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800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

January 30, 2007

Gary Kaiser, Supervising Planner
County of Santa Barbara
624 W. Foster Road
Santa Maria, CA 93455

Re: Diamond Rock Sand and Gravel Mine Revised Draft EIR

Dear Mr. Kaiser:

As the County Supervisor representing the Highway 33 corridor from Santa Barbara County to Ventura, I offer the following comments on the Revised Draft EIR (RDEIR).

Project Description:

Page 1-13 Second bullet point states: "...maximum production year (70,000 tons)...." This should be corrected to read "(750,000 tons)."

Further and more importantly, the estimate of 69 exit loads per day derived from this maximum of 750,000 tons assumes 365 days per year of operation- this is an unrealistically high number of operating days per year, yielding an inordinately low, and highly favorable to the applicant, maximum daily truck traffic volume. Most significantly, this unrealistic assumption misinforms a number of critical impact analyses to follow in the RDEIR.

My CD-ROM version of the RDEIR indicates that the Project Description section of the RDEIR was authored by Lou Merzario- an individual working under contract to the applicant. Thus the Project Description, the fundamental building block of the CEQA analysis, was provided by the applicant and included a critical assumption drawn in a manner most favorable to the applicant- an assumption highly unlikely to have a factual basis in actual mine operations.

The County of Santa Barbara owes a duty to the public to assure that the EIR is not based on faulty assumptions, and to independently verify information provided by the applicant. The critical data point of maximum exit loads should have been subjected to rigorous scrutiny, rather than relying on an obviously flawed, and favorable, estimating methodology supplied by the applicant. At a minimum, the County should survey other mines in the region to identify the actual number of operating days per year, and then divide the peak output by this fact-based number to revise the estimate of maximum exit loads.

Furthermore, the project description does not account for the fact that materials will be stockpiled on site and that peak exit loads could easily exceed processing capacity by drawing from stockpiled materials. The proposed Diamond Rock mine should be analyzed to ascertain the extent that exit loads exceed daily production volume based on utilization of stockpiled materials, and the Project Description revised accordingly.

A flawed Project Description in the area of a critical descriptor- maximum truck trips, both undermines the public information function of the EIR and fatally prejudices the ensuing analyses built upon this faulty assumption. The Project Description must be revised to accurately inform the public of the peak truck trip generation and must use this information as the basis for analyses of air quality, traffic, noise, and cumulative impacts.

Section 3.5 Traffic

The truck traffic estimates must be revised as per revisions to the Project Description noted above.

The Mitigation Measures rely upon the ability to assure that no trucks pass through Casitas Springs during AM and PM peak hours to conclude that traffic impacts through the Ojai Valley will be mitigated. However, Measure TR-1 is not specific to the Casitas Springs area and contains no mechanism to assure its applicability there. More significantly, the proposal to monitor this measure solely through the mine gate truck log calls into question the feasibility of this measure.

To assure the safety of Nordhoff High School students who must cross the 4-lane section of Highway 33 without the aid of a traffic signal, a truck restriction to prevent trucking past Nordhoff at the AM, lunch, and PM peak pedestrian periods must be adopted together with a monitoring program that assures its feasibility as an actual traffic safety measure.

A more robust monitoring and enforcement program must be included in the EIR that assures that the time period restrictions can be monitored and enforced in the Ojai Valley for all trucks, including independent truckers' trucks. The monitoring and enforcement program should include: electronic transmittal of truck exit times to the county, establishing a monitoring fund

to pay for additional Santa Barbara County and Ventura County staff monitoring of trucks and for additional California Highway Patrol patrols, video logging of critical locations such as Nordhoff High School, placarding of all trucks including independents, and a substantial penalty bond to enable Santa Barbara County to readily penalize the operator for condition violations.

The designated Scenic Highway section of Highway 33 is a popular bicycle riding route, including regular usage for organized charity cycling events. Many riders have reported to me that they have been "run off the road" by trucks. These cyclists have observed the rear wheels of truck trailers crossing over the edge of pavement as they passed. Consequently, the EIR must identify that the traffic safety impact to bicyclists is potentially significant and analyze the impact. A field study must be done to observe (and video) actual in-transit double-trailer gravel trucks negotiating the shortest radius turns on the highway and the tunnels to determine whether these trucks travel the highway with adequate room to safely pass a bicycle. The field study should also be performed with two double-trailer trucks passing each other to determine whether, if this scenario should occur in the same location as a bicyclist, a significant safety hazard to bicyclists would exist. Should a significant safety hazard to bicyclists be found, measures to avoid the hazard must be devised, including restrictions on the type of truck used, days of operation, use of scout vehicles, etc.

To assure traffic, pedestrian, bicycle, and child safety within residential neighborhoods, and to avoid noise and quality of life impacts, a mitigation measure should be included to prohibit trucks from using streets other than State highways within the Ojai Valley unless making local deliveries.

Section 3.6 Noise

The noise impact analysis should be revised to reflect the revised truck traffic volumes related to the comments above on "Project Description."

Table 3.6-13 shows truck trip increases for both daytime and nighttime, however, no explanation is provided for assigning project-related truck trip increases to the day or night categories. The Table's assignment of increases of daytime and nighttime traffic of 8 and 2 trucks per hour respectively are not based upon any limitations in the Project Description. Without such a basis in the Project Description, Table 3.6-13 substantially undercounts nighttime trips, and should be revised to reflect that no constraints upon nighttime trucking exist. The nighttime noise impact analysis should be revised accordingly.

Page 3.6-18, last sentence states: "Trucks could haul everyday, including Sunday 5:00a.m. to 6:00p.m." The project description does not contain any such limits on Sunday hauling, and in fact the project description would enable Sunday hauling to occur 24 hours per day; this sentence should be revised accordingly.

Gary Kaiser
January 30, 2007
Page four

The impact analysis does not address the noise contribution of engine or "jake" brakes on truck-related noise generation. Residents along Highway 33 in the urbanized Ojai Valley report that trucks use these brakes near their homes. The impact analysis should be revised to address this noise component.

The Mitigation Measures includes a measure to prohibit the use of "jake" brakes in the Cuyama Valley; this measure should also apply to the Ojai Valley.

The noise impact of nighttime trucking on residents in quiet settings is not accurately reflected in time-based noise averages. The episodic noise of a truck passing within 50 feet of a home is sufficient to wake people from their sleep, as attested at public hearings. Nighttime truck noise past nearby homes should be considered a significant noise impact upon people, and mitigations to avoid it, i.e. nighttime trucking prohibition, should be included in the EIR.

Section 3.7 Air Quality

The impact analysis must be revised to account for the higher daily maximum truck trips as described above under Project Description. The higher daily maximum truck trips will yield a higher daily tonnage of emissions that then must then be analyzed under the Ojai significance threshold of 5 lbs. per day of NOx.

Truck trips through the Ojai Valley are round trips, thus the truck emission quantification should double the number of maximum daily exit loads when calculating the total miles driven through the Ojai Valley.

Section 6.0 Cumulative Impacts

Section 6.1 GPS Mine: The last sentence of the first paragraph states that "Under the current land use permit, mining and processing occur from 5:00 a.m. to 5:00 p.m...." E-mail correspondence from Gary Kaiser to Steve Offerman dated January 23, 2007 indicates that no such restrictions exist in the GPS land use permit. This should be corrected.

Section 6.2 Cumulative Impacts with Truck Traffic from other mines in the regions: This section disregards the aforementioned GPS mine. This section must be revised to add-in the traffic from the proposed expansion of the GPS mine. The referenced Figure 2-8 is absent or erroneous.

More importantly, neither the Cumulative Impacts section nor Section 3.5 Traffic and Circulation actually perform a cumulative impact analysis of cumulative traffic. It is not adequate under CEQA to simply state that cumulative traffic volumes will be greater- a cumulative traffic analysis

must be prepared that quantifies the cumulative traffic volumes, then analyzes the impacts of this cumulative traffic using adopted impact thresholds.

Without quantification of the impacts, the public information function of the EIR is undermined and the ability to devise mitigation measures that would reduce impacts below the level of significance is eliminated. Cumulative traffic volumes through the Ojai Valley must be identified.

Similarly, no actual cumulative impact analysis of cumulative Air Quality impacts is performed either. The actual cumulative quantities of cumulative emissions from cumulative traffic must be identified, and an impact analysis must be performed on these cumulative emissions using applicable impact thresholds for the various impact areas.

Similarly, no actual cumulative impact analysis of Noise impacts is performed either. The actual noise levels from the cumulative traffic volumes must be calculated and impact analysis performed on these cumulative noise level increases along all trucking corridors.

Lastly, while the Cumulative Impacts analysis correctly concludes that the impact on Quality of Life is significant and unavoidable, the analysis is devoid of specific and quantitative analysis, thereby rendering it inadequate to the task of identifying mitigation measures that would reduce the impact, which measures are predictably entirely absent.

The Quality of Life impact analysis must identify which aspects of the mine operation pose the greater impacts to Quality of Life and identify measures that reduce these impacts. It is not sufficient to write-off the required impact analysis and mitigation process with a broad-brush dismissal that impacts are unavoidable. Surely, measures as obvious as prohibiting around-the-clock trucking in front of homes will substantially lessen the impact on Quality of Life.

The EIR must recognize that the cumulative truck traffic volumes through the Ojai Valley are a significant impact to the quality of life of all 30,000 of the Valley's residents. Converting a recreational and residential highway into a heavy truck corridor will impact Ojai Valley residents and visitors in many ways. The impact to this otherwise tranquil and beautiful highway corridor from the roar, pollution, hazard, and incongruous intrusion of hundreds of trucks per day is an unacceptable impact that must be avoided.



Steve Bennett,
Supervisor, First District

