



January 31, 2007

VIA EMAIL & CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Santa Barbara County Planning  
Attn: Gary Kaiser  
624 W. Foster Rd.  
Santa Maria, CA 93455  
gkaiser@co.santa-barbara.ca.us

Re: Comments on Draft Environmental Impact Report,  
Diamond Rock Sand & Gravel Mine and Processing Facility

Dear Mr. Kaiser:

Thank you for this opportunity to provide our comments on the Draft Environmental Impact Report ("DEIR") for the Diamond Rock Sand & Gravel Mine and Processing Facility.

Los Padres ForestWatch is a community-based nonprofit organization working to protect and restore the Los Padres National Forest and other public lands along California's Central Coast. Through innovative field work, scientific collaboration, and legal advocacy, we work to safeguard the forests, mountain streams, rolling hills, deserts, sagebrush, wilderness, and wildlife of this spectacular area. ForestWatch is supported by more than 400 members, including forest users, scientists, farmers, landowners, local business leaders, and others who depend on a healthy forest and want to see it protected for generations to come.

Based on our careful review of the DEIR in its entirety, we have serious concerns about the prospect of adding even more truck traffic to Highway 33, a California State Scenic Highway and a National Forest Scenic Byway that takes travelers through the heart of the Los Padres National Forest. The highway passes within a few hundred feet of three Wilderness Areas – the Matilija, Sespe, and Dick Smith wilderness areas – and runs for a dozen miles along a stretch of Sespe Creek that is recommended for

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protection under the federal Wild & Scenic Rivers Act. The highway is the only access route to some of our region's most popular recreation areas, including Wheeler Gorge, Rose Valley, Piedras Blancas, and Pine Mountain. Additional truck traffic will harm the values of this scenic corridor, at a great price to local communities who are dependent on tourism and forest recreation.

We're also concerned about the failure of the DEIR to analyze a reasonable range of alternatives. We would like to see an analysis in the DEIR of alternate south-bound trucking routes that avoid cutting through the forest on Highway 33.

We're also concerned that the DEIR fails to adequately analyze the cumulative impacts of the Diamond Rock mine and at least three other mines that add truck traffic to this stretch of Highway 33 – the Lima Gypsum Mine, the Ozena Mine, and the GPS Mine. Combined, these and other mines in the area add hundreds of truck trips per day to Highway 33, creating significant cumulative impacts that the DEIR fails to mitigate.

#### 1. The DEIR Fails to Adequately Analyze and Mitigate Cumulative Impacts

The CEQA Guidelines define cumulative impacts as “the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” CEQA Guidelines § 15355(b). An EIR must contain an analysis of all cumulative impacts. *Id.* at § 15130(a) (stating that an EIR “shall discuss cumulative impacts of a project when the project’s incremental effect is cumulatively considerable.”)

The cumulative impacts analysis in the Diamond Rock DEIR is only three pages in length, and fails to comply with CEQA requirements for cumulative impacts. First, the discussion on the GPS mine (Section 6.1) merely provides a bulleted list of potential cumulative impacts without any discussion or analysis, without any finding of significance, and without any mitigation measures. In similar fashion, the discussion on cumulative truck traffic (Section 6.2) merely concludes that “[t]he combination of new truck trips on this portion of State Route 33 would exacerbate the noise impacts on residents along State Route 33 and the traffic safety concerns associated with the proposed project.” DEIR at p. 6-2. Again, this section does not include any analysis of whether these impacts are “considerable” or “significant,” and does not include any proposed measures to mitigate these significant cumulