

# **DRAFT MITIGATED NEGATIVE DECLARATION**

## **July 2006**

The County of Ventura Planning Division, as the designated Lead Agency, has reviewed the following project:

**A. PROJECT DESCRIPTION:**

1. **Entitlement: Land Use Permit 04-0055 (CUP 4170-2)**
2. **Applicant: Ozena Valley Ranch (Mike Virgilio)**
3. **Location: Ozena Valley Ranch, Ozena Valley**
4. **Assessor Parcel No(s): 002-0-140-07**
5. **Parcel Size: 36.8 acres**
6. **General Plan Designation: “Agricultural”**
7. **Existing Zoning: “Agricultural Exclusive, 40 acre minimum”.**
8. **Responsible and/or Trustee Agencies: California Department of Fish and Game, California Department of Conservation, Los Angeles Regional Water Quality Control Board**
9. **Project Description:** The applicant proposes to expand an existing sand and gravel mining operation by opening a new 15 acre excavation pond adjacent to the Cuyama River, increasing existing truck trips from 66 Average Daily Trips (ADT) (100 maximum trips in 24-hours (DT)), to 132 ADT (200 DT), extend the project permit life from July 2006 to July 2011, change the start of truck loadings from 3:00 am currently to 6:00 am, add a rock cutting plant and asphalt/concrete recycling, and require that all new traffic only use SR-33 north into Santa Barbara County.

See Attachment 1 -- Location Map, and Attachment 2 -- Site Plan, for more details.

**B. STATEMENT OF ENVIRONMENTAL FINDINGS:**

State law requires that an Initial Study (environmental analysis) be conducted to determine if this project could significantly affect the environment. Based on the findings contained in the attached Initial Study, it has been determined that this proposed project may have a significant effect on the environment, however mitigation measures are available which would reduce the impacts to less than

significant levels. As such, a Mitigated Negative Declaration (MND) has been prepared and the applicant has agreed to implement the mitigation measures.

**C. LISTING OF POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED:**

1. **Biology:** Loss of native plants and habitats could result in project specific biological impacts. Mitigation includes protection of sensitive habitat and removal of exotic invasive species.
2. **Groundwater Quantity:** Increased water loss over and above the projected volume of water consumption could be a significant impact. Mitigation includes protection of the ability of the mining pond to percolate water by cleaning of waste water before it is returned to the pond, and proper storage and removal of fines which could impede recharge.
3. **Air Quality:** Impacts include increased ozone precursors and dust impacts. Mitigation includes keeping engines well tuned and dust control measures.
4. **Visual Resources:** The view of the 38-acre site could adversely impact the open space views along Lockwood Valley Road. Mitigation includes construction of a berm and landscaping between the road and the project.
5. **Traffic Impacts:** Added traffic could result in congestion impacts along local roads (particularly through the Ojai Valley), impacts to school safety, and degradation of the surface of Lockwood Valley Road. Mitigation includes payment of a cumulative traffic impact mitigation fee, prohibitions on truck travel when certain school busses or schools are in operation, and an annual contribution to help maintain Lockwood Valley Road.

**D. PUBLIC REVIEW:**

1. **Legal Notice Method:** Direct mailing to property owners within 1,000 feet of the proposed project boundary, property owners adjacent to the open space areas of Lockwood Valley Road, SR-33 north and south of Lockwood Valley Road, and adjacent to SR-166 for several miles east and west of its junction with SR-33, as well as legal notices in the Ventura County Star and the Ojai Valley News.
2. **Document Posting Period:** The public review posting period for the for this Initial Study/Mitigated Negative Declaration extends from July 5 to August 14, 2006.

**3. Public Review:** The Initial Study prepared for this proposed project has determined that the project will not have adverse environmental impacts. The Initial Study/Mitigated Negative Declaration is available for public review at the County of Ventura, Resource Management Agency, Planning Department, 800 South Victoria Avenue, Ventura, California from 8:00 am to 5:00 pm Monday through Friday or can viewed on the Ventura County Planning Division web page at [http://www.ventura.org/planning/studies\\_eirs/enviro\\_docs/mitigated\\_neg\\_declaration/ozena\\_valley.htm](http://www.ventura.org/planning/studies_eirs/enviro_docs/mitigated_neg_declaration/ozena_valley.htm)

**4. Comments:** The public is encouraged to submit written comments regarding this Mitigated Negative Declaration no later than 5:00 p.m. on the last day of the above posting period to the Case Planner, Scott L. Ellison, at the County of Ventura Resource Management Agency, Planning Department, 800 South Victoria Avenue L#1740, Ventura, CA 93009. The Planning Division's FAX number is (805) 654-2509. You may also e-mail the Case Planner at [scott.ellison@mail.co.ventura.ca.us](mailto:scott.ellison@mail.co.ventura.ca.us)

**E. CONSIDERATION AND APPROVAL OF THE NEGATIVE DECLARATION:**

Prior to approving the project, the decision-making body of the Lead Agency must consider this Mitigated Negative Declaration and all comments received during public review. That body shall approve the Mitigated Negative Declaration if it finds that all the significant effects have been identified and that the proposed mitigation measures will reduce those effects to less than significant levels. At the same hearing it will consider making a decision regarding approval, denial or modification of the requested project.

The approval body for this project is the Ventura County Planning Commission. The Commission is scheduled to hear this item **September 14, 2006 at 8:30 am in the Board of Supervisors Hearing Room, 800 S. Victoria Avenue, Ventura CA 93009**. The public is invited to present written or verbal testimony at this hearing. Written testimony may be submitted prior to the hearing to Mr. Ellison at the above address. Additional notice of this hearing will not be sent to individual property owners, but will be published in the Ventura County Star. If individuals wish to receive separate notices, they may request such notices through Mr. Ellison.

**Prepared by:**

**Reviewed for Release to the Public by:**

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Scott Ellison, Case Planner  
(805) 654-2495

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Pat Richards, Manager  
Commercial and Industrial Section

**Recommended for Approval by  
Lead Agency by:**

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**CHRISTOPHER STEPHENS**, Director  
Planning Division

If you challenge the action resulting from this notice in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Ventura County Planning Division at, or prior to, the public hearing.

From time to time, hearings are cancelled or rescheduled; therefore, if you plan to attend this hearing and reside some distance from the Government Center, we advise that you call the Case Planner the day before to confirm.

## **DRAFT INITIAL STUDY SECTION “A” PROJECT DESCRIPTION**

**Project: LU04-0055 (CUP 4170-2)**  
**Applicant: Mike Virgilio**  
**Location: Ozena Valley Ranch, Ojai**  
**July 2006**

### **1. Project Location, Project Summary**

The Ozena Valley Ranch mining project is located approximately 1.2 miles east/northeast of Highway 33 on Lockwood Valley Road, in the unincorporated area of Ventura County (Attachment 1, Vicinity Map). The project is located on the 632-acre Ozena Valley Ranch. The site is zoned “A-E” (Agricultural Exclusive) and is under Land Conservation Act (LCA) Contract 1-3.1. The project site and surrounding property is designated “Open Space” on the County General Plan. The Los Padres National Forest borders the property to the north and portions of the property to the south.

The existing project consists of a small-scale sand and gravel excavation project permitted to average no more than 66 Average Daily Trips (ADT) (i.e. 66 one-way trips) for trucks. The existing project is re-excavating a filled-in stock pond immediately northeast of the site. The current permit expires on July 19, 2006. The proposed project would continue to use the existing site and equipment, excavate a new 15-acre pond southwest of the site, increase truck traffic to 132 ADT, extend the project site life to July 19, 2011, add a rock cutting operation, and add a concrete and asphalt recycling plant. The existing and proposed projects are discussed in more detail below.

### **2. Current Project**

The current permitted area is 7.08 acres (Attachment 2, Site Plan). This includes a scale house area of approximately .99 acres and a processing and stockpile area of approximately 6.09 acres. Activities in the processing/stockpile area consist of equipment staging, material storage processing (crushing and screening) and loading. The processing/stockpile area contains all processing facilities, which consist of:

- 1 mobile plant
- 1 screening plant (Grizzly)
- 1 mobile diesel generator
- 1 tool storage structure
- 1 mobile lunchroom and meeting structure
- 1 10,000-gal. mobile above ground fuel storage tank

- 1 concrete fueling and maintenance pad

The source of the aggregate (sand and gravel) is from the re-excavation of an adjacent stock-pond located outside the permit area immediately northeast of the existing project. The aggregate material consists of alluvium deposited in the former agricultural stock pond by the Cuyama River during the El Nino floods of 1997/1998. A portion of the material generated by the pond re-excavation is used for various projects on-site. The remainder of the aggregate is sold commercially as construction aggregate. The estimated annual production for material sold commercially is less than 60,000 tons. The estimated total production of material sold commercially over the life of the current permit is 100,000 to 200,000 tons.

The permit area is surrounded by a minimum 2-foot high berm to prevent surface water runoff from within the stockpiling/processing area from entering the Cuyama River or causing erosion or sedimentation outside the project. A sediment detention basin was constructed on the southwest portion of the stockpiling/processing area to handle storm water runoff. Dust is controlled with the water truck and/or water pumped from the stock pond.

Trucks travel from the processing/stockpile area to the scale house on an existing road, which is also used for agricultural operations on the property. Trucks cross the Cuyama River, which transverses the property, via a low-flow crossing. Trucks enter Lockwood Valley Road directly from the scale house area.

The property owner has installed landscaping in the form of tree rows along the banks of the Cuyama River for screening purposes and as "soft" bank protection for erosion control. Additional landscaping is implemented on an as needed basis as determined by the County Planning Division.

The existing project is limited to an average of 66 ADT for trucks, with a 24-hour maximum of 100 Daily Trips (DT). On weekdays, project-related trucks can travel on SR-33 between Casitias Springs and the City of Ojai only between the hours of 6:00 am and 7:00 am and between 9 am and 3:00 pm. In addition, truck route timing must be coordinated with the Tejon Unified School District so as not to create problems for school busses. The route restrictions do not apply to weekends, and no restrictions exist for traffic going north or east. Currently trucks can arrive and depart from the site between 3:00 am and 5:00 pm, Monday through Saturday.

Water quality is protected through berms which prevent water from leaving the site, a containment structure around the fuel tank, and a concrete area for fueling which controls all runoff from the area.

### **3. Proposed Project**

The proposed project would use the existing equipment and site to excavate a 40 foot-deep, 15-acre agricultural stock-pond. Materials are excavated using a bucket excavator, clamshell bucket and crane, or cable dragline with a dredge bucket. The proposed project would expand the permit boundary from approximately 14.9 acres to 36.8 acres (Attachment 2, Site Plan). The proposed project would use the existing facilities plus add a 50 by 60 foot pole building (roofed with tarped sides) for a rock shop. Changes to the existing project are as follows:

- A. Total tonnage mined from the site would increase from 100-200,000 tons currently to 1,125,000 tons over the life of the permit. Maximum annual tons of material shipped out of the site (including material proposed to be imported into the site) would increase from 250,000 tons to 500,000 tons.
- B. Increase traffic volumes as follows:
  - (i) Increase total annual one-way truck-trips from 20,400 trips currently to 40,800 one-way trips.
  - (ii) Increase allowed truck ADT from 66 to 132, and increase maximum one-way truck DT within any 24-hour from 100 to 200.

This traffic includes all truck traffic to and from the site and production related to the aggregate, recycling, and rock shop operations.

- C. Add a 3,000 sq ft rock shop to saw, split and clip rock into natural stone products for wholesale to masonry contractors and building material suppliers. The rock shop would be located in the vicinity of the scale house and would include a 10,000-gallon water-recycling tank. Allow rock and boulders to be imported from local providers as feedstock. This traffic would be subject to the truck volume limits discussed in Item B above.
- D. Allow importation of sand, gravel rock and boulders from outside sources for processing on-site. The principal source of the aggregate material is expected to be clean out material from Ventura County Watershed Project District facilities. This traffic would be subject to the truck volume limits discussed in Item B above.
- E. Allow importation of used concrete and asphalt for crushing. The crushed asphalt would be shipped off-site for further processing; the crushed concrete would be added to the aggregate product stream. The principal source of material for recycling is expected to be from Public Works agencies. This traffic would be subject to the truck volume limits discussed in Item B above.

- F. Add an improved fines recovery system to clarify and recycle the water used to wash the aggregate in and around the stock-pond.
- G. Water for the project will initially be provided from the existing adjacent stock-pond being excavated under existing CUP 5170; the water will be used primarily for fugitive dust control and washing sand. Water will later be drawn from the newly excavated stock-pond once it begins to fill with water. Used wash water will be recycled through the fines recovery system and used again. Clarified water will be returned to the pond being excavated or used for irrigation of the adjacent agricultural fields.

Note: The above numbers include all truck traffic to and from the site and production related to the aggregate, recycling, and rock shop operations.

### 3. Employees and Equipment

The proposed project would continue to employ office personnel and occasional shop and truck maintenance workers, increase personnel for aggregate excavation/processing from three to six, and add two personnel for the rock shop. The total number of employees would increase from three to eight.

In addition to the facilities discussed under Item 2, equipment to be added will consist of:

#### Processing Facilities - Dry Side:

- Raw Material Feeder and Conveyor (RMF and C-1)
- Symons Scalping Screen (4 feet by 12 feet) (S-1)
- One Conveyor (C-1)
- Two Radial Stackers to Cone Crusher to Symons Scalping Screen (C-3 and C-4)
- Two Radial Stackers (C-5)
- Jaw Crusher (CR)

#### Processing Facility - Wet Side:

- One Conveyor
- Two Coarse Material Washers (screw type)
- Three-Deck Scalping Screen (6 feet by 20 feet)
- Three Radial Stackers
- Screw Sand Washer/Conveyor
- One Radial Stacker (sand)
- Fines Recovery System



Miscellaneous:

- CAT 980G Front-End Loader
- 1,500 gallon water truck
- CAT XG400 400 kVA kilowatt diesel-fired generator
- Derrick HI-G™ Dryer Fines Recovery System. Wash water clarifier recycling system

4. Duration of Mining Hours of Operation

Hours of operation for the existing and proposed project are shown in the table below:

<u>Activity</u>	<u>Days of the Week</u>		<u>Normal Hours of Operation</u>	
	Existing	Proposed	Existing	Proposed
Processing (e.g. aggregate processing, diesel generator operation, use of water truck and stock pond excavation during daylight hours)	Mon. - Sat.	Mon. - Sat.	3:00am to 5:00pm	3:00am to 5:00pm
Equipment fueling and Maintenance	7 Days	7 Days	3:00am to 10:00pm	3:00am to 10:00pm
Truck Activity (loading, entrance and exit)	Mon. – Sat.	Mon. – Sat.	3:00am to 5:00pm	6:00am to 5:00pm
All Project-Related Travel on Highway 33 between Casitas Springs and Ojai	Mon.- Fri.	Mon. – Fri.	6:00am to 7:00am and 9:00am to 3:00pm	6:00am to 7:00am and 9:00am to 3:00pm
	Sat.	Sat.	6:00am to 5:00pm	6:00am to 5:00pm

5. Project Traffic and Haul Routes

The proposed project's truck traffic for hauling product is anticipated to average 132 daily truck trips (daily peak 200 DT). This is an increase in one-way traffic trips from the existing 66 ADT (daily peak of 100 DT). The project sells material in Ventura, Los Angeles, Kern, Santa Barbara and San Luis Obispo Counties. Material hauled to Los

Angeles travels north on Lockwood Valley Road to Interstate 5. Material hauled to Santa Barbara and San Luis Obispo counties travel on Lockwood Valley Road via SR-33 northbound. Material sold in Kern County travels on SR-33 northbound or Lockwood Valley Road northbound. Trucks hauling material into Ventura County travel on SR 33 southbound through the Ojai Valley.

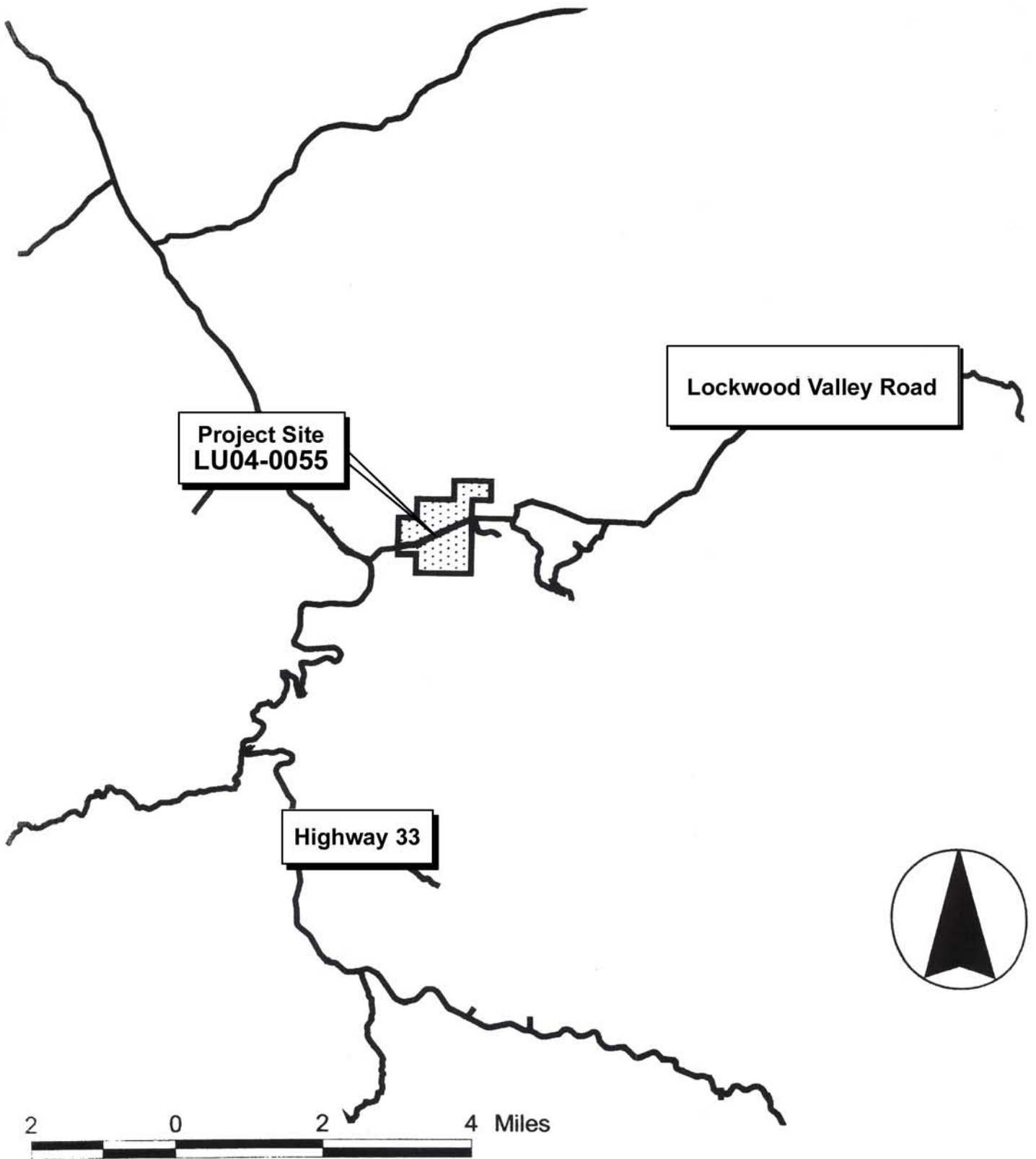
Truck traffic through the Ojai Valley is proposed to have the same restrictions as applied to the current project. Under the proposed project, none of the additional trips (i.e. the additional 66 ADT, and 100 peak DT) would occur on SR-33 south of Lockwood Valley Road. All the additional trips would use SR-33 northbound. In addition, the proposed permit project truck traffic would also not conflict with local school bus schedules.

#### 6. Reclamation

The proposed project would reclaim the second pond as an animal stock-pond and as a water source for adjacent agricultural fields. However, an alternative proposal would use both the existing stock-pond and the proposed stock-pond to cultivate mosquito fish and bass for sale to public health agencies as well bass for private use. A separate CUP application for "Animal Husbandry" has been submitted to the Planning Division for this alternative reclamation use. However, if the application for "Animal Husbandry" is denied, the applicant will then use the second stock-pond only as a water source once the approved mining contours are reached. This Initial Study only evaluates the proposed project discussed above. The alternative reclamation use of the stock ponds for aquaculture will be subject to a separate environmental analysis.

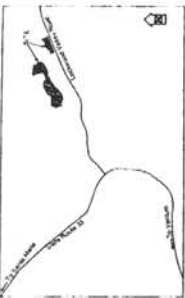
#### 7. Comment Letters

#### 8. Distribution List

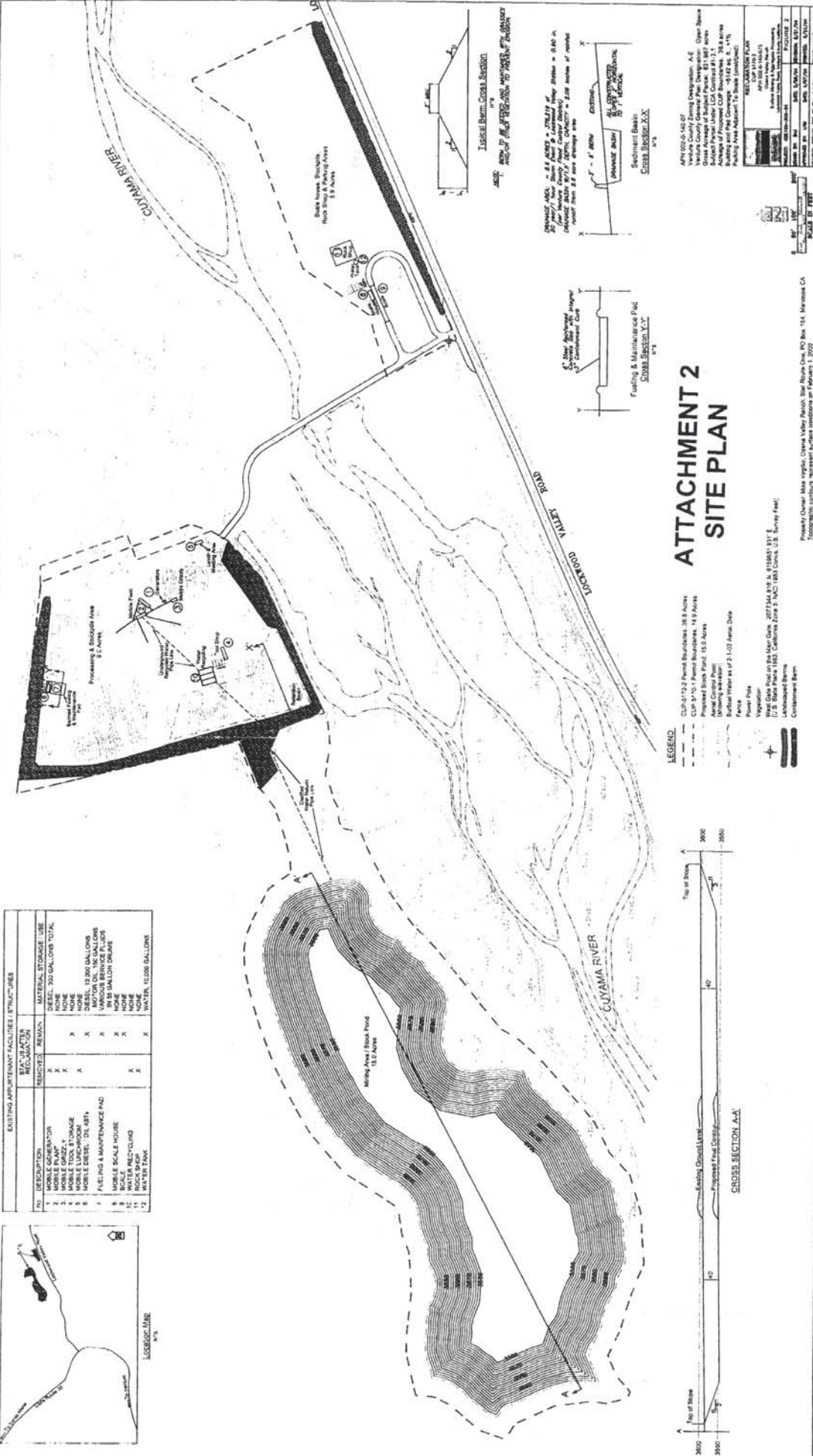


**ATTACHMENT 1 -- VICINITY MAP  
LU04-0055 (OZENA VALLEY)**

NO.	DESCRIPTION	REQ'D?	REASON	MATERIAL STORAGE USE
1	MOBILE GENERATOR	X	X	None
2	MOBILE PLANT	X	X	None
3	MOBILE TOCK STORAGE	X	X	None
4	MOBILE LIFT/HOOK	X	X	None
5	MOBILE DIESEL GEN. (500KVA)	X	X	None
6	FUELING & MAINTENANCE PAD	X	X	None
7	MOBILE SCALE HOUSE	X	X	None
8	WATER RECYCLING	X	X	None
9	WATER STORAGE	X	X	None
10	WATER RECYCLING	X	X	None
11	WATER RECYCLING	X	X	None
12	MULTI-PURPOSE	X	X	None



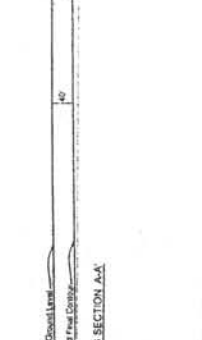
LEGEND MAP  
N.T.S.



# ATTACHMENT 2 SITE PLAN

CUP-9719.2 Permit Boundaries: 28.9 Acres  
 CUP-9719.7 Permit Boundaries: 4.9 Acres  
 Proposed Stock Pond: 15.0 Acres  
 Proposed Fueling & Maintenance Pad: 1.0 Acres  
 Proposed Sediment Basin: 1.0 Acres  
 Proposed Fueling & Maintenance Pad: 1.0 Acres  
 Proposed Sediment Basin: 1.0 Acres  
 Proposed Fueling & Maintenance Pad: 1.0 Acres  
 Proposed Sediment Basin: 1.0 Acres

APN 002-0-140-07  
 Ventura County Zoning Ordinance, A.C.  
 Chapter 16.00, Section 16.01.01  
 Chapter 16.00, Section 16.01.02  
 Chapter 16.00, Section 16.01.03  
 Chapter 16.00, Section 16.01.04  
 Chapter 16.00, Section 16.01.05  
 Chapter 16.00, Section 16.01.06  
 Chapter 16.00, Section 16.01.07  
 Chapter 16.00, Section 16.01.08  
 Chapter 16.00, Section 16.01.09  
 Chapter 16.00, Section 16.01.10  
 Chapter 16.00, Section 16.01.11  
 Chapter 16.00, Section 16.01.12  
 Chapter 16.00, Section 16.01.13  
 Chapter 16.00, Section 16.01.14  
 Chapter 16.00, Section 16.01.15  
 Chapter 16.00, Section 16.01.16  
 Chapter 16.00, Section 16.01.17  
 Chapter 16.00, Section 16.01.18  
 Chapter 16.00, Section 16.01.19  
 Chapter 16.00, Section 16.01.20  
 Chapter 16.00, Section 16.01.21  
 Chapter 16.00, Section 16.01.22  
 Chapter 16.00, Section 16.01.23  
 Chapter 16.00, Section 16.01.24  
 Chapter 16.00, Section 16.01.25  
 Chapter 16.00, Section 16.01.26  
 Chapter 16.00, Section 16.01.27  
 Chapter 16.00, Section 16.01.28  
 Chapter 16.00, Section 16.01.29  
 Chapter 16.00, Section 16.01.30



CROSS SECTION A-A'

Property Owner: Mike Vignio, Cuyama Valley Ranch, Star Route One, PO Box 114, Maricopa, CA  
 Topographic contours represent natural conditions as of February 1, 2007

## DRAFT INITIAL STUDY SECTION "B" INITIAL STUDY CHECKLIST

**Project: LU04-0055 (CUP 4170-2)**  
**Applicant: Mike Virgilio**  
**Location: Ozena Valley Ranch, Ojai**  
**July 2006**

	ISSUE (Responsible Department)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
		N	LS	PS - M	PS	N	LS	PS - M	PS
<b>GENERAL:</b>	1. <u>General Plan Environmental Goals and Policies (PIng.)</u>		X				X		
<b>LAND USE:</b>	2. <u>Land Use (PIng.):</u>								
	A. Community Character		X				X		
	B. Housing		X				X		
	C. Growth Inducement	X				X			
<b>RESOURCES:</b>	3. <u>Air Quality (APCD):</u>								
	A. Regional		X				X		
	B. Local			X				X	
	4. <u>Water Resources (PWA):</u>								
	A. Groundwater Quantity			X				X	
	B. Groundwater Quality		X				X		
	C. Surface Water Quantity	X				X			
	D. Surface Water Quality		X				X		
	5. <u>Mineral Resources (PIng.):</u>								
	A. Aggregate	X				X			
	B. Petroleum		X				X		
	6. <u>Biological Resources:</u>								
	A. Endangered, Threatened, or Rare Species			X				X	
	B. Wetland Habitat			X				X	

	<u>ISSUE (Responsible Department)</u>	<u>PROJECT IMPACT DEGREE OF EFFECT*</u>				<u>CUMULATIVE IMPACT DEGREE OF EFFECT*</u>			
		N	LS	PS - M	P S	N	LS	PS - M	PS
	C. Coastal Habitat	X				X			
	D. Migration Corridors		X				X		
	E. Locally Important Species/Communities			X				X	
	<b>7. <u>Agricultural Resources (Ag. Dept.):</u></b>								
	A. Soils	X				X			
	B. Water		X				X		
	C. Air Quality/Micro-Climate		X				X		
	D. Pests/Diseases		X				X		
	E. Land Use Incompatibility		X				X		
	<b>8. <u>Visual Resources:</u></b>								
	A. Scenic Highway (PIng.)			X				X	
	B. Scenic Area/Feature		X				X		
	<b>9. <u>Paleontological Resources</u></b>								
	A. Archaeological	X				X			
	B. Historical (PIng.)	X				X			
	C. Ethnic, Social or Religious	X				X			
	<b>11. <u>Energy Resources</u></b>								
	A. Energy Resources		X				X		
	<b>12. <u>Coastal Beaches &amp; Sand Dunes</u></b>								
	A. Coastal Beaches & Sand Dunes	X				X			
<b>HAZARDS:</b>	<b>13. <u>Seismic Hazards (PWA):</u></b>								
	A. Fault Rupture	X				X			
	B. Ground Shaking		X				X		
	C. Tsunami	X				X			
	D. Seiche	X				X			
	E. Liquefaction	X				X			
	<b>14. <u>Geologic Hazards (PWA):</u></b>								
	A. Subsidence:	X				X			
	B. Expansive Soils	X				X			

	<u>ISSUE</u> (Responsible Department)	<u>PROJECT IMPACT DEGREE OF EFFECT*</u>				<u>CUMULATIVE IMPACT DEGREE OF EFFECT*</u>			
		<b>N</b>	<b>LS</b>	<b>PS - M</b>	<b>P S</b>	<b>N</b>	<b>LS</b>	<b>PS - M</b>	<b>PS</b>
	C. Landslides/Mudslides	X				X			
	<b>15. <u>Hydraulic Hazards (PWA/FCD):</u></b>								
	A. Erosion/Siltation		X				X		
	B. Flooding		X				X		
	<b>16. <u>Aviation Hazards (Airports)</u></b>	X				X			
	<b>17. <u>Fire Hazards (Fire)</u></b>	X				X			
	<b>18. <u>Hazardous Materials/Waste:</u></b>								
	A. Above-Ground Hazardous Materials (Fire)		X				X		
	B. Hazardous Materials (EH)		X				X		
	C. Hazardous Waste (EH)		X				X		
	<b>19. <u>Noise and Vibration</u></b>		X				X		
	<b>20. <u>Glare</u></b>			X				X	
	<b>21. <u>Public Health (EH)</u></b>		X				X		
<b><u>PUBLIC FACILITIES/ SERVICES:</u></b>	<b>22. <u>Transportation/Circulation:</u></b>								
	A. Public Roads and Highways:								
	(1) Level of Service (PWA)			X				X	
	(2) Safety/Design (PWA)			X				X	
	(3) Tactical Access (Fire)		X			X			
	B. Private Roads and Driveways (Fire):								
	(1) Safety/Design	X				X			
	(2) Tactical Access	X				X			
	C. Pedestrian/Bicycle:								
	(1) Public Facilities (PWA)		X				X		
	(2) Private Facilities	X				X			
	D. Parking (PIng.)		X				X		
	E. Bus Transit	X				X			

	<u>ISSUE</u> (Responsible Department)	<u>PROJECT IMPACT DEGREE OF EFFECT*</u>				<u>CUMULATIVE IMPACT DEGREE OF EFFECT*</u>			
		N	LS	PS - M	P S	N	LS	PS - M	PS
	F. Railroads	X				X			
	G. Airports (Airports)	X				X			
	H. Harbors (Harbors)	X				X			
	I. Pipelines	X				X			
	<b>23. <u>Water Supply:</u></b>								
	A. Quality (EH)	X				X			
	B. Quantity (PWA)	X				X			
	C. Fire Flow (Fire)		X				X		
<b><u>PUBLIC FACILITIES/SERVICES</u></b> (CONT.):	<b>24. <u>Waste Treatment/Disposal:</u></b>								
	A. Individual Sewage Disposal System (EH)	X				X			
	B. Sewage Collection/Treatment Facilities	X				X			
	C. Solid Waste Management (PWA)		X				X		
	D. Solid Waste Facilities (EHD)	X				X			
	<b>25. <u>Utilities:</u></b>								
	A. Electric		X				X		
	B. Gas	X				X			
	C. Communication	X				X			
	<b>26. <u>Flood Control/Drainage:</u></b>								
	A. FCD Facility (FCD)		X				X		
	B. Other Facilities (PWA)	X				X			
	<b>27. <u>Law Enforcement/Emergency Svcs. (Sheriff):</u></b>								
	A. Personnel/Equipment	X				X			
	B. Facilities	X							
	<b>28. <u>Fire Protection (Fire):</u></b>								
	A. Distance/Response Time	X				X			
	B. Personnel/Equipment/Facilities	X				X			



	<u>ISSUE (Responsible Department)</u>	<u>PROJECT IMPACT DEGREE OF EFFECT*</u>				<u>CUMULATIVE IMPACT DEGREE OF EFFECT*</u>			
		N	LS	PS - M	P S	N	LS	PS - M	PS
	<b>29. <u>Education:</u></b>								
	A. Schools		X				X		
	B. Libraries (Lib. Agency)	X					X		
	<b>30. <u>Recreation (GSA):</u></b>								
	A. Local Parks/Facilities	X				X			
	B. Regional Parks/Facilities	X				X			
	C. Regional Trails/Corridors	X				X			

DEGREE OF EFFECT:

N = No Impact.  
 LS = Less Than Significant  
 PS-M = Potentially Significant Impact Unless Mitigation Incorporated.  
 PS = Potentially Significant Impact.

AGENCIES:

APCD - Air Pollution Control District  
 PWA - Public Works Agency  
 PIng. - Planning Division  
 GSA - General Services Agency  
 Ag. Dept. - Agricultural Department  
 Agency  
 FCD - Flood Control District  
 Harbors - Harbor Department

Airports - Department Of Airports  
 Fire - Fire Protection District  
 Sheriff - Sheriff's Department  
 EH - Environmental Health Division  
 Lib. Agency - Library Services

<b>D. MANDATORY FINDINGS OF SIGNIFICANCE</b>		<b>YES/MAYBE</b>	<b>NO</b>
<b>Based on the information contained within Sections B and C:</b>			
1.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?		X
2.	Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one that occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future).		X
3.	Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effect of other current projects, and the effect of probable future projects. (Several projects may have relatively small individual impacts on two or more resources, but the total of those impacts on the environment is significant).		X
4.	Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?		X

<b>E. DETERMINATION OF ENVIRONMENTAL DOCUMENT</b>	
<b>On the basis of this initial evaluation:</b>	
<input checked="" type="checkbox"/>	I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measure(s) described in section C of the Initial Study will be applied to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.
<input type="checkbox"/>	I find the proposed project, individually and/or cumulatively, MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.*
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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Signature of Person Responsible  
for Administering the Project

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Date

## **DRAFT INITIAL STUDY SECTION “C”** **CHECKLIST– DISCUSSION OF RESPONSES**

**Project: LU04-0055 (CUP 4170-2)**  
**Applicant: Mike Virgilio**  
**Location: Ozena Valley Ranch, Ojai**  
**July 2006**

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This Initial Study/Mitigated Negative Declaration (IS/MND) uses the Ventura County Initial Study Assessment Guidelines (September, 2000) (Initial Study Guidelines) to evaluate potential impacts against established significance thresholds. Where the Initial Study Guidelines, or any document is referenced in this analysis, the documents are incorporated by reference per CEQA Guidelines Section 15150. All documents are available at the offices of the Ventura County Planning Division, 800 S. Victoria Avenue, Ventura California. The contact person is Scott Ellison, Senior Planner, at (805) 654-2495.

In addition to the mitigation measures outlined in this IS/MND, the project will be subject to additional conditions developed as part of the project Conditional Use Permit (CUP). A number of these conditions are in development which may be imposed on the project, and which may have direct or indirect consequences on the environmental impacts resulting from this project. These potential CUP conditions are included as Attachment 3. Some of these conditions relate to truck identification and project penalties which could be imposed on the applicant as a result of violations of the MND mitigation measures or other CUP conditions. However, many of these potential measures have not been previously applied to any projects, although they are recommended by County staff in EIRs for three mining projects in Grimes Grade between Fillmore and Moorpark.

In late 2006 the Ventura County Planning Commission will consider applying specific conditions for the issue areas outlined in Attachment 3 to the three mining projects. By applying Attachment 3 to LU05-0055 conditions, the conditions would be activated if and when the Planning Commission considers them appropriate to apply to mining projects. However, it is not known what conditions the Planning Commission may or may not impose, so Attachment 3 is not incorporated into the IS/MND mitigation measures. Although recommended by County staff, Attachment 3 is a public informational document indicating current staff thinking on these issues, but it is not part of the IS/MND or IS/MND mitigation measures.

### **GENERAL**

## **1. GENERAL PLAN ENVIRONMENTAL GOALS AND POLICIES**

The Ventura County General Plan contains a large number of goals, policies and programs that are used to evaluate proposed projects within the unincorporated county. Many of these goals and policies do not apply to this project because of its location (i.e., it is outside the area considered by the General Plan goal or policy (coastal zone, seismic hazard, airport hazard zone, etc.)), or because the project is not a land use considered by the goal or policy.

To determine project consistency with the General Plan goals and policies, only the policies are normally evaluated unless: (1) a policy is so vague that a related goal needs to be evaluated so as to clarify the intent of the specific policy; (2) there is a specific feature about the project as it relates to a specific policy which requires evaluation of a specific goal; or (3) a goal addresses issues which are not covered by specific policies. Where a goal and a policy overlap, only the policy is evaluated. These principles are derived from the fact that the policies are considered to be specific, "guiding day-to-day actions" which are designed to implement the much more generalized goals.

In addition to consistency with General Plan goals, policies and programs, a project must also be consistent with the General Plan Land Use Map and Ventura County Zoning Ordinance. Pursuant to the Ventura County Zoning Ordinance, the proposed project falls under the category of "Mining and Reclamation" discussed in Ordinance Section 8107-9. This section allows mining and related activities on sites that meet certain conditions, notably that they comply with local regulations as well as the State Surface Mining and Reclamation Act (SMARA).

The Ventura County General Plan and the General Land Use Map Figure 3.1 designates the site as "Agricultural", as it included under Land Conservation Act Contract 1-3.1. The site is zoned "Agricultural Exclusive" ("AE"). "Mining and Accessory Uses" are allowed uses in the "AE" zone with a Conditional Use Permit (CUP) approved by the Planning Commission. The Assessor's Parcel Number is 002-0-140-07.

