### Assumptions/References:

Means was used to determine the cost to decompack and grade the compacted surfaces.

Means ID – 329113.23-2620

#### Cost Estimates:

A. Equipment – List all equipment required to complete identified task.

Activity	Equipment	Quantity	Unit	Unit Cost (\$)	Cost (\$)
Decompack and Grade	Grader, 180 hp w/ Scarifier Attachment	1,307	MSF	\$4.85	\$6,339
<i>Total Equipment Cost for this Task</i>					<b>\$6,339</b>

MSF = 1,000 square feet

B. Labor – List all labor categories to complete identified task.

Activity	Labor Category	Quantity	Units	Unit Cost (\$)	Cost (\$)
Decompack and Grade	Med. Equip. Operator	1,307	MSF	\$5.15	\$6,731
<i>Total Labor Cost for this Task</i>					<b>\$6,731</b>

C. Direct Cost for this Task

*Equipment Cost* \$6,339

*Labor Cost* \$6,731

**TOTAL DIRECT TASK COST \$13,070**



#### 4.0 REVEGETATION

##### Task Description:

Approximately 22 acres (958 MSF) will be revegetated. The Processing Facilities Area will be seeded with barley and the remaining disturbed areas will be seed with a native seed mix.

##### Assumptions/References:

Means was used to determine the cost to spread the native seed mix.

Means ID – 329219.14-2300

- Backhoe loader w/ spreader attachment

The cost of the seed mix is an average cost.

##### Cost Estimates:

A. Equipment – List all equipment required to complete identified task.

Activity	Equipment	Quantity	Unit	Unit Cost (\$)	Cost (\$)
Revegetation	Backhoe Loader w/ Spreader Attachment	958	MSF	\$3.99	\$3,822
<i>Total Equipment Cost for this Task</i>					<b>\$3,822</b>

MSF = 1,000 square feet

B. Labor – List all labor categories to complete identified task.

Activity	Labor Category	Quantity	Units	Unit Cost (\$)	Cost (\$)
Revegetation	Light Equip. Operator	958	MSF	\$5.97	\$5,719
<i>Total Labor Cost for this Task</i>					<b>\$5,719</b>

C. Materials – List all materials to complete identified task.

Activity	Labor Category	Quantity	Units	Unit Cost (\$)	Cost (\$)
Revegetation	Seed Mix	22	Acres	\$110.00	\$2,420
<i>Total Material Cost for this Task</i>					<b>\$2,420</b>

D. Direct Cost for this Task

Equipment Cost	\$3,822
Labor Cost	\$5,719
Material Cost	\$2,420
<b>TOTAL DIRECT TASK COST</b>	<b>\$11,961</b>

## **5.0 PLANT STRUCTURE AND ANCILLARY EQUIPMENT REMOVAL**

### **5.1 Remove Plant Structures**

The plant equipment and associated support structures will be purchased new; therefore, the salvage value of the equipment is assumed to be greater than the removal cost. Furthermore, the stormwater retention basin, restrooms and the aboveground storage tank constructed as part of the Processing Facility will remain in place for use by the property owner, who requested that they not be removed.

A contingency cost of \$10,000 is assigned for this task to account for equipment mobilization and other associated costs.

**TOTAL DIRECT TASK COST \$10,000**

**5.2 Remove Deer Park Creek Grade Control Structure**

**Task Description:**

A sandbag structure approximately 350' long and 3' high will be removed from the site. A third of the sandbag wall will be buried.

**Assumptions/References:**

Approximately 5,600 sandbags will be removed from the site. Two laborers with hand tools will be assisted by a Caterpillar model 416C backhoe. The sandbag rubble will be loaded onto a 25-ton dump truck and disposed off-site. This estimate assumes 8 hours are required to complete this task.

The cost presented below includes applicable disposal fees.

CalTrans Rates was used to determine the rental cost of the equipment, and the labor costs were taken from SPWR.

**Cost Estimates:**

A. Equipment – List all equipment required to complete identified task.

Activity	Equipment	Quantity	Unit	Unit Cost (\$)	Cost (\$)
Grade Control Structure Removal	Caterpillar 416C backhoe	8	hours	\$43.01	\$344
	25-ton truck	8	hours	\$58.99	\$472
<i>Total Equipment Cost for this Task</i>					<b>\$816</b>

B. Labor – List all labor categories to complete identified task.

Activity	Labor Category	Quantity	Units	Unit Cost (\$)	Cost (\$)
Grade Control Structure Removal	Laborer – Group 1 (2)	16	hours	\$38.16	\$611
	Operating Engineer – Group 8	8	hours	\$52.51	\$420
	Teamster – Group VI	8	hours	\$43.59	\$349
<i>Total Labor Cost for this Task</i>					<b>\$1,380</b>

C. Direct Cost for this Task

Equipment Cost \$816

Labor Cost \$1,380

**TOTAL DIRECT TASK COST \$2,196**

**5.3 Remove Culverts**

**Task Description:**

Underneath the primary access road to the mine, three 24" reinforced concrete pipe culverts will allow water to flow underneath the road. These culverts will each be approximately 12' long, and must be excavated, demolished and removed from the site.

**Assumptions/References:**

Means was used to determine the cost to excavate and demolish the culverts. The total cost is marked up adequately to reflect the disposal cost.

Means ID – 024113.33-2960

**Cost Estimates:**

A. Equipment – List all equipment required to complete identified task.

Activity	Equipment	Quantity	Unit	Unit Cost (\$)	Cost (\$)
Culvert Removal	48 hp Backhoe Loader	36	L.F.	\$2.14	\$77
<i>Total Equipment Cost for this Task</i>					<b>\$77</b>

L.F. = linear foot

B. Labor – List all labor categories to complete identified task.

Activity	Labor Category	Quantity	Units	Unit Cost (\$)	Cost (\$)
Culvert Removal	Light Equip Operator 2 Laborers	36	L.F.	\$6.65	\$239
<i>Total Labor Cost for this Task</i>					<b>\$239</b>

C. Direct Cost for this Task

*Equipment Cost* \$ 77

*Labor Cost* \$239

**TOTAL DIRECT TASK COST\* \$632**

\*total cost marked up 100% to reflect the additional disposal cost

**5.4 Remove Fences**

**Task Description:**

Approximately 5,000 feet of mixed type fence will be placed in various areas of the site. These fences include:

- Blunt nose leopard lizard protection fence,
- Processing area fence, and
- Pit precautionary fence.

**Assumptions/References:**

Means was used to determine the cost to remove the fences. Two laborers will remove approximately 5,000 feet of mixed type fence.

Means ID – 024113.56-1775

**Cost Estimates:**

A. Labor – List all labor categories to complete identified task.

Activity	Labor Category	Quantity	Units	Unit Cost (\$)	Cost (\$)
Fence Removal	2 Laborers	5,000	L.F.	\$1.12	\$5,600
<i>Total Labor Cost for this Task</i>					<b>\$5,600</b>

B. Direct Cost for this Task

*Labor Cost* \$5,600

**TOTAL DIRECT TASK COST \$5,600**

## 6.0 MISCELLANEOUS COSTS

### Task Description:

Preparation of a Phase I Environmental Site Assessment (ESA) will determine and document the condition of the site and identify issues that should be addressed before the site is considered reclaimed. A cost of \$5,000 is assigned to complete the Phase I ESA.

**TOTAL DIRECT TASK COST \$5,000**



## 7.0 MONITORING/MAINTENANCE

### Task Description:

An annual inspection for two years will ensure the site is adequately revegetated. A cost of 20% of the total revegetation cost is assigned for this task.

**TOTAL DIRECT TASK COST \$3,264**

## 8.0 INDIRECT COSTS

### 8.1 Supervision

Supervision or reclamation management includes project inspection and supervision. These activities are usually performed by a consultant or staff member with experience in reclamation of disturbed lands. Reclamation management may include recommending change orders, verifying completed work, verifying compliance with project specifications and other reclamation management oversight activities. Please refer to Appendix A, Graph No. 1 in the guidelines to determine the supervision cost factor.

### 8.2 Profit and Overhead

Where it becomes necessary for the Lead Agency or the Department of Conservation to complete reclamation of the mining site, a third party will be retained to do the actual reclamation work. Because profit and overhead costs are not included in the reclamation cost sheets, these costs must be added to the total reclamation estimate. Please refer to Appendix A, Graph No. 2 in the guidelines to determine the profit and overhead cost factor.

### 8.3 Contingencies

A contingency cost should be included in the financial assurance estimate to provide for project uncertainties and unexpected natural events. The U.S. Department of the Interior, Office of Surface Mining publishes the *Handbook for Calculation of Reclamation Bond Amounts* which recommends contingency percentages be based upon the level of direct costs, as shown below:

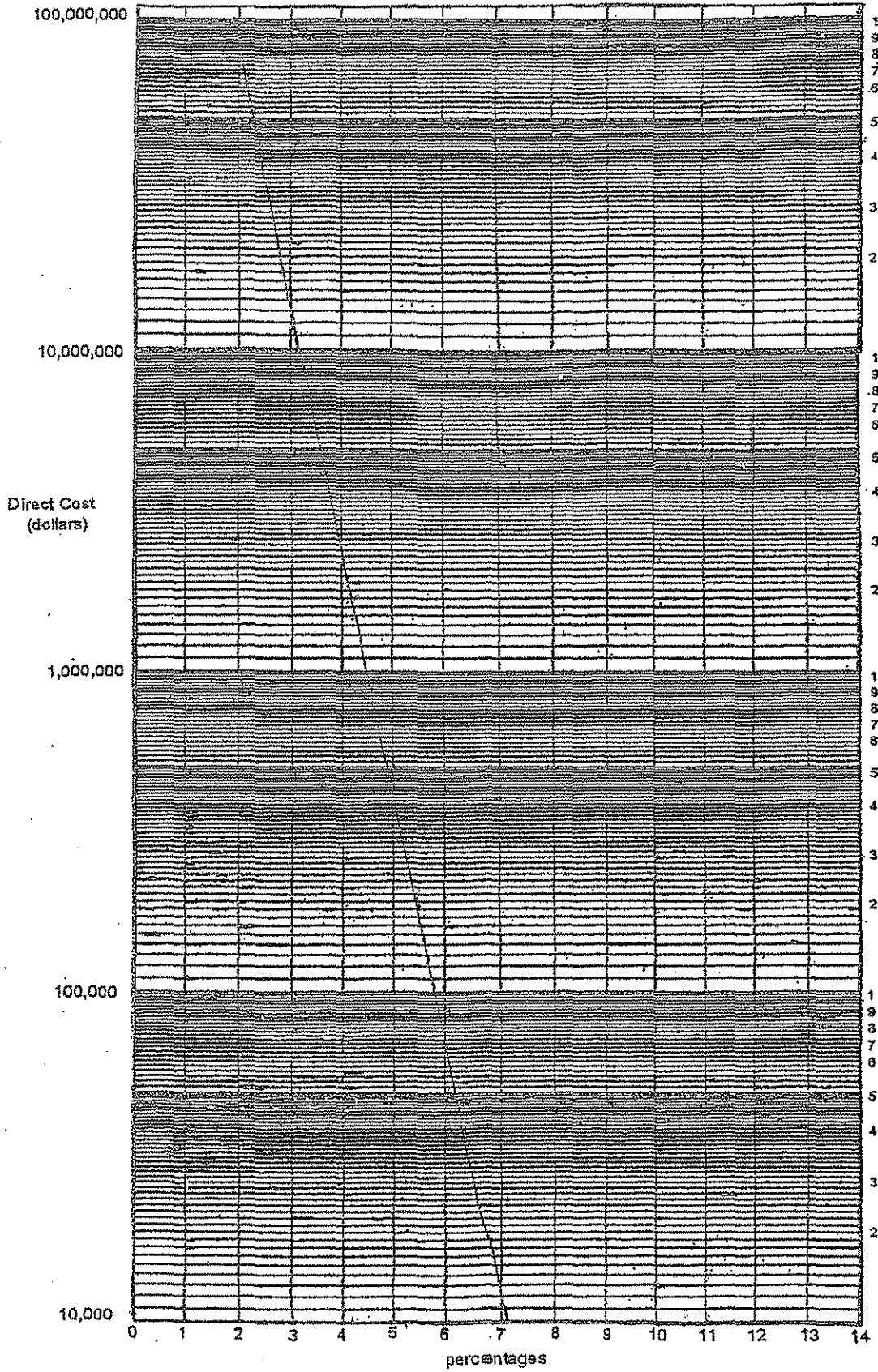
Total Direct Costs	Contingency (%)
\$0 – \$500,000	10
\$500,000 – \$5 million	7
\$5 million – \$50 million	4
Greater than \$50 million	2

### 8.4 Mobilization

Mobilization costs are attributed to moving equipment to the project site for reclamation purposes. These costs normally range between one and five percent of the total direct cost of the reclamation operations. These costs will vary depending upon the site location and the total value of the reclamation operations to be performed. The percentage used is presented in Section 1.0 – Executive Summary.

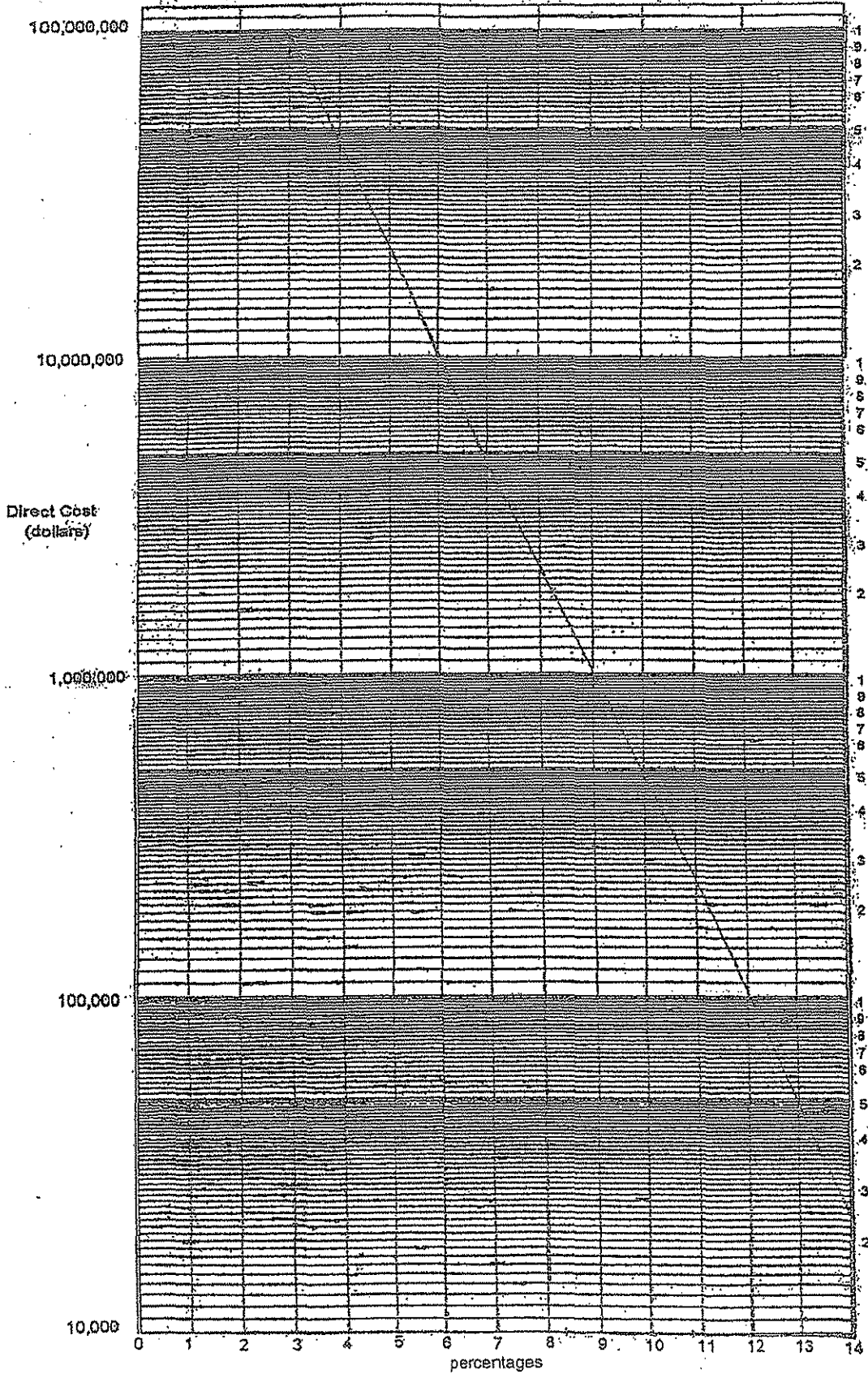
## **Appendix A**

### **Division of Mines and Geology Graph 1 – Reclamation Management Graph 2 – Profit and Overhead**



Graph 1. Reclamation management.

Appendix A-1



Graph 2. Profit and overhead. R.S. Means Co., Inc., 44th edition.

**Exhibit 6 -- Report of Cut Slope Stability**

REPORT OF CUT SLOPE STABILITY  
EVALUATION FOR MINING PLAN  
PROPOSED DIAMOND ROCK AGGREGATE  
MINE AND PROCESSING FACILITY  
WEST OF STATE ROUTE 33  
AND NORTH OF VENTUCOPA  
IN THE CUYAMA RIVER BASIN  
SANTA BARBARA COUNTY, CALIFORNIA

PROJECT NO.: 521-A05  
REPORT NO.: 1

AUGUST 31, 2005

SUBMITTED TO:

WEST COAST ENVIRONMENTAL  
AND ENGINEERING  
1838 EASTMAN AVENUE, SUITE 200  
VENTURA, CA 93003-5753

PREPARED BY:

HILLTOP GEOTECHNICAL, INC.  
786 SOUTH GIFFORD AVENUE  
SAN BERNARDINO, CA 92408



786 S. GIFFORD AVENUE • SAN BERNARDINO • CALIFORNIA 92408  
hilltopg@hgeotech.com • FAX 909-890-9055 • 909-890-9079

## HILLTOP GEOTECHNICAL

INCORPORATED

August 31, 2005

West Coast Environmental and Engineering  
1838 Eastman Avenue, Suite 200  
Ventura, CA 93003-5753

Project No.: 521-A05.  
Report No.: 1

Attention: Ms. Ingrid Elsei

Subject: Report of Cut Slope Stability Evaluation for Mining Plan,  
Proposed Diamond Rock Aggregate Mine and Processing  
Facility, West of State Route 33 and North of Ventucopa in the  
Cuyama River Basin, Santa Barbara County, California.

- References:
1. West Coast Environmental and Engineering, July 21, 2005, E-Mailed Portion of June, 15, 2003, *Diamond Rock Project Description*.
  2. West Coast Environmental and Engineering, June 7, 2005, *Request for Proposal to Prepare Slope Stability Analysis*.
  3. State of California Resources Agency, Department of Conservation, Office of Mine Reclamation, March 17, 2005, *Review of the Draft Environmental Impact Report for the Proposed Troesh Ready Mix, Diamond Rock Sand and Gravel Mine, Near Ventucopa*.
  4. West Coast Environmental and Engineering, June, 2003, *Geologic Report, Proposed Diamond Rock Sand and Gravel Mine, State Route 33, Maricopa, CA, WCE Project #: TRO190-001-03*.
  5. Daniel J. Pellow Consulting, May 17, 2003, *Mining Plan - Phase 1, Diamond Rock Aggregate Mine and Processing*



*Facility, Troesh Ready Mix, Inc., Maricopa, CA, Scale: 1' = 200', Sheet 3/6.*

6. Daniel J. Pellow Consulting, May 17, 2003, *Mining Plan - Phase 2, Diamond Rock Aggregate Mine and Processing Facility, Troesh Ready Mix, Inc., Maricopa, CA, Scale: 1' = 200', Sheet 4/6.*
7. Daniel J. Pellow Consulting, June 11, 2003, *Mining Plan Cross Sections, Diamond Rock Aggregate Mine and Processing Facility, Troesh Ready Mix, Inc., Maricopa, CA, Scale: 1' = 80', Sheet 5/6.*
8. BSK & Associates, August 21, 2002, *Concrete Aggregate Test Results (ASTM C33), Cuyama Quarry Site -2002, BSK Job 03601643.*

Ms. Elsel:

According to your request, we have completed a slope stability evaluation for the proposed mining cut slopes for the Diamond Rock Sand and Gravel Mine facility to be located to the west of State Route 33 and north of Ventucopa within the Cuyama River Basin in Santa Barbara County, California. We are presenting, herein, our findings and recommendations.


If you have any questions after reviewing the findings and recommendations contained in the attached report, please do not hesitate to contact this office. This opportunity to be of professional service is sincerely appreciated.

Respectfully submitted,

HILLTOP GEOTECHNICAL, INC.



Mark Hulett, CEG No. 1623  
President



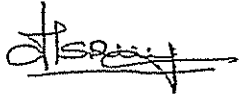
Donald L. Curran, GE No. 254

Senior Engineer

Date Signed: 9-5-05



HILLTOP GEOTECHNICAL, INC.



Sundaramoorthy Srirajan, RCE No.68601

Project Engineer

Date Signed: 09-01-05

SS/ML/DLC/em

Distribution: (1) Addressee  
(Unbound Copy)

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REPORT OF CUT SLOPE STABILITY  
EVALUATION FOR MINING PLAN  
PROPOSED DIAMOND ROCK AGGREGATE  
MINE AND PROCESSING FACILITY  
WEST OF STATE ROUTE 33  
AND NORTH OF VENTUCOPA  
IN THE CUYAMA RIVER FLOOD PLAIN  
SANTA BARBARA COUNTY, CALIFORNIA

PROJECT NO.: 521-A05  
REPORT NO.: 1

AUGUST 31, 2005

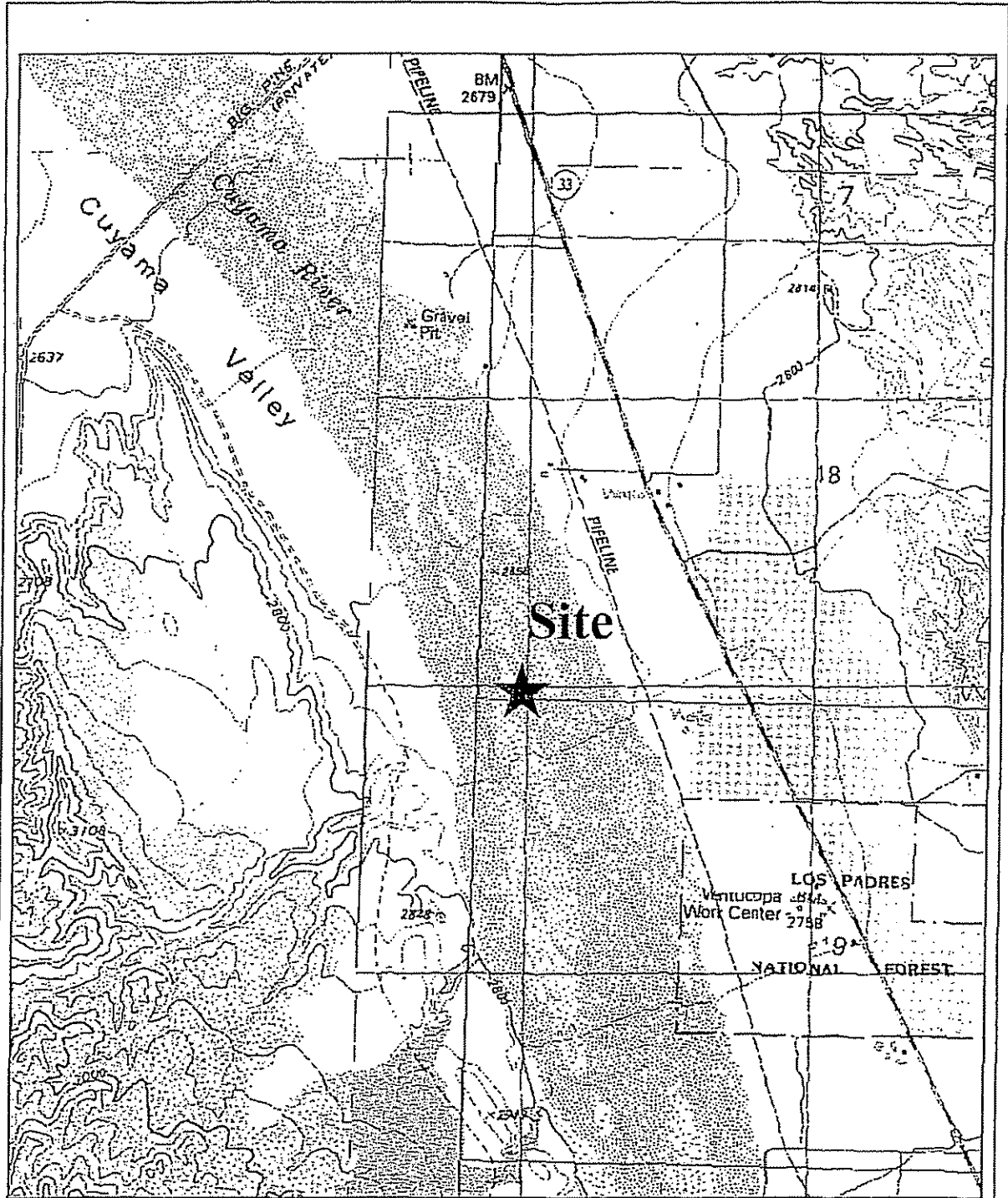
INTRODUCTION

AUTHORIZATION

This report presents the results of a slope stability evaluation for the proposed mining cut slopes for the proposed Diamond Rock Sand and Gravel Mine facility to be located within the Cuyama River Basin in Santa Barbara County, California. The general location of the subject site is indicated on the 'Site Location Map,' Figure No. 1.

Authorization to perform this study was in the form of a signed proposal from Hilltop Geotechnical, Inc. (Geotechnical Consultant) to West Coast Environmental and Engineering (Client), dated June 15, 2005, Proposal Number: P05108.

HILLTOP GEOTECHNICAL, INC.



Reference: Web's Topographic Map Site, <http://www.topozone.com>  
 Yahoo Map Site, <http://maps.yahoo.com>



**HILLTOP GEOTECHNICAL**  
INCORPORATED

**SITE LOCATION MAP**

By: SS

Date: 8/05

Project No.: 521-A05.1

Figure No.: 1

## PURPOSE AND SCOPE OF STUDY

The scope of work performed for this study was designed to evaluate the slope stability of cut slopes for the mining proposed for the subject site. The scope of work included the following:

- ⦿ Review of locally and easily available published and unpublished soils, geologic, and seismologic reports and data for the area, including geologic reports prepared by West Coast Environmental and Engineering (Reference No. 4 noted on the cover sheet of this report), to ascertain geologic conditions of the area.
- ⦿ Telephone conversations with the client and/or representatives of the client.
- ⦿ Site reconnaissance.
- ⦿ Slope stability evaluation of the proposed mining cut slopes.
- ⦿ Preparation of this report to present the geotechnical and geologic conclusions and recommendations for the proposed site development.

This report presents our conclusions and/or recommendations regarding evaluation of stability of proposed mining cut slopes. The scope of work performed for this report did not include any testing of soil or groundwater for environmental purposes, an environmental assessment of the property, or opinions relating to the possibility of surface or subsurface contamination by hazardous or toxic substances.

This study was prepared for the exclusive use of West Coast Environmental and Engineering and their consultants for specific application to the proposed Diamond Rock Aggregate Mine and Processing Facility in accordance with generally accepted standards of the geotechnical and geologic professions and generally accepted geotechnical (soil and foundation) engineering principles and

practices at the time this report was prepared. Other warranties, implied or expressed, are not made. Although reasonable effort has been made to obtain information regarding the geotechnical and subsurface conditions of the site, limitations exist with respect to the knowledge of unknown regional or localized off-site conditions which may have an impact at the site. The conclusions and recommendations presented in this report are valid as of the date of the report. However, changes in the conditions of a property can occur with the passage of time, whether they are due to natural processes or to the works of man on this and/or adjacent properties.

If conditions are observed or information becomes available during the design and mining process which are not reflected in this report, Hilltop Geotechnical, Inc., as the 'Geotechnical Engineer of Record' for the project, should be notified so that supplemental evaluations can be performed and the conclusions and recommendations presented in this report can be modified or verified in writing as necessary. Changes in applicable or appropriate standards of care in the geologic and geotechnical professions occur, whether they result from legislation or the broadening of knowledge and experience. Accordingly, the conclusions and recommendations presented in this report may be invalidated, wholly or in part, by changes outside the influence of the project Geotechnical Consultant which occur in the future.

#### PREVIOUS SITE STUDIES

Prior to this report, a previous geologic study has been performed on the subject site. The results of that study were presented in the Reference No. 4 'Geologic Report' noted on the cover page of this report. The results of the previous study correspond with the results of this study, recognizing the normal variations in subsurface materials within natural alluvial deposits on the subject site. The

information presented in the referenced reports is not repeated herein. However, reference is made to inform the reader of the existence of the report.

#### PROJECT DESCRIPTION / PROPOSED DEVELOPMENT

As part of our study, we have discussed the project with Ms. Ingrid Elsel and Mr. Peter L. Thams of West Coast Environmental and Engineering, the client for the project. We have also been provided with a 'Mining Plan' for the project, Reference Nos. 5 through 7 noted on the cover sheet of this report. In addition, we have reviewed the Reference Nos. 1 through 4 documents which were previously prepared for the subject site.

Based upon information presented to this firm by the client, it is our understanding that the proposed project will consist of a mining operation and aggregate processing facility known as the Diamond Rock Sand and Gravel Mine. The mining plan consists of two (2) phases. Phase 1 will be divided into a series of cuts and lifts. Phase 2 will involve a single cut. The maximum depth of the mining pit is anticipated to be 100 feet. The exterior slopes are proposed at a 3:1 (Horizontal to Vertical) overall slope gradient with horizontal benches every 30 feet vertical and intermediate slopes between benches at inclinations of approximately 2:1 (Horizontal to Vertical). Temporary interior slopes are proposed at a 2:1 (Horizontal to Vertical) overall slope gradient. The process of cuts and lifts will proceed until groundwater is encountered. At that time the mining operation will cease. The referenced project description also indicated that the mining operation will be suspended and equipment will be moved out of the riverbed at flood times. Flood deposited material which fills the excavations will not be re-mined unless the sediments are high in marketable aggregates. After a period of flooding, the excavation for the mining will be moved adjacent to the top of the last interior



slope and the mining process started over again in the unmined material which was not part of the most recent flood episode.

The above project description and assumptions were used as the basis for our engineering analysis, and the conclusions and recommendations presented in this report. Hilltop Geotechnical, Inc. should be notified if any details other than those represented herein are proposed for final development of the site so a review can be performed, a supplemental evaluation made, and revised recommendations submitted, if required.

## CUT SLOPE STABILITY EVALUATION

### GENERAL

Four (4) proposed cut slopes were evaluated for the project. The slopes evaluated included two (2) exterior slopes at a 3:1 (Horizontal to Vertical) overall slope gradient with horizontal benches and two (2) interior slopes at a 2:1 (Horizontal to Vertical) slope inclination. The locations of the slopes analyzed are presented on the 'Slope Section Location Plan,' Plate No. 1, located in the attached map pocket at the rear of this report.

### SLOPE STABILITY ANALYSIS

Gross stability analyses were performed for the four (4) slopes proposed to be constructed as part of the development of the subject site. The slopes were evaluated for gross stability under static and pseudostatic (seismic) conditions. A coefficient of horizontal acceleration of 0.15g was utilized in this analysis for seismic conditions.

### Stability Parameters

Based on the sieve analysis test results presented in the Reference No. 8 report for a near by mine, the on-site soils are classified as poorly to well graded sands (SP's and SW's). An assumed moist unit weight of 135 pounds per cubic foot (pcf) was used for the in-situ deposits in the stability analyses. Assumed strength parameters of the in-situ material used in the slope stability analyses were determined from Joseph E. Bowles '*Foundation Analysis and Design*', fifth edition and are presented in the following table:

Material Description	Phi Angle (Degrees)	Cohesion (psf)
Loose poorly to well graded sands (SP/SW)	34	0

### Stability Analyses

The computer program used to compute the safety factors for the gross slope stability under static and psuedo-static (seismic) conditions was PCSTABL5M by Purdue University. This program uses a random generated failure surface and the Modified Janbu Method of computing the factors of safety. The following table shows the calculated factors of safety for each analysis conducted. The calculations and cross sections for the analyses are presented in Appendix 'A.'

Summary of Safety Factors  
for Gross Stability Under No Ground Water Condition

<u>Section Analyzed</u>	<u>Height Of Slope (ft.)</u>	<u>Slope Inclination (H:V)</u>	<u>Factor of Safety (Static)</u>	<u>Factor of Safety (Seismic)</u>	<u>Remarks</u>
Exterior Slopes					
A1 (Total)	100	3:1	2.3	1.5	Plate 2 and 3

Summary of Safety Factors  
for Gross Stability Under No Ground Water Condition

<u>Section Analyzed</u>	<u>Height Of Slope</u> (ft.)	<u>Slope Inclination</u> (H:V)	<u>Factor of Safety</u> (Static)	<u>Factor of Safety</u> (Seismic)	<u>Remarks</u>
Exterior Slopes (Cont.)					
A1 (Intermediate)	30	2.1:1	1.4	1.0	Plate 4 and 5
A2 (Intermediate)	30	2.4:1	1.7*	1.2*	Plate 6 and 7
B2 (Total)	90	2:1	2.0	1.3	Plate 8 and 9
B2 (Intermediate)	30	1.9:1	1.4	1.0	Plate 10 and 11
B4 (Intermediate)	30	2.1:1	1.5**	1.1**	Plate 12 and 13
Interior Slopes					
B1 (Total)	90	2:1	1.5	1.1	Plate 14 and 15
B3 (Total)	90	2.6:1	2.0	1.3	Plate 16 and 17
B3 (Intermediate)	54	2:1	1.4	1.0	Plate 18 and 19
*	Section A1 with 40 and 20 foot benches.				
**	Section B2 with 20 foot benches.				

### Slope Section A1

As shown on the attached Plate No. 1, 'Slope Section Location Plan,' the proposed external cut slope section has a total height of 100 feet and an overall slope inclination of 3:1 (Horizontal to Vertical) with one (1) 50 foot wide and two (2) 30 foot wide benches. Under no ground water condition, the gross stability analysis indicated that the proposed external slope has a factor of safety exceeding 1.5 for static conditions and 1.1 for seismic conditions against a total slope failure. However, the gross stability analysis for intermediate slopes between the benches indicate factors of safety for static and seismic conditions of less than 1.5 and 1.1, respectively. By reducing the bench widths to 40 and 20 feet, respectively, and maintaining a 3:1 (Horizontal to Vertical) overall slope gradient (Section A2), the

factors of safety can be increased to greater than 1.5 for static conditions and 1.1 for seismic conditions as needed for permanent stability.

#### Slope Section B1

The proposed temporary interior cut slope Section B1 has a total height of 90 feet and a slope inclination of 2:1 (Horizontal to Vertical) with no benches. Under no ground water condition, the gross stability analysis indicated that the proposed slope has a factor of safety equivalent to 1.5 for static conditions and 1.1 for seismic conditions. For a temporary cut slope, a factor of safety equivalent to 1.2 for static conditions and 1.0 for seismic conditions is generally considered to be adequate.

#### Slope Section B2

As shown on the Plate 1, 'Slope Section Location Plan,' the proposed exterior cut slope section has a total height of 90 feet and an overall slope inclination of 3:1 (Horizontal to Vertical) with 30 foot wide benches every 30 vertical feet. Under no ground water condition, the gross stability analysis indicated that the proposed external slope has a factor of safety exceeding 1.5 for static conditions and 1.1 for seismic conditions against the total slope failure. However, the gross stability analysis for intermediate slopes indicate factors of safety for static and seismic conditions of less than 1.5 and 1.1, respectively. By reducing the bench width to 20 feet every 30 vertical feet and maintaining a 3:1 (Horizontal to Vertical) overall slope gradient (Slope Section B4), the factors of safety is increased to 1.5 for static conditions and 1.1 for seismic conditions as needed for permanent stability.

#### Slope Section B3

The proposed temporary interior cut slope Section B3 has a total height of 90 feet and an overall slope inclination of 2.6:1 (Horizontal to Vertical) with a 50 foot wide bench. Under no ground water condition, the gross stability analysis indicated

that the slope has a factor of safety of 2.0 for static conditions and 1.3 for seismic conditions for the total slope. The gross stability analysis for the intermediate slope above the bench indicates a factor of safety for static and seismic conditions of 1.4 and 1.0. For a temporary interior cut slope, the factors of safety equivalent to 1.2 for static conditions and 1.0 for seismic conditions are considered to be adequate.

### Conclusions

The following conclusions are based on the findings of the stability analyses performed for this report:

- ⊙ The proposed exterior cut slopes with reduced bench widths have adequate factors of safety for both static and seismic conditions under no groundwater condition.
- ⊙ The proposed temporary interior cut slopes have adequate factors of safety for static conditions under no groundwater condition.
- ⊙ The proposed interior and exterior cut slopes do not have adequate factors of safety under saturated conditions. Therefore, no mining is recommended below a water table and/or in the event of flooding that cause the slopes to become saturated.
- ⊙ Per the Reference No. 1 'Diamond Rock Project Description', the excavation will proceed through a series of cuts and lifts until excavated to final depth. The pit excavation will proceed until the Cuyama River floods and mining activities will be suspended and equipment will be moved out of the riverbed. In addition, there is no area which is prone to damages to buildings and life threatening injuries in case of slope failure.
- ⊙ When the Cuyama River floods, it is expected that the excavated pit will receive flood deposited material and the mass of the flood deposited material would increase the resisting force against slope failure.
- ⊙ As described in the Reference No. 1 'Diamond Rock Project Description' noted on the cover page of this report, a flood control berm will be graded

around the upstream portions of the open pit to prevent low volume flooding from entering the pit. The flood control berm also prevents surficial slope failures and erosion.

- ④ Slope stability analysis under saturated conditions were also performed for Section A1. The analyses were performed for a static groundwater condition with the mine excavation full of water and a worst case rapid drawdown scenario (i.e., the mine excavation is rapidly pumped out). With a uniform groundwater condition, a factor of safety of 1.1 was determined for static conditions (See the attached Plate No. 20). For a rapid drawdown condition, a factor of safety of less than 1.0 was determined (See the attached Plate No. 21). Therefore, mining should not proceed below the groundwater table and the excavation should not be pumped dry after flooding in order to maintain an adequate factor of safety against slope failure.

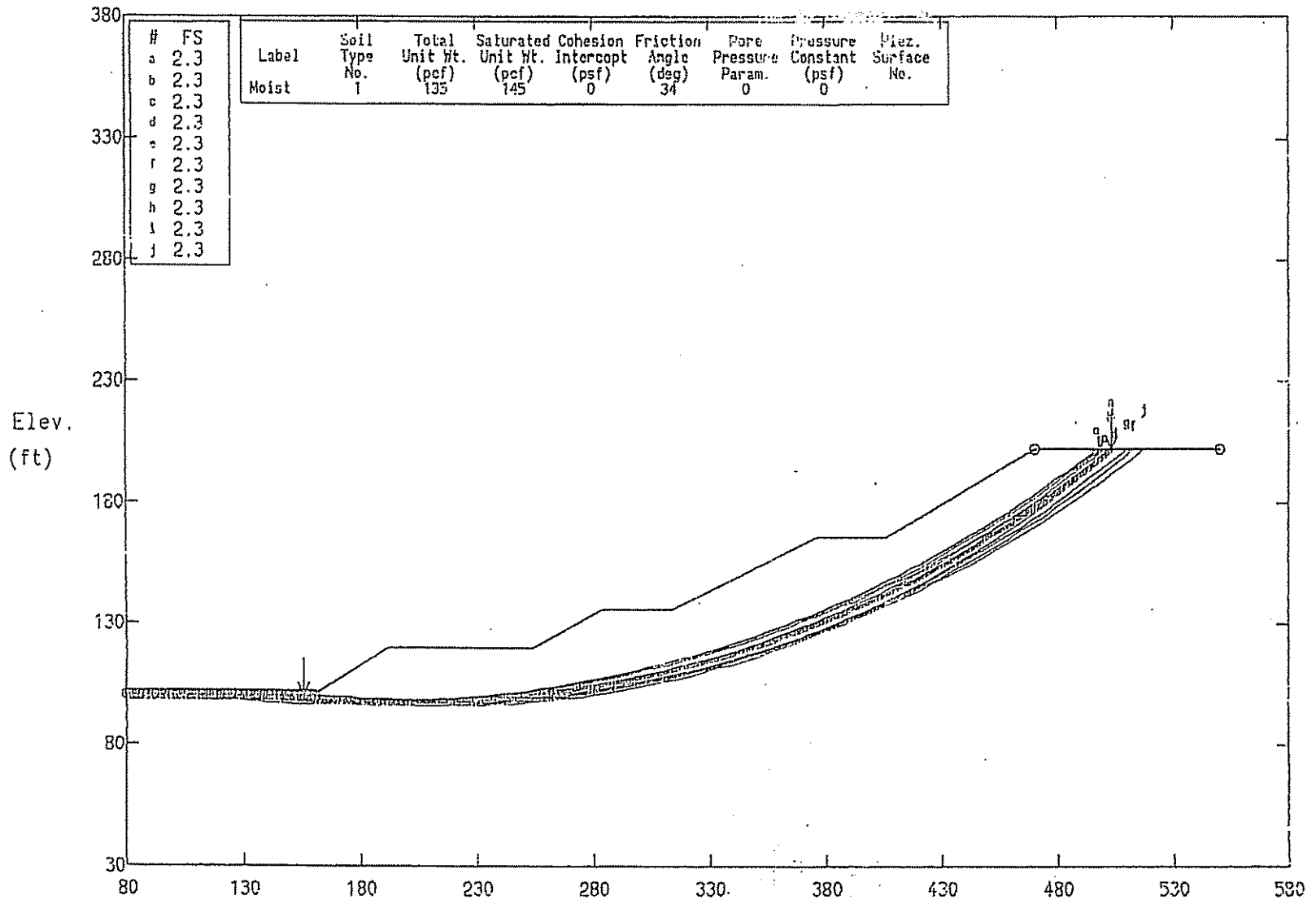
## CLOSURE

Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable geotechnical engineers practicing in this or similar localities. No other warranty, express or implied, is made. The scope of our services did not include any environmental assessment or study for the presence or absence of hazardous or toxic materials in structures, soil, surface water, groundwater or air, below or around this site. This report was prepared for the use of the West Coast Environmental and Engineering and their designates in cooperation with our office to be used as an aid in the design of the proposed project.

If conditions are encountered during construction that appear to be different than those indicated by this report, this office should be notified since it may be necessary to reevaluate the recommendations of this report.

This office should be advised of any changes in the project scope. In the event that any changes of the project are planned, the conclusions contained in this report shall be reviewed and the report should be modified or supplemented as necessary.

Diamond Rock Slope Sand and Gravel Mine 521-A05.1. 3:1 Over a 50' Road, Static  
 Ten Most Critical. C:521A1.PLT By: SS 07-28-05 10:43am

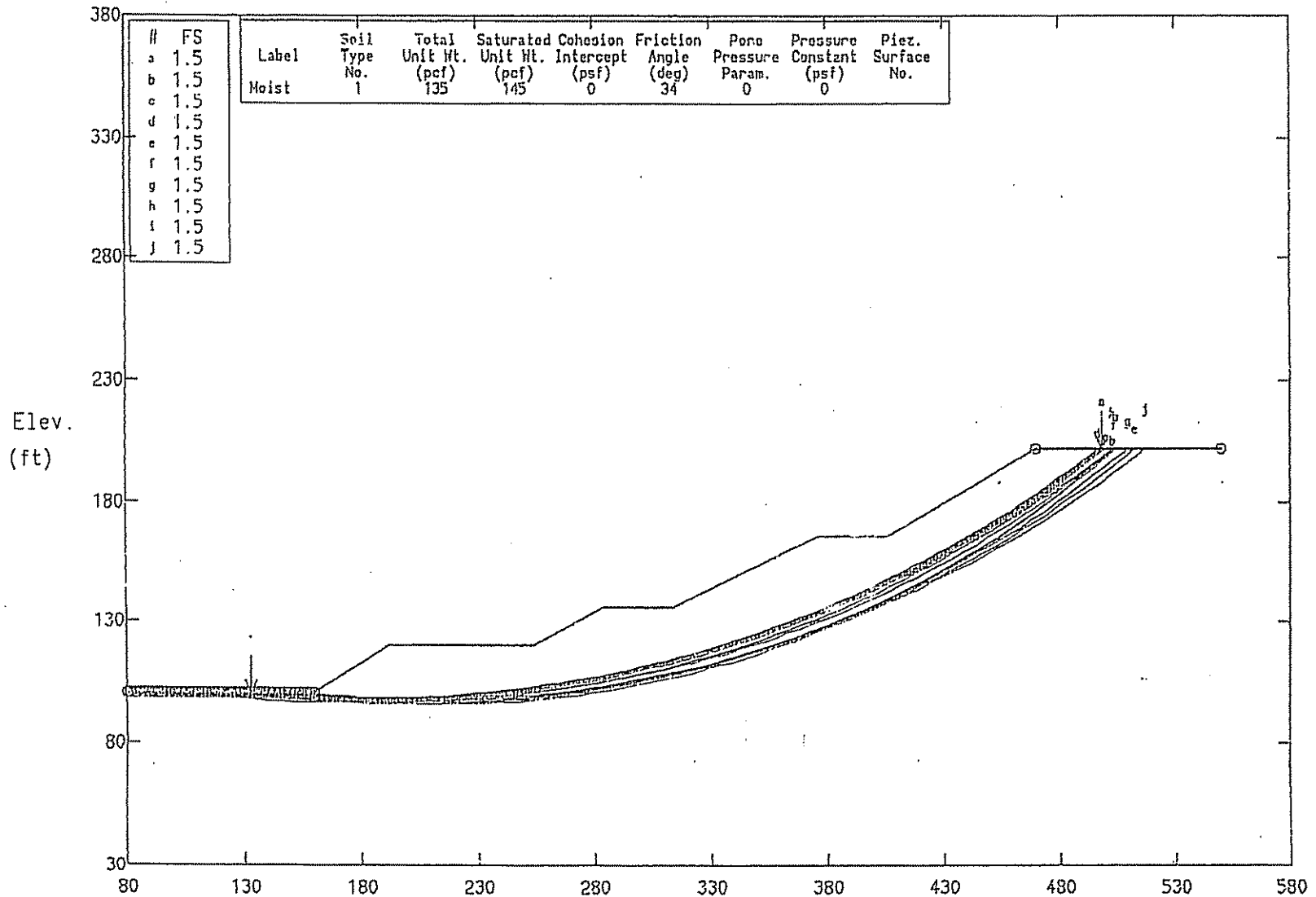


PCSTABL5M FSmin=2.3 X-Axis (ft)  
 Factors Of Safety Calculated By The Modified Janbu Method



Diamond Rock Slope Sand and Gravel Mine 521-A05.1, 3:1 Overall 50' Road, 0.15g

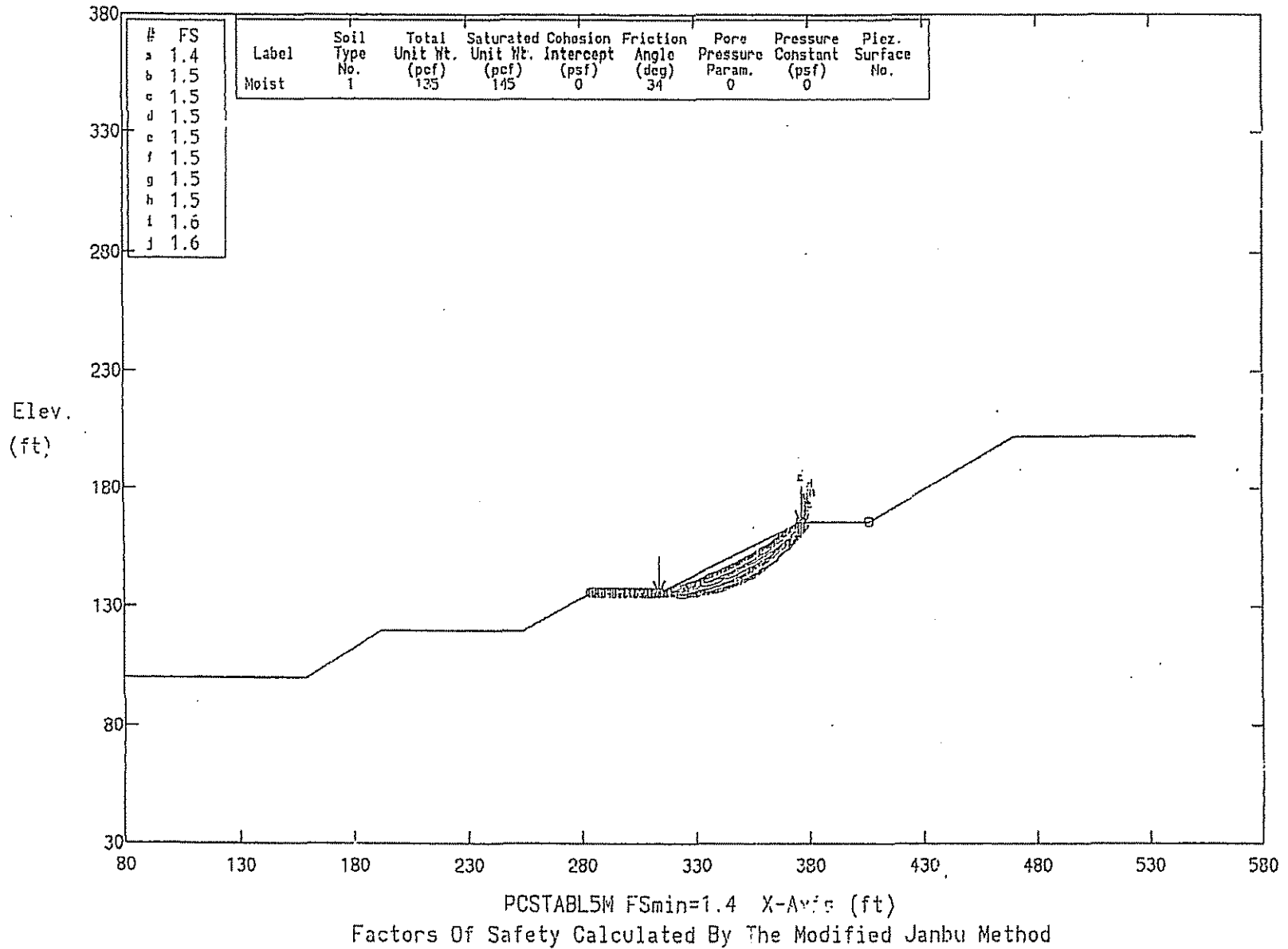
Ten Most Critical. C:521A1S.PLT By: SS 07-28-05 10:45am



PCSTABL5M FSmin=1.5 X-Axis (ft)

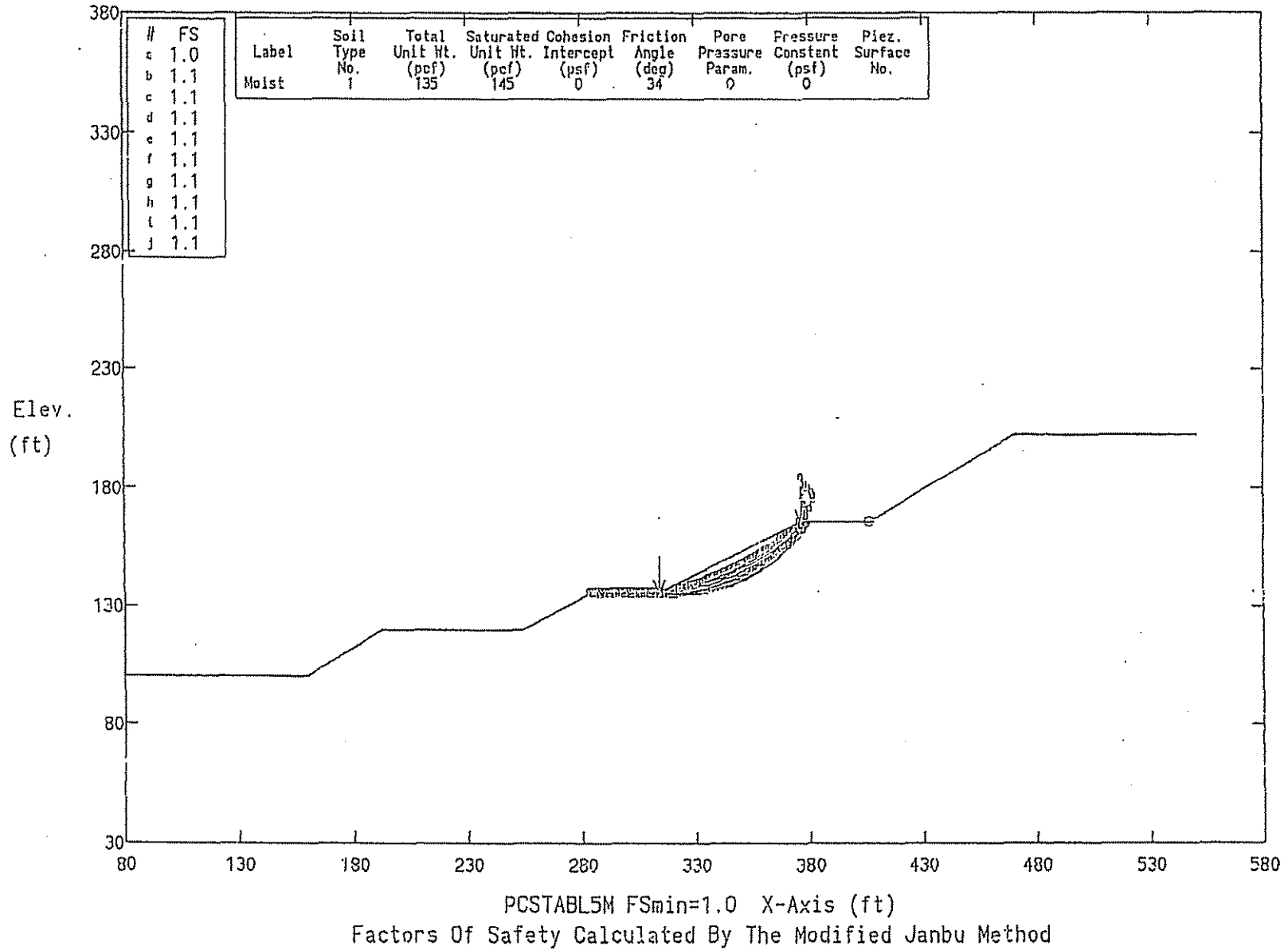
Factors Of Safety Calculated By The Modified Janbu Method

Diamond Rock Slope Sand and Gravel Mine 521-A05.1, 3:1 Overall 50' Road, Static  
 Ten Most Critical. C:521A1'.PLT By: SS 07-28-05 10:47am

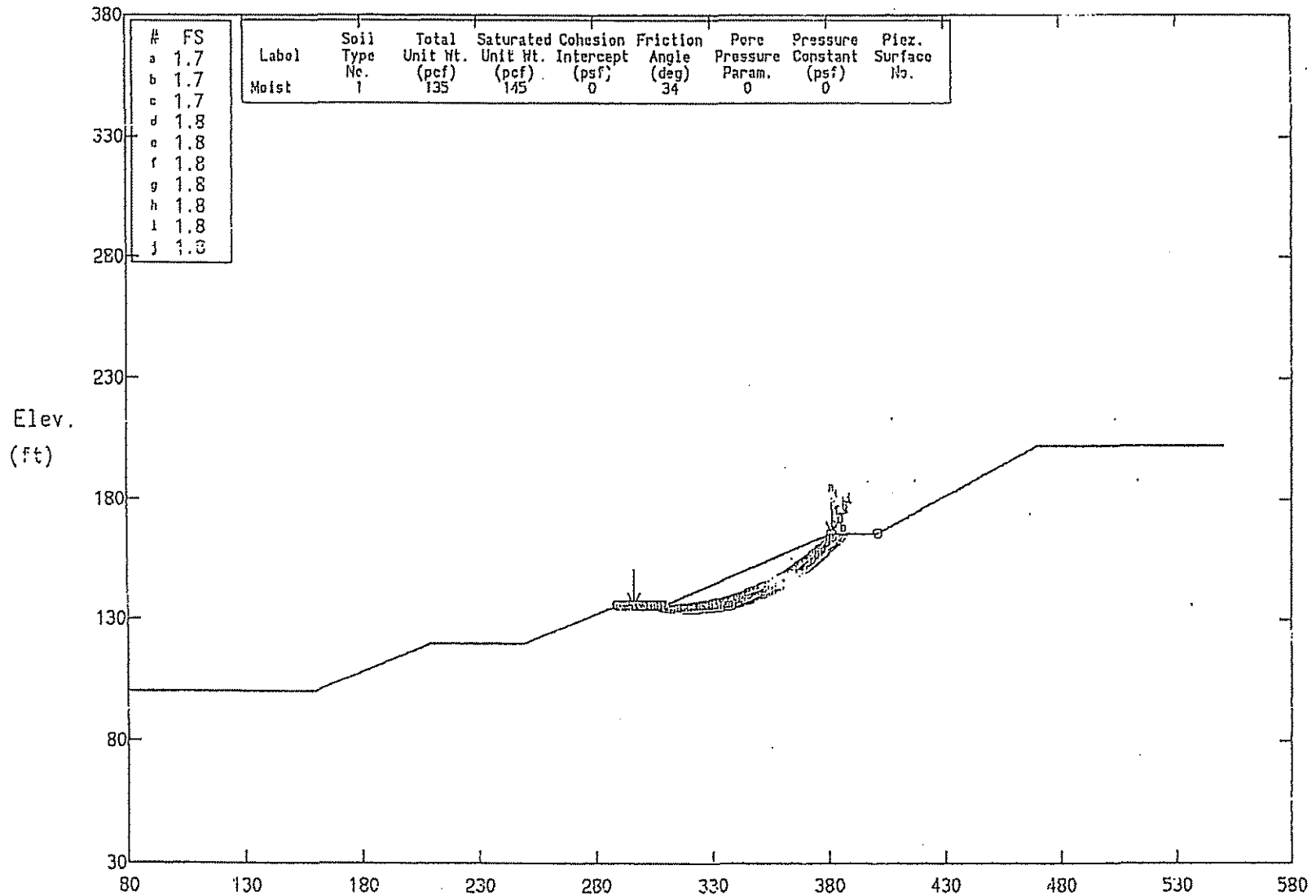


Diamond Rock Slope Sand and Gravel Mine 521-A05.1, 3:1 Overall 50' Road, 0.15g

Ten Most Critical. C:521A1'S.PLT By: SS 07-28-05 10:52am



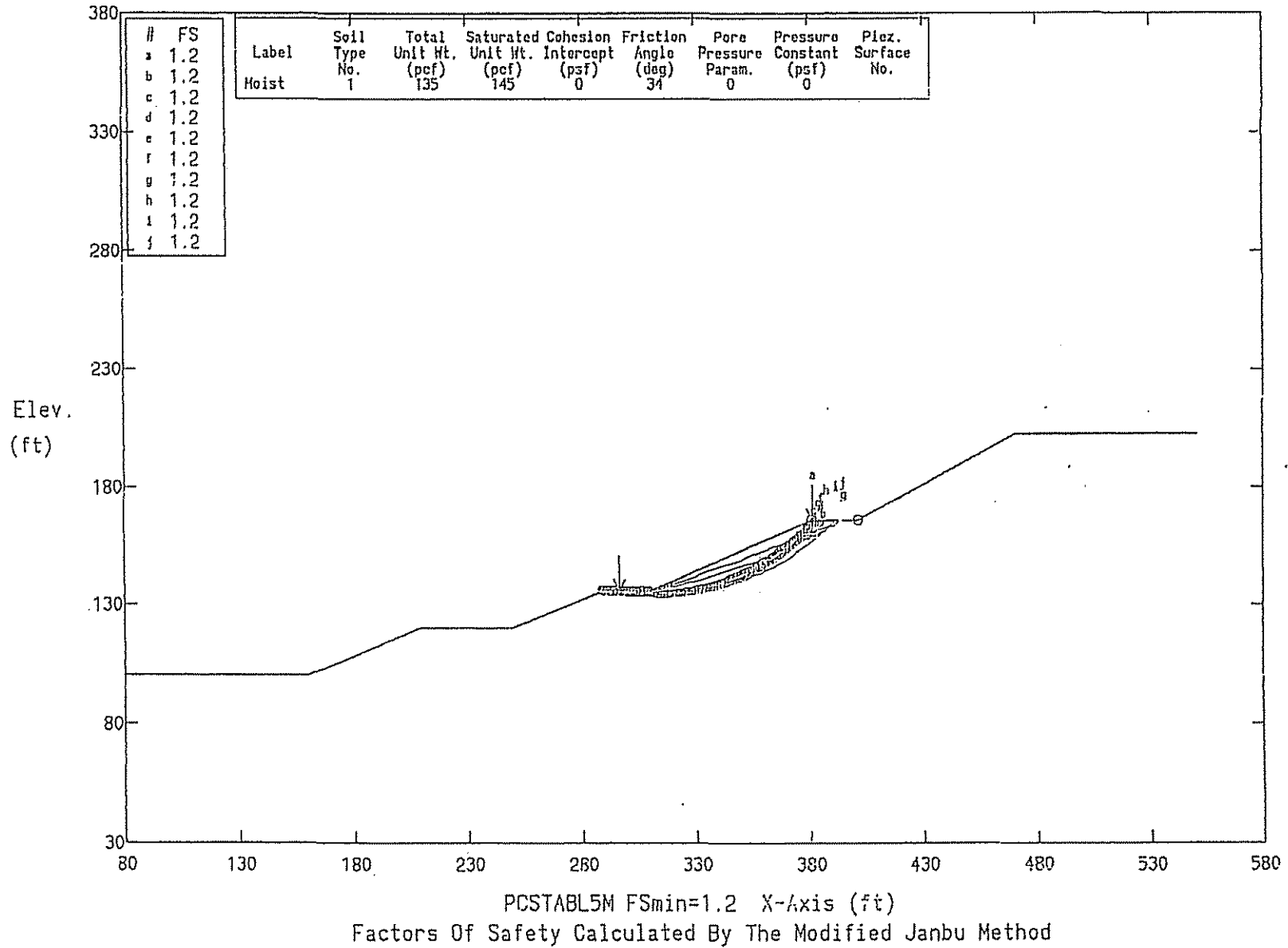
Diamond Rock Slope Sand and Gravel Mine 521-A05.1, 3:1 Overall 50' Road, Static  
 Ten Most Critical. C:521A2.PLT By: SS 07-28-05 1:20pm



PCSTABLE: FSmin=1.7 X-Axis (ft)  
 Factors Of Safety Calculated By The Modified Janbu Method

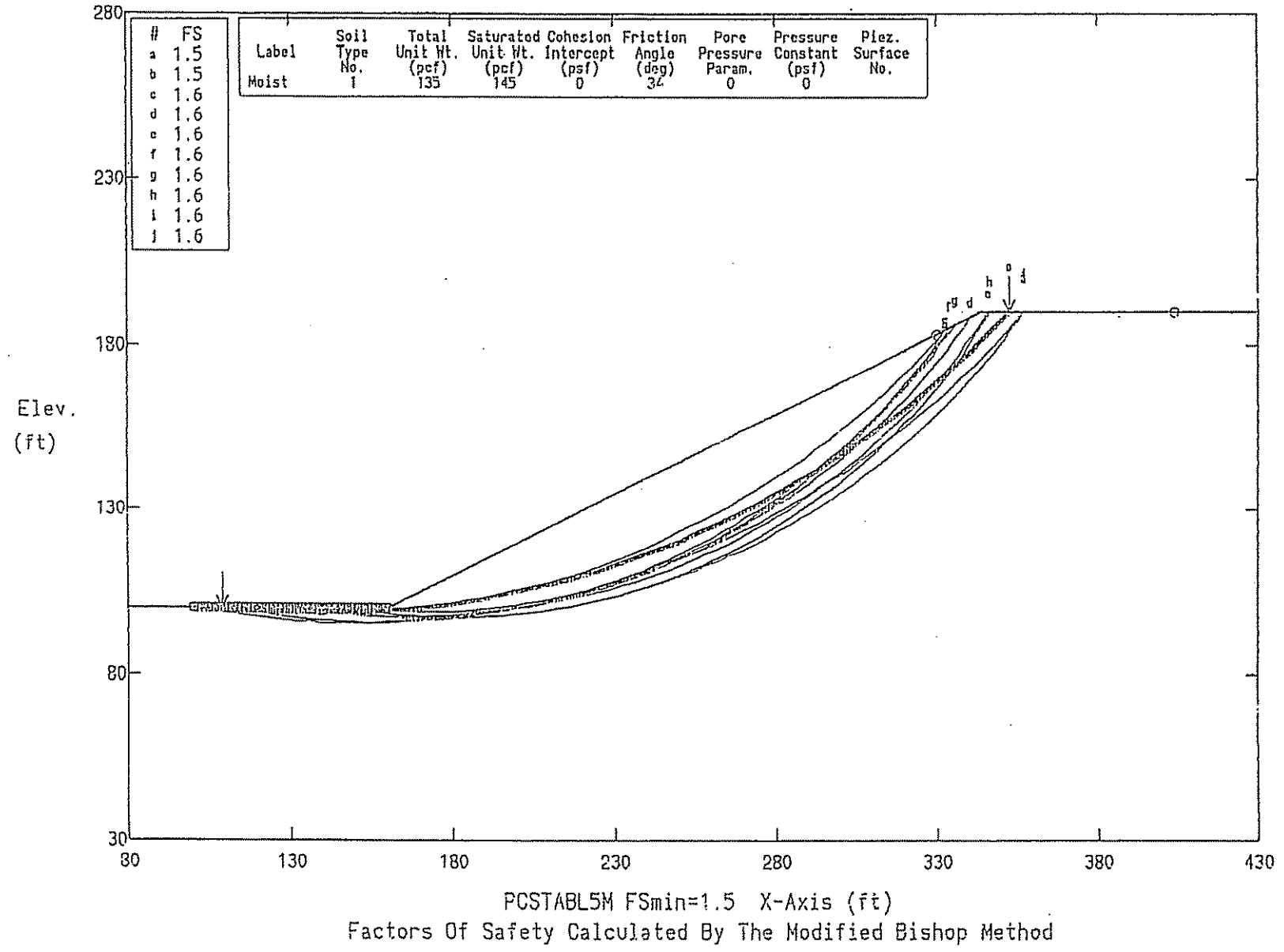
Diamond Rock Slope Sand and Gravel Mine 521-A05.1, 3:1 Overall 50' Road, 0.15g

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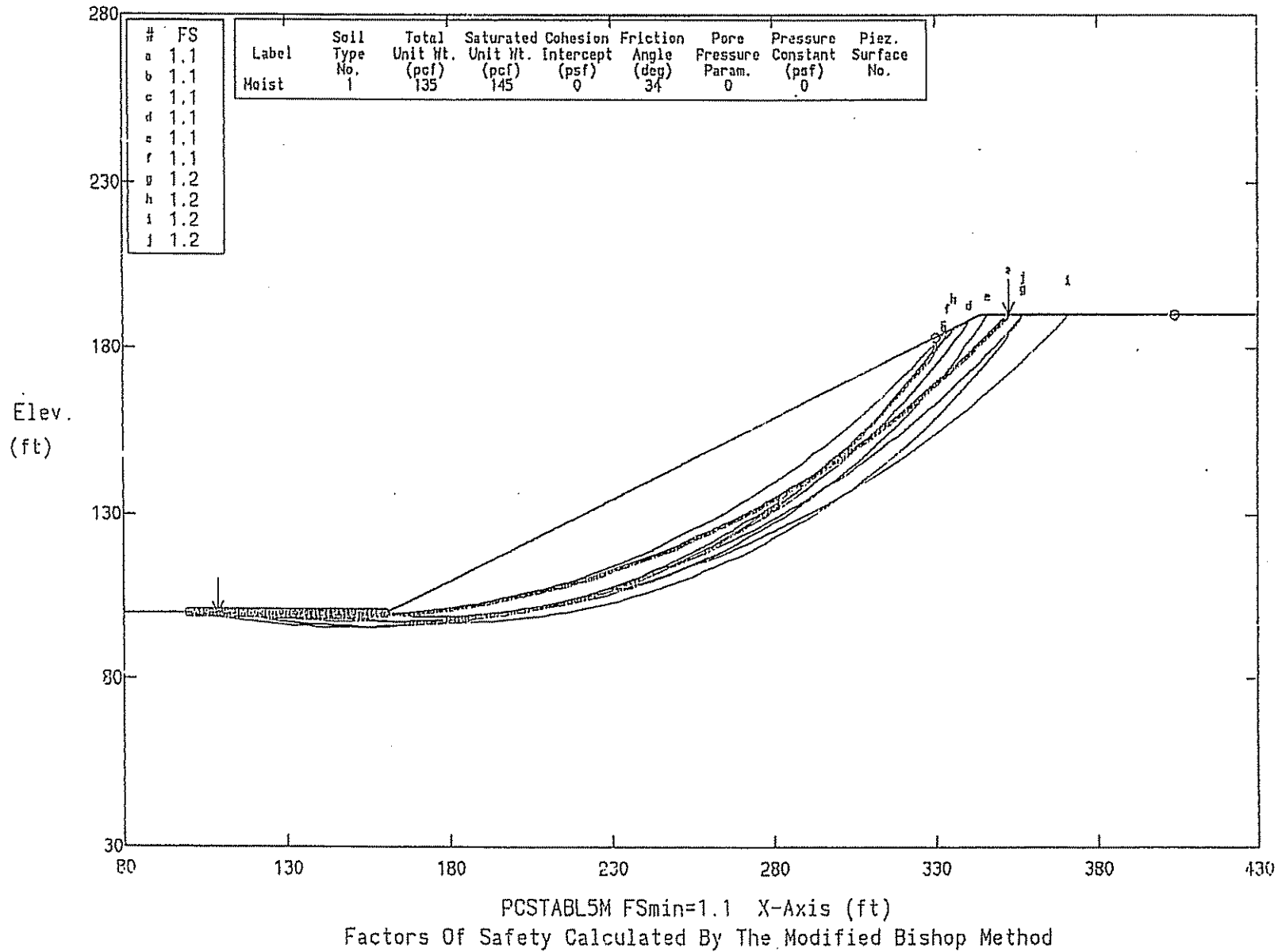
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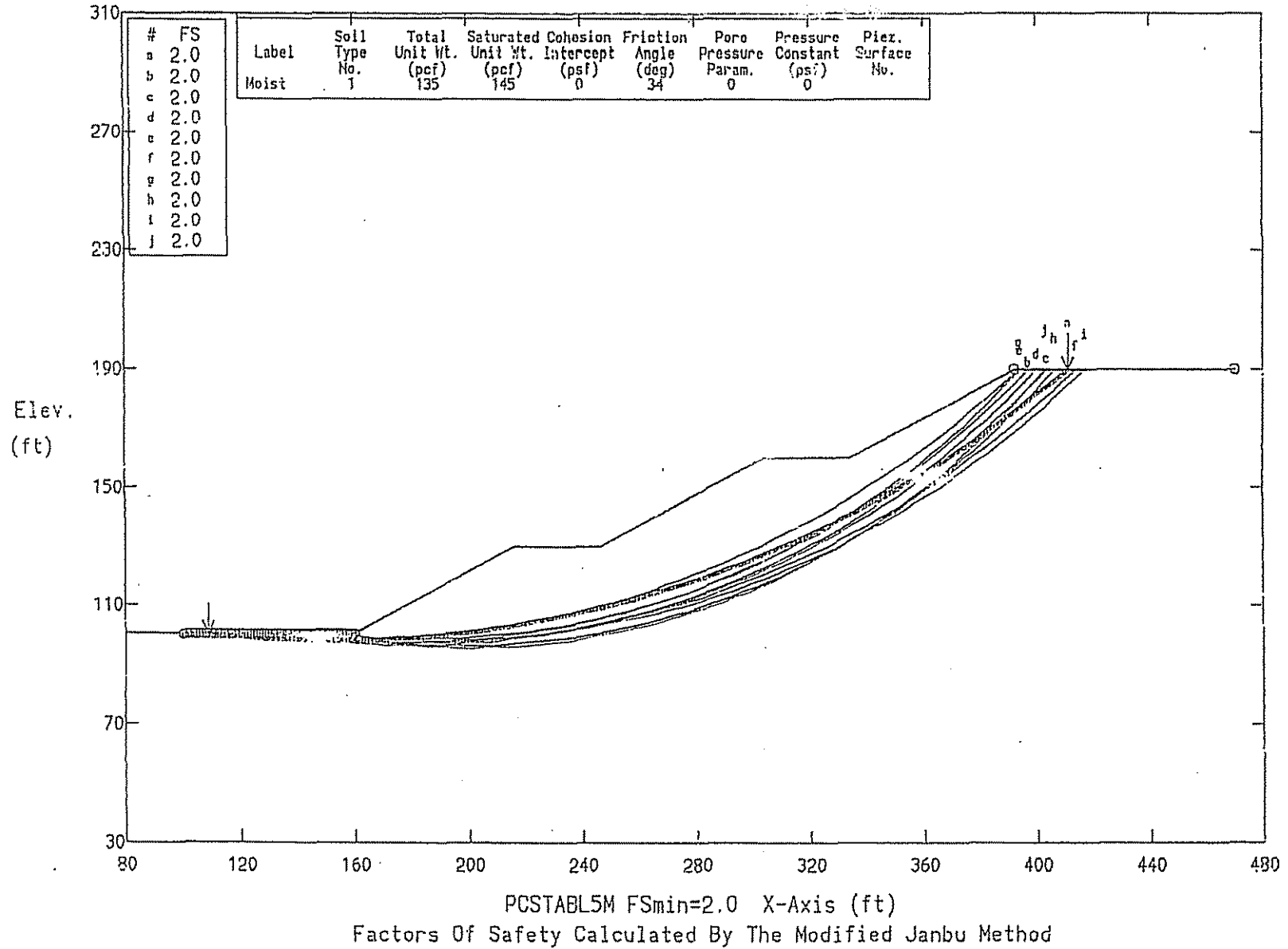


Diamond Rock Slope Sand and Gravel Mine 521-A05.1, 2:1 Slope, Seismic (0.15g)

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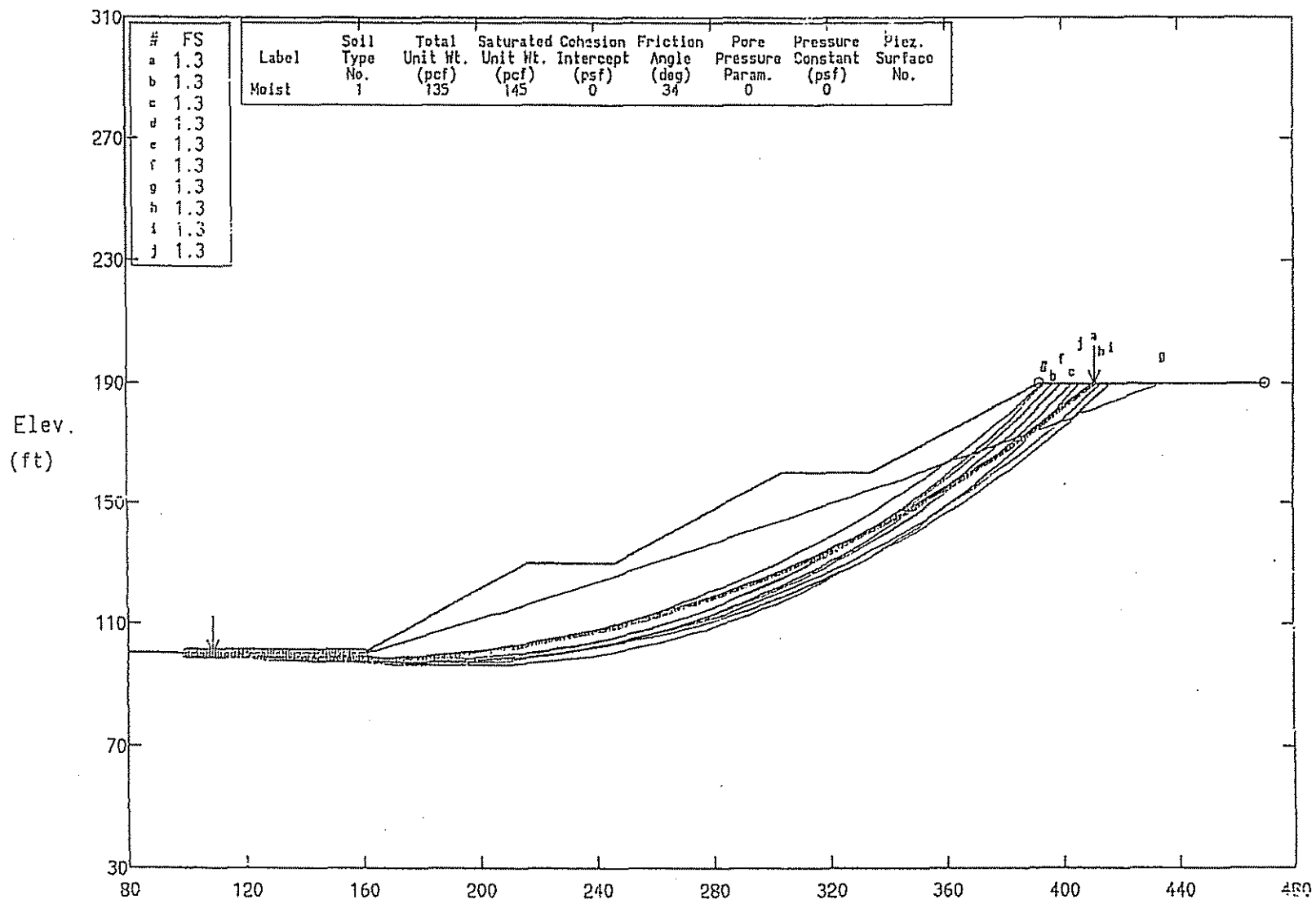
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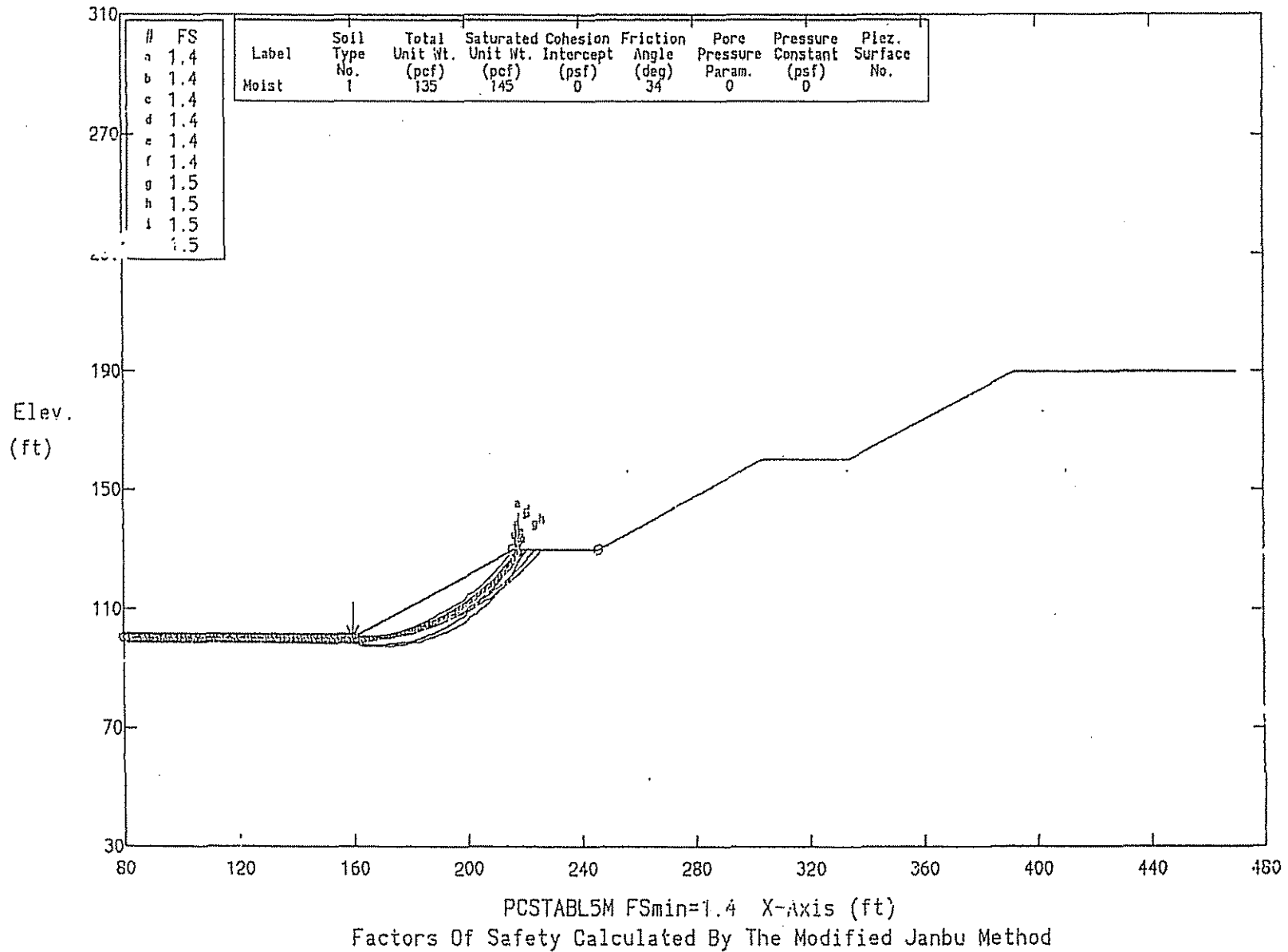
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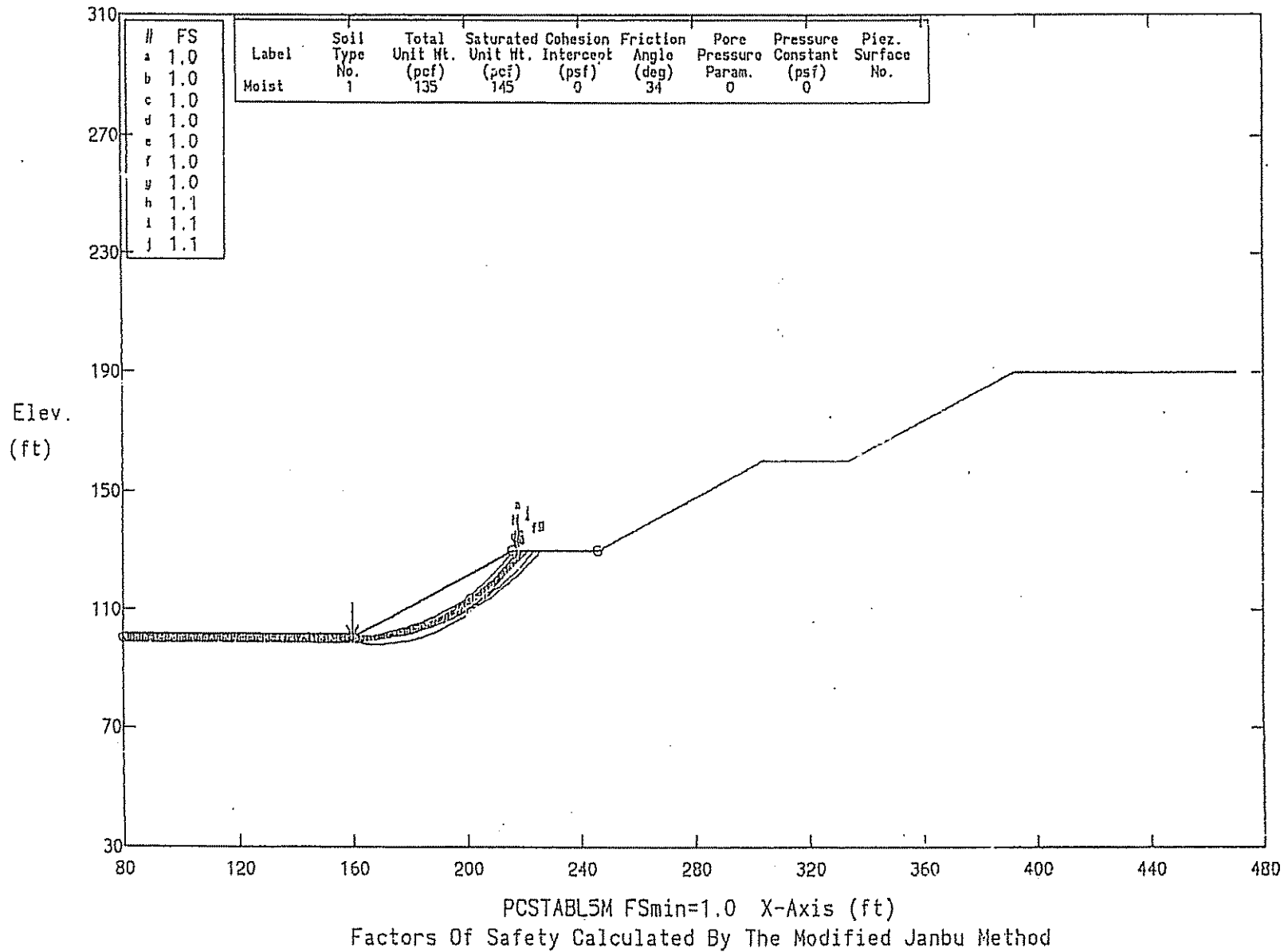
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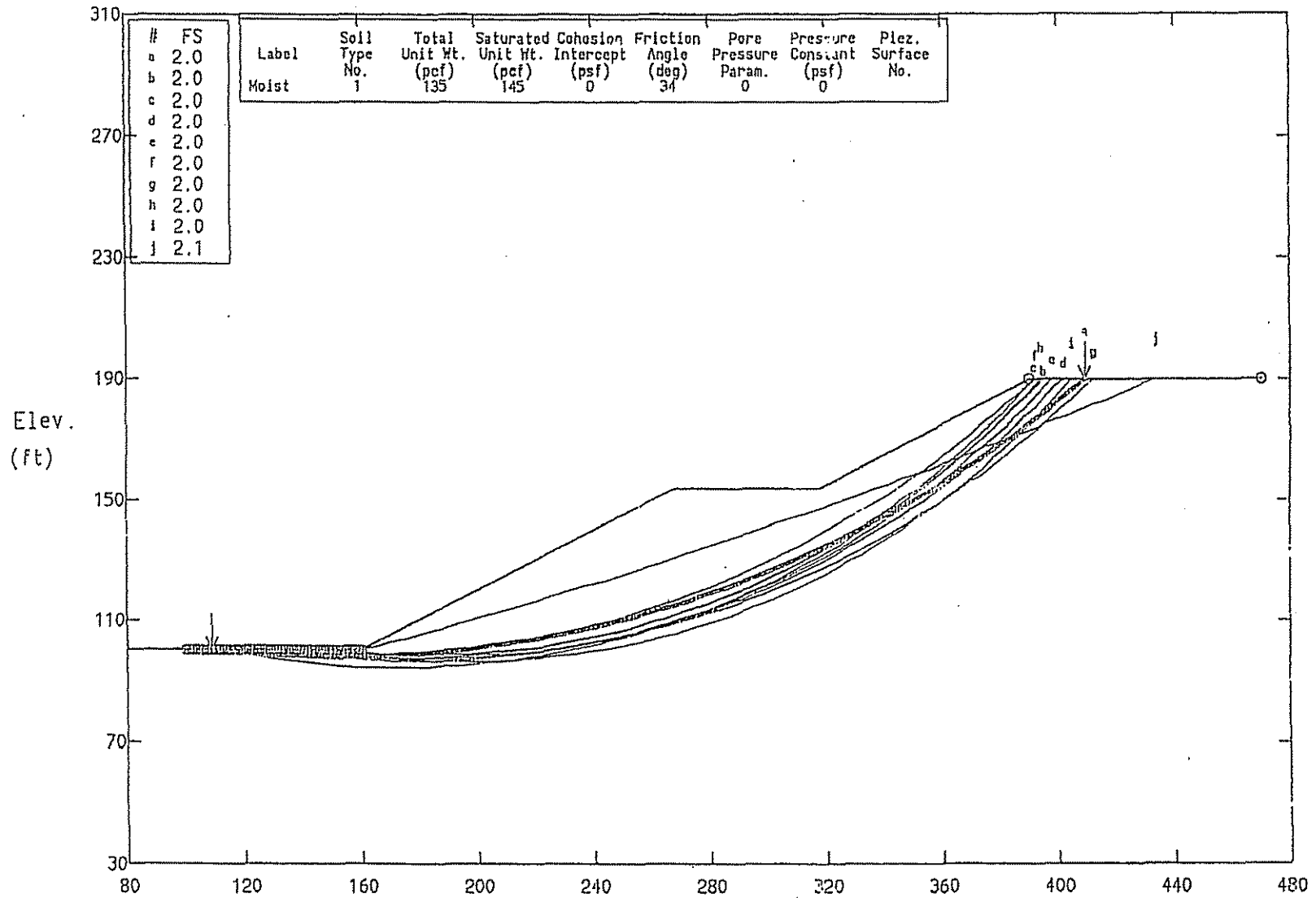


Diamond Rock Slope Sand and Gravel Mine 521-A05.1, 3:1 Overall Sl, Seismic 0.15g

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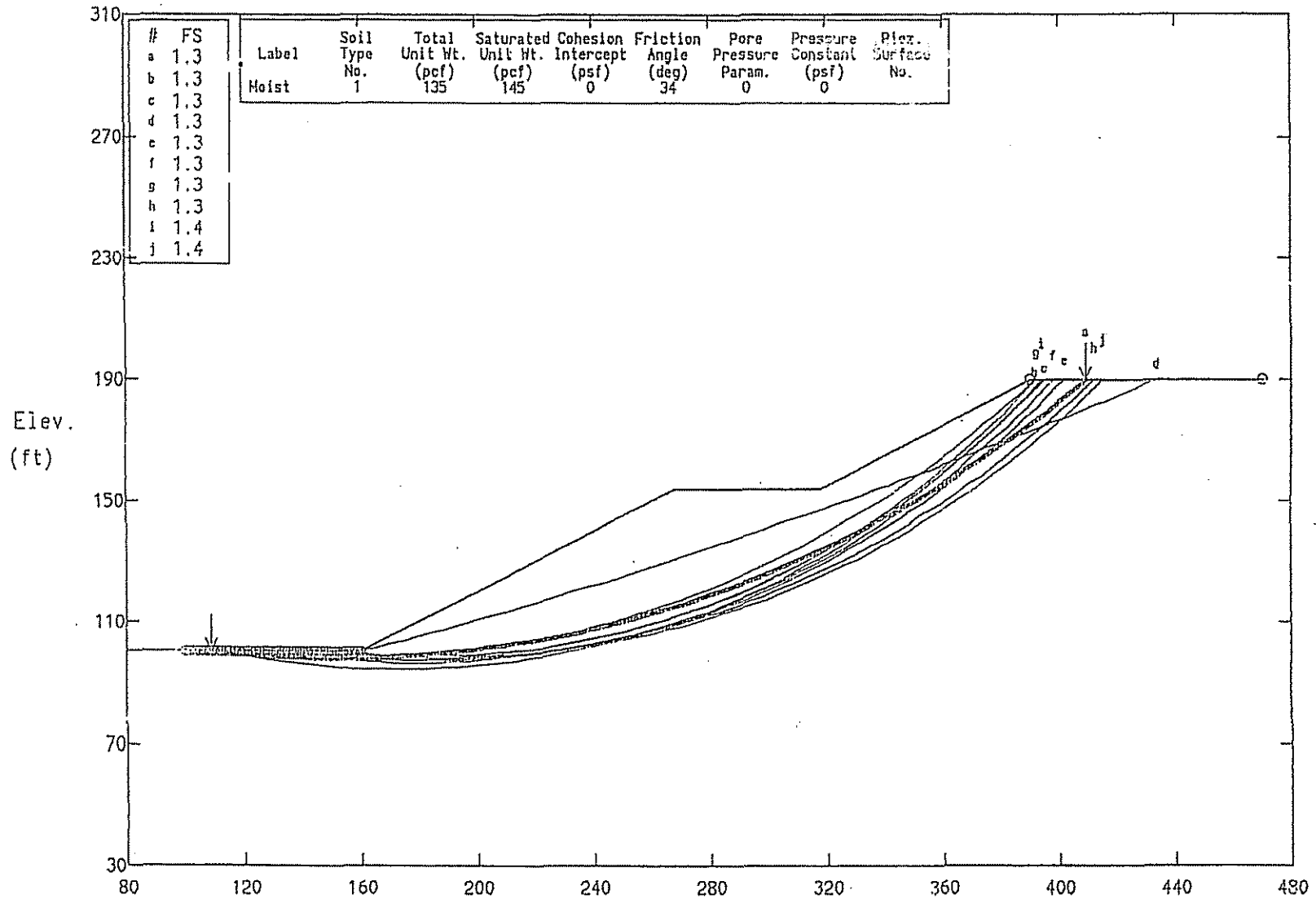
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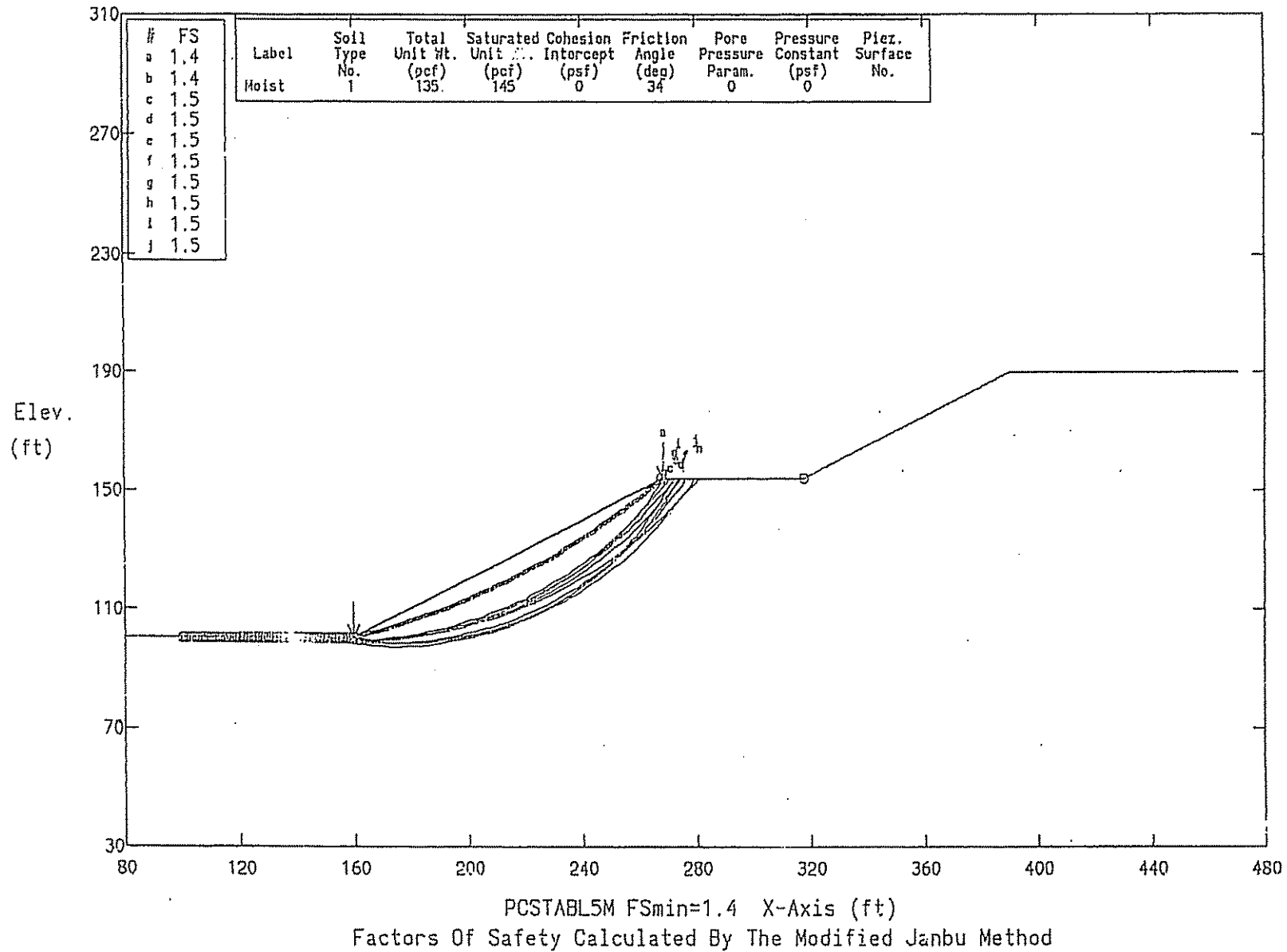
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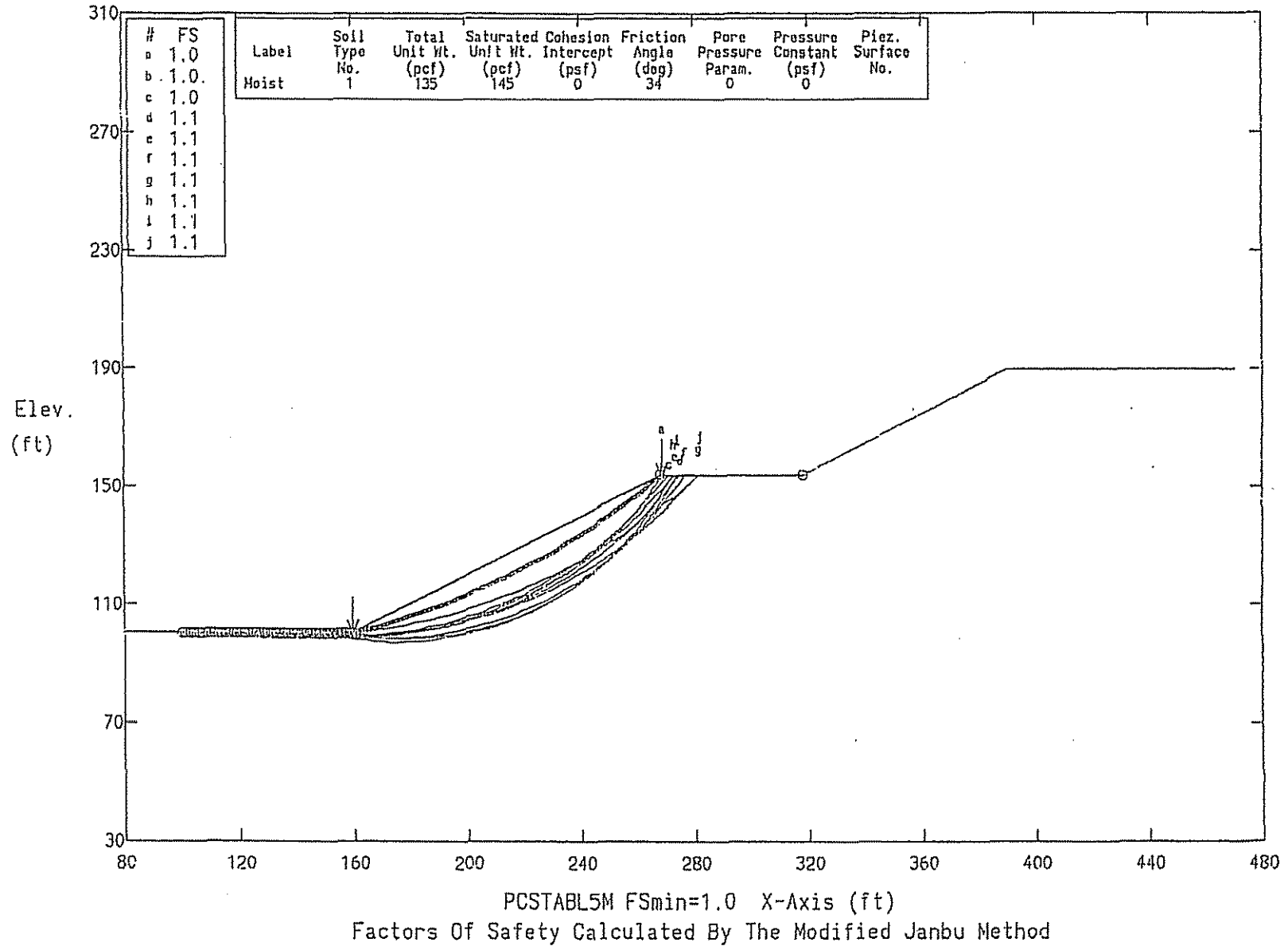
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Factors Of Safety Calculated By The Modified Janbu Method

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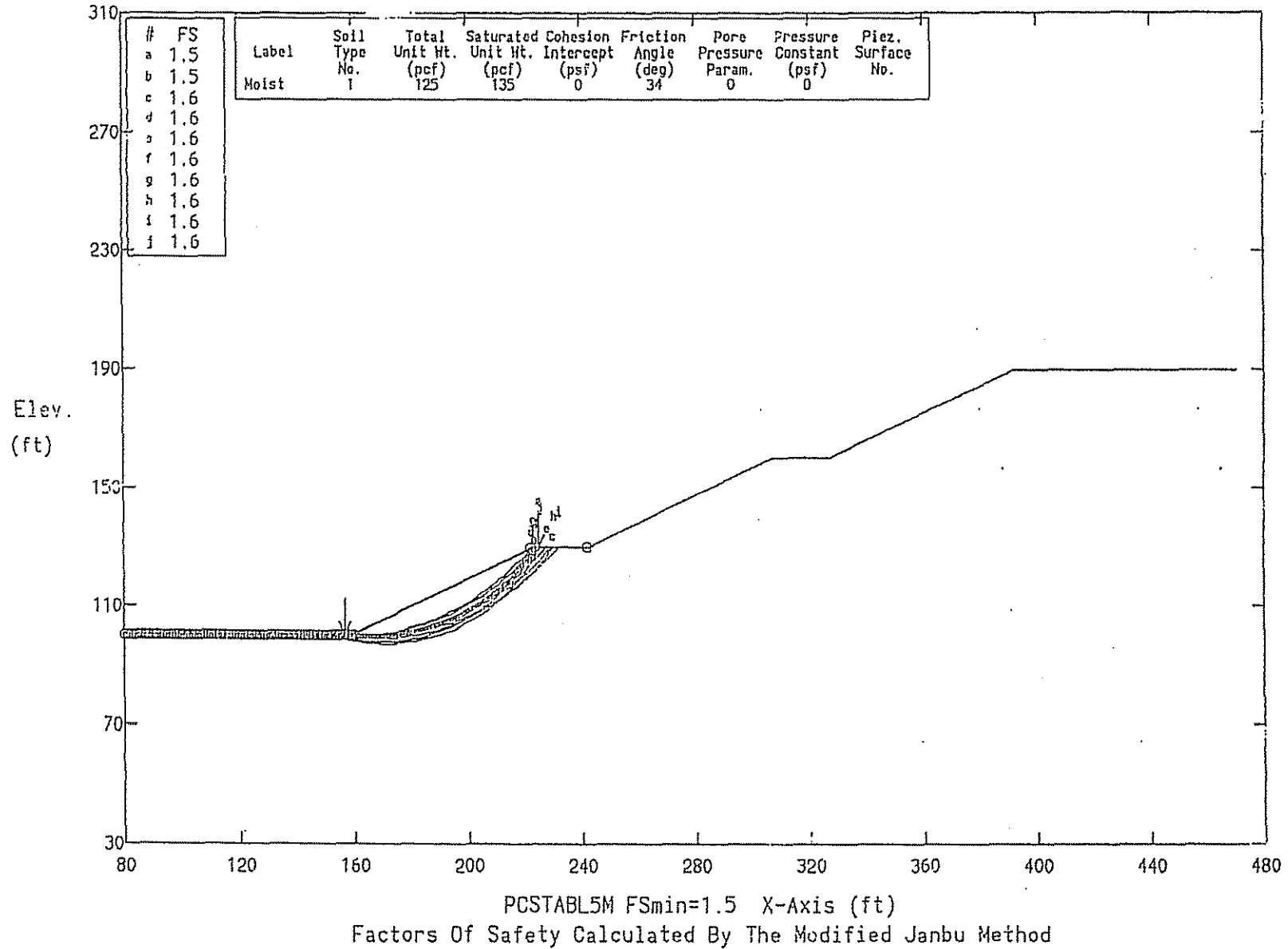


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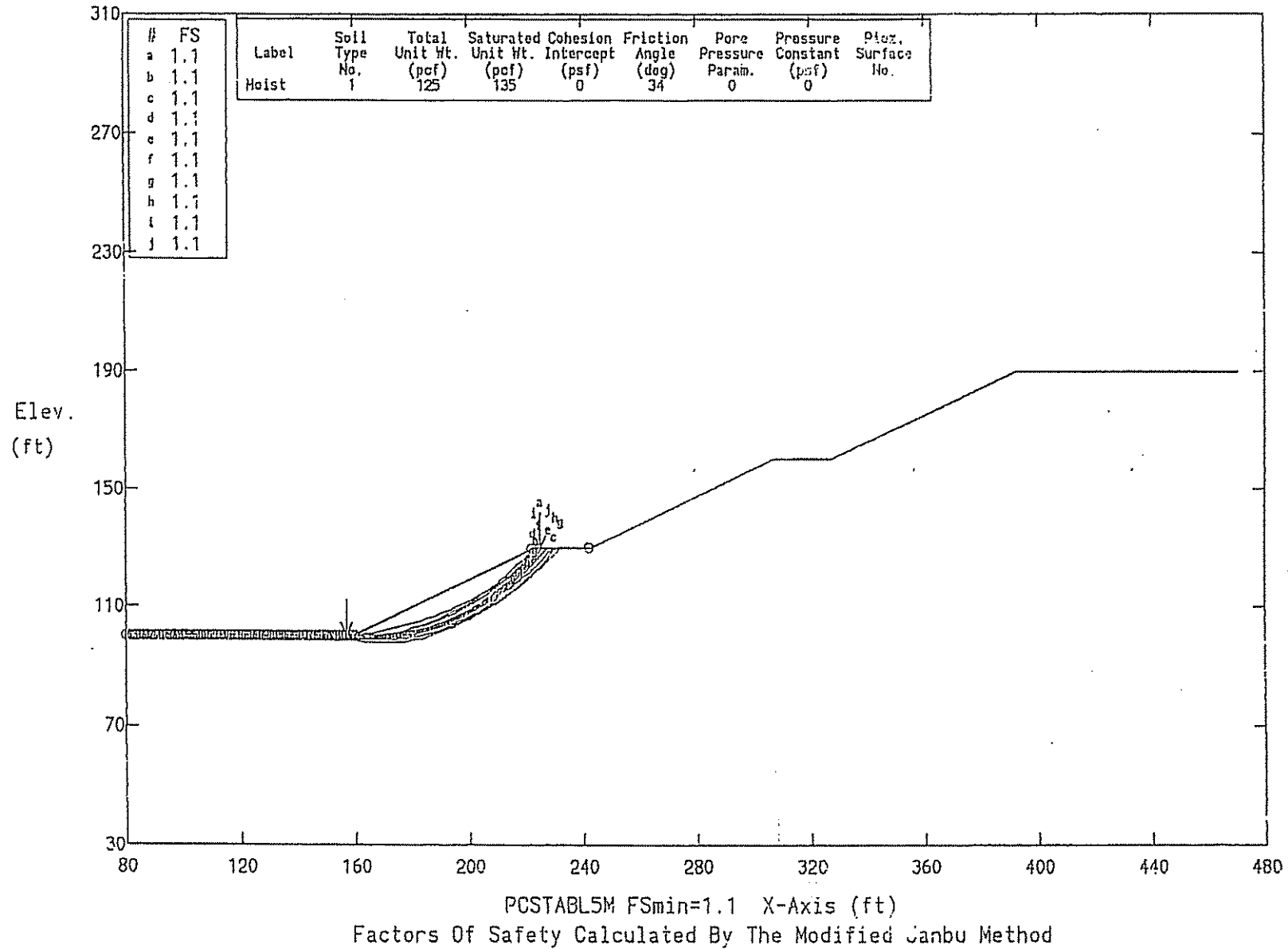
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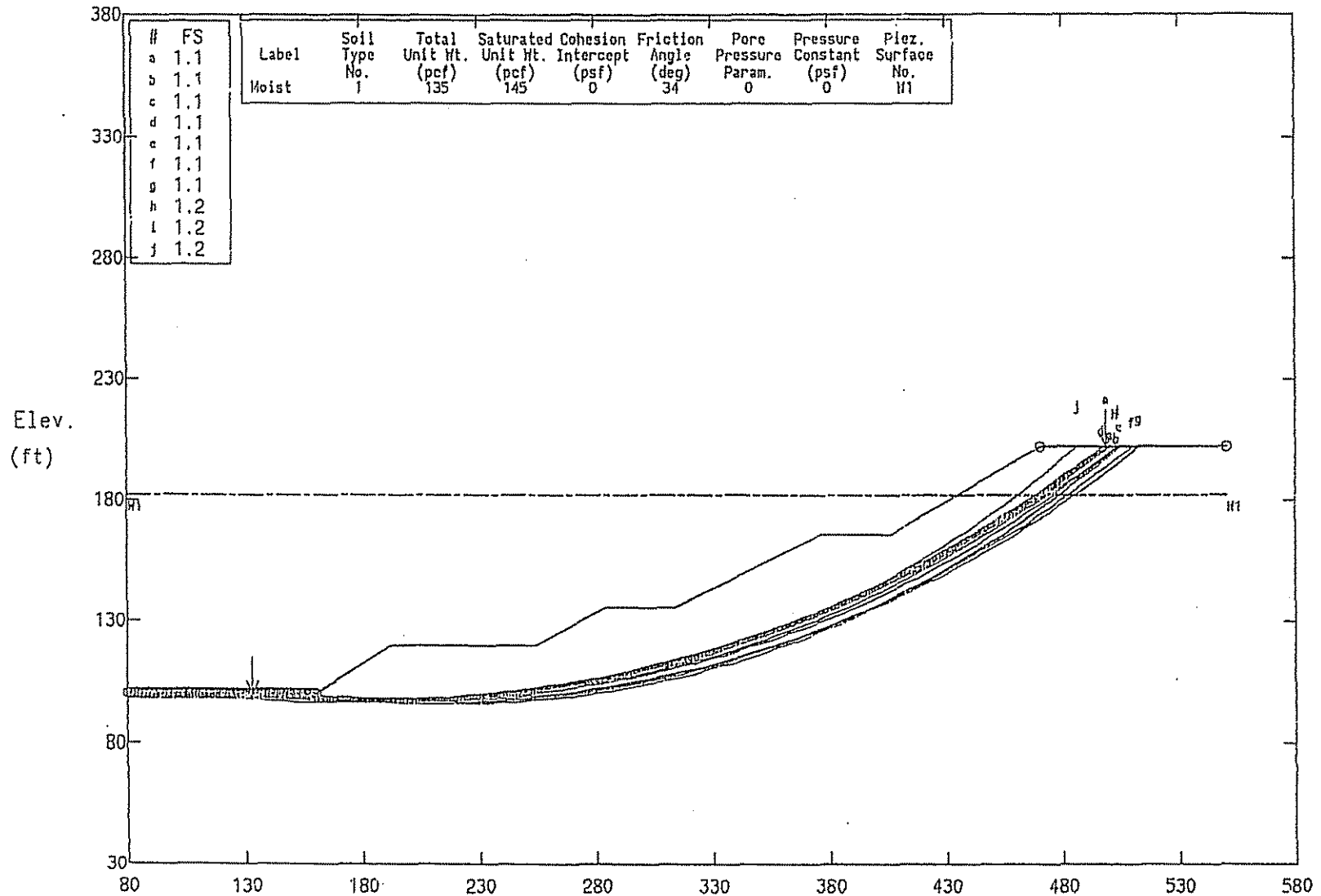
Diamond Rock Slope Sand and Gravel Mine 521-A05.1, 3:1 Overall 20' Bench 0.15g

Ten Most Critical. C:521B4S.PLT By: SS 07-28-05 1:23pm



Diamond Rock Slope Sand and Gravel Mine 521-A05.1, 3:1 Overall 50' Road, Static

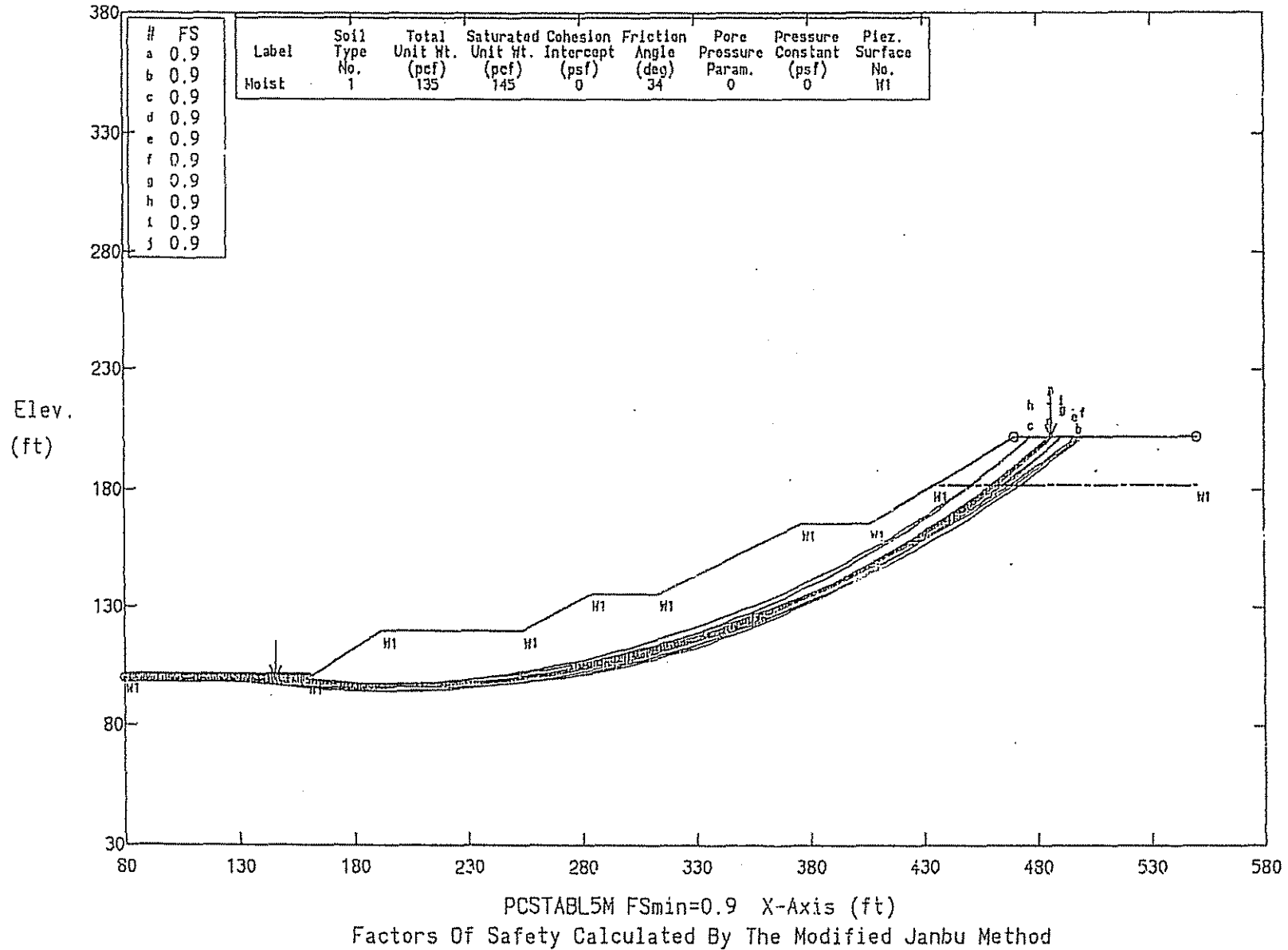
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PCSTABL5M FSmin=1.1 X-Axis (ft)  
Factors Of Safety Calculated By The Modified Janbu Method

Diamond Rock Slope Sand and Gravel Mine 521-A05.1, 3:1 Overall 50' Road, Static

Ten Most Critical. C:521AW.PLT By: SS 08-02-05 8:52am



## **Exhibit 7 – Sediment Transport Study**

Date: September 26, 2005

To: Gary Kaiser - Santa Barbara County P&D

From: Phillip Mineart and John Gray - URS Corporation

Subject: Sediment Transport Conditions in the Cuyama River and Potential Impacts of the Diamond Rock and GPS Mine Projects

## 1.0 INTRODUCTION

Santa Barbara County Planning & Development is currently conducting an environmental review of two mining projects on the upper Cuyama River, which are shown on Figures 1 and 2, and summarized below:

- Diamond Rock Mine - a proposed new aggregate mine located in the river bed with a maximum area of 80 acres and depth of 90 feet. The proposed average annual production would be 500,000 tons (or 333,000 cubic yards).
- GPS Mine - 30-acre expansion of an existing 15-acre mine (maximum mine depth of 90 feet) located 1,000 feet downstream of the Diamond Rock mine site. The proposed average annual production would be 500,000 tons (or 333,000 cubic yards). This mine has operated since 1969 with annual mining production rates that varied from 17,000 to 500,000 tons (data from the applicant).

The objectives of this analysis is to estimate the sediment transport capacity of the Cuyama River in the vicinity of the two mine projects, and to use this information to determine if the proposed combined mine production rates could adversely affect the hydraulic conditions of the river at mine sites, and in upstream and downstream reaches.

## 2.0 METHODS

A hydraulic model of the Cuyama River at the project sites was developed using the Army Corps of Engineers Hydrologic Engineering Center's River Analysis System (HEC-RAS) version 3.1.3. HEC-RAS is one of the most frequently used models for estimating water levels in open channels. The HEC-RAS model was selected for this study because it is capable of calculating flow parameters useful for evaluating sediment transport (e.g., water surface elevation, velocity, shear stress, stream power) and has several sediment transport relationships included that can directly access the necessary flow parameters. HEC-RAS is a one-dimensional hydraulic model for natural and constructed channels. The input developed for this model consists of two primary elements: (1) the geometry and physical conditions of the channel, and (2) the hydrologic conditions, as described below.

### Channel Geometry and Physical Parameters

Input data for the hydraulic model was generated from a digital elevations model (DEM) obtained from the USGS for the project sites. Channel and floodplain cross-section geometry was determined at approximately 450-foot intervals a 10,300 foot long study reach (see Figure 3). The study reach extends from above the Diamond Rock mine site to below the GPS mine.

Detailed topography was available for much of the river channel at the Diamond Rock; no reliable topographic mapping was available from the GPS mine. The Diamond Rock mine site topography was used to supplement the USGS topography data.

Hydraulic computations for streams require an estimate of roughness in a channel. Manning's 'n' is a coefficient used to describe resistance or roughness in the stream. The Cuyama River channel along the study reach was assigned an 'n' value of 0.035, which is characteristic of a natural stream that is "clean, straight, full stage, no rifts or pools" with few stones and weeds.

### Hydrologic Flow Conditions and Sediment Characteristics

HEC-RAS requires as input a description of the flow rate and water surface elevation at the model boundaries. For mixed flow conditions (i.e., critical and sub-critical flow), a water surface elevation is specified at both the upstream and downstream ends of the study reach. For this analysis, normal depth was assumed at both model boundaries with a slope of 0.005 ft/ft at the downstream end and 0.02 ft/ft at the upstream end taken from the USGS topographic map. Flood frequency flows described in Diamond Rock Mine Draft EIR were used for flow data.

Original development of sediment transport equations were based on experimental data using different particle size distributions. Therefore, each sediment transport equation is usually recommended only for the range of particle sizes that was used in its development. A variety of sediment transport equations were considered for the sediment transport model, as listed below in Table 1.

**TABLE 1  
SEDIMENT TRANSPORT EQUATIONS AND KEY INPUT VALUES  
CONSIDERED FOR THE MODEL**

Range of Input Values for Sediment Transport Functions used in HEC-RAS				
Equation	Particle Diameters (mm)	Median Diameter (mm)	Depth (ft)	Channel Width (ft)
Ackers-White (flume)	0.04 - 7.0	NA	0.01 - 4	0.23 - 4.0
Englund-Hansen (flume)	NA	0.19-0.93	0.19 - 1.33	NA
Laursen (field)	NA	0.08 - 0.7	0.67 - 54	63 - 3640
Laursen (flume)	NA	0.011 - 29	0.03 - 3.6	0.25 - 6.6
Meyer-Peter Muller (flume)	0.4 - 29	NA	0.03 - 3.9	0.5 - 6.6
Tofaletti (field)	0.062 - 4.0	0.095 - 0.76	0.07 - 56.7(R)	63 - 3640
Tofaletti (flume)	0.062 - 4.0	0.45 - 0.91	0.07 - 1.1 (R)	0.8 - 8
Yang (field-sand)	0.15 - 1.7	NA	0.04 - 50	0.44 - 1750
Yang (field- gravel)	2.5 - 7.0	NA	0.08 - 0.72	0.44 - 1750

(R) = Hydraulic Radius, ft. NA = Data not available

The river deposits to be mined consist of 38% gravel, 60% sand and 2% fines based on data from the Diamond Rock mine project applicant. The range in particle size for different sediment types are presented in Table 2.

**TABLE 2**  
**TYPICAL RANGES OF PARTICLE SIZE FOR DIFFERENT SEDIMENT TYPES**

Sediment Type	Typical Particle Size Range (mm)
Gravel	>2
Coarse Sand	0.5 to 2
Medium Sand	0.25 to 0.5
Fine sand	0.0625 to 0.25
Fines	<0.0625

The equations listed in Table 1 that did not match the particle size ranges observed near the mine sites were eliminated from further consideration in the model. Only the Yang and the Laursen equations were used for the analysis, both of which include gravels.

### Hydrographs

Calculation of the sediment load requires an assumption about the shape of a typical storm hydrograph. Sediment load by storm event can be calculated if the shape of the hydrograph, the peak flow rate, and the relationship between flow and sediment transport are known. The values for peak flow rate for storm events from 2-year to 500-year were derived from the Diamond Rock Mine Project Draft EIR. An SCS unit hydrograph was used for the shape of the hydrograph at the project site; this shape is shown on Figure 4.

Figure 5 shows the estimated hydrographs for the 2-year through 500-year flow events. A lag time of 7 hours (lag time is the time between the middle of the rainfall event and the peak of the runoff) was used to develop the figures. The lag time does not affect the volume under the hydrograph or the shape. Changing the lag time moves the center of the hydrograph along the time axis.

### 3.0 RESULTS

Figures 6 and 6 show the sediment transport in the Cuyama River at the project sites as a function of flow rate. Values are shown for:

- The upstream 2,000 feet of the study reach = inflow area
- The lower 2000 feet of the study reach = outflow
- The middle section of the project reach = project site, encompassing both the Diamond Rock and GPS mine sites

The sediment transport relationships are sensitive to the channel cross-sections used for the analysis. The actual cross-sections of the river at the project site now, and during a storm event, are unknown. The cross section of the river will vary from storm to storm, and from year to year

due to the mobile nature of the bed material. Hence, the values shown on Figures 4 and 5 are based on the average sediment transport calculated for all the sections along the study reach.

Both the Laursen and the Yang equations predict that inflow is higher than outflow at the project site, indicating that the project site is a depositional area. The lower outflow rate of sediment is due to the decreased slope of the river channel downstream of the project area. The sediment transport rates based on the Yang method predicts are only 10% of the transport rates based on the Laursen method.

A sediment hydrograph can be prepared by combining the information from the hydrograph with the sediment rates on Figures 6 and 7. Integrating this hydrograph results in predictions of sediment load for different storm events. This procedure was used to obtain the sediment load for each storm event from the 2-year to the 500-year event in the study reach. The predicted sediment load for each storm event is presented in Table 3 for the two equations. The annual average transport rate (inflow) was calculated as the probability weighted transport weight of each storm event.

**TABLE 3.**  
**ESTIMATED SEDIMENT INFLOW TO THE PROJECT SITE**  
**FOR DIFFERENT STORM EVENT SIZES**

Storm Return Period	Laursen		Yang	
	Tons	Yards	Tons	Yards
2-year	73,005	48,670	7,497	4,998
5-year	352,829	235,219	37,529	25,019
10-year	776,146	517,431	84,017	56,011
20-year	1,399,116	932,744	153,453	102,302
50-year	2,592,931	1,728,621	288,322	192,215
100-year	3,945,336	2,630,224	442,823	295,216
200-year	5,881,760	3,921,173	666,063	444,042
500-year	9,713,325	6,475,550	1,112,314	741,543
Annual Average =	314,000	210,000	34,000	23,000

Table 4 shows the predicted outflow of sediment from the study reach. The outflow is less than the inflow, indicating that the study reach is an aggrading segment of the river.



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**TABLE 4**  
**ESTIMATED SEDIMENT OUTFLOW TO THE PROJECT SITE**  
**FOR DIFFERENT STORM EVENT SIZES**

Storm Return Period	Laursen		Yang	
	Tons	Yards	Tons	Yards
2-year	0	0	-	-
5-year	46,099	30,733	3,943	2,629
10-year	235,194	156,796	24,232	16,155
20-year	525,043	350,029	55,966	37,310
50-year	1,068,936	712,624	115,324	76,882
100-year	1,663,822	1,109,214	180,914	120,609
200-year	2,475,815	1,650,543	270,340	180,227
500-year	3,994,948	2,663,299	437,643	291,762
Annual Average =	85,606	57,071	9,008	6,006

The order of magnitude difference in the predicted sediment rates between the Laursen and Yang equations cannot be reconciled without more detailed sediment transport modeling using surveyed cross sections, and/or empirical data to provide benchmarks for validation.

Reliable empirical data on sediment transport at the GPS mine is lacking. There is anecdotal observations of flow events that filled the existing mine pit, but there is no supporting documentation for these observations, which include the following:

- The GPS mine applicant believes that 2 million cubic yards (3,000,000 tons) of sediment filled the existing 15-acre mine pit in January – March 1995. There are no topographic data on the mine pit volume prior to the storm events to substantiate this observation.
- The GPS mine applicant believes that the mine pit present in late 2004 was filled during storms during January and February 2005. No reliable estimate of the mine pit volume has been provided, but anecdotal evidence suggests that the pit has a capacity of at least 500,000 tons (750,000 cubic yards).

It should be noted that URS staff observed that the GPS mine pit was filled to the river channel elevation at the end of the 2004-2005 winter. The GPS mine project applicant has indicated that the mine pit has been filled periodically since its inception in 1969. There are no reliable estimates of the average annual mine production, or the total mine production of the GPS mine since 1969. Available data indicates that total mine production during the years 1988-1996 and 2002-2004 has been about 1.9 million tons, or about 160,000 tons per year.

The above empirical data suggests that the Laursen equation provides a more accurate estimate of the average annual sediment inflow and outflow at the project site.

The river along the study reach does not exhibit any obvious signs of channel degradation or headcutting. The GPS mine has been removing about 160,000 tons per year, on average, since 1988. The model predicts that the average annual inflow to the project site is 314,000 tons and an

average annual outflow of 85,000 tons, resulting in an annual accumulation of 229,000 tons, which is the same order of magnitude as the historic GPS mine production.

#### 4.0 POTENTIAL IMPACTS

The sediment transport model indicates that the average annual accumulation of sediment at the project site is about 229,000 tons. The combine average annual mine production for the new Diamond Rock Mine and the expanded GPS mine would result in up to 1,000,000 tons per year. Hence, the mining projects, individually and cumulatively, would immediately create a sediment deficit in the study reach. This deficit would result in downstream channel degradation extending from the GPS mine for an unknown distance downstream. The amount of channel degradation cannot be predicted with available data, and because of the complexity of hydraulic conditions in the wide river channel at the project site. However, channel degradation of 5 to 15 feet would not be unexpected. The length of the channel degradation also cannot be accurately predicted with the available data. The length of the downstream impact would likely be at least 1,000 to 2,000 feet or more.

The sediment deficit at the mine sites could also result in head cutting of the river bed and upstream migration of the pits. The existing GPS mine has been in the river for about 30 years and has not migrated upstream, except during the 2004 storms. The lack of significant headcutting at the GPS mine is likely due to the fact that the mine pit is periodically filled because a sediment deficit has not created by the historic GPS mining rates. In addition, the river bed material may contain enough large material (e.g., large gravels and cobbles) to armor the upstream lip of the pit. An increase in the mine production rate at GPS and the new mining at Diamond Rock may cause headcutting due to the substantially higher mining rate in the study reach compared to the predicted natural replenishment rate.

The new Diamond Rock mine pit would extend across most of the river channel, and as such, may intercept a significant proportion of the sediment in the river. This effect cannot be accurately predicted, as it is dependent on the river flow line and the width of the Diamond Rock mine pit. However, it is likely that over time the upstream mine will reduce the replenishment opportunities and rates for the GPS mine.

Finally, the proposed projects, individually and cumulatively, will create a sediment deficit over time resulting in mine pits that will increase in size and depth until the mine pits are almost fully excavated. Significant flood events would replenish the mine pits during the early years of excavation when the pit volumes are similar to the sediment inflows from large storms. However, as the mining progresses, the amount of sediment inflow required to fill both pits will become greater, and therefore, the time required to replenish the mine pits would become longer compared to the current conditions at the GPS mine. Eventually, both mine pits would fill with sediment once mining has ceased. The amount of time to replenish both pits at the end of mining is dependent on many factors, but could be 10 years or more.

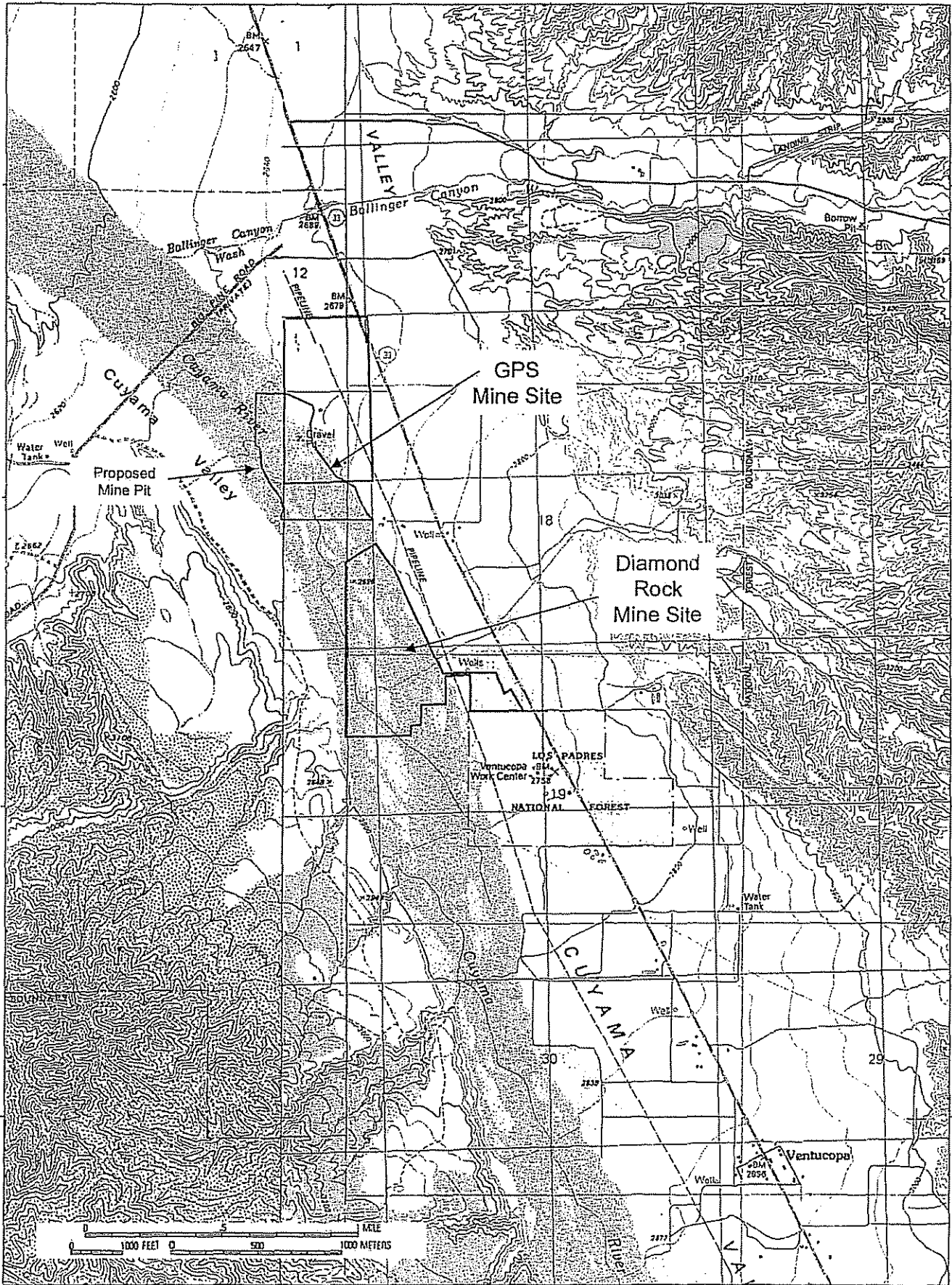


Figure 1. Location of Mining Projects



Figure 2. Mining Projects on Aerial Photograph

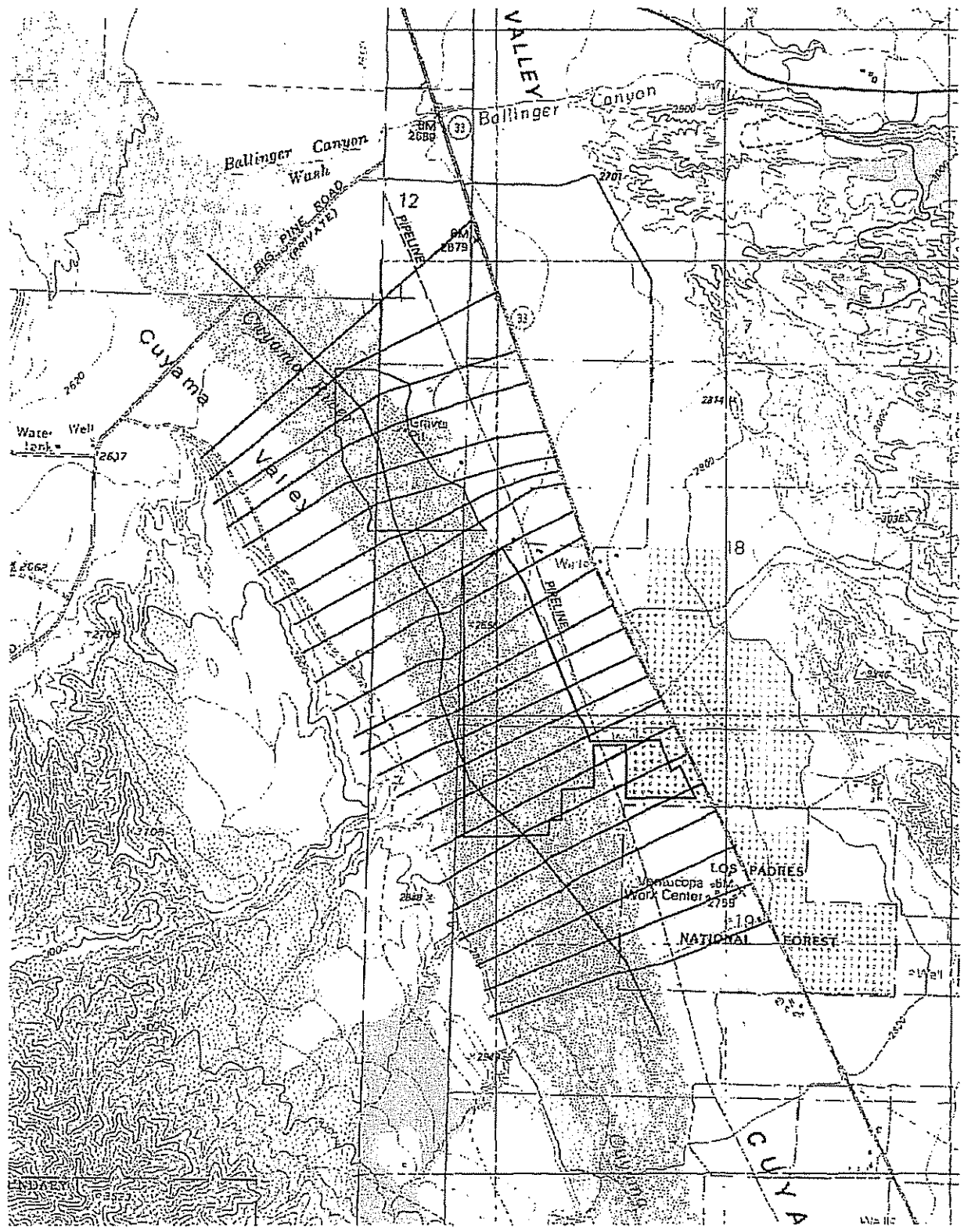


Figure 3. Study Reach and Model Cross Sections

Figure 4. SCS Dimensionless Unit Hydrograph

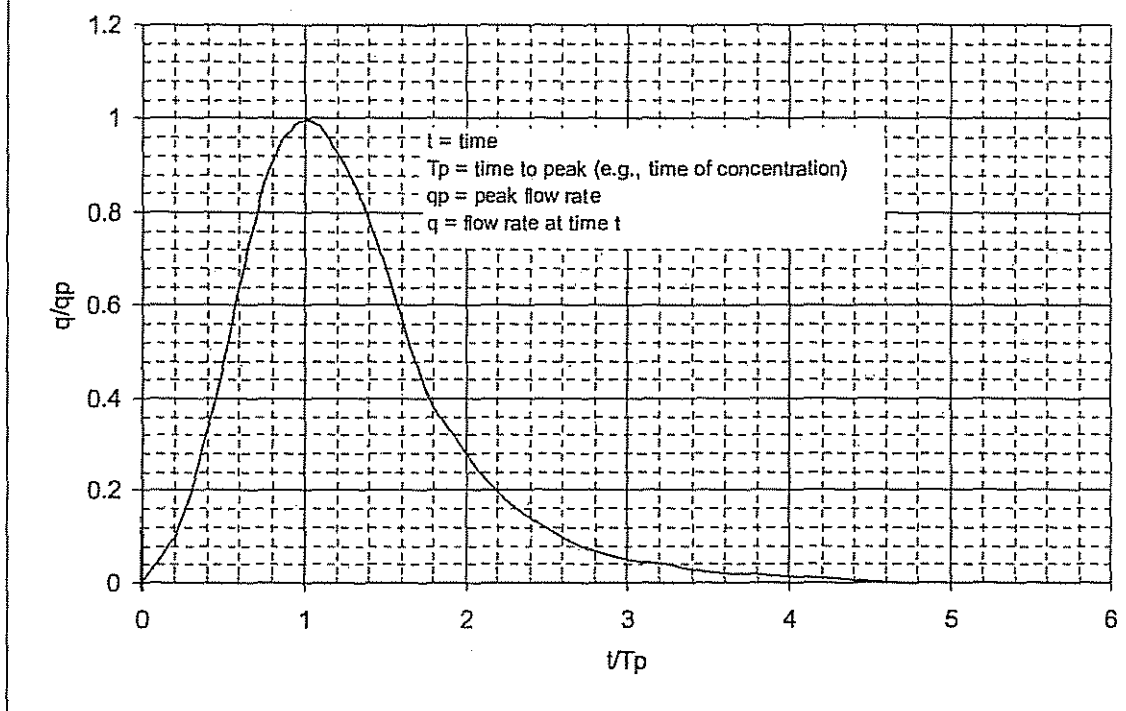


Figure 5. Hydrographs for Different Return Period Flow Events (SCS Unit Hydrograph) in the Cuyama River

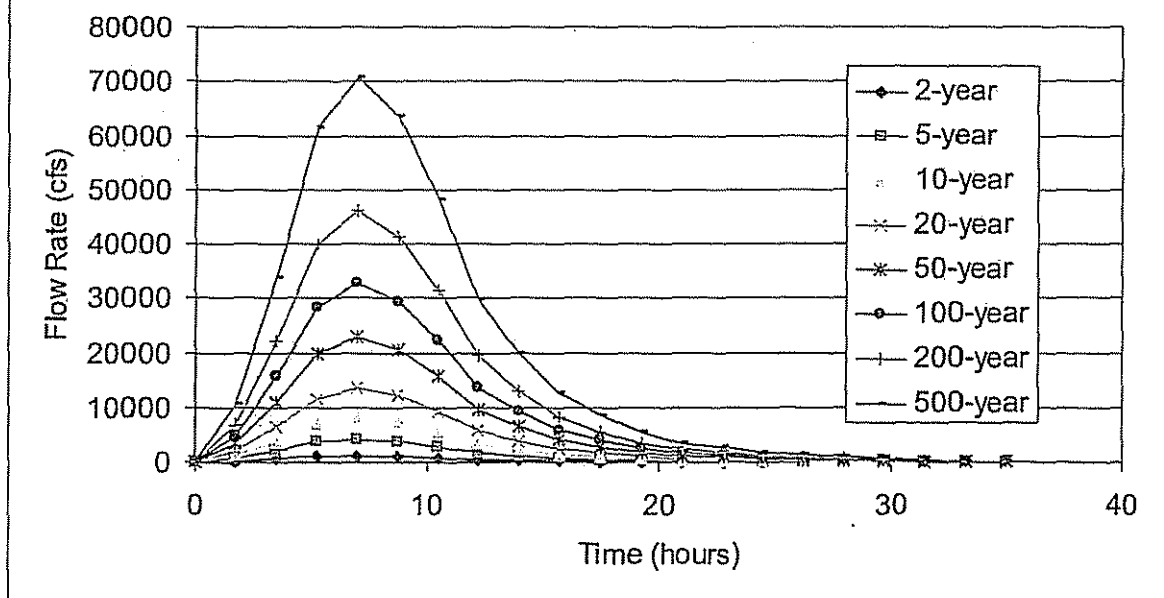


Figure 6. Sediment Transport in the Cuyama River (Laursen Relationship)

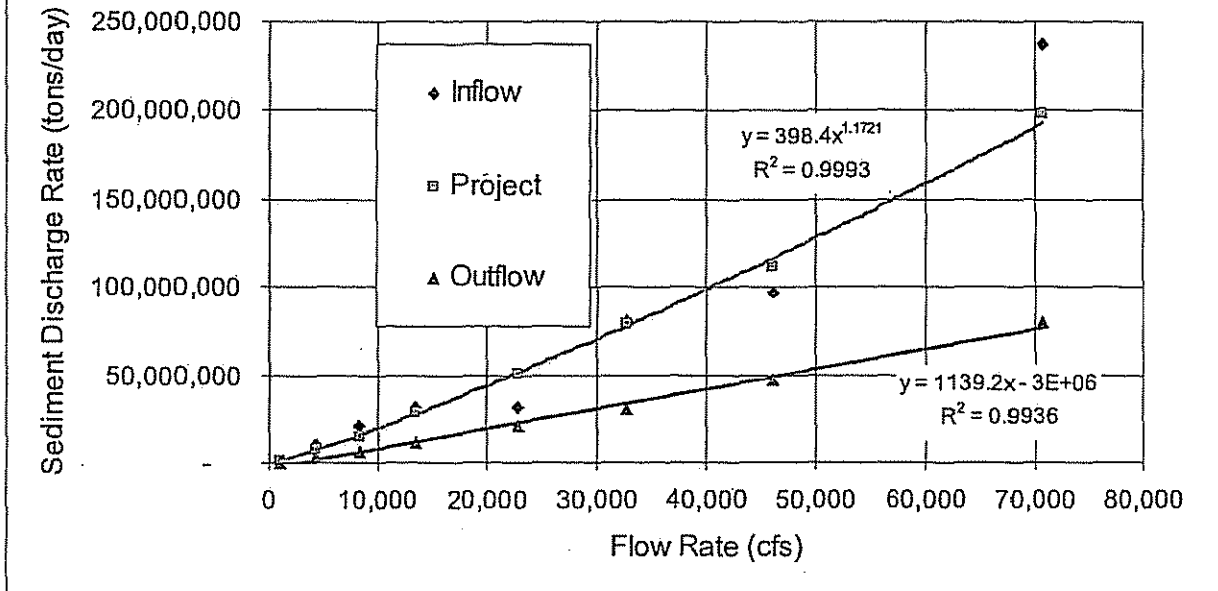
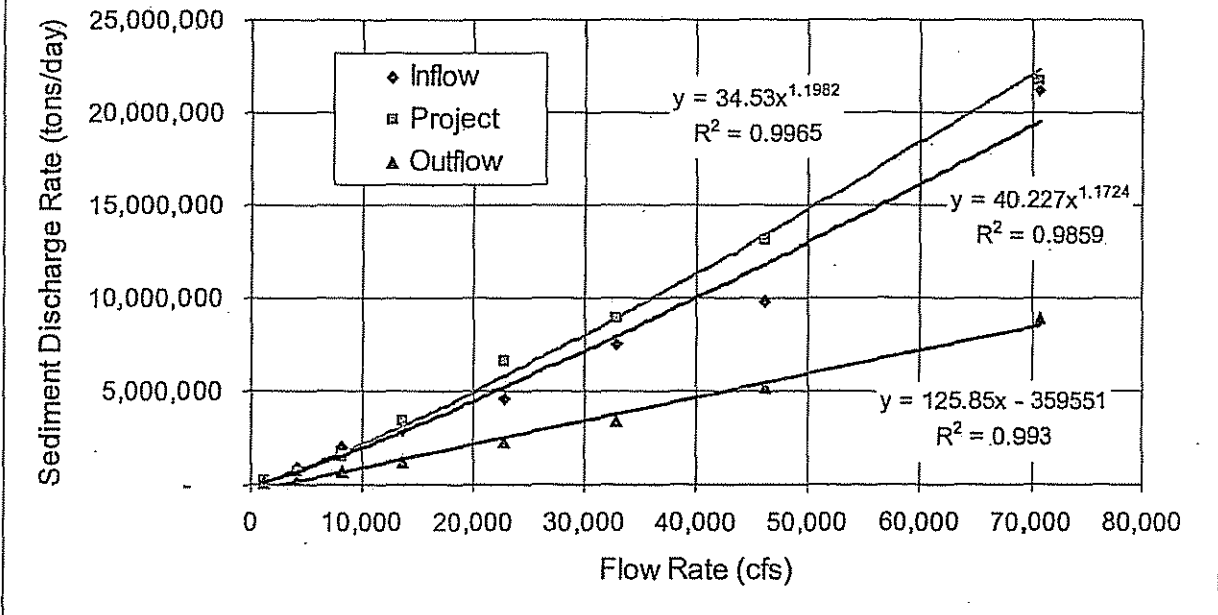