As discussed in the following sections, before mitigation, the project has potential impacts in the areas of Ozone Precursors, Dust, Water Resources, Biology, Visual Impacts, Light/Glare, Traffic and Bus Safety. However, with the implementation of the identified mitigation measures, these potential impacts can be reduced to less than significant levels. As noted above, with the issuance of Planning Commission-approved CUP, the project is consistent with its General Plan and Zoning designations. In

addition, implementing the identified mitigation measures means that the project, as mitigated, has a less than significant impact on the environment. These findings result in the project being consistent with *General Plan Environmental Goals and Policies* and **having a less than significant impact.**

(Source: Initial Study Guidelines p. 10)

## **LAND USE**

### **LAND USE**

#### **Community Character**

Community character means the distinctive physical quality, attributes or features of a community that sets it apart from other communities or areas. A “community” is a particular area within which people with common interests reside. The community character in which the project is located is rural and consists of rural uses such as agriculture (crop production and grazing), open space and recreational uses (e.g. camping). The project is located on privately owned land.

The parcel on which the project is located is approximately 632 acres in size, while the project site itself is comprised of approximately 37 acres. The large amount of land within which the project is located provides a buffer between the project boundary and the adjacent properties.

Surrounding land uses are as follows:

**North:** Open space, agricultural and pasture land. The Los Padres National Forest borders the subject property.

**South:** Immediately south of the project, the Cuyama River and Lockwood Valley Road transect the property. South of the Lockwood Valley Road is open space and pasture land. The Los Padres National Forest borders the subject property. The Ozena Campground is located in the Los Padres National Forest approximately 0.5 mile southeast of the project.

**East:** Open space, agricultural and pasture land. Scattered residences are located approximately 1 mile to the east. The Los Padres National Forest is located east of the private residences.

**West:** Open space, agricultural and pasture land. Some residential units are located approximately 1 mile to the west.

With the issuance of a Conditional Use Permit (CUP), the project is consistent with the Ventura County General Plan Land Use designations for the subject property and surrounding properties. Given the isolated, agricultural nature of the site location, the project "community" (i.e. the adjacent land uses) is not sensitive to potential project impacts. The nearest potentially sensitive uses, the campground and scattered residences, are located approximately one mile from the site; this is an adequate distance to protect these uses from potential impacts such as noise, dust, and fumes. As such, the project will not disrupt the character of the community. Therefore, any potential adverse impacts to the immediate project community as a result of this project are considered to be **less than significant**.

As discussed under Impact 19 (Noise), the project has a **potentially significant** impact due to traffic noise along the project access roads. However, as noted in that section, this potential impact is reduced to a **less than significant** level by changes in the hours of loading of trucks.

(Source: Initial Study Guidelines p. 11)

## Housing

Housing is defined as one or more rooms providing complete independent living facilities for one family. The project was analyzed for potential impacts to existing housing and/or demand for housing. The project does not involve the removal of any housing units. The project will not involve the employment of 30 or more new full-time employees, therefore it will have **a less than significant impact** on the number of housing units in demand in the area. In addition, the property owner will be conducting the mining operation, and has an existing residence on the subject property.

(Source: Initial Study Guidelines p. 12)

## C. Growth Inducement

Growth inducement is defined as any action that would eliminate or remove an impediment to growth in an area. This includes both physical impediments (lack of sewers, water, etc.) and policy impediments (e.g. General Plan Policies, etc.) The project will not result in or necessitate the expansion of critical public facilities (e.g. roads, water supply, sewers and flood control facilities). The haul routes for the project are existing roads. The property owner obtains potable water from existing on-site water wells. These wells will provide potable water for project personnel. Water use for processing and/or dust control will be obtained from an adjacent agricultural stock pond. Portable toilets will be provided during the approximately 302 operating days per year over the five-year duration of the project. Therefore, no new septic tank or sewer lines are needed. Both the processing area and scale house area are located outside the 100-year floodplain. The haul road from the processing area to the scale house is an existing road that crosses the Cuyama River via a low flow crossing. Therefore, no new expansions of flood control facilities are required as a result of the project. The project will not be counter to or amend any adopted policy of the County, thereby setting a precedent or an accommodation for further growth. Therefore, **no impacts** with regard to growth inducement will occur as a result of this project.

(Source: Initial Study Guidelines p. 15)

## RESOURCES

### AIR QUALITY

#### A. Regional Air Quality Impacts

Based on information provided by the applicant, air quality impacts will be below the 25 pounds per day threshold for reactive organic compounds and oxides of nitrogen as described in the Ventura County Air Quality Assessment Guidelines. Therefore, the project will have a **less than significant** impact on regional air quality.

(Source: APCD Regulations; Initial Study Guidelines p. 16)

#### B. Local Air Quality Impacts

Based on the type of work to be conducted and equipment used, the project will generate local air quality impacts but those impacts are likely to be **less than significant**. In order to monitor local air quality impacts (i.e. project emissions of ozone



precursors) to ensure that impacts are less than significant, the following mitigation measures should be imposed on the project:

1. Mobile equipment engines shall be maintained in good condition and in proper tune as per manufacturers' specifications.

The project includes the use of watering on areas disturbed by clearing, grading, earthmoving or excavations and on unpaved haul routes to minimize fugitive dust impacts and particulate matter. In addition, to minimize truck related impacts, water will be available to wet down loads. These measures will reduce dust impacts, they are not adequate to reduce impacts to a less than significant level. Therefore the project has a **potentially significant impact** on local air quality. These impacts can be reduced to **less than significant** levels by implementing the following mitigation measures:

1. All active portions of the site shall be either periodically watered or treated with environmentally-safe dust suppressants to prevent excessive amounts of dust.
2. On-site vehicle speeds shall not exceed 15 miles per hour.
3. Dust generating activities will cease when the wind is high enough to blow visible dust off the CUP boundary.

(Source: Planning Division, APCD Regulations, Initial Study Guidelines p. 16)

## **WATER RESOURCES**

### **A. Groundwater Quantity**

As discussed in the project description, under "worst case" assumptions at full production, the project would result in a net increase of approximately 30.3 afy over the historic agricultural operations at the site. This water would be drawn from the Cuyama Basin, which is predominantly in Santa Barbara County, and which is being overdrafted at approximately 25-30,000 afy.

The Ventura County Initial Study Guidelines specify that a project that results in a net increase in water consumption in an overdrafted water basin will have a significant impact on the environment. However, in this case, any impacts of project would occur in Santa Barbara County. The Santa Barbara County Environmental Thresholds and Guidelines Manual specifies that the threshold of significance for water consumption in the Cuyama Basin is 31 afy. That is the standard Santa Barbara is using for a proposed mining project (Diamond Rock Sand and Gravel) currently in process. In discussing this

issue with Santa Barbara staff (Larry Appel, Santa Barbara County Planning and Development Department), Mr. Appel felt that it was appropriate for Ventura County to use the Santa Barbara standard for impacts in that County. As such, for purposes of this Initial Study, the Santa Barbara threshold of significance of 31 afy is used.

Using the Santa Barbara standard, the project would not have a significant impact on net groundwater consumption. This conclusion is based on the assumption that the project will operate as proposed. One of the major concerns is that unlined ponds could lead to reduced recharge at the site, thereby increasing net water consumption beyond 31 afy. As discussed in Section A ([Project Description](#)), a clarifying system to remove fines from the washwater is proposed before the water is returned to the mining pond. The project proposes to use mechanical and/or chemical settling of project generated fines rather than use of settling ponds. Use of such a system combined with appropriate storage and removal of stockpiled fines would reduce water supply impacts to a **less than significant level**. In order ensure that this mitigation occurs, the following mitigation measures should be implemented:

1. Silts, clays, or fine-grained soil materials as defined by the Groundwater Section shall only be stored onsite after the Groundwater Section has approved the location, volume of stored material, and the runoff control facilities. "Silts, clays, or fine-grained soil materials" are soil materials whose permeability is less than the average permeability of the native soil in the excavation pond or immediate pond vicinity.
2. 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.

(Source: [Initial Study Guidelines](#) p. 17; [Draft Environmental Impact Report – Diamond Rock Sand and Gravel Mine and Processing Facility](#))

## B. Groundwater Quality

Components of the project will reduce the potential for significant impacts to groundwater quality as a result of the aggregate processing. These measures include such things as the construction of berms to prevent contaminated surface water from entering the Cuyama River, a concrete pad with sump for equipment fueling and maintenance, and plastic liner under the fuel storage tank to prevent possible fuel spillage from percolating into the groundwater. Because of these project design features, there will be a **less than significant impact** on groundwater quality because any potential for contamination will be prevented.

(Source: Project Description, Initial Study Guidelines p. 19)

### **C. Surface Water Quantity**

The project will not increase the net utilization of surface water in that it does not use surface water for any purpose; groundwater is used for processing and dust control, and bottled water is used of domestic purposes. Therefore, any potential adverse impacts related to surface water quantity as a result of the project will be **not significant**. Groundwater quantity impacts are discussed in Section 4A.

(Source: Initial Study Guidelines p. 21)

### **D. Surface Water Quality**

All surface runoff and drainage from any project activities will be controlled by the use of berms, retention basins, and/or other approved methods to ensure that surrounding land and water resources are protected from erosion, gulying, sedimentation and contamination. Surface water within the permit boundary flows towards the southwest. A sediment basin has been constructed at the southwest portion of the site to catch surface water runoff. The detention basin will be designed to handle stormwater runoff from a 20-year/1 hour intensity storm event.

The project is also required to file under the *State Water Quality Control Board Water Quality Order No. 97-03-DWQ National Pollutant Discharge Elimination System (NPDES) General Permit No. CA000001*. This permit requires the operator to develop a Storm Water Pollution Prevention Plan to control surface water runoff. Therefore, any impacts to surface water quality as a result of this project are considered to be **less than significant**.

(Source: Initial Study Guidelines p. 22)

## **MINERAL RESOURCES**

### **A. Aggregate**

Aggregate means construction grade sand and gravel. This project involves the extraction and processing of aggregate resources to be used on-site and for commercial sale. Therefore, the project will have **no impact** on the demand, extraction of or access to aggregate resources.

(Source: Initial Study Guidelines p. 23)

## **B. Petroleum**

Petroleum resources means oil and gas deposits. This issue involves the demand for and hampering/precluding extraction of, or access to, this resource. This project would involve the use of petroleum products, but because petroleum resources are considered a world-wide, national and state-wide resource it is beyond the scope of local governments to effectively manage or control. The project is not located in or immediately adjacent to any known petroleum resource or access road to an existing petroleum CUP. Any impacts to petroleum resources as a result of this project are considered **less than significant**.

(Source: Initial Study Guidelines p. 24)

## **BIOLOGICAL RESOURCES**

Biological resources include natural plant and animal species and their habitats, communities and ecosystems. A biological resource analysis conducted for this project determined that some **potentially significant impacts** to biological resources could occur as a result of the project. They are: (1) direct or indirect impacts to sensitive species; and (2) impact to Wetlands. These result in potential impacts to the categories of 6A1 (Endangered Species), 6A2 (Threatened Species), 6A3 (Rare Species), 6B (Wetland Habitat), and 6E (Locally Important Species/Communities). **Less than significant** impacts occur in the category of 6D (Migration Corridors). **No impacts** occur in impact category 6C (Coastal Habitat), since the proposed project site does not sit in a coastal habitat.

Historically the proposed excavation pond was part of the active floodplain of the Cuyama River, and is assumed to have consisted of the appropriate types of native species discussed in the following sections. Since the late 1980's the site has been an irrigated field periodically planted to barley and alfalfa. The eastern side of the proposed excavation pond is a wash water retention basin for the existing mining project, and center portion is a water supply pond for the Fire District. The western end of the proposed pond area frequently contains standing water after rains, as it is an undrained low spot which receives runoff from upland areas and continues to be farmed with barley as recently as November 2005. This results in the area of the proposed excavation pond being largely disturbed. The site of the proposed processing facility is completely disturbed, as it currently contains the existing processing aggregate facility for CUP 5170.

No species of concern were found within the proposed permit boundaries, and as a result of its severely disturbed state and frequent standing water, it is unlikely, but not impossible, for species of concern to exist within the proposed permit area.

Due to the close proximity of the project to the Cuyama River, the California Department of Fish and Game and the US Army Corps of Engineers were consulted during the development of this project for potential permit requirements pursuant to State and federal regulations. Both agencies concluded at that time that the project was exempt from said permits. However, Calif Department of Fish and Game biologists provided informal guidance regarding this analysis, and assisted in developing the mitigation measures outlined in this section.

The proposed project area could potentially contain species of concern since it is adjacent to habitats containing such species, and was natural habitat prior to the 1980's. Multi-seasonal and/or targeted biological studies have not been conducted for many of the species of concern which may potentially be on the site, although two generalized studies did not find any such species. However, rather than conduct additional biological studies and/or prepare an EIR, the **potentially significant impacts** discussed below are considered to be reduced to a less than significant level: (1) by enhancing existing habitat; and (2) by protecting the surrounding habitat from invasive exotic species.

An existing sensitive Alkali Meadow north of the project site is approximately the same size as the proposed excavation pond, and is currently subject to grazing pressure by cattle (see Section 2B (Wetland Habitat) below). Fencing the area to prevent entry by cattle could allow the Meadow to greatly increase its carrying capacity as habitat for species of concern. In addition, fencing would prevent heavy mining equipment from inadvertently encroaching into the Meadow, since the habitat is immediately adjacent to the long side of the proposed pond where equipment could be routinely operating.

The potential project-related impact resulting from the potential loss of habitat for species of concern can be mitigated to a **less than significant level** by implementation of the following mitigation measure which may increase the biological carrying capacity of the Alkali Meadow:

1. Prior to start of excavation of the excavation pond, a minimum of 15 acres of Alkali Meadow and adjacent area north of the pond shall be fenced to prevent entry by cattle. The location and design of the fence shall be approved by the Planning Director prior installation. In addition to keeping cattle out, the fence shall be designed to allow native animals free access in and out of the fenced area. The fencing shall remain in place until such time as the excavation pond is filled in through normal flood deposition.

A second potential impact of the project is the introduction of exotic plants, animals and/or fish which could adversely impact native communities in the Cuyama River and/or adjacent upland areas. By changing the on-site habitat from one of periodic shallow standing water to a permanent deep water pond, exotic invasive species such as bull frogs or large mouth bass could be introduced. Such introduced species could have **potentially significant impacts** to the Cuyama River ecosystem. Even if such species already exist within the local environment, allowing them to occupy the project site could worsen any existing adverse impacts. Such impacts could be the result of deliberate or inadvertent introduction of invasive plants, animals or fish. These impacts can be reduced to **less than significant levels** by implementation of the following mitigation measures:

1. No species shall be introduced into the CUP without prior approval by the Planning Director. Species considered to be a threat to the local or downstream ecosystems by the Planning Director shall be not be approved for introduction.
2. Two studies by an approved biological consultant shall be submitted to the Planning Director for review and approval during the life of this permit. The reports shall document what non-native species exist within the CUP boundaries, and if the identified species pose a threat to the surrounding habitat. If such species are identified, an eradication plan for these species shall be included in the report. The first study shall be conducted during the spring and summer of 2007 and be submitted no later than January 31, 2008. The second study shall be submitted within 6 months of the end the permit, and shall be conducted during the previous spring and summer.

With the implementation of the above mitigation measures along with other measures listed in this section, potentially significant biological impacts are reduced to a **less than significant level**.

Data sources used in the preparation of this section include the following: Ventura County CEQA Initial Study Guidelines pages 25 and 26; Ozena Valley Ranch Surface Mining Site Biological Resources Report, Bumgardner Biological Consulting, May 22, 2003; CEQA Checklist Form, Biological Resources, David Magney Consulting, May 21, 2004; Letter report on Alkali Meadow, Bumgardner Biological Consulting, June 27, 2005; Letter report on impacts to groundwater levels from proposed excavation pond, by West Coast Environmental, December 23, 2005; Natasha Lohmus, Mary Meyer, and Morgan Wehtje of Calif Department of Fish and Game.

#### **A. *Endangered, Threatened, or Rare Species***

1. Endangered Species

Endangered Species are species whose survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, etc. Twenty-nine special status (locally rare or otherwise listed) plant species exist at the Ozena Valley Ranch. One species of plant, Salt Spring Checkermallow (*sidalcea neomexicana*) is listed as rare or endangered in California, and elsewhere, according to the California Natural Protection List. (California Department of Fish & Game Natural Diversity Data Base [NDDDB], 2000). Furthermore, the Yellow-breasted chat (*icteria virens*); a type of nesting bird was also found in the general area of the proposed project. This type of bird is classified as a special status species, and therefore is considered rare and/or endangered. The occurrence of these special species in the area would create **potentially significant impacts**. However, none were found within the proposed project limits.

In order to ensure adequate consideration of sensitive species just prior to project start up, the following mitigation measure is proposed to allow State and Federal agencies to provide final clearance before start of operations:

1. Prior to start of mining under this permit, the permittee shall submit evidence to the Planning Director that the California Department of Fish and Game and the US Army Corps of Engineers have confirmed that either: (1) they have issued a permit for this project; or, (2) concluded that they have no jurisdictional responsibility or no permit is needed. If option 2 is selected, acceptable "evidence" may consist of written correspondence from the agency, or submittal to the Planning Division of an agency contact person (and phone number) who has reviewed the project.

This mitigation measure, combined with the current disturbed state of the site, and the absence of identified sensitive species on the site, would reduce the impacts to endangered species and other species of concern to **less than significant levels**.

2. Threatened Species

Threatened species are those that are likely to become endangered in the foreseeable future. The Arroyo Toad (*bufo californicus*) lives in semi arid regions near washes or intermittent streams, including valley foothill and desert riparian habitats. The general project area contains these conditions, although no such toads were found within the project boundaries. The likely presence of the Arroyo Toad in the general area could create a **potentially significant impact**. However, this impact can be reduced to a **less than significant level** through the adoption of the mitigation measures outlined above.

### 3. Rare Species

Rare species are those classes not presently threatened with extinction, but because they exist in such small numbers throughout all or a specific portion of its range, it may become endangered. David Magney reported that at least 18 taxa of the 94 plant species observed in the area were considered rare in Ventura County. The rarity of these plant species in Ventura County would cause a **potentially significant impact** to the surrounding environment if disturbed in their natural habitat. Twenty-nine special status, or rare, plant species were also found at Ozena Valley Ranch, including the Salt Spring Checkermallow (*sidalcea neomexicana*). This plant is considered rare and endangered according to the CNPS. Another rare plant species, the Antelope Bush (*purshia tridentate var.glandulosa*) was found outside the proposed project area, but was not found within the proposed project boundaries. Therefore, it will not likely be impacted by the proposed project.

The Yellow-breasted Chat (*icteria virens*) was found to reside in the general area of the project, although none was found within the proposed project site. This bird is classified as a rare or special status species, and is listed as a species of special concern. The occurrence of these special species could create **potentially significant** impacts resulting from the project. However, these impacts can be reduced to a **less than significant level** through the implementation of the mitigation measures listed previously.

Although species of concern discussed in this MND are not directly impacted by the project, indirect impacts are possible. Indirect impacts could include:

- Changes to the water table to the sensitive Alkali Meadow north and “uphill” of the excavation pond.
- Potential inadvertent encroachment of heavy equipment into the Alkali Meadow which could physically damage habitat and/or compress the soil which could cause permanent damage.
- Non-native invasive plant or animal species could exist in the project area or be introduced into the project area which could threaten local native species.

Of these potential indirect impacts, potential impacts to the Alkali Meadow are discussed below under Wetland Habitat. Mitigation measures to address the potential for invasive species using the site as a staging area to encroach into native habitat were discussed previously. The mitigation measures previously discussed are considered to reduce project impacts to rare species, and species of concern in general, to **less than significant levels**.



## **B. Wetland Habitat**

Wetlands are typically permanent wet or moist soils. A significant impact to a wetland habitat would result from the direct reduction of, or a substantial indirect impact to a significant wetland habitat. The project site is in an active hay and barley field which, prior to becoming shallow intermittent ponds, may have been dominated by hydrophytic perennial grasses and forbs, which are herb and grass species typical of Annual Grassland.

A sub-set of this community, a sensitive Alkali Meadow, is located north or “uphill” of the proposed excavation pond. It runs along the long side of the proposed mining pond where heavy equipment could routinely operate. This community forms a low, dense, often matted ground layer of grasses and forbs on permanently wet or moist soils. The community occupies the landscape between upland grassland habitats and the wetter freshwater marsh/riparian scrub habitats. Saltgrass (*distichlis spicata*) is part of the Meadow community. Saltgrass requires irregular flooding or permanently saturated soils with a shallow water table to live.

Although the Alkali Meadow is a valuable, rare habitat, it is subject to cattle grazing during certain times of the year; such grazing pressure may be degrading its biological value and reducing its ability to support species of concern and other, more common species.

A Southern Cottonwood-Willow Riparian Forest was also observed along the western boundary of the proposed stockpond area. This forest is listed as a sensitive habitat by the *California Terrestrial Natural Communities* list. Two trees common to this riparian forest, the Southern Cottonwood and the Freemont Cottonwood Arroyo, are also common to seasonally-flooded or saturated freshwater wetland habitats. A direct reduction of the riparian forest and/or the Alkali Meadow would create a **potentially significant impact** to the wetland habitat.

Of these two habitats, the Alkali Meadow has the greatest potential to be impacted by the project. The Meadow is sensitive to changes in groundwater level, and being immediately “uphill” of the project, it could potentially be subject to a lower water table as the mining pond is excavated. However, a hydrologic evaluation done by the applicant and agreed to by the Public Works Agency concludes that no hydrologic impacts to the Meadow would occur from project excavation. In addition, the Meadow could be subject to damage from heavy mining equipment inadvertently encroaching into the area, since the habitat is adjacent to the long side of the pond where equipment could be regularly working.

By fencing off the site from potential encroachment by heavy equipment, the previously discussed mitigation measures are adequate to reduce potential project impacts to the Alkali Meadow to a **less than significant level**.

Given its location west of the narrow, western end of the excavation pond, impacts to the Riparian Forest are not considered likely, and no mitigation is proposed.

### **C. Coastal Habitat**

The project site is located approximately 26 miles north of the coastal zone and coastal resources do not occur in the vicinity of the site. **No impacts** to coastal resources are expected as a result of the project sand and gravel processing and transporting.

### **D. Migration Corridors**

The Cuyama River provides a linkage from the high elevations of the Santa Ynez Mountains to coastal areas, and is an important wildlife migration corridor. The project sits in the middle of an approximately 640 acre farm which provides adequate migration access for local fauna. As such, it should not provide a significant barrier to migration, and is considered to create a **less than significant** impact.

### **E. Locally Important Species/Communities**

Fifty-four wildlife species were reported throughout the entire Ozena Ranch property, as well as the Scalebroom Floodplain Scrub (Scalebroom series), which is on the *California Terrestrial Natural Communities* list. This series of plant species was observed along the southwest border of the proposed excavation pond area. Furthermore, several special-status plant species were observed in the area. One such species known to the area includes the pale-yellow layia (*Layia heterotricha*) – Federal species of concern, CNPS List 1).

The Southwestern Pond Turtle (*Emys marmorata pallida*) has also been reported in the region. The animal carries an S2 (state) and G3/G4 (global) ranking, which places the Southwestern Pond Turtle into a category of concern. The presence of the Scalebroom Floodplain Scrub, the pale-yellow layia and the Southwestern Pond Turtle in the general project area would create a **potentially significant impact** to the environment. However, mitigation measures previously identified in this section are considered adequate to reduce this impact to a **less than significant impact**.

## **AGRICULTURAL RESOURCES**

## **A. Soils**

The issue of soils pertains to soil that is utilized or suitable for agricultural crop production. This issue entails the direct loss of agricultural soils due to removal or permanent over-covering and indirect loss due to increased wind or water erosion. In this case, 15 acres of soil that has historically grown irrigated alfalfa and barley would be permanently lost; in general, the north half of Ventura County is considered marginal for agricultural production

The California Department of Conservation Farmland mapping and monitoring program, Important Farmlands Inventory does not establish soil designations for the northern half of Ventura County. As such, the site does not have a IFI identification. The Initial Study Guidelines uses the IFI to determine any significance due to the loss of agricultural soils. Since the IFI did not consider the site significant enough to evaluate, and the north half is considered marginal for agricultural production, the project results in the **no impacts** due to loss of agricultural soils.

(Source: Initial Study Guidelines p. 37)

## **B. Water**

Water for agricultural resources pertains to the water that is necessary and available for agricultural production. This issue includes surface, ground and imported water as well as water quantity and quality. The project description states that the project will result in a net consumption of approximately 30 afy over historic agricultural water consumption levels. Water would be used by the project as process water and for dust control. Bottled water would be used for domestic use. The project would draw water from the Cuyama Water Basin. This basin has an estimated 1.5 to 2.0 million acre-feet of water in storage, although it is being overdrafted at a rate of approximately 25-30,000 afy. Almost all water use in the Cuyama Water Basin is used for agriculture, primarily in Santa Barbara County. As noted in Impact 4A (Groundwater Quality), this Initial Study is using the Santa Barbara water quantity significance threshold of 31 afy. Since this project consumes less than 31 afy, the project impact on agricultural water supplies is considered to be **less than significant**.

In regard to agricultural water quality, the processing and stockpile areas will be bermed to prevent fines, oils, fuels, and any contaminated runoff from entering the Cuyama River. Berms will also prevent any surface runoff from entering the adjacent agricultural stock pond located to the east. A concrete fuel pad and plastic liner will prevent contamination of groundwater from fueling and equipment maintenance activities. Therefore, any potential impacts to water used for agricultural purposes as a result of the project are considered **less than significant**.

(Source County of Ventura Public Works Agency, Water Resources Division Memo, May 7, 2004; Draft Diamond Rock EIR page 3-30, Initial Study Guidelines p. 39)

### **C. Air Quality/Micro-Climate**

Air quality/microclimate for agricultural resources pertains to the meteorological conditions of an agricultural area that foster the growing of crops. Factors that may adversely affect air quality/micro climate include such items as dust, reduced solar access, elimination of wind breaks, etc.

Farming operations (hay, carrots, alfalfa, barley and pasture land for grazing) occur on the Ozena Valley Ranch to the north and west of the processing and stockpile area, east of the existing agricultural stock pond and south of the project site across Lockwood Valley Road. The crushing, stockpiling and loading of aggregate material could generate fugitive dust that may potential result in significant adverse impacts to agricultural production located on the ranch. Dust may affect the quantity and quality of the crops produced by increasing mites on hay and carrots, and decreasing the number of beneficial parasites present, resulting in an imbalance in the numbers of pests and beneficial insects present in these crops. The project description includes control measures through the use of watering for the processing and stockpile area with a water truck, using water diverted from the stock pond, as necessary. However, dust could still result in **potentially significant impacts** to the adjacent agriculture. These impacts are considered to be reduced to a **less than significant** level with the implementation of the additional mitigation measures outlined for Impact 3B (Local Air Quality Impacts).

Given the size of the property on which the project is located, the owner's property acts as a large buffer to neighboring properties; the distance to adjacent properties is considered adequate to eliminate any potential impacts due to changes in air quality/micro-climate.

(Source: Initial Study Guidelines p. 41)

### **D. Pests/Diseases**

See discussion under item c. *Air Quality/Micro Climate* above. Watering of the processing and stockpile area to control dust will reduce the potential for increased pest infestations in nearby agricultural production to **less than significant**.

(Source: Initial Study Guidelines p. 42)

## **E. Land Use incompatibility**

The issue of land use incompatibility pertains to land uses that, due to their nature, design or operation may be incompatible with nearby agricultural production due to impacts on agriculture or being impacted by agriculture. Mining is considered a compatible use with the surrounding Agricultural and Open Space Zones in that is an allowed use in the Zoning Ordinance with the issuance of CUP. The site will be using adequate dust control and water quality control methods to prevent impacts to adjacent agricultural production or water is used by agriculture. Since the owner of the project site also owns the surrounding 640 acre ranch, no impacts will occur to adjacent neighbors. Therefore, any potential impacts with regard to agricultural land compatibility are considered **less than significant**.

(Source: Initial Study Guidelines p. 43)

## **VISUAL RESOURCES**

### **A. Scenic Highways**

A scenic highway is the visible area as seen from a designated or eligible scenic highway that can generally be defined as the “view from the road.”

The project is located approximately 1.2 miles east of State Highway 33, which is dedicated a scenic highway. When a project is not located within .5 miles of a scenic highway, it generally has no significant visual impacts to the designated highway. Therefore no impacts to scenic resources along State Highway 33 will occur as a result of project.

The project is located within .5 miles of, and is visible from, Lockwood Valley Road, which is an eligible scenic highway. The 38 acre size of the project, its industrial-looking aspect, particularly of the rock shop and recycling piles immediately adjacent to the road, would stand out in sharp contrast to the natural habitat/farming views which surround it. This contrast is a **potentially significant visual impact**. This impact can be reduced through implementation of the following mitigation measure:

1. A landscaped berm a minimum of 8 feet tall shall be installed in front of the 5.9 acre scale house/rock shop area prior to installation of the rock shop or receipt of material to be recycled. This berm shall be planted with native plants as approved by the Planning Director in order to provide a visual landscape buffer between Lockwood Valley Road and the project site.

Therefore with the implementation of the above mitigation measure, impacts to the scenery along Lockwood Valley Road from the project will be **less than significant**.

(Source: Initial Study Guidelines p. 44)

## **B. Scenic Area/Feature**

A scenic area/feature is a physical area or feature that is visually or aesthetically pleasing. The view along Lockwood Valley Road is considered a scenic area/feature, and the extent the project contrasts with its surroundings, is has a potentially significant impact on this scenic view. However, this impact can be reduced to a **less than significant** level with the implementation of the mitigation measure outlined in Impact 8A (Scenic Highway).

(Source: Initial Study Guidelines p. 45)

## **PALEONTOLOGICAL RESOURCES**

Paleontological Resources pertains to the fossilized remains of plant and animal life. Paleontological remains in Ventura County include examples throughout most of geological history including the Paleozoic (600-225 million years ago), the Mesozoic (225-70 million years ago) and the Cenozoic (70 million years ago to the present).

The subject project is located in an area of undetermined paleontological significance. The surface area over which the project is located has been previously disturbed as part of on-site agricultural operations and flood deposition from Cuyama River. Thus, the project does not involve the excavation of native soil and the material to be processed is not expected to contain paleontological resources. Therefore, **no impacts** to paleontological resources are expected as a result of the project.

(Source: Initial Study Guidelines p. 46)

## **CULTURAL RESOURCES**

### **A. Archaeological**

Archaeological resources are the material remains (artifacts, structures, refuse, etc.) produced purposely or accidentally by members of prehistoric human cultures. The project will

not involve excavating native soil and will occur over land in which the surface and subsurface has been previously disturbed due to agricultural grading. The material to be processed is alluvium deposited by the Cuyama River. No archaeological remains are expected to occur within the excavated river alluvium to be processed. Therefore, **no impacts** to archaeological resources are expected as a result of the project.

(Source: Initial Study Guidelines p. 52)

### ***B. Historical***

No object, building, structure or site with historical significance occurs in the boundaries of the project. Therefore, **no impacts** to historical resources will occur as a result of the project.

(Source: Initial Study Guidelines p. 60)

### **C. Ethnic, Social or Religious**

Ethnic and social resources include unique material/organizational expressions of ethnic and group values, particularly those relating to Native Americans, Hispanic, Black and Oriental ethnic groups. Religious resources include places of worship, areas of activity, shrines, features of religious devotion, or areas of procurement for religious articles that maintain religious value. Neither the project boundary nor the immediate surrounding parcels contain any ethnic or social establishments, cemeteries, churches, shrines, synagogues, or other religious institutions or establishments. Therefore, **no impacts** to ethnic, social or religious resources will occur as a result of the project.

(Source: Initial Study Guidelines p. 63)

## **ENERGY RESOURCES**

Energy resources are sources of power necessary to operate and maintain human activities and the various modes of transportation in order to maintain a society's way of life. The project does not involve the use of solar or wind energy. The project will involve the use of petroleum resources. However, as discussed under Impact 5 (Mineral Resources), the use of petroleum by this individual project is considered less than significant. Therefore, impacts to energy resources as a result of the project are considered **less than significant**.

(Source: Initial Study Guidelines p. 64)

## **COASTAL BEACHES & SAND DUNES**

Coastal beaches refers to an expanse of sand or pebbles along a seashore which has value as a recreation resource and a protective buffer from coastal erosional processes. Coastal sand dunes are formed in areas where local erosion, wind and topographic features have caused sand to accumulate in a series of low hills. The project will not involve a direct impact on coastal beaches or sand dunes. The project will also not indirectly impact these areas because it will not create a barrier to sand replenishment. The project is located outside of the river channel and out of the flood zone, and will involve the processing of excavated river alluvium deposited during flooding in the adjacent stock pond. As such, in the absence of the project, this material would not add to the sediment load of the Cuyama River. Therefore **no impacts** related to coastal beaches or sand dunes will occur as a result of the project.

(Source: Initial Study Guidelines p. 65)

## HAZARDS

### **SEISMIC HAZARDS**

#### **A. *Fault Rupture***

Fault rupture hazards occur when regional earth movements change the surface configuration of the earth. The movement may be in response to an earthquake or without earthshaking. Pursuant to the County General Plan, Identified Earthquake Faults Zone (North Half), Figure 1a, no indications of faulting were identified on the proposed project site. As no known active or potentially active faults project into or appear to cross through the project site, the potential for fault rupture is considered very low. Therefore, there are **no impacts** from fault rupture expected.

(Source: Initial Study Guidelines p. 66)

#### **B. *Ground Shaking***

Ground shaking (i.e. cyclic earth movements) results from the sudden motions in the earth (earthquake) caused by the abrupt release of slowly accumulated strain energy. The primary geologic hazard relative to site development is ground shaking from earthquakes originating outside of the site area. The site is located within an active seismic area where past earthquakes have caused considerable ground shaking. However, based on the low probability of shaking occurring during the economical life of the structures, and the type of construction anticipated it is recommended that the



Uniform Building Code (UBC) guidelines for structural design be followed or considered as minimum requirements. Therefore, any adverse impacts related to ground shaking are considered **less than significant**.

(Source: Initial Study Guidelines p. 68)

### **C. Tsunamis**

Tsunamis, or seismic sea waves, are caused by sudden displacements of large volumes of earth during earthquakes. Displacements may be caused by undersea faulting or landslides. Pursuant to the County General Plan, Hazards Appendix, (North Half). The proposed project is not located in a Tsunami Zone. Therefore, there would be **no impacts** relating to tsunamis.

(Source: Initial Study Guidelines p. 69)

### **D. Seiches**

Seiches are oscillating waves that occur in enclosed or semi-enclosed bodies of water, such as lakes and bays. Pursuant to the County General Plan, Hazards Appendix, (North Half), the proposed project is not located in a Seiches Zone. Therefore, there would be **no impacts** relating to seiches.

(Source: Initial Study Guidelines p. 69)

### **E. Liquefaction**

Liquefaction is the phenomena whereby strong, cyclic ground motions during an earthquake transform a soil mass from a solid to a liquid state. The process involves densification and pore pressure increases in a saturated soil mass. Pursuant to the County General Plan, Hazards Appendix (North Half), the proposed project is not located in a Liquefaction Zone. Therefore, the potential hazard due to liquefaction should be considered negligible. **No impacts** to the project as a result of liquefaction will occur.

(Source: Initial Study Guidelines p. 70)

## **GEOLOGIC HAZARDS**

### **A. Subsidence**

Subsidence is the general term for the slow, long-term regional lowering of the ground surface with respect to sea level. It can be caused by natural forces such as the consolidation of recently deposited sediments or by man-induced changes such as the withdrawal of oil filled fluids or the dewatering of an aquifer. The project is not over an area of recently deposited sediments and will not involve the withdrawal of oil or the dewatering of the underlying aquifer. If subsidence were to take place the majority of settlement would occur during construction and be minimal. Prior to construction, any likely subsidence of the soils would be taken into consideration for the design of the structures. Consequently, the project is not located in a subsidence zone. Therefore, there are **no impacts** related to subsidence are expected as a result of this project.

(Source: Initial Study Guidelines p. 72)

### **B. Expansive Soils**

Expansive soils are primarily clay-rich soils subject to changes in volume with changes in moisture content. The resultant shrinking and swelling of soils can influence fixed structures, utilities and roadways. Prior to construction, the expansive nature of the soils would be taken into consideration for the design of any foundations, if needed. Therefore, there are **no impacts** expected related to expansive soils as a result of this project.

(Source: Initial Study Guidelines p. 73)

### **C. Landslides/Mudslides**

Landslide and mudflow are terms to designate certain forms of natural or man-induced slope instability that may adversely influence life or property. Included are gravity induced downslope movements. This hazard applies to both natural and constructed slopes. Pursuant to the County General Plan, Hazards Appendix (North Half), the proposed project is not located in a Landslides and/or Mudslide Zone. Therefore, there are **no impacts** expected related to landslides/mudslides as a result of this project.

(Source: Initial Study Guidelines p. 74)

## **HYDRAULIC HAZARDS**

### **A. Erosion/Siltation**

Erosion and siltation is the wearing away or deposition of land surface by wind or water. Erosion occurs naturally from weather or runoff, but can be intensified by land clearing practices. All surface runoff and drainage activities will be controlled by berms. Large berms will be vegetated with a native grass seed mix to control erosion. Watering will be implemented to control wind erosion and prevent fugitive dust. Surrounding land and water resources (i.e. Cuyama River) will be protected from erosion, gulying and sedimentation. Pursuant to the Ventura County Building Code, when construction is completed the proposed project will have no erosion or siltation. During grading, erosion and increased siltation will occur, but the Ventura County Building Code and the Uniform Building Code requires storm damage prevention measures to reduce this potential adverse impact. Therefore, potential impacts relating to erosion or siltation as a result of this project are **less than significant**.

(Source: Initial Study Guidelines p. 75)

## **B. Flooding**

Flooding is an overflow of water onto land that is normally dry. The project is located in Flood Zone 'D', an area of unknown flood hazard. Due to the inland location and elevation of the site, and since all the proposed building sites are at a sufficient relative elevation to mitigate potential storm induced flooding, there would be **less than significant impact**.

(Source: Initial Study Guidelines p. 76)

## **AVIATION HAZARDS**

Aviation hazard is defined as the potential loss of life and/or property due to an aircraft accident. It includes anything or act that would increase or cause to increase the hazard or risk of aircraft accidents. Since the project is not located within 2 miles of an airport and is not considered an incompatible land use with airports, **no impacts** relating to aviation hazards is expected as a result of this project.

(Source: Initial Study Guidelines p. 77)

## **FIRE HAZARDS**

A fire hazard is the potential loss of life and/or property due to fire. It is any act or thing which may cause an increase of the hazard to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppression, or interfere with the operation of the fire department, or the egress of

occupants in the vent of a fire. The project applicant will be required to comply with the 2000 Uniform Fire Code, Section 1103 as adopted and amended by the Ventura County Fire Protection District Ordinance No. 23 for Fire Hazard abatement. As such, the project will result in **no impacts** with regard to fire hazards.

(Source: Initial Study Guidelines p. 79)

## **HAZARDOUS MATERIALS/WASTE**

### **A. Above-Ground Hazardous Materials**

Hazardous material is defined as a substance or combination of substances, which because of quantity or concentration, or physical, chemical, or infectious characteristics may cause mortality or illness, or pose a substantial threat to humans or the environment. The proposed project includes the use of hazardous materials. Improper storage, handling, and disposal of these material(s) could result in the creation of adverse impacts to public health. Of potential concern are tanks, drums pipes or other containers used to hold or convey hazardous materials. An 8,000-gallon fuel storage tank with secondary containment will be used on-site. This tank and any other hazardous material or flammable/combustible liquid storage will be required to comply with the 2000 Uniform Fire Code, Article 80 as adopted and amended by the Ventura County Fire protection District Ordinance No. 23. Compliance with existing State regulations will reduce potential impacts to a level considered **less than significant**.

(Source: Initial Study Guidelines p. 80)

### **B. Hazardous Materials**

Hazardous materials are any material, which because of its quantity, concentration, physical or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. As stated above, the proposed project includes the use of hazardous materials. Improper storage, handling, and disposal of these materials could result in the creation of adverse impacts to public health. However, compliance with existing State regulations will reduce potential impacts to a level considered **less than significant**.

(Source: Initial Study Guidelines p. 81)

### **C. Hazardous Waste**

Hazardous waste is a waste that meets any of the criteria for the identification of a hazardous waste adopted by the State Department of Toxic Substance Control pursuant to Section 25141, Division 20, Chapter 6.5 of the California Health and Safety code. The proposed project is considered to be an activity that produces hazardous waste (e.g. used motor oil). However, since the project is subject to State Regulations governing hazardous waste generation, potential impacts associated with the project's hazardous wastes are considered **less than significant**.

(Source: Initial Study Guidelines p.83)

### **NOISE AND VIBRATION**

Noise is defined as any unwanted sound that is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing, or is otherwise annoying. This issue also considers the duration of human exposure to the sound. Pursuant to Section 8107-9.6.22 Noise Standards of the Ventura County Non-coastal Zoning Ordinance, noise from mining and its accessory uses shall not exceed an Leq1H of 55 dB(A) or ambient noise level plus 3 dB(A), during any hour from 6:00 a.m. to 7:00 p.m. and an Leq1H of 50 dB(A) or ambient noise level plus three dB(A), during any hour from 7 p.m. to 10:00 p.m., as measured at a point outside occupied sensitive uses (e.g. residences). The project is subject to these standards. In addition, the area immediately adjacent to the project is agricultural land which is owned by the mining operator. This land is not sensitive to noise, so any noise generated by the project is not expected to have a significant impact on surrounding land use. Therefore, noise and vibration impacts to lands adjacent to the project will be **less than significant**.

In addition to the immediate project area, projects such as this generate a large number of truck trips which can create noise impacts along the major access roads. There is concern about potential noise impacts due to nighttime/early morning truck traffic operating on the roads leading the project, specifically SR-33 north into Santa Barbara and south into Ojai, and Lockwood Valley Road east into Lockwood Valley.

The closest concentration of residences is approximately 15 miles east on Lockwood Valley Road. Scattered houses and small clusters of homes also occur for over 20 miles on SR-33 north of Lockwood Valley Road then on SR-166 east and west of SR-33. Similar land uses extend approximately 25 miles south on SR-33 until it enters the more urban portions of the Ojai Valley.

The existing project is permitted to generate 66 truck ADT (100 truck DT maximum). However, the proposed project would allow 132 truck ADT (200 DT maximum). All of the new traffic would go north on SR-33; this would concentrate the impacts on that route and connecting routes and avoid additional traffic volume impacts on SR-33 south of Lockwood Valley Road. This doubling of truck traffic, combined with potential

increases in regional and other mining traffic, could result in **potentially significant** noise impacts to residents along the SR-33 (north) and SR-166 access routes.

However, this potential impact is mitigated by changes in the operating hours which would shift truck operations away from very early morning hours to hours which are less sensitive to noise. As discussed in Section A (Project Description), under the existing project trucks are allowed to load as early as 3:00 am. However, the proposed project would load trucks no earlier than 6:00 am. Since most houses are at least ½ hour away from the site, loaded trucks would not operate near homes until at least 6:30 am on any road segment. The shift of three hours for loaded trucks traveling from the site is considered to mitigate the impacts of increased truck volumes.

Although under the proposed project trucks loading would occur no earlier than 6:00 am, empty trucks traveling to the site would pass homes earlier than 6:00, and could result in a potential noise impact. However, under the current project, trucks could be traveling along the access routes some three hours earlier to be at the site for 3:00 am loadings. As with the loaded trucks described above, the shift of three hours from 3:00 am to 6:00 am for unloaded trucks traveling to the site for early morning loadings mitigates the impacts of increased truck volumes.

The shift to 6:00 am for the start of loading for the proposed project compared to 3:00 am loadings allowed under the existing project is considered to reduce traffic related noise impacts to **less than significant** levels.

(Source: Initial Study Guidelines p. 85)

## **GLARE**

Glare is the continuous or periodic intense light that may cause eye discomfort or be blinding to humans, or which could adversely impact animals in adjacent open space areas. Aggregate processing will occur in the daylight hours and no equipment to be used will generate a glare. However, lights could be used for maintenance of equipment after sunset, or for security. This light could create **potentially significant** glare impacts to humans or other animals. This potential impact can be reduced to a **less than significant** level with the implementation of the following mitigation measure:

1. The project shall be required to use shielded lights such that the light bulbs cannot be directly seen outside the permit boundary areas, and light levels at the permit boundary shall not exceed .5 foot candles.

(Source: Initial Study Guidelines p.89)

## **PUBLIC HEALTH**

This issue entails human health related issues such as, but not limited to, vectors, bioaerosols and other pathogens or environmental factors that pose a substantial present or potential hazard to public health. The proposed project may have impacts to public health. Compliance with applicable state regulations enforced by the County Environmental Health Division will reduce potential impacts to a level considered **less than significant**.

(Source: Initial Study Guidelines p. 90)

## PUBLIC FACILITIES/SERVICES

### **TRANSPORTATION/CIRCULATION**

#### ***A. Public Roads and Highways***

##### **Level of Service** **Safety/Design**

The project will generate additional traffic on the local public roads. In order to address the cumulative adverse impacts of traffic on the Regional Road Network, Ventura County Traffic Impact Mitigation Fee Ordinance 4071 (Fee) and General Plan Amendment 94-3 require that the County Transportation Department of the Public Works Agency collect a Traffic Impact Mitigation Fee from development. This project is considered development and subject to this Ordinance. With the payment of the Traffic Impact Mitigation Fee, the level of service and safety of the existing roads would remain consistent with the County's General Plan. To mitigate this impact to a **less than significant** level the following mitigation measure should be applied to this project:

1. Pursuant to the Traffic Impact Mitigation Fee Ordinance, before the start of operations or issuance of a building permit, the permittee shall deposit with the Transportation Department a Traffic Impact Mitigation Fee. With the implementation of a new fee ordinance in Lockwood Valley in November 2001, this project will be required to pay traffic mitigation fee. Based on the permittee's information, the Traffic Impact Mitigation Fee due the County would be:

$$[66 \text{ ADT (truck trips)} + 6 \text{ ADT (employees trips)}] \times \$46.48/\text{ADT} = \underline{\underline{\$3,346.56}}$$

The above fee may be subject to adjustment at the time of deposit, due to provisions in the Traffic Impact Mitigation Ordinance allowing the Fee to be adjusted for inflation based on the Caltrans Construction Cost Index.

This project may add traffic to the Highway 33-impact area, and thus is potentially in violation of the County General Plan and Ojai Area Plan transportation policies. According to adopted County policies, if a project adds one or more AM southbound or PM northbound peak hour traffic (PHT) to SR 33 between the northerly end of Ojai Freeway and the City of Ojai limits, the project is considered as contributing a significant cumulative impact on SR 33, which would be in violation of the County General Plan and Ojai Area Plan Transportation Policy. Unless the project proponent mitigates the significant adverse impacts to less than significant levels, the County General Plan requires that the Transportation Department oppose this project. The adverse traffic impacts can be mitigated to **less than significant** levels by implementing with the following mitigation measure:

2. In order to mitigate traffic congestion impacts to Highway 33, week-day project-related traffic shall not use SR-33 between the end of the freeway portion of SR-33 and the southern limit of the City of Ojai as follows:
  - a. No southbound trips between the hours of 6:30 am and 9:00 pm, and
  - b. No northbound trips between 3:00 pm and 6:00 pm.

No peak period limits are imposed during weekends, or for northbound morning trips or southbound afternoon trips.

The County may conduct independent monitoring of this condition as needed through use of consultants or County employees. Said monitoring shall be paid by the applicant as part of the permit condition compliance process.

**Potentially significant** safety impacts could also occur do to conflicts with school operations. These include project-related traffic operating in front of Nordhoff High School when students are arriving or leaving school, and conflicts with El Tejon Unified School District busses when they stop for students on Lockwood Valley Road or SR-33. These impacts can be reduced to **less than significant** levels through implementation of the following mitigation measures:

3. During school days, no project related vehicles shall travel on SR-33 in front of Nordhoff High School in the City of Ojai during the following times:
  - i. 7:00 am to 8:00 am



- ii. 2:30 pm to 3:15 pm
- 4. The permittee shall schedule truck traffic arriving at and leaving the project site such that it will not interfere with the El Tejon Unified School District bus schedules on the days the busses are operating. The permittee shall retain a current school bus schedule at the project site and shall coordinate truck traffic such that it does not interfere with bus pick-up and drop-off locations along the haul route. Prior to start of operations, the permittee shall provide the Planning Director with written documentation from the El Tejon Unified School District that confirms the truck scheduling will not interfere with the school bus schedule.

With payment of the traffic impact mitigation fee and restrictions on the hours of truck movements impacts with regard to public road and highways' level of service and safety and design is considered **less than significant**.

An additional issue relates to degradation of the Lockwood Valley Road surface due to increased project-related ADT and truck traffic. The project will generate approximately 10% of the ADT on Lockwood Valley Road, which results in a **potentially significant** increase in road maintenance costs. This potential impact can be reduced to less than significant levels by implementation of the following mitigation measure:

- 5. Before the start of operations or issuance of a building permit, the permittee shall be required to pay the improvement fees corresponding to the amount of traffic contributed by this project. The maintenance cost of Lockwood Valley Road will be approximately \$80,000/year. The amount of additional traffic contributed by this modification of the project to Lockwood Valley Road is approximately 10% of the Average Daily Traffic. Therefore, the pro-rata share of the pavement overlay is:

$$\$80,000 \times 10\% \times 6 \text{ years} = \underline{\underline{\$48,000.00}}$$

In lieu of the permittee depositing this fee into a trust fund with the County, the permittee shall be given a credit for contract materials and equipment supplied to the County for use in the Lockwood Valley area. For each request for materials or equipment, the County Road Department agrees to provide the permittee with advance two-day notice specifying a delivery date and the type(s) and amount(s) of aggregate or equipment. In response to each two-day notice, the permittee agrees to provide the requested materials or equipment by the specified date and shall either continue to do so until permit expiration or until materials or equipment with a total value of \$48,000.00 have been provided the County, whichever occurs first. The \$48,000.00 is for this modification only. In the event the permit expires prior to the County having obtained materials or

equipment with a total value of \$48,000.00, the permittee shall pay the remaining balance of these improvement fees to the County.

Note that this fee is in addition to the \$6,600 a year in maintenance fees that the project currently pays to mitigate impacts from the existing project-related traffic.

(Source: Initial Study Guidelines p.92 and 97)

### **Tactical Access**

Tactical access is an organized system of roads/access to and from a project utilized in the event of any emergency or disaster. Tactical access for public roads is adequate and meets the Ventura County Fire protection District standards. Therefore, **no impacts** to tactical access will occur as a result of the project.

(Source: Initial Study Guidelines p. 98)

## ***B. Private Roads and Highways***

### **1. Safety/Design**

This issue refers to the physical configuration of existing and future roads or highways. The project shall meet current Fire District Standards and Public Works Road Standards, which may require on and off site road improvements. Therefore, **no impacts** with regard to the safety and design of private roads will occur as a result of the project.

(Source: Initial Study Guidelines p. 97)

### **2. Tactical Access**

Fire department turnouts/turnabouts along main access roads to the project shall be provided. High Fire Hazard weed abatement shall extend 100 feet from any structures and ten feet on either side of access roads. With these measures the project will have a **less than significant** impact on Tactical Access.

(Source: Initial Study Guidelines p. 98)

## ***C. Pedestrian/Bicycle***

## 1. **Public Facilities**

Public pedestrian and bicycle facilities are transportation facilities that serve pedestrians and bicyclists, such as sidewalks, bike lanes, bike paths and protected highway crossings. The existing roads in the proximity of the proposed project site have provided adequate facilities pursuant to the County's Road Standards and the State Department of Transportation (Caltrans). Due to the remote location of the project, it is not expected to add pedestrians and bicyclists to the area and is not expected to cause barriers to such facilities. Impacts related to pedestrian and bicycle facilities considered **less than significant**.

(Source: Initial Study Guidelines p.100)

## 2. **Private Facilities**

No private pedestrian or bicycle facilities occur in the vicinity of the project. Therefore, **no impacts** to such facilities will occur as a result of the project.

(Source: Initial Study Guidelines p.100)

## ***D. Off Street Parking***

Parking refers to off-street parking means in a facility/area, or the need for vehicle parking that is located outside of a public street right-of-way. The project will generate additional vehicles trips during the operation phase of the project and as such will have an impact on off-street parking. However, the 37 acre site is considered to provide adequate parking for the 8 employees plus small numbers of truckers or customers who may be on site at any one time. Therefore, impacts with regard to parking are considered **less than significant**.

(Source: Initial Study Guidelines p. 101)

## ***E. Bus Transit***

Bus transit means a system of, or the need for, public bus transportation. Due to the projects hours of operation and number of days operating per year, the project will not substantially interfere with existing bus transit facilities or routes. The project truck traffic will be scheduled so as to not conflict with school bus schedules along the anticipated haul routes. The project will have 8 employees in total and will not create a demand for bus transit facilities or services. Therefore, impacts to bus transit will be **less than significant**.

(Source: Initial Study Guidelines p.102)

### ***F. Railroads***

A railroad is a form of transportation on a permanent road base having a line of rails fixed to ties. Railroads are not located within the vicinity of the project. The project will not interfere with any existing railroad facilities or operations, as such, **no impacts** to railroads will occur.