Figure 7. Sediment Transport in the Cuyama River (Yang Relationship)



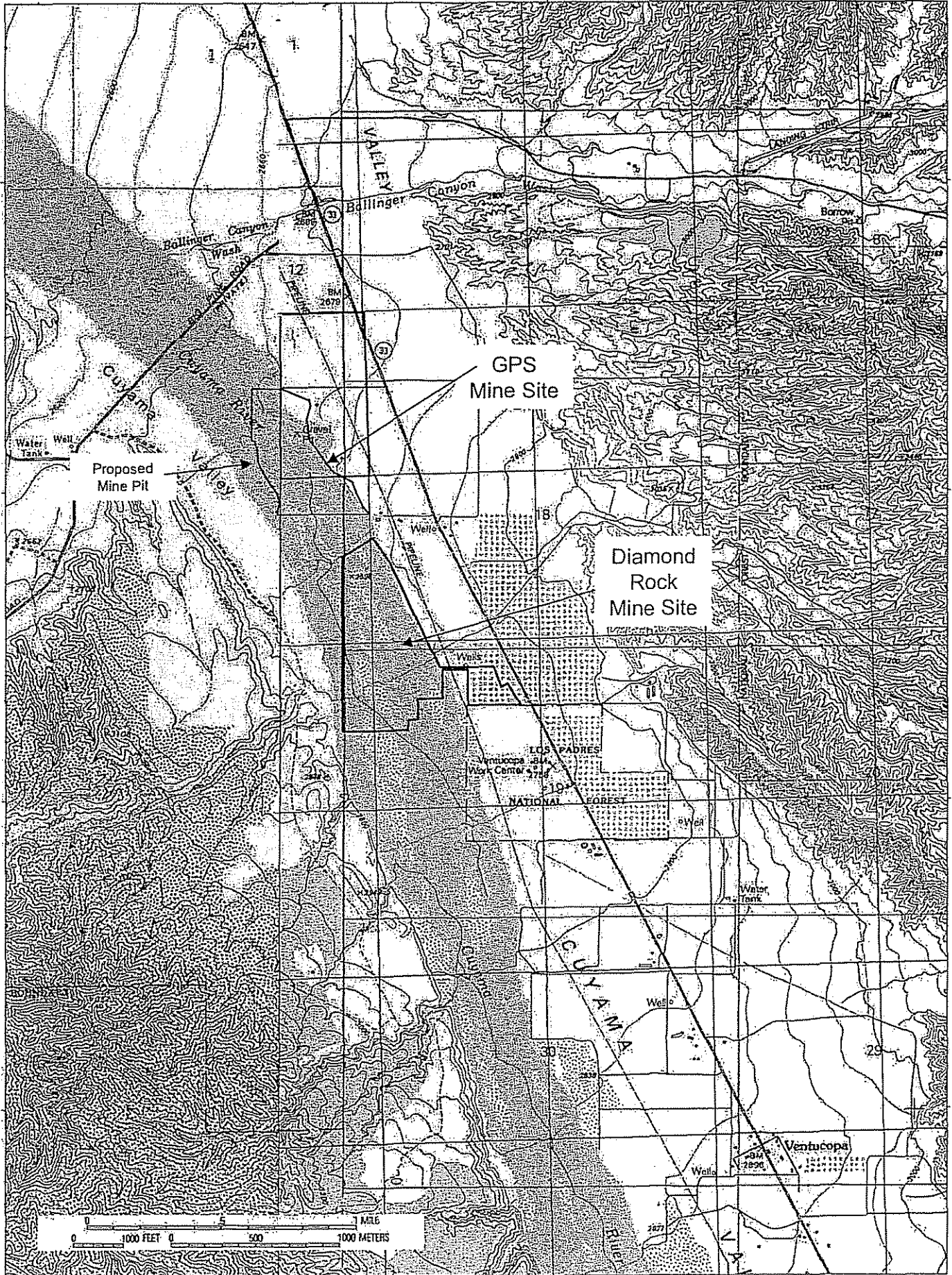


Figure 1. Location of Mining Projects



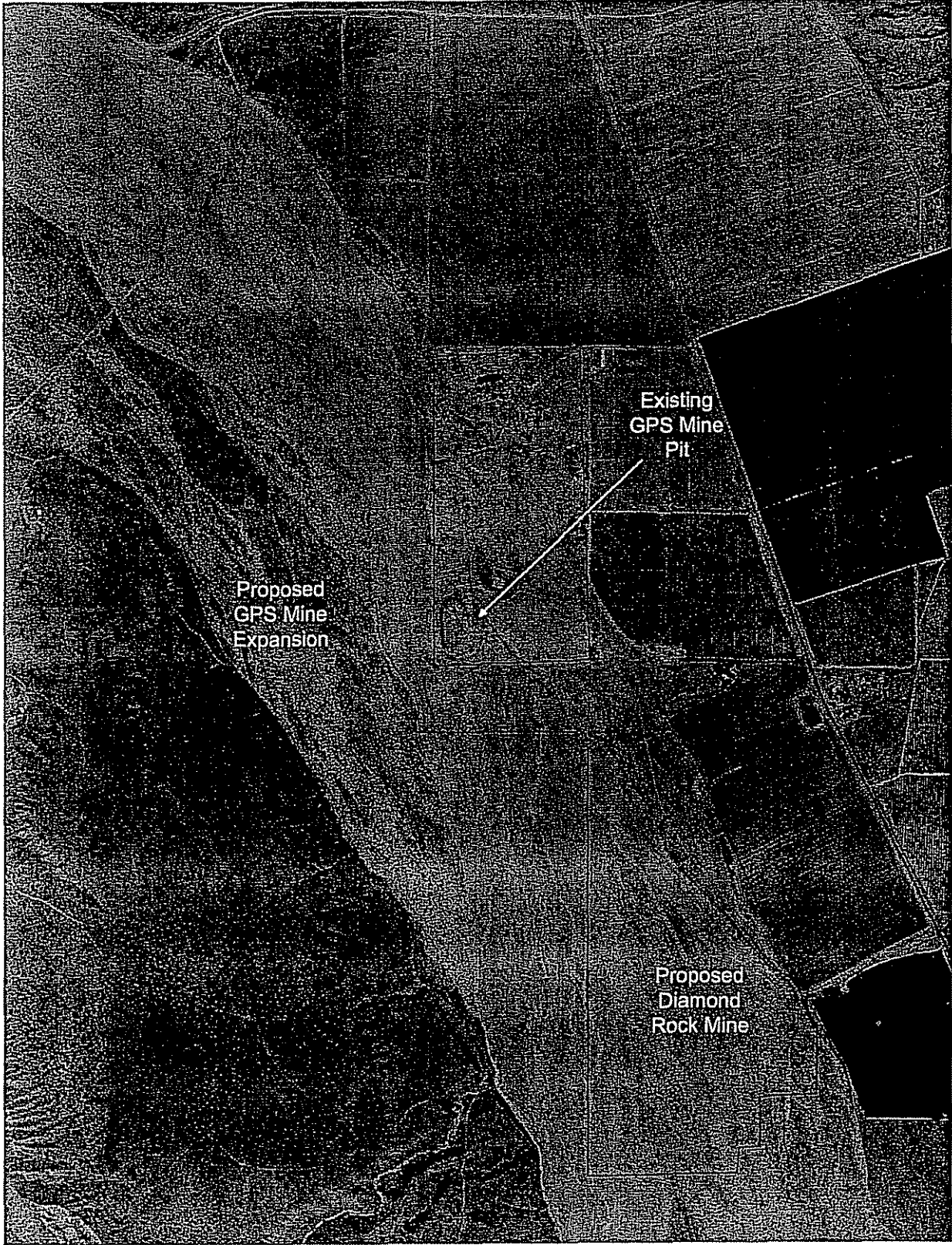


Figure 2. Mining Projects on Aerial Photograph

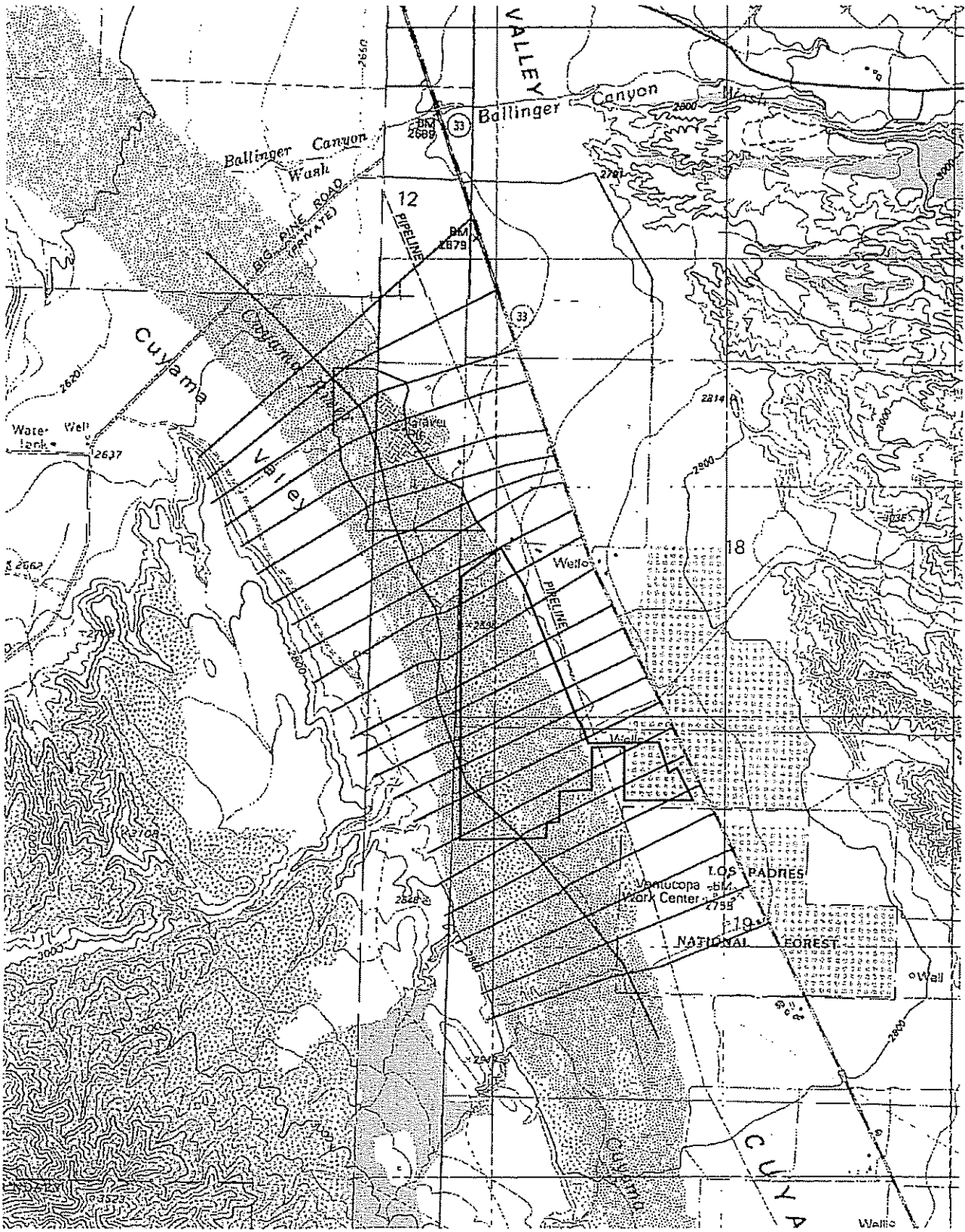


Figure 3. Study Reach and Model Cross Sections

Figure 4. SCS Dimensionless Unit Hydrograph

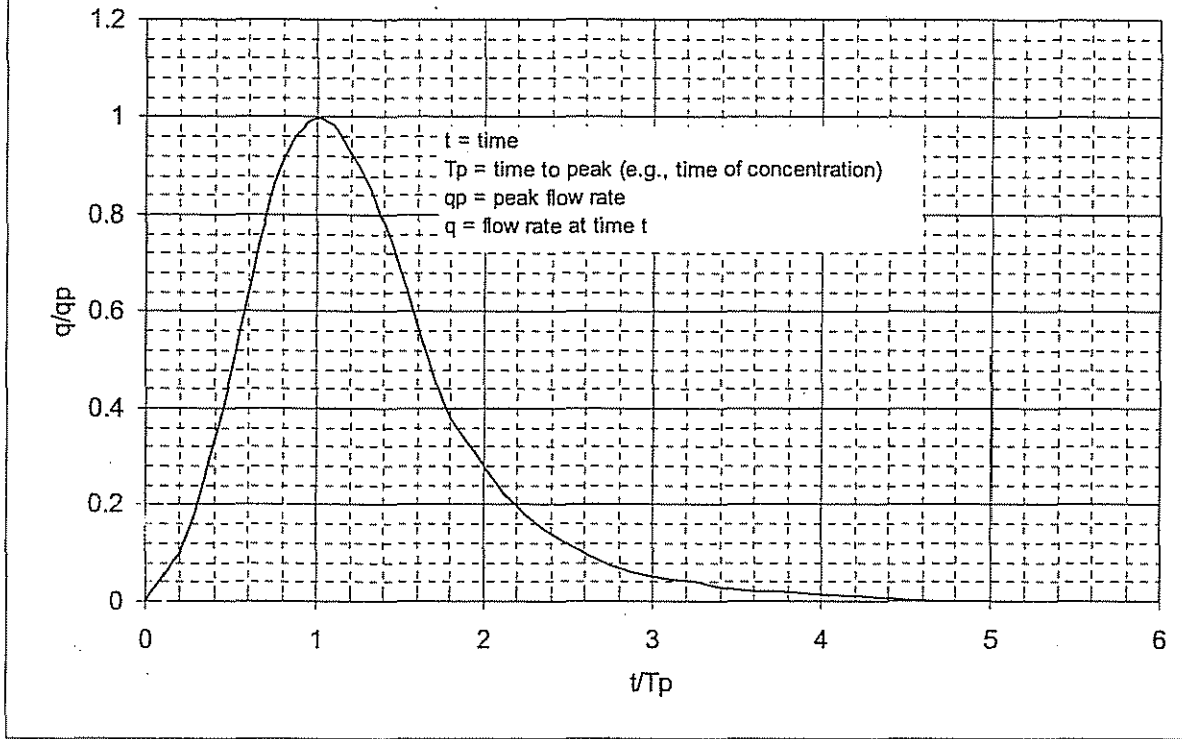


Figure 5. Hydrographs for Different Return Period Flow Events (SCS Unit Hydrograph) in the Cuyama River

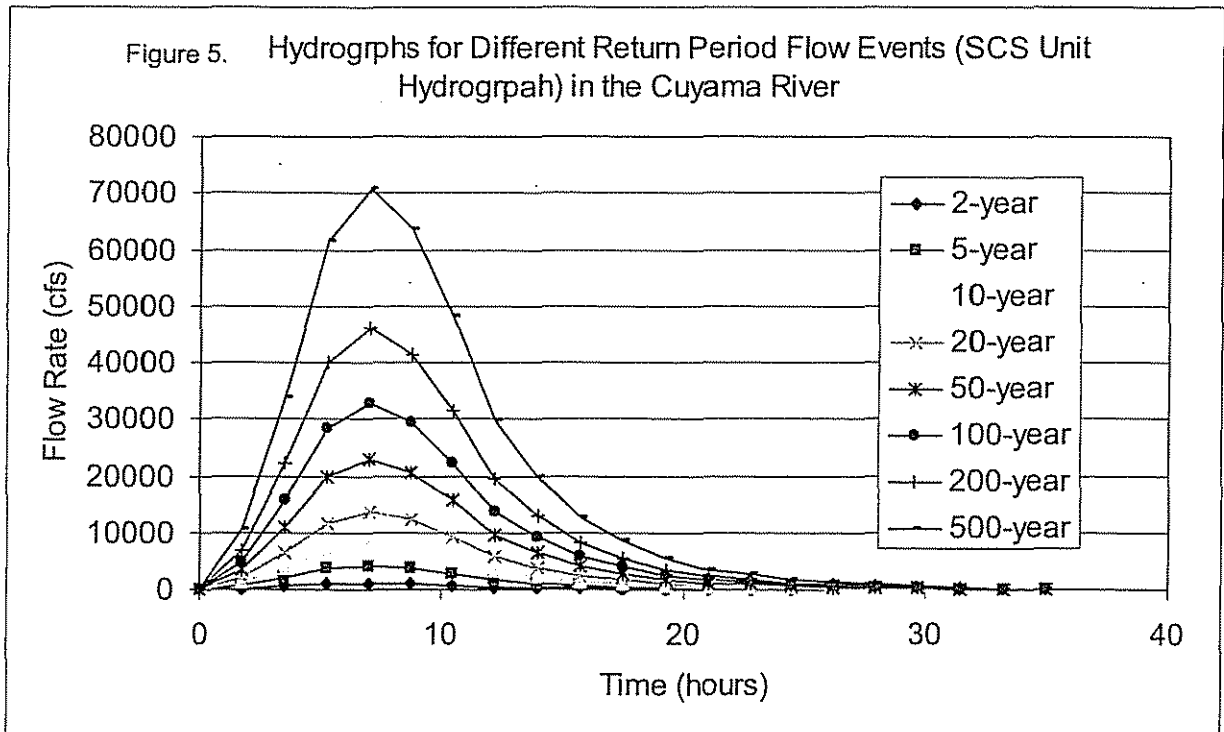


Figure 6. Sediment Transport in the Cuyama River (Laursen Relationship)

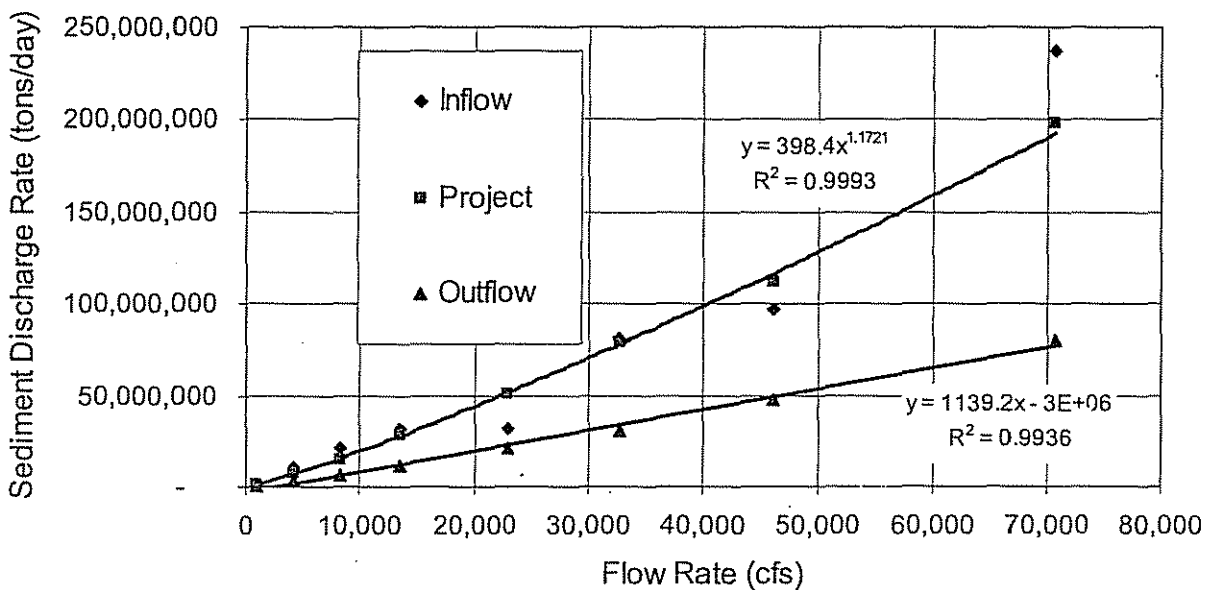
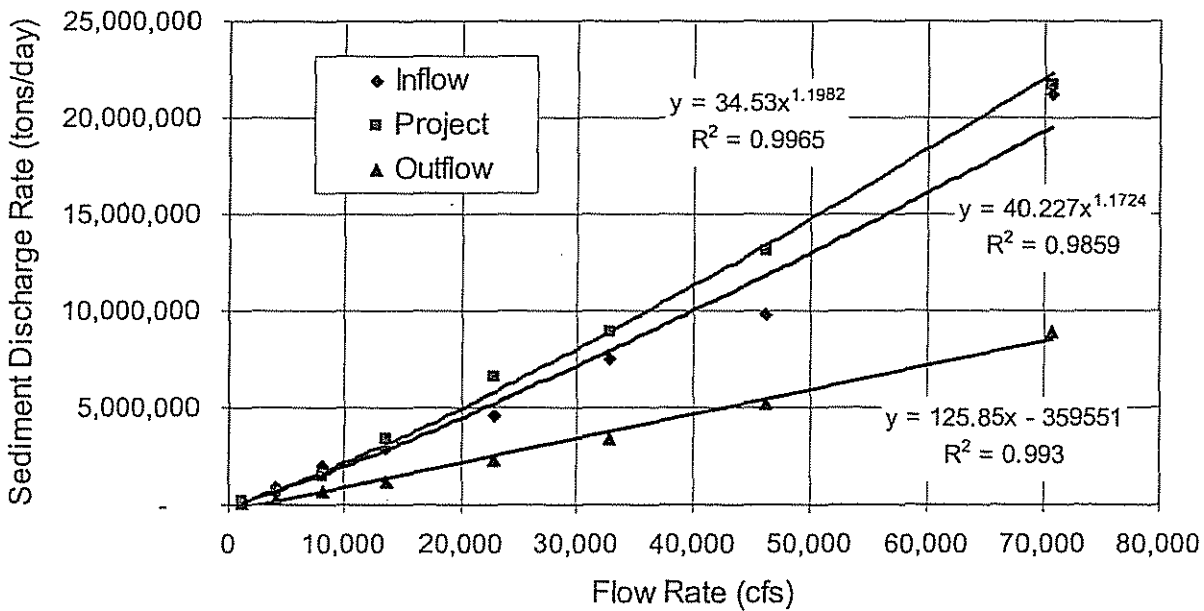


Figure 7. Sediment Transport in the Cuyama River (Yang Relationship)



**Exhibit 8 – USFWS, Biological Opinion**



United States Department of the Interior



FISH AND WILDLIFE SERVICE  
 Ventura Fish and Wildlife Office  
 2493 Portola Road, Suite B  
 Ventura, California 93003

IN REPLY REFER TO:  
 PAS 1628.1929.2482

December 5, 2006

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

# of pages - 17

To	John Hecht	From	M. Vandersande
Dept./Agency	WCE	Phone #	585-2151
Fax #	644-5929	Fax #	
NSN 7540-01-317-7368		5099-101 GENERAL SERVICES ADMINISTRATION	

David J. Castanon, Chief  
 North Coast Section, Regulatory Branch  
 U.S. Army Corps of Engineers  
 2151 Alessandro Drive, Suite 110  
 Ventura, California 93001

Subject: Biological Opinion for the Proposed Troesh Ready Mix, Inc. Sand and Gravel Extraction and Processing Facility, Santa Barbara County, California

This document transmits the U.S. Fish and Wildlife Service's (Service) biological opinion of your proposed authorization, pursuant to section 404 of the Clean Water Act, of Troesh Ready Mix, Inc.'s proposal to develop and operate a sand and gravel extraction and processing facility along the Cuyama River near the town of Ventucopa, Santa Barbara County, California. At issue are the effects of this action on the federally endangered blunt-nosed leopard lizard (*Gambelia sila*) and San Joaquin kit fox (*Vulpes macrotis mutica*). This biological opinion is prepared in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.). Your March 31, 2004, request to initiate formal consultation was received by our office on April 5, 2004.

You also requested our concurrence that the proposed project may affect, but is not likely to adversely affect the federally threatened Kern primrose sphinx moth (*Euproserpinus euterpe*). The project site occurs approximately one mile from the nearest known occurrence of the Kern primrose sphinx moth. The proposed project site was surveyed on four occasions in the spring of 2006, and no Kern primrose sphinx moths were observed (Jump 2006). In addition, suitable habitat does not occur on the proposed project site for the Kern primrose sphinx moth for the following reasons: 1) the clay or crusty dirt layer would prevent larvae from burrowing into the sands to pupate; 2) flooding that occurs in the riverbed would likely kill any pupa in the soil; and 3) *Camissonia* spp., which is the host plant for the moth, does not grow in adequate concentrations on the site (Jump 2006).

Based upon the negative survey results and the fact that the proposed project site does not contain suitable habitat for the Kern primrose sphinx moth, we concur with your determination that the proposed project is not likely to adversely affect the Kern primrose sphinx moth and it will not be discussed further in this biological opinion.



David J. Castanon

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## CONSULTATION HISTORY

The Army Corps of Engineers (Corps) initially requested formal consultation in a letter dated March 31, 2004. However, in a conversation between Matthew Vandersande of the Corps and Katherine Drexhage of my staff on August 31, 2004, Mr. Vandersande asked us to delay formal consultation pending receipt of an Environmental Impact Report. The Draft Environmental Impact Report was received in our office on February 2, 2005. In a meeting on February 24, 2005, Mr. Vandersande informed Christine Hamilton of my staff of proposed changes to the project to reduce impacts to listed species. He also informed us that, although the proposed project is a 28-year mining plan, the Corps would only be issuing a section 404 permit for the first five (5) years of the mining plan. In an electronic mail transmission on April 1, 2005, we acknowledged that we had received enough information on February 24, 2005 to initiate formal consultation. On September 7, 2005, the Corps also requested initiation of formal consultation for the Kern primrose sphinx moth, based on new information. On May 5, 2006, the Corps downgraded the request for formal consultation to informal consultation for the Kern primrose sphinx moth because recent surveys were negative at the proposed project site, and the site does not contain suitable habitat for the species.

## BIOLOGICAL OPINION

### DESCRIPTION OF THE PROPOSED ACTION

The Corps proposes to authorize Troesh Ready Mix, Inc. to develop and operate a sand and gravel extraction and processing facility along the Cuyama River in an unincorporated area of Santa Barbara County, California. The project area is located along State Route 33, 5.9 miles southeast of the intersection with State Route 166. The project area encompasses approximately 133 acres, which includes an 84.9-acre mine pit within the Cuyama River channel, a 14.2-acre processing area, and an 18.3-acre habitat restoration area. The proposed processing area and facilities would be constructed on existing agricultural lands. The proposed mining and processing operations would occur up to 303 days per year for approximately 28 years, although this biological opinion only considers the following activities of the first five years; excavation of the river bed, construction and operation of an access road and processing facility, restoration of habitat, and measures to minimize effects to listed species.

In order to mine the river bed, it would first be mechanically cleared, and a 4-foot-tall, 10-foot-wide earthen flood control berm would be graded around the mine pit. A 0.7-acre access road into the mine would be constructed in order to transport excavated materials to the processing facility. Material would be excavated from the Cuyama River channel using heavy mobile equipment, and hauled to the processing facility. Excavation of the river bed would begin in the southwest corner of the mining area and then progress eastward towards the river bank and the processing facility. The maximum anticipated depth of the mine is 90 feet below surface. The mining pit would be replenished periodically by flood flows in the river. Excavated materials in the processing facility would be mechanically crushed, sorted by size, and washed. Finished products would be stockpiled and periodically transported offsite via haul trucks.

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The Agricultural Restoration Area, an 18.3-acre stream terrace adjacent to the mine pit, would be protected and restored. Automobiles and other debris that were historically buried in a 1400-foot long portion of the eastern riverbank would be removed and the bank reconstructed with on-site materials. Nonnative saltcedar (*Tamarix* spp.) would be removed from the restoration area along the river bank by cutting the plants at ground level. It would be prevented from becoming reestablished by treating the stumps with Garlon herbicide. Native cottonwood trees (*Populus fremontii*) would be planted along the top of the riverbank. Non-native weeds would be removed by hand and native shrubs and herbs established. The restoration will be monitored and managed for five years to ensure success.

The project proponent has proposed the following measures to minimize adverse effects to blunt-nosed leopard lizards and San Joaquin kit fox:

1. A worker education program, taught by a Service-approved biologist, would be conducted for all employees and would provide instruction on the identification, life history, habitat requirements, and regulatory protection of the blunt-nosed leopard lizard and San Joaquin kit fox. Workers would be trained on what to do if blunt-nosed leopard lizards or San Joaquin kit fox are observed within work zones.
2. All on-site trash would be cleared from the area on a daily basis and disposed of in secure containers to prevent potential predators from being attracted to the site.
3. A 15 mile-per-hour speed limit sign would be posted on the access road.

In addition to protective measures described above, the project proponent has proposed the following specific measures to avoid impacts to blunt-nosed leopard lizards:

1. Permanent exclusionary fencing would be installed around the perimeter of the processing facility and along the access road into the mining pit.
2. Exclusionary fencing would be installed around the perimeter of the mining pit between March 1 and November 1 of each year. During this time, the fencing would only be removed if flooding of the mining pit was anticipated, during which time mining would not occur, and would be replaced before mining could begin again. The fencing would be removed between November 1 and March 1, during the time that blunt-nosed leopard lizards are in winter dormancy. The two-foot high fencing would consist of small-meshed hardwire cloth with a base of aluminum flashing. The metal flashing would be at least 12 inches above the surface to prevent the lizards from climbing over the fence. The bottom of the fencing and metal flashing would be buried 18 inches beneath the soil surface to prevent the lizards from digging under the fence. Fencing would be checked daily and maintained as necessary.
3. A Service-approved biologist would monitor restoration and construction activities, and trap and relocate blunt-nosed leopard lizards that may be disturbed by the project activities. A Service-approved biologist would also monitor construction of the



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exclusionary fencing and ensure that no blunt-nosed leopard lizards are trapped within exclusion zones.

4. Three 5-foot diameters corrugated steel pipe culverts, half-buried underground, would be placed 12 inches apart underneath the access road to allow blunt-nosed leopard lizards to pass underneath the road.
5. In order to determine if and to what extent blunt-nosed leopard lizards utilize the riverbed of the Cuyama River, and to assess the effectiveness of the culverts and fencing, a Service-approved biologist would survey the riverbed, access road, and culverts for blunt-nosed leopard lizards during their active period (April 15 through July 15) each year. Protocol developed by California Department of Fish and Game for blunt-nosed leopard lizard surveys would be followed.
6. Haul truck drivers and heavy equipment operators would be instructed to avoid impacting the exclusionary fencing to maintain the integrity of the fencing.
7. Chemical dust suppressants would not be used in areas where blunt-nosed leopard lizards could be exposed to the material. As an alternative dust suppressant, water would be used on the access road and near the Agricultural Restoration Area, or the crossing would be shielded at the sides to prevent overspray.
8. In the Agricultural Restoration Area, non-native plants would be removed by hand to avoid spraying herbicides where blunt-nosed leopard lizards may occur. Saltcedar would be removed using the least toxic herbicide, Garlon. This herbicide would only be used to treat saltcedar stumps after hand removal of the plants, and would not be sprayed on a broad scale.

In addition to protective measures described above, the project proponent has proposed the following specific measures to avoid impacts to San Joaquin kit fox:

1. Within 14 days prior to any new ground disturbances in natural habitats on the project site, a Service-approved biologist would conduct surveys for presence of San Joaquin kit fox dens.
2. If suitable San Joaquin kit fox dens are found within the construction zone, they would be surveyed for three days to determine if the dens are occupied by San Joaquin kit fox. Activity at the den would be monitored by placing tracking medium at the entrance every morning. Tracking material would be checked twice a day; every morning for tracks and prior to sundown to ensure that the tracking materials have not been damaged or blown away.
3. If San Joaquin kit fox activity is not observed during monitoring, the den would be physically closed to prevent occupation of the den.

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4. If San Joaquin kit fox activity is observed at the den during monitoring, a Service-approved biologist would implement one of the two following approaches:
  - a. The den would be monitored until three consecutive days without San Joaquin kit fox activity occurs. At that point, the den would be physically closed; or
  - b. The den would be monitored for at least five consecutive days. Use of the den would be discouraged during this period by partially plugging the entrance(s) with soil in such a manner that any resident animal could escape easily. If the den is still occupied after five days, the den would be carefully excavated using hand tools (e.g. shovel) while the den is temporarily vacant, such as during the animal's normal foraging activities. If San Joaquin kit fox are discovered in the den at any time during excavation, the excavation would cease immediately and monitoring of the den would be resumed. Destruction of the den may be resumed, when in the judgment of the biologist, the animal has escaped from the partially destroyed den.
5. If a natal den is discovered on-site, the Service would be contacted. Exclusionary flagging would be placed around the den, and the den would be monitored by a Service-approved biologist until the pups have vacated the den. After the den is vacated by the pups and mother, the biologist would clear and close the den.

#### STATUS OF THE SPECIES

**Blunt-nosed Leopard Lizard.** The blunt-nosed leopard lizard was federally designated as endangered on March 11, 1967 (32 Federal Register (FR) 4001), and designated as endangered by the State of California on June 27, 1971. A recovery plan for the species was first prepared in 1980 and revised in 1985 (Service 1985). The multi-species Valley Recovery Plan issued by the Service in 1998 replaces the 1985 plan. This species account is a brief summary of the recovery plan, except as otherwise cited. The recovery strategy requires that the Service (1) determine appropriate habitat management and compatible land uses for the blunt-nosed leopard lizard; (2) protect additional habitat for them in key portions of their range; and (3) gather additional data on population responses to environmental variation at representative sites in their existing geographic range (Service 1998).

The blunt-nosed leopard lizard was historically distributed throughout the San Joaquin Valley and adjacent interior foothills and plains, extending from central Stanislaus County south to northeastern Santa Barbara County and northwestern Ventura County. Today the distribution is limited to scattered parcels of undeveloped land, with the greatest concentrations occurring on the west side of the San Joaquin Valley floor and in the foothills of the Transverse Ranges, up to elevations of approximately 3,000 feet (CDFG 2004).

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The blunt-nosed leopard lizard hybridizes with the long-nosed leopard lizard (*Gambelia wislizenii*) where their ranges meet in Ballinger Canyon and the upper Cuyama River watershed (Santa Barbara and Ventura Counties). The blunt-nosed leopard lizard prefers grassland habitats at elevations up to 2,400 feet, whereas the hybrid utilizes primarily ecotonal areas between grassland and pinyon-juniper woodland at elevations ranging 2,400 to 3,600 feet (Service 1979). This is a natural occurrence of hybridization and in many ways could be considered more vital to preserve than some of the pure-strain populations (Service 1979 in litt.; R. Stebbins, Professor Emeritus of Zoology, U.C. Berkeley, in litt. 1979).

Blunt-nosed leopard lizards occur in areas of low relief with open, sparse vegetation of 15 to 30 percent ground cover. They are associated with vegetation communities such as valley sink scrub, valley saltbush scrub, alkali playa, valley/plain grasslands, and foothill grasslands. Associated vegetation includes shrubs of the family Chenopodiaceae, such as iodine bush (*Allenrolfea occidentalis*) and saltbush (*Atriplex* spp.), bunchgrasses, non-native annual grasses, and mormon tea (*Ephedra* spp.) (Stebbins 2003). They are generally absent from steep slopes, dense vegetation with greater than 50 percent cover, and areas subject to seasonal flooding. Blunt-nosed leopard lizards primarily seek shelter from predators and temperature extremes in abandoned ground squirrel tunnels, unoccupied or occupied kangaroo rat burrows, but also uses rock piles, trash piles, and brush. In areas of low burrow density, they may construct shallow, simple tunnels in earth berms or under rocks. Adults are active above ground from about March or April through August or September, although they are less active in the hotter months of summer. Diurnal activity is temperature-dependent, and on hotter days they are most likely to be observed in the morning and late afternoon. Adults hibernate beginning in August or September, while hatchlings are active until mid-October or November. They can withstand severe, long-term drought by remaining dormant for up to 22 months. Males are highly territorial and may have home ranges of up to 21 acres, although densities can range from 0.1 to 4.2 per acre.

Blunt-nosed leopard lizard habitat has been significantly reduced, degraded, and fragmented by agricultural development, petroleum and mineral extraction, livestock grazing, pesticide application, and off-road vehicle use. By 1985, 94 percent of wildlands on the San Joaquin Valley floor, which may have supported this species, was lost to agricultural, urban, petroleum, mineral, or other development. A gravel mine in the Cuyama River directly adjacent to the proposed project site that has been in operation for approximately 30 years may have impacted blunt-nosed leopard lizards through removal of streamside terrace habitat and direct mortality associated with mining activities.

**San Joaquin Kit Fox.** The San Joaquin kit fox was federally designated as endangered on March 11, 1967 (32 FR 4001) and designated as threatened by the State of California on June 27, 1971. Recovery of the San Joaquin kit fox is addressed in the recovery plan for upland species of the San Joaquin Valley (Service 1998). This species account is a brief summary of the recovery plan, except as otherwise cited.

Historically, San Joaquin kit fox occurred within an 8,700-square mile range in central California, from the vicinity of Tracy in the upper San Joaquin Valley, south to the general

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vicinity of Bakersfield. The current range is divided into two areas; the northern populations centering on Contra Costa County, and the southern populations in the San Joaquin Valley and neighboring valleys. They also occur in the interior coastal ranges and watersheds from Monterey County to Ventura County. Throughout their range, they are currently limited to remaining grassland, saltbush, open woodland, alkali sink valley floor habitats, and other similar habitats along bordering foothills and adjacent valleys and plains. The largest extant populations are in the Elk Hills and the Buena Vista Naval Petroleum Reserve in Kern County, and the Carrizo Plain Natural Area in San Luis Obispo County. In the southern San Joaquin Valley, they occur in fragmented habitats in increasingly urban areas.

With the possible exception of the island fox (*Urocyon littoralis*), the San Joaquin kit fox is the smallest native canid in North America, with a total length of approximately 30 inches. They are generally nocturnal, but can be active during daylight hours in late spring and early summer. Diet varies geographically, seasonally, and annually as a result of variation in prey availability and abundance. They feed primarily on kangaroo rats, ground squirrels, mice, and lagomorphs, although they also eat insects, birds, and vegetation.

San Joaquin kit foxes use dens for temperature regulation, shelter from adverse environmental conditions, reproduction, and as an escape from predators. They may change dens four or five times during summer months and natal dens one or two times per month. Adults begin preparing natal and pupping dens in September and October, usually selecting sites with multiple openings. Mating occurs between late December and March, and litters of two to six pups are born in the following February to late March. Pups emerge from dens at slightly more than one month old and begin dispersing four to five months later. Reproductive success is positively correlated with prey abundance, and has been shown to decline when drought, too much rainfall, or other circumstances negatively affect the density of prey species. Home ranges of one to 12 square miles have been reported, with larger home range sizes where prey is scarce.

Intensive agriculture, urbanization, and other land-modifying actions have eliminated extensive portions of habitat and are the most significant causes of this species' endangerment. These habitat losses contribute to San Joaquin kit fox decline through displacement, direct and indirect mortality, barriers to movement, and reduction of prey populations. Coyote (*Canis latrans*) and introduced red fox (*Vulpes vulpes*) compete for food resources with, and also prey on, the smaller San Joaquin kit fox. Poisoning, illegal shooting and trapping, prey reduction as a result of rodent control, and vehicle strikes all contribute to mortality and decline of the species.

## ENVIRONMENTAL BASELINE

The implementing regulations for section 7(a)(2) define the action area of a consultation as the area that may be directly or indirectly affected by the proposed action (50 Code of Federal Regulations 402.02). Given the topography of the area, the alterations of the flood plain caused by previous human activities, the ecology of the blunt-nosed leopard lizard and San Joaquin kit fox, and the potential effects of the proposed action, we are considering the action area for this biological opinion to the 133 acre project site, which includes an 84.9-acre mine pit within the

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Cuyama River channel, the 14.2-acre processing area, and the 18.3-acre habitat restoration area.

**Blunt-nosed leopard lizard.** The proposed project area is located within the southernmost portion of the range of the blunt-nosed leopard lizard (Service 1998). Two blunt-nosed leopard lizards were found in the action area in 2003, within the proposed Agricultural Restoration Area. Blunt-nosed leopard lizards have also been documented in historical records to be within three miles of the project site.

Although blunt-nosed leopard lizards hybridize with the long-nosed leopard lizard within the geographic region of the action area, hybrids are not likely to occur within the action area. A pure-strain blunt-nosed leopard lizard was reported directly adjacent to the action area within Los Padres National Forest at an elevation of 2,840 feet (M. Freel, Wildlife Biologist, Los Padres N.F., pers. comm. 2004). Hybrids are more likely to occur at higher elevations, and the elevation in the action area is less than 2,800 feet. For the purposes of this biological opinion, we consider all leopard lizards within the action area to be blunt-nosed leopard lizards and not hybrids.

Suitable habitat for burrowing and foraging occurs within the entire proposed Agricultural Restoration Area, which is on a terrace along the Cuyama River bank and contains mature and relatively dense scalebroom (*Lepidospartum flaccidus*), woollystar (*Eriastrum densifolium*), and bush groundsel (*Senecio flaccidus*). The proposed project area contains numerous small rodent burrows that could be occupied by blunt-nosed leopard lizards. They may also occur within the junk cars that are buried along the river bank. Blunt-nosed leopard lizards are not likely to occur in the river bed where the proposed mine would be located because the area is subject to periodic flooding and contains only sparse vegetation. They are not likely to occur in the agricultural fields where the proposed processing facility would be constructed because it does not contain suitable habitat.

**San Joaquin kit fox.** The Corps did not survey for San Joaquin kit fox within the proposed project area. However, the proposed project area is within the southernmost portion of the range of the San Joaquin kit fox (Service 1998), and they could utilize portions of the project site for travel, foraging, and denning. Kit foxes could construct dens within the Agricultural Restoration area, or within culverts or other man-made structures within the action area. The Agricultural Restoration Area is inhabited by small rodents, and may also be used for foraging by San Joaquin kit fox. Adjacent agricultural lands, where the processing facility is proposed, may also be used for foraging or traveling. They are not expected to use the river bed for denning or foraging, although they may use it for travel.

## EFFECTS OF THE ACTION

**Blunt-nosed leopard lizard.** Blunt-nosed leopard lizards that are present in the action area could be injured or killed by vehicles or heavy equipment involved in construction of the access road, excavation of the river bed, hauling of excavated materials out of the river bed, or processing of excavated materials. The project proponent has proposed to reduce these effects

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by posting a 15 mile per hour speed limit on the access road, and fencing the mine pit, access road, and processing facility to keep blunt-nosed leopard lizards out of these areas.

Blunt-nosed leopard lizards that are present in the Agricultural Restoration Area could be injured or killed by equipment involved in removal of debris and junk cars from the river bank or during bank stabilization. Injury or mortality of blunt-nosed leopard lizards could also occur if burrows are crushed during the removal of junk cars or restoration of the river bank. To reduce these effects to the species, a Service-approved biologist would monitor all restoration activities, and trap and relocate blunt-nosed leopard lizards that are found within the debris or junk cars. The removal of junk cars would occur from the riverbed to avoid disturbing the bank.

Movements of blunt-nosed leopard lizards within the Agricultural Restoration Area may be restricted because the access road and fencing would act as a barrier between the Agricultural Restoration Area and adjacent natural lands. They may use these adjacent lands for foraging, finding mates, and dispersal of young. To minimize this barrier effect, culverts would be installed underneath the access road to allow blunt-nosed leopard lizards to pass under the road. Blunt-nosed leopard lizards could also be injured by becoming entangled in the fencing. To minimize this effect, fencing would be checked daily and maintained as necessary.

Blunt-nosed leopard lizards may be injured or killed if exposed to hazardous materials, such as chemical dust suppressants, spilled or leaking fuels, and herbicides used for the control of weeds. To minimize the potential for exposure to hazardous chemicals, water would be used as an alternative dust suppressant in areas where blunt-nosed leopard lizards could occur, such as near the Agricultural Restoration Area and along the access road. During restoration activities, herbicides would not be sprayed on a broad scale, and the non-native plants would be removed by hand. The least-toxic herbicide, Garlon, would be used to treat saltcedar stumps to minimize the chance of blunt-nosed leopard lizard's exposure to herbicides. Vehicles would be fueled and maintained on a concrete pad with a curbed containment berm within the processing area so fuels are not likely to contaminate areas where blunt-nosed leopard lizards are known to occur.

Project-related garbage may attract predators of blunt-nosed leopard lizards such as ravens, crows, coyotes, red fox, and pet or feral dogs and cats to the project area. To minimize the potential for predators to be attracted to the project site, all trash on-site would be cleared from the construction area on a daily basis and disposed of in containers with secure lids. Blunt-nosed leopard lizards may also be killed or injured if attacked by pet dogs brought to the project site by project personnel.

**San Joaquin kit fox.** San Joaquin kit foxes that are present in the action area during the proposed project may be injured or killed by vehicles or heavy equipment involved in construction of the access road, excavation of the river bed, hauling of excavated materials, and processing of excavated materials. However, San Joaquin kit foxes are more likely to be active at night and shelter in dens during the day (Koopman et al. 2000), while pit excavations and vehicle traffic on the access road would be limited to daylight hours.

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Injury or mortality of San Joaquin kit foxes may occur if they are trapped or crushed in dens by heavy equipment, or inadvertently trapped in open trenches or culverts. The project proponent has included measures to minimize the potential for San Joaquin kit foxes to be trapped or crushed during project activities.

Protective actions may disrupt normal movement patterns and displace San Joaquin kit fox making them more susceptible to predation. For instance, the project proponent proposes to excavate and destroy potential and known dens if they can not be avoided during construction. A San Joaquin kit fox may be more susceptible to predation or subject to temperature extremes, after being removed from an excavated den.

Noise, ground vibrations, or other disturbances as a result of project activities may cause them to relocate or disrupt normal activity patterns, increasing their vulnerability to predation or vehicle strikes if proposed activities result in their displacement to unfamiliar or less secure habitat.

San Joaquin kit foxes may be injured or killed if exposed to hazardous materials, such as rodenticides, chemical dust suppressants, spilled or leaking fuels, and herbicides used for the control of weeds. However, vehicles would be fueled and maintained on a concrete pad with a curbed containment berm within the processing area. Because we expect few San Joaquin kit foxes to be in the action area during the proposed project, we anticipate a low potential for injury or mortality associated with the hazardous materials described in this biological opinion.

Project-related garbage may attract San Joaquin kit foxes and predators such as coyotes, red fox, and pet or feral dogs and cats to the project area. To minimize the potential for San Joaquin kit foxes and predators to be attracted to the project site, all trash on-site would be cleared from the construction area on a daily basis and disposed of in containers with secure lids. San Joaquin kit foxes may also be exposed to canine distemper virus or other diseases, or killed or injured if attacked, by pet dogs brought to the project site by project personnel.

## CUMULATIVE EFFECTS

Cumulative effects are those impacts of future state and private actions that are reasonably certain to occur in the project area. Future Federal actions will be subject to the consultation requirements established in section 7 of the Act and, therefore, are not considered cumulative to the proposed project. We are not aware of any non-federal activities that are reasonably certain to occur in action area.

## CONCLUSION

After reviewing the current status of the blunt-nosed leopard lizard and San Joaquin kit fox, the environmental baseline for the action area, effects of the proposed project, and the cumulative effects, it is our biological opinion that issuance of a permit, pursuant to section 404 of the Clean Water Act, for the five-year mining plan in the Cuyama River, as proposed, is not likely to jeopardize the continued existence of these species.

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We have reached this conclusion because:

1. The number of individual blunt-nosed leopard lizard and San Joaquin kit fox that would be affected by the proposed action would be relatively small;
2. A small proportion of the ranges of the blunt-nosed leopard lizard and San Joaquin kit fox, would be affected by the proposed action;
3. Most of the project effects would be temporary; and
4. Troesh Ready Mix, Inc. has proposed measures to attempt to reduce the adverse effects of the project on blunt-nosed leopard lizards and San Joaquin kit fox.

The Incidental Take Statement accompanying this Biological Opinion exempts from the take prohibitions of the Act, take of the blunt-nosed leopard lizard carried out in accordance with the terms and conditions of the Incidental Take Statement. It does not address the restrictions or requirements of other applicable laws.

#### INCIDENTAL TAKE STATEMENT

Section 9 of the Act and Federal regulations promulgated pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this incidental take statement.

The measures described below are non-discretionary and the Corps must include these measures in its authorization to Troesh Ready Mix, Inc. for the exemption in section 7(o)(2) to apply. The Corps has a continuing duty to regulate the activity covered by this incidental take statement. If the Corps fails to require Troesh Ready Mix, Inc. to implement these terms and conditions, the protective coverage of section 7(o)(2) may lapse. To monitor the impact of incidental take, the Corps or Troesh Ready Mix, Inc. must report the progress of the action and its impact on the species to the Service as specified in the incidental take statement [50 CFR §402.14(i)(3)].



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The amount of incidental take of the blunt-nosed leopard lizard during the proposed five-year mining plan will be difficult to detect because of their small body size, cryptic coloration, and the fact that they spend much of their time in burrows. The Service anticipates the following level of take of this species may result from habitat loss, burrow collapse, crushing by vehicles, exposure to predation, and indirect effects:

Blunt-nosed leopard lizards in the project area may be harassed, injured, or killed during grading, mining, and habitat restoration activities. Based on the nature of the proposed activities and the proposed minimization measures, we expect that few blunt-nosed leopard lizards will be killed or injured. If more than one (1) blunt-nosed leopard lizard is killed or injured in the action area, regardless of the cause, the Corps must contact us immediately so we can review the project activities to determine if additional protective measures are needed. Project activities may continue during this review period, provided that all protective proposed by the Corps and the terms and conditions of this biological opinion have been and continue to be implemented.

The amount of incidental take of the San Joaquin kit fox during the proposed five-year mining plan is difficult to quantify because of a lack of information on occurrences and movement patterns of San Joaquin kit foxes in the action area. The Service anticipates that the following level of take of this species may result from habitat loss, collapse of dens, disturbance, vehicle strikes, exposure to predation, and indirect effects:

San Joaquin kit foxes in the project area may be harassed, injured, or killed during grading, mining, and habitat restoration activities, or during den excavations. Based on nature of the proposed activities, the proposed minimization measures, and the fact that few, if any San Joaquin kit foxes will likely be present in the action area, we expect that few will be killed or injured. If more than one (1) San Joaquin kit fox is killed or injured in the action area, regardless of the cause, the Corps must contact us immediately so we can review the project activities to determine if additional protective measures are needed. Project activities may continue during this review period, provided that all protective measures proposed by the Corps and the terms and conditions of this biological opinion have been and continue to be implemented.

This incidental take statement exempts the Corps from the prohibitions against take, which are contained in section 9 of the Act, of up to one blunt-nosed leopard lizard and up to one San Joaquin kit fox within the action area of the proposed project. This incidental take statement does not exempt any take of blunt-nosed leopard lizards or San Joaquin kit foxes outside of the action area as defined in the project description section of this biological opinion.

#### REASONABLE AND PRUDENT MEASURES

The Service believes the following reasonable and prudent measures are necessary and appropriate to minimize take of blunt-nosed leopard lizards:

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1. Only Service-approved biologists may survey, capture, and move blunt-nosed leopard lizards from work areas.
2. Measures to minimize adverse effects to blunt-nosed leopard lizards must be employed during project implementation.

The Service believes the following reasonable and prudent measures are necessary and appropriate to minimize take of San Joaquin kit foxes:

1. Only Service-approved biologists may survey for and close San Joaquin kit fox dens in work areas.
2. Measures to minimize adverse effects to San Joaquin kit fox must be employed during project implementation.

#### TERMS AND CONDITIONS

To be exempt from the prohibitions of section 9 of the Act, the Corps must ensure that Troesh Ready Mix, Inc. complies with the following terms and conditions, which implement the reasonable and prudent measures described above. These terms and conditions are non-discretionary.

The following term and condition implements reasonable and prudent measure 1:

We authorize Michael Bumgardner of Bumgardner Biological Consulting to monitor, survey, and relocate blunt-nosed leopard lizards. If the Corps and Troesh Ready Mix, Inc. wish to use other biologists to monitor, survey, and relocate blunt-nosed leopard lizards, they must submit the names and credentials of these personnel who will conduct these activities to the Service for review and approval at least 30 days prior to the onset of activities.

The following term and condition implements reasonable and prudent measure 2:

- a. Dogs, cats, or other pets of project related personnel that could prey on blunt-nosed leopard lizards must not be allowed to roam freely within the action area during project activities.
- b. Before initiating project activities, the Service-approved biologist must identify appropriate areas to relocate blunt-nosed leopard lizards that are found in the construction area. These areas must be near the potential capture site or another site approved by the Service and must contain suitable blunt-nosed leopard lizard habitat.

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- c. The time that blunt-nosed leopard lizards are handled and held in captivity must be minimized.
- d. During surveys for blunt-nosed leopard lizards, the Service-approved biologist will attempt to trap and relocate out of harm's way any blunt-nosed leopard lizards found within the mining pit, processing facility, or on the access road.
- e. During daily maintenance checks of the exclusionary fencing, project employees will contact a Service-approved biologist if blunt-nosed leopard lizards are seen inside the exclusion zone. The biologist will attempt to trap and relocate any blunt-nosed leopard lizards found within the exclusion zone.

The following term and condition implements the reasonable and prudent measure 3:

We authorize Michael Bumgardner of Bumgardner Biological Consulting to survey for, and close or excavate San Joaquin kit fox dens. If the Corps and Troesh Ready Mix, Inc. wish to use other biologists to survey for, and close or excavate San Joaquin kit fox dens, they must submit the names and credentials of these personnel who will conduct these activities to the Service for review and approval at least 30 days prior to the onset of activities.

The following term and condition implements the reasonable and prudent measure 4:

- a. The "U.S. Fish and Wildlife Service standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (Service 1999) will be followed.
- b. Rodenticides may not be used within the project area because they could inadvertently poison San Joaquin kit foxes.

#### REPORTING REQUIREMENTS

You must notify us within 7 days if any blunt-nosed leopard lizards are moved out of harm's way by Service-approved biologists. Notification must include details of the relocation effort, including number and description of individuals (i.e. adult, juvenile), date, habitat description of the site where relocated individuals were moved from and to, name of the approved biologist(s) who conducted the relocation, and any other pertinent information. You must also notify us within 7 days if any blunt-nosed leopard lizards are seen within the exclusion zone (i.e. on the access road or within the mining pit), or entangled within the exclusionary fencing. Notification should be to Christine Hamilton, of my staff, by electronic mail ([christine\\_hamilton@fws.gov](mailto:christine_hamilton@fws.gov)), telephone (805-644-1766, extension 369), or letter (2493 Portola Road, Suite B, Ventura, California 93003).

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You must also notify us within 7 days if any San Joaquin kit fox dens were closed or excavated. Notification must include details of the effort, including number of individual foxes, number of dens closed, how they were closed, and behavior of the foxes during the closing process, date, name of the approved biologist(s) who closed or excavated dens, and any other pertinent information. Notification should be to Christine Hamilton, of my staff, by electronic mail ([christine\\_hamilton@fws.gov](mailto:christine_hamilton@fws.gov)), telephone (805-644-1766, extension 369), or letter (2493 Portola Road, Suite B, Ventura, California 93003).

Annually, by January 31, you must provide us with copies of all reports containing survey results for all listed species conducted within the project area, including any incidental observations of listed species. The report must also include a summary of all incidental take and all relocation efforts or den closings that have occurred since issuance of this biological opinion. In addition, the report must document the effectiveness of the terms and conditions. If appropriate, the report should also recommend modifications to future project activities and protective measures to enhance the protection of blunt-nosed leopard lizards and San Joaquin kit foxes.

#### DISPOSITION OF INJURED OR DEAD SPECIMENS

Upon locating a dead or injured blunt-nosed leopard lizard or San Joaquin kit fox, the Service's Division of Law Enforcement (370 Amapola Avenue, Suite 114, Torrance, California 90501) must be notified in writing within 3 working days. This notification may be provided by facsimile (310/328-6399). You must also notify the Ventura Fish and Wildlife Office (2493 Portola Road, Suite B, Ventura, California, 93003; 805/644-1766) by telephone and in writing. The report must include the date, time, location of the carcass or individual, a photograph, cause of death or injury, and any other pertinent information.