(Source: Initial Study Guidelines p. 103)

### ***G. Airports***

The project will not impede the County's ability to provide safe and adequate airport service. It is not located within two miles of an airport and does not involve high buildings or residence or other uses considered incompatible with an airport. **No impacts** to airports will occur as a result of the project.

(Source: Initial Study Guidelines p. 104)

### ***H. Harbor Facilities***

The project will not be adjacent to any harbor and will not affect the operations of a harbor in any way, or increase the demands on harbor facilities. Therefore, **no impacts** to harbors will occur as a result of the project.

(Source: Initial Study Guidelines p.105)

### ***I. Pipelines***

Pipelines refer to conduits of pipe for the transportation of petroleum, petroleum produces, natural gas, etc. The project is not located over or near a pipeline facility or route. Therefore, **no impacts** to pipelines will occur as a result of the project.

(Source: Initial Study Guidelines p. 106)

## **WATER SUPPLY**

### **A. Quality**

Water supply refers to the supply of potable water used for human consumption or connected to domestic plumbing fixtures, in which the supply is obtained from an approved individual water supply system or public water system. Potable water will be provided by bottled water. Two portable toilets will be used for sanitation. Since the project is considered similar to that of construction work, the proposed project will not require a supply of domestic water. The site will not consume local water supplies for domestic use, and as discussed under Impact 4 (Water Resources) controls are in place to prevent contamination of groundwater and surface water. Therefore, the project will have **no impact** on the quality of domestic water available to the project.

(Source: Initial Study Guidelines p. 107)

### **B. Quantity**

As noted above, the project will use bottled and portable toilets. As such, it will not use local water for domestic purposes. Therefore the project will have **no impact** on the quantity of domestic water available to the project.

(Source: Initial Study Guidelines p. 109)

### **C. Fire Flow Requirements**

Fire flow is the number of gallons per minute of water available from a fire hydrant in the event of an emergency situation. To reduce the number of trips to obtain water for fire fighting purposes, an on site water supply shall be provided. A water truck and the on-site stock pond will provide this source of water for suppression. Water supply for fire protection will be required to meet the Ventura County Fire Protection District Current Ordinance with regard to fire flow. Therefore, **less than significant** impacts from the water supply for fire flow at the site will occur as a result of this project.

(Source: Initial Study Guidelines p.110)

## **WASTE TREATMENT/DISPOSAL**

### **A. Individual Sewage Disposal System**

An individual sewage disposal system is system that disposes of domestic wastes generated by individual residences and businesses located in areas without access to public sewer service. Portable toilets will be provided during the project operations. The project will not require the use of an on-site sewage disposal system. Therefore, the project will create **no impact** relative to sewage disposal.

(Source: Initial Study Guidelines p. 111)

### ***B. Sewage Collection/Treatment Facilities***

As stated directly above, the project will utilize portable toilets during operations.

Therefore, the project will not generate sewage effluent and will not be connected to a sewage treatment facility. Therefore, the project will not affect the capacity of any such facility.

**No impact** to a sewage collection facility or treatment plant will occur as a result of the project.

(Source: Initial Study Guidelines p. 113)

### ***C. Solid Waste Management***

According to the EERD's thresholds of significance for impacts to solid waste facilities, any discretionary development project that could generate solid waste would have an impact on the demand for solid waste disposal capacity. However, unless the county has reason to believe that there is less than 15 years of disposal capacity available for the disposal of waste generated by in-county projects, no individual project of this type and magnitude would have a significant impact on the demand for solid waste disposal capacity. The Countywide Siting Element, adopted in June of 2001, confirms that Ventura County has 15 plus years of disposal capacity available for waste generated by in-county projects. Accordingly, based on the current solid waste disposal capacity available to Ventura County, the waste generated by this project will fall below the EERDs threshold of significance. Therefore the project will have a **less than significant** impact on Solid Waste Management.

(Source: Initial Study Guidelines p. 114)

### ***D. Solid Waste Facilities***

Solid waste operations and facilities are those projects that involve solid waste handling, storage, processing and disposal activities. The proposed project does not include a

solid waste facility. Therefore, the project will create **no impacts** relating to solid waste facilities.

(Source: Initial Study Guidelines p. 115)

## **UTILITIES**

### **A. Electric**

Electric facilities include generation plants, transmission substations, and transmission lines. The project is not currently served by electricity, but electric facilities exist in the immediate area. A temporary power pole will be installed to supply 100 amp. electrical service to the scale house. Since electrical facilities are available impacts associated with this issue are **less than significant**.

### **B. Gas**

Gas refers to the fixed transmission and distribution system for natural gas, which supplies Ventura County. The project will not involve the use of natural gas. **No impacts** to a natural gas system will occur.

### **C. Communication**

Communication includes such uses and structures as radio and television transmitting and receiving antennas, radar stations, microwave towers and telephone facilities. The project will not involve any new or altered communication service. Therefore, **no impacts** with regard to communication facilities will occur.

(Source: Initial Study Guidelines p. 117)

## *FLOOD CONTROL/DRAINAGE*

### A. Flood Control District Facility

Flood control and drainage facilities provide for removal of accumulated storm waters from land through both man-made drainage facilities and natural channels. A Flood Control District Facility is a facility under the regulatory authority or ownership of the Ventura County Flood Control District. The proposed project site design and operations would take into account the potential surface water run-off on the site. Although the Cuyama River, a jurisdictional watercourse, crosses the property, the project has been designed so as to avoid adverse impacts to this facility. Therefore impacts to Flood Control District Facilities will be **less than significant**.

(Source: Initial Study Guidelines p. 119)

## **B. Other Facilities**

The project site grading would take into account the potential surface water run-off on the site. The project drainage facilities adequately protect the site from flooding from upland areas or the Cuyama River. Therefore, there would be **no impacts** relating to flooding induced by drainage facilities not under the regulatory authority of the Flood Control District.

(Source: Initial Study Guidelines p. 120)

## *LAW ENFORCEMENT/EMERGENCY SERVICES*

### **A. Personnel/Equipment**

The project will not require an increase in the existing law enforcement personnel or equipment needed to service the area. **No impacts** to law enforcement personnel or equipment will occur.

(Source: Initial Study Guidelines p. 121)

### **B. Facilities**

A law enforcement facility is a building used to house the personnel and equipment of the Sheriff for the purpose of performing their duties. The project will not require an expansion of law enforcement or emergency facilities and will not affect the response time. **No impacts** with regard to law enforcement or emergency facilities will occur as a result of the project.

(Source: Initial Study Guidelines p. 122)



## *FIRE PROTECTION*

### **A. Distance/Response Time**

The distance/response time is the relationship between the distance that fire protection service and facilities and equipment are located from the scene of the emergency, and the time in which they are able to respond to the emergency.

The distance from a full time, paid fire station is adequate and therefore the project does not indicate that a new fire station or additional equipment is required. The nearest fire station is the Ozena Valley Station located approximately 1.25 miles away at SR-33 and Lockwood Valley Road. Therefore, **no impacts** to the distance and/or response time of the Ventura County Fire Protection District are expected as a result of this project.

(Source: Initial Study Guidelines p. 123)

### **B. Personnel/Equipment/Facilities**

Personnel/equipment/facilities are the number of persons and amount and types of equipment and facilities employed in and available for purposes of response in the event of an emergency.

The magnitude of the project is not substantial enough or the distance from existing facilities great enough to require new facilities or equipment to be located in the vicinity of the project. Therefore **no impacts** to personnel, equipment or facilities are expected as a result of this project.

(Source: Initial Study Guidelines p.124)

## *EDUCATION*

### **A. Schools**

The term “schools” includes public elementary, secondary and college level educational facilities. This issue entails the direct impact to, and demand for, school facilities.

Since the project is a non-residential use it will have no impacts on the demand for schools in the area. Since the project is not located adjacent to a school it will not interfere with the operations of an adjacent school facility. The eastbound haul route for

the transport of material goes through the communities of Lake of the Woods, Frazier Park and Lebec, while the southbound traffic passes Nordhoff High School in Ojai. Impact 22A(2) (Public Roads Safety and Design) limits hauling through these areas when school buses are scheduled to be operating, or when students arrive or depart Nordhoff. Given the limited amount of truck traffic the project is expected to generate, and the plans to schedule hauling around school bus and school schedules, any impacts to school is expected to be **less than significant**.

(Source: Initial Study Guidelines p. 125)

### **B. Libraries**

The project will not interfere with the operations of an existing public library or put demands on an already overly crowded public library. **No impacts** to libraries will occur as a result of the project.

(Source: Initial Study Guidelines p. 126)

## *RECREATION*

### **A. Local Parks/Facilities**

A local park/facility serves the daily needs of a defined neighborhood or group of neighborhoods within an unincorporated urbanized area of the county. The project will not cause a demand in the need for local parks in the area. **No impacts** related to local parks or facilities will occur as a result of the project.

(Source: Initial Study Guidelines p. 127)

### **B. Regional Parks/Facilities**

The project will not cause an increase in the demand for recreation or regional park facilities. **No impacts** with regard to regional parks will occur as a result of the project.

(Source: Initial Study Guidelines p. 127)

### **C. Regional Trails/Corridors**

No regional trails or corridors exist within the immediate surrounding of the project. Given the nature of the project and compatibility of surrounding land uses **no impacts** to regional trails or corridors will occur as a result of the project.

(Source: Initial Study Guidelines p. 127)

END SECTION C

**Draft Initial Study Attachment 3  
Proposed “Conditional” Conditions  
LU04-0055 (Ozena Valley)  
July 2006**

Draft conditions proposed by County staff to be applied to LU04-0055 are listed below. In late 2006 the Ventura County Planning Commission will consider applying specific conditions in the following issue areas to three large aggregate mines in Grimes Grade between Moorpark and Fillmore. If specific conditions are applied to those mines, then the following conditions would ensure that similar conditions would also apply to LU04-0055. However, since it is not known which, if any, of the Grimes Grade mining conditions will be approved by the Planning Commission, the following conditions are not included as mitigation measures in the July 2006 IS/MND for LU04-0055.

**Staff Proposed Conditions:**

The following conditions shall be imposed only if they, or similar conditions, are first imposed on CUP 4171 (Best Rock), CUP 4874 (Grimes Rock) and CUP 4571 (Wayne J). In the event the following conditions are imposed on this project, the exact wording and timing of the implementation of each condition shall be determined by the Planning Director based on the equivalent condition approved for CUPs 4171, 4674 and 4571. In the event the permittee disagrees with the staff proposed wording and timing of these conditions, the permittee may appeal the staff decisions to the Planning Commission under the terms of the Zoning Ordinance appeal provisions then in effect.

Ozone Precursors

1. The permittee shall maintain fuel records and hours of operation for each piece of equipment per calendar year. An annual report shall be submitted to the County Planning Division stating the amount of fuel consumed and the number of hours of operation each year for each piece of equipment. Said report shall be submitted by January 31 of each year and cover the previous calendar year.
2. The permittee shall make on-site or other expenditures as approved by the Planning Division in consultation with the Air Pollution Control District (APCD) to reduce ozone precursors, or pay an in-lieu fee to the County of Ventura, APCD, or other organization approved by the Planning Division based on actual annual project-related production. Any payment of in-lieu fees shall be into an Emissions Mitigation Fund similar to that called for by the Off-site Transportation Demand Mitigation fund in the APCD Air Quality Assessment Guidelines. The goal of the program is to mitigate the project's mobile source nitrogen oxide

emissions that exceed the significance threshold of twenty-five pounds per day. Actual annual payments shall be determined based on actual production at the site, with the payments phased over time.

#### Dust

1. All trucks that haul material off the site shall be tarped or otherwise covered to prevent dust and debris from blowing off the trucks.

#### Truck Identification

1. The project shall participate in a coordinated truck identification system involving multiple mines to help in the enforcement of transportation related permit conditions. This system will use numbered, easily identified placards for product trucks leaving the site that allows easy determination of the origin of each vehicle.

#### Condition Compliance Program

1. In the event the County documents recurring violations of permit conditions, a mechanism is needed to impose meaningful penalties on the permittee to encourage compliance with the permit conditions. While final details will need to be negotiated as part of the decisions related to CUPs 4171, 4674 and 4571, such an enforcement program should have the following elements:
  - A. The Planning Division shall issue a formal Notice of Violation to document violations of the permits for the permittee and the public.
  - B. A system whereby the Planning Director makes a determination, based on evidence presented by the permittee and/or interested parties, as to whether any violation is a "substantial violation" that the permittee should have been able to prevent (i.e. that it was not a trivial violation, and was within the reasonable control of the permittee to prevent). Such a determination would consider the nature and cause of the violation, and what remedies, if any, the permittee has taken to prevent a recurrence.
  - C. Assessment of a large enough fine or other sanction on the permittee for any "substantial violations" as outlined in Element B above, so that the permittee would be encouraged to prevent the violation in the future. Any fine shall be drawn from a condition compliance surety on deposit with the Planning Division as funded by the permittee.

- D. Additional sanctions beyond those considered under Element C above if a specified number of “substantial violations” (Element B) occur. This would most likely involve returning the permit to the Planning Commission under the Modification/Revocation procedures of the Ventura County Zoning Ordinance. The cost of the Modification/  
Revocation procedure shall be borne by the permittee.
  
- E. This project may be required to abide by and/or enforce sanctions applied to third parties such as independent truckers if the third parties are unable or unwilling to comply with permit conditions. All projects located on or near SR-33 may be conditioned to abide by such sanctions on third parties as may be imposed by the Planning Division on any single project (e.g. if a trucker is barred from one site for a week, all the sites would also bar the same trucker for the same period).

END ATTACHMENT 3