Care must be taken in handling dead specimens to preserve biological material in the best possible state for later analysis. Should any injured San Joaquin kit fox or blunt-nosed leopard lizards survive, the Service must be contacted regarding their final disposition. The remains of blunt-nosed leopard lizards must be placed with the California Academy of Sciences Herpetology Department (contact: Jens Vindum, Collections Manager, California Academy of Sciences Herpetology Department, Golden Gate Park, San Francisco, California 94118, telephone 415/750-7037); or Santa Barbara Natural History Museum (contact: Paul Collins, Santa Barbara Natural History Museum, Vertebrate Zoology Department, 2559 Puesta Del Sol, Santa Barbara, California 93105, telephone 805/682-4711 ext. 321). The remains of San Joaquin kit fox must be placed with California Department of Fish and Game (contact: Dr. Pam Swift, California Department of Fish and Game, Wildlife Investigations Laboratory, 1701 Nimbus Road, #D Rancho Cordova, California 95670, telephone 916/358-2790).

#### CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the Act directs Federal agencies to use their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid

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adverse affects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information.

1. We recommend that you relocate other native reptiles and mammals out of harm's way to suitable habitat outside the project area prior to and during project activities. Species classified as State of California Species of Special Concern that occur in the area are the coast horned lizard (*Phrynosoma coronatum frontale*) and San Diego desert woodrat (*Neotoma lepida intermedia*).
2. We recommend that the Corps encourage future project applicants to protect and/or restore streamside terrace habitats along the Cuyama River, whether or not they are currently occupied by blunt-nosed leopard lizards, San Joaquin kit fox, or other sensitive species. The goal should be to create or protect areas of contiguous streamside terrace habitat, and maintain connectivity between sites and connectivity to other natural lands (i.e. National Forest Service lands). This approach may aid in recovery of blunt-nosed leopard lizards and San Joaquin kit fox.

#### REINITIATION NOTICE

This concludes formal consultation under section 7 of the Act on the proposed issuance of a permit pursuant to Section 404 of the Clean Water Act, to Troesh Ready Mix, Inc. for the five-year mining and habitat restoration plan in and along the Cuyama River. Re-initiation of formal consultation is required if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may adversely affect listed species or critical habitat in a manner or to an extent not considered in this biological opinion; (3) the agency action is subsequently modified in a manner that causes an effect to a listed species or critical habitat that was not considered in this biological opinion; and (4) a new species is listed or any new critical habitat is proposed or designated that may be affected by this action (50 *CFR* 402.16).

If you have any comments or questions, please contact Christine Hamilton of my staff at (805) 644-1766, extension 369.

Sincerely,



Chris Dellith  
Acting Assistant Field Supervisor

## REFERENCES CITED

- California Department of Fish and Game. 2004. Rarefind California Department of Fish and Game natural diversity database, version 3.0.5. Wildlife Habitat and Data Analysis Branch, California Department of Fish and Game, Sacramento, California.
- Jump, P.M. 2006. Diamond Rock Plant survey for the Kern primrose sphinx, (*Euproserpinus euterpe*). Unpublished report.
- Koopman, M.E., B.L. Cypher, and J.H. Scrivner. 2000. Dispersal patterns of San Joaquin kit foxes (*Vulpes macrotis mutica*). *Journal of Mammalogy* 81(1):213-222.
- Stebbins, R.C. 2003. A field guide to western reptiles and amphibians, third edition. Houghton Mifflin Company, Boston, Massachusetts. xiii + 533 pp.
- U.S. Fish and Wildlife Service (Service). 1979. Memo to Regional Director, Portland, from Acting Area Manager, Sacramento, November 9, 1979.
- U.S. Fish and Wildlife Service (Service). 1985. Blunt-nosed leopard lizard recovery plan. Portland, Oregon. 76 pp.
- U.S. Fish and Wildlife Service (Service). 1998. Recovery Plan for Upland Species of the San Joaquin Valley, California. Region 1, Portland, Oregon. 319pp.
- U.S. Fish and Wildlife Service (Service). 1999. Standard recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance. Sacramento, California.

**Exhibit 9 – CDFG, Draft 1602 Agreement  
(Revised January 7, 2008)**

**CALIFORNIA DEPARTMENT OF FISH AND GAME**

1933 Cliff Drive, Suite 9  
Santa Barbara, California 93109

**(805) 684-6281**

(858) 467-4201 Region 5 San Diego

Date: 6/6/2005

DRAFT

Steven M. Troesh  
Troesh Ready Mix, Inc.  
305 Cuyama Lane  
Nipomo, CA 93852

Re: Agreement No. 1600-2004-0148-R5

Dear Mr. Steven Troesh,

Enclosed are two original copies of Streambed Alteration Agreement **1600-2004-0148-R5**. If you agree with the conditions/measures set forth in the agreement, **PLEASE SIGN BOTH ORIGINALS AND RETURN BOTH TO OUR OFFICE FOR SIGNATURE, AT THE ABOVE ADDRESS.**

The California Fish and Game Code requires that you notify the Department in writing within 30 days of receipt of this Proposal as to its acceptability. If you do not respond within this time period you will lose your right to request binding arbitration. For minor changes, contact the person responsible for writing your agreement prior to sending the written response.

Written notice of your intent to commence project activities needs to be provided to the Department at least five days in advance of commencing project activities.

Please be advised, the Department cannot sign the Agreement without a certified or approved environmental document prepared in accordance with the California Environmental Quality Act (CEQA), notice of determination, findings and proof that the lead agency has collected the filing fee required under section 711.4 of the Fish and Game Code. Please note that the Agreement is subject to change upon receipt and review of the environmental document for the project. If the lead agency determined that the project is exempt under CEQA, please provide a copy of the notice of exemption or other information that indicates the basis for the exemption.

If you have any questions regarding the proposed conditions, please contact me at the numbers listed above.

Thank you for your cooperation in this matter.

Natasha Lohmus  
Environmental Scientist



## CALIFORNIA DEPARTMENT OF FISH AND GAME

1933 Cliff Drive, Suite 9  
Santa Barbara, CA 93109

Notification No. 1600-2004-0148-R5.

Page 1 of 11

### AGREEMENT REGARDING PROPOSED STREAM OR LAKE ALTERATION

THIS AGREEMENT, entered into between the State of California, Department of Fish and Game, hereinafter called the Department, and Steven Troesh of Troesh Ready Mix, Inc. 305 Cuyama Lane, Nipomo, State of California, hereinafter called the Operator, is as follows:

WHEREAS, pursuant to Section 1602 of California Fish and Game Code, the Operator, on the 12<sup>th</sup> day of April, 2004, notified the Department that they intend to divert or obstruct the natural flow of, or change the bed, channel, or bank of, or use material from the streambed(s) of the following water(s): Cuyama River, Santa Barbara County, California.

WHEREAS, the Department (represented by Natasha Lohmus) has made an inspection of subject area, and has determined that such operations may substantially adversely affect existing fish and wildlife resources including: fishes (n/a), amphibians (n/a), reptiles (side-blotched lizard, CA horned and blunt-nosed leopard lizards, rattle and king snakes), songbirds (Lawrence's goldfinch, LeConte's thrasher, quail, dove, lesser nighthawk, kingbird, horned lark, cliff swallow, rock wren, crow, raven, sage sparrow, house finch), raptors (loggerhead shrike, golden eagle, condor, prairie falcon, burrowing owl, vulture), mammals (American badger, San Joaquin kit fox, SJ antelope squirrel, coyote, deer), native plants (willow, cottonwood, mulefat, coyote brush, mugwort, buckwheat, deerweed, lupin, Ephedra, Hoover's woollystar, hollisteria, CA jewelflower, SJ woolly-threads, cottony buckwheat) and other aquatic and wildlife resources in the area.

THEREFORE, the Department hereby proposes measures to protect fish and wildlife resources during the Operator's work. The Operator hereby agrees to accept the following measures/conditions as part of the proposed work.

If the Operator's work changes from that stated in the notification specified above, this Agreement is no longer valid and a new notification shall be submitted to the Department of Fish and Game. Failure to comply with the provisions of this Agreement and with other pertinent code sections, including but not limited to Fish and Game Code Sections 5650, 5652, 5901, 5931, 5937, and 5948, may result in prosecution.

Nothing in this Agreement authorizes the Operator to trespass on any land or property, nor does it relieve the Operator of responsibility for compliance with applicable federal, state, or local laws or ordinances. A consummated Agreement does not constitute Department of Fish and Game endorsement of the proposed operation, or assure the Department's concurrence with permits required from other agencies.

This Agreement becomes effective on the Departments signature and the construction portion terminates on 12/1/06. This Agreement shall remain in effect until the Operator satisfies the mitigation/maintenance terms/conditions of this Agreement.

STREAMBED ALTERATION CONDITIONS FOR NOTIFICATION NUMBER: 1600-2004-0148-R5

1. The following provisions constitute the limit of activities agreed to and resolved by this Agreement. The signing of this Agreement does not imply that the Operator is precluded from doing other activities at the site. However, activities not specifically agreed to and resolved by this Agreement, shall be subject to separate notification pursuant to Fish and Game Code Sections 1600 et seq.
2. The Operator proposes to alter the streambed to extract approximately 500,000 tons of sand and gravel from the river bed every year, using heavy equipment. The operation consists of a large pit, mined in phases. A flood control berm about four feet high and 10 feet wide will be graded around the upstream portion of the pit to prevent water from entering the open pit. The eastern bank contains old automobiles used as erosion control, and the Operator shall remove the vehicles within the period of 5 years. The bank will be restored to a 3:1 slope and planted with native vegetation. Cottonwoods will be retained in place, and tamarisk will be removed. A 24 foot wide, all weather crossing will be constructed in the low flow channel for access, and shall contain culverts underneath. The river is seasonal and mostly dry. Maximum impacts shall be 132.64 acres.
3. The agreed work includes activities associated with No. 2 above. The project area is located in **Santa Barbara** County, on State Route 33, Maricopa Highway, approximately 5.9 miles southeast of the intersection with Route 166. (Thomas Guide Page 346). Specific work areas and mitigation measures are described on/in the plans and documents submitted by the Operator and shall be implemented as proposed, unless directed differently by this agreement. Contact **Steven Troesh** at **Phone: 805-928-3764** for additional information.
4. **COPIES OF THIS AGREEMENT AND ALL REQUIRED PERMITS AND SUPPORTING DOCUMENTS, PROVIDED WITH NOTIFICATION OR REQUIRED BY THIS AGREEMENT SHALL BE READILY AVAILABLE AT WORK SITES AT ALL TIMES DURING PERIODS OF ACTIVE WORK.**
5. The Operator may request an extension of this agreement prior to its termination. Extensions may be granted for up to 12 months from the date of termination of the agreement and are subject to Departmental approval. The extension request and fees shall be submitted to the Department's Region 5 Office at the above address. If the Operator fails to request the extension prior to the agreement's termination, then the Operator shall submit a new notification with fees and required information to the Department. Any activities conducted under an expired agreement are a violation of Fish and Game Code Section 1600 et. seq.

<<WORK AREAS AND VEGETATION REMOVAL>>

6. Disturbance or removal of vegetation shall not exceed the limits approved by the Department. The disturbed portions of any stream channel or lake margin, within the high water mark of the stream or lake, shall be restored to their original condition under the direction of the Department.

7. Restoration shall include the revegetation of stripped or exposed work and/or mitigation areas with vegetation native to the area.

8. Vegetation removed from the stream shall not be stockpiled in the stream bed or on its bank. The sites selected on which to push this material out of the stream should be selected in compliance with the other provisions of this Agreement. Where possible brush piles shall be left outside the channel in upland areas to provide wildlife habitat.

9. A complete inventory of trees, by species and Diameter at Breast Height (DBH), which will be removed shall be submitted to the Department within 30 days of signing this Agreement.

<<EQUIPMENT AND ACCESS>>

10. Staging/storage areas for equipment and materials shall be located outside of the stream/lake.

11. Vehicles shall not be driven or equipment operated in water covered portions of a stream or lake, or where wetland vegetation, riparian vegetation, or aquatic organisms may be destroyed, except as otherwise provided for in the Agreement and as necessary to complete authorized work.

<<FILL AND SPOIL>>

12. Spoil storage sites shall not be located within a stream/lake, where spoil can be washed back into a stream/lake, or where it will cover aquatic or riparian vegetation.

<<STRUCTURES>>

13. Installation of the culvert crossing, or other structures shall be such that water flow (velocity and low flow channel width) is not impaired. Bottoms of temporary culverts shall be placed at or below stream channel grade.

14. There shall be a minimum 50 foot setback from the low flow channel and the excavation pit. There shall be no impacts, such as roads, to the setback/buffer zone, and the area shall be left undisturbed. The low flow channel and the small braids may be diverted back to the original location against the far bank if the low flow channel changes course.

15. The pit shall not be excavated to the level of ground water, and shall stay at least an average of 6 feet above water level. If ground water is encountered, material shall be replaced to a depth of 6 feet, and excavation may continue above that elevation.

<<CLEAN UP>>

16. Any materials placed in seasonally dry portions of a stream or lake that could be washed downstream or could be deleterious to aquatic life shall be removed from the project site prior

to inundation by high flows.

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<<POLLUTION, SEDIMENTATION, AND LITTER>>

17. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, construction waste, cement or concrete or washings thereof, oil or petroleum products or other organic or earthen material from any logging, construction, or associated activity of whatever nature shall be allowed to enter into or placed where it may be washed by rainfall or runoff into, waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream or lake. Fish and Game Code Sections 5650 and 5652 prohibits any waste from being deposited within 150 feet from any waters of the state, at any time, even after this Agreement has expired.

18. The Operator shall comply with all litter and pollution laws. All contractors, subcontractors and employees shall also obey these laws and it shall be the responsibility of the operator to insure compliance.

19. Any equipment or vehicles driven and/or operated within or adjacent to the stream/lake shall be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life.

20. No equipment maintenance shall be done within or near any stream channel or lake margin where petroleum products or other pollutants from the equipment may enter these areas under any flow.

21. The clean-up of all spills shall begin immediately. The Department shall be notified immediately by the Operator of any spills and shall be consulted regarding clean-up procedures.

22. Raw cement/concrete or washings thereof, asphalt, paint, construction waste, or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, resulting from project related activities, shall be prevented from contaminating the soil and/or entering the waters of the state. Any of these materials, placed within or where they may enter a stream or lake, by the Operator or any party working under contract, or with the permission of the Operator, shall be removed immediately.

23. Equipment shall not be operated in wetted areas (including but not limited to ponded, flowing, or wetland areas) without the prior written approval of the Department.

24. When work in a flowing stream is unavoidable, the entire stream flow shall be diverted around the work area by a barrier, temporary culvert, new channel, or other means approved by the Department. Location of the upstream and downstream diversion points shall be approved by the Department. Construction of the barrier and/or the new channel shall normally begin in the downstream area and continue in an upstream direction, and the flow shall be diverted only when construction of the diversion is completed. Channel bank or barrier construction shall be adequate to prevent seepage into or from the work area.  
**Diversion berms shall be constructed of onsite alluvium of low silt content, inflatable**

**dams, sand bags, or other approved materials.** Channel banks or barriers shall not be made of earth or other substances subject to erosion unless first enclosed by sheet piling, rock rip-rap, or other protective material. The enclosure and the supportive material shall be

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removed when the work is completed and removal shall normally proceed from downstream in an upstream direction. The Operator shall obtain all written approvals from the Department prior to initiation of construction activities.

25. Flow diversions shall be done in a manner that shall prevent pollution and/or siltation and which shall provide flows to downstream reaches. Flows to downstream reaches shall be provided during all times that the natural flow would have supported aquatic life. Said flows shall be sufficient quality and quantity, and of appropriate temperature to support fish and other aquatic life both above and below the diversion. Normal flows shall be restored to the affected stream immediately upon completion of work at that location.

26. Silty/turbid water from dewatering or other activities, shall not be discharged into the stream. Such water shall be settled, filtered, or otherwise treated prior to discharge. The Operator's ability to minimize turbidity/siltation shall be the subject of pre-construction planning and feature implementation.

27. Upon Department determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation, shall be halted until effective Department approved control devices are installed, or abatement procedures are initiated.

28. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.

<<RESTORATION/MITIGATION>>

29. The Operator shall submit to the Department for review and approval, a plan which includes all of the conditions of this Agreement describing mitigation, revegetation, maintenance, monitoring, and reporting activities related to the proposed project. This plan shall be submitted to the Department as specified by other provisions of this Agreement.

30. MITIGATION FOR AREAS OF TEMPORARY DISTURBANCE--Restoration shall include the revegetation of stripped or exposed work areas on the banks, bed, with native vegetation local to the area at a ratio of 3:1. Both the banks shall be restored within 5 years, and the banks shall be protected with native trees and shrubs.

31. A 50 foot wide buffer of native vegetation shall extend along the mitigation area and all riparian and wetland drainages. The buffer shall serve to minimize the amount of light, noise, and other human generated impacts to the wildlife corridor. Native vegetation shall be used to create wildlife movement corridors between mitigation areas and areas designated as open space or construction/human habitation areas.

32. If native trees have been removed from the stream's banks, they shall be replaced in-kind,

and maintained until established, under the direction of a Department representative.

33. In order to determine if the revegetation techniques used have been successful, any plant species required that are listed below should achieve the minimum growth at the end of three

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and five years. If the minimum growth is not achieved, then the Operator shall be responsible for taking the appropriate corrective measures as determined by Department representatives. The Operator shall be responsible for any cost incurred during the revegetation or in subsequent corrective measures.

SPECIES	SIZE AT	PLANTING	HEIGHT	
	PLANTING		CENTERS	3 years
Cottonwood	1 gallon	*	7 ft	12 ft
Scrub	1 gallon	20 ft	2 ft	4 ft
All Shrub species	1 gallon			

34. Planting, maintenance, monitoring and reporting activities shall be overseen by a specialist familiar with restoration of native plants.

35. All planting shall have a minimum of 80% survival, by species, the first year and 100% survival thereafter and/or shall attain 75% cover after 3 years and 90% cover after 5 years for the life of the project. Prior to the mitigation site(s) being determined successful, they shall be entirely without supplemental irrigation for a minimum of 2 years. No single species shall constitute more than 50% of the vegetative cover, no woody invasive species shall be present, and herbaceous invasive species shall not exceed 5% cover. If the survival and cover requirements have not been met, the Operator is responsible for replacement planting to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for 5 years after planting.

36. An annual report shall be submitted to the Department by Jan. 1 of each year for 5 years after planting. This report shall include the survival, % cover, and height by species of both trees and shrubs. The number by species of plants replaced, an overview of the revegetation and exotic plant control efforts, and the method used to assess these parameters shall also be included. Photos from designated photo stations shall be included.

37. All planting should be done, after the first wetting rains between October 1 and February 1 to take advantage of the winter rainy season, dormancy of foliage, and rooting period to ensure optimum survival of plantings. Should the Operator be required to plant during other times of the year, chances of survival are diminished. To compensate for decreased survival rates, the Operator shall be required to augment the specified planting density by 25 % to account for the likelihood of increased mortality of plantings.

38. The Operator shall provide irrigation when natural moisture conditions are inadequate to ensure survival of plants. Irrigation shall be provided for a period of at least two years from planting. Irrigation shall be phased out during the fall/winter of second year unless unusually severe conditions threaten survival of plantings. All plants must survive and grow for at least

three years without supplemental water for the restoration phase of the project to be eligible for acceptance by the Department.

39. A coarse mulch may be placed around plantings to minimize water loss and discourage weed growth. Mulch shall be 3 to 4 inches deep and shall be placed in a minimum area 1.5

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times the diameter of the dripline of the plant or 2 feet in diameter, whichever is greater. The mulched area shall be maintained throughout the course of restoration, unless otherwise authorized in writing by the Department. Mulch shall not be placed directly against the main stem of the plants.

40. Plant material for revegetation shall be derived from cuttings, materials salvaged from disturbed areas, and/or seeds obtained from randomly selected native trees and shrubs occurring locally within the same drainage. Any replacement tree/shrub stock, which cannot be grown from cuttings or seeds, shall be obtained from a native plant nursery, and be ant free. The Operator shall provide a list of all materials which must be obtained from other than onsite sources.

41. A structure to provide drinking water for wildlife (guzzler) shall be installed at the far end of the work area, and shall provide a minimum of 25 available gallons of fresh water at all times. A self filling system, such as in a toilet, shall be designed and placed in a shaded area where wildlife can access the guzzler. The exposed water container shall have at least one sloped side to enable small animals to avoid entrapment. This shall be considered as part of the mitigation/restoration requirement.

#### <<REMOVING NON-NATIVE VEGETATION>>

42. The Operator shall remove, with power hand tools, any non-native vegetation (tamarisk, etc.) from the work area and shall dispose of it in a manner and a location which prevents its reestablishment. Removal shall be done at least twice annually during the spring/summer season, as needed, through the term of restoration. No herbicides shall be used on native vegetation unless specifically authorized, in writing, by the Department.

#### <<PERMITTING AND SAFEGUARDS>>

43. The Department believes that permits/certification may be required from the Corps of Engineers/California Coastal Commission/Regional Water Quality Control Board for this project, should such permits/certification be required, copies of the permits shall be submitted to the Department.

#### <<PROTECTION FOR WILDLIFE AND AQUATIC SPECIES>>

44. The Operator shall not remove or otherwise disturb vegetation or conduct any other project activities on the project site from March 1 to August 15 to avoid impacts to breeding/nesting birds. OR, Prior to construction or site preparation activities, the Operator shall have a qualified biologist survey all breeding/nesting habitat within the project site and

adjacent to the project site for breeding/nesting birds. If listed species are found, protocol surveys shall begin no later than June 1. Surveys shall be conducted every 7 days for 8 consecutive weeks until at least July 1. Documentation of findings, including a negative finding must be submitted to the Department for review and concurrence. If no breeding/nesting birds are observed and concurrence has been received from the Department, site preparation and construction activities may begin. If breeding activities

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and/or an active bird nest is located and concurrence has been received from the Department, the breeding habitat/nest site shall be fenced a minimum of 300 feet (500 feet for raptors) in all directions, and this area shall not be disturbed until the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, and the young will no longer be impacted by the project.

If threatened or endangered species are observed in the area, no work shall occur during the breeding season (March 1 through August 15) to avoid direct or indirect (noise) take of listed species and State and/or Federal threatened/endangered species permits may be required prior to commencing project activities. This Agreement does not authorize take of species listed as Threatened and/or Endangered.

Be advised, migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918(50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). This Agreement does not allow the Operator, any employees, or agents to destroy or disturb any active bird nest (Section 3503 Fish and Game Code) or any raptor nest (Section 3503.5) at any time of the year.

45. Prior to any construction during the raptor nesting season, (January 31<sup>st</sup> to September 1<sup>st</sup>, a qualified biologist shall conduct a site survey for active nests two weeks prior to any scheduled development. If an active nest is located, then no construction work shall be conducted within a 500 foot radius from the nest until the young have fledged and are independent of the adults.

46. The Operator's activities within the stream course shall be limited to the dry period of the year from May 1 to December 1 or when the stream is not actively flowing and no measurable rain is forecasted within 72 hours. If measurable rain is predicted within 72 hours during construction, all activities shall cease for the season, and protective measures to prevent siltation/erosion shall be implemented/maintained.

47. If **CA horned lizard, blunt-nosed leopard lizard, burrowing owl, San Joaquin kit fox,** or any other T/E species are found within 500 feet of the work area, the Operator shall contact the Department immediately of the sighting and shall request an onsite inspection by Department representatives (to be done at the discretion of the Department) to determine if work shall begin/proceed. If work is in progress when sightings are made, the Operator shall cease all work within 500 feet of the area in which the sighting(s) occurred and shall contact the Department immediately, to determine if work shall recommence.

48. If **cottony buckwheat,** or any other T/E plant is found within the project/impact site, the plants shall be mapped and recorded, and the information shall be sent to the Department



prior to construction. Mary Meyer, the Departments Botanist, shall be notified by calling 805-640-8019. All populations of listed plants, included the isolated wetlands, shall be fenced to prevent impacts.

49. Should **blunt-nosed leopard lizard, kit fox, cottony buckwheat**, or any other listed, rare, threatened or endangered species occur in the area, the Operator shall submit, for Department review and approval, a plan to ensure that no **rare, threatened or endangered**

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species are disturbed during project implementation. The plan shall be approved by the Department prior to initiation of any work.

50. A qualified biological monitor having the appropriate permits, shall be on site during initial operations for the season or new area, and shall survey for species prior to construction. If any species are found in the path of construction, the monitor shall relocate the species to a safe location. Relocation areas shall be identified prior to the start of construction, and are subject to the Department's approval. If any species are found in the path of construction, the monitor shall relocate the species to a safe location. Exclusionary fencing shall be erected to prevent the migration into or the return of species into the work site. Field notes shall be kept and submitted to the Department after the first week of operations and upon completion of the project. The biological monitor shall assure compliance on all conditions of this Agreement.

51. The Operator shall follow the avoidance measures in the **blunt-nosed leopard lizard** impact avoidance plan, prepared by West Coast Environmental. The measures include, but are not limited to:

- 1) The agricultural restoration area shall be left in a natural state, in an existing high terrace scalebroom habitat. No fines shall be deposited in this area.
- 2) Exclusionary fencing shall be installed around the perimeter of the pit area to keep the lizard from entering the active mining site. The bottom of the fencing shall be placed under ground level and shall extend upwards at least two feet. The fence shall contain mental flashing to keep the lizard from climbing the fence. The fence shall be maintained daily.
- 3) An under-crossing shall be installed under the access road, in the terrace area, for the lizards to pass throughout the terrace area.
- 4) Trash shall be placed in cans with lids to keep ravens and crows from being attracted to the area.
- 5) All new employees shall be educated in lizard management.

<<MAINTENANCE>>

52. Except as otherwise permitted in this Agreement, the removal of soil, vegetation, and vegetative debris from the stream bed or stream banks is prohibited. The Operator shall remove all human generated debris, such as lawn and farm cuttings, garbage and trash. The Operator shall remove washed out culverts, and other construction materials, that the Operator places within, or where they may enter the stream.

53. Spoil shall not be placed on the stream side slope, or where it could enter the stream. Spoil shall not be placed over vegetation except as specifically noticed to and accepted by the Department.

<<ADMINISTRATIVE-MISC.>>

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54. All provisions of this Agreement remain in force throughout the term of the Agreement. Any provisions of the Agreement may be amended or the Agreement may be terminated at any time provided such amendment and/or termination is agreed to in writing by both parties. Mutually approved amendments become part of the original Agreement and are subject to all previously negotiated provisions.

55. If the Operator or any employees, agents, contractors and/or subcontractors violate any of the terms or conditions of this agreement, all work shall terminate immediately and shall not proceed until the Department has taken all of its legal actions.

56. The Operator shall **provide a copy of this Agreement, to all contractors, subcontractors, and the Operator's project supervisors. COPIES OF THIS AGREEMENT AND ALL REQUIRED PERMITS AND SUPPORTING DOCUMENTS, SHALL BE READILY AVAILABLE AT WORK SITES AT ALL TIMES DURING PERIODS OF ACTIVE WORK** and must be presented to any Department personnel, or personnel from another agency upon demand. **ALL CONTRACTORS SHALL READ AND BECOME FAMILIAR WITH THE CONTENTS OF THIS AGREEMENT.**

57. A pre-construction meeting/briefing shall be held involving all the contractors and subcontractors, concerning the conditions in this Agreement.

58. The Operator shall notify the Department, **in writing, at least five (5) days prior to initiation of construction (project) activities (\*\*)** and **at least five (5) days prior to completion of construction (project) activities.** Notification shall be sent to the Department at 4949 Viewridge Avenue, San Diego 92123, Attn: ES. FAX Number (858) 467-4235). **(\*\*)** **The Department's signature on this agreement shall suffice for 5 day notice of intent to commence activities under this agreement if work is to commence within 15 days of signature.**

59. The Operator herein grants to Department employees and/or their consultants (accompanied by a Department employee) the right to enter the project site at any time, to ensure compliance with the terms and conditions of this Agreement and/or to determine the impacts of the project on wildlife and aquatic resources and/or their habitats.

60. The Department reserves the right to cancel this Agreement, after giving notice to the Operator, if the Department determines that the Operator has breached any of the terms or conditions of the Agreement.

61. The Department reserves the right to suspend or cancel this Agreement for other reasons, including but not limited to, the following:

a. The Department determines that the information provided by the Operator in support

of this Agreement/Notification is incomplete or inaccurate;

b. The Department obtains new information that was not known to it in preparing the terms and conditions of this Agreement;

c. The condition of, or affecting fish and wildlife resources change; and

d. The Department determines that project activities have resulted in a substantial adverse effect on the environment.

Before any suspension or cancellation of the Agreement, the Department will notify the

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Operator in writing of the circumstances which the Department believes warrant suspension or cancellation. The Operator will have seven (7) working days from the date of receipt of the notification to respond in writing to the circumstances described in the Department's notification. During the seven (7) day response period, the Operator shall immediately cease any project activities which the Department specified in its notification as resulting in a substantial adverse effect on the environment and which will continue to substantially adversely affect the environment during the response period. The Operator may continue the specified activities if the Department and the Operator agree on a method to adequately mitigate or eliminate the substantial adverse effect.

CONCURRENCE

This Agreement becomes effective on the Departments signature and the **construction portion terminates on 12/1/06**. This Agreement shall remain in effect until the Operator satisfies the mitigation/maintenance terms/conditions of this Agreement.

This agreement was prepared by Natasha Lohmus

(Operator's name)

\_\_\_\_\_  
Name (signature) Date

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Title

California Department of Fish and Game

\_\_\_\_\_  
C. F. Raysbrook Date

Regional Manager

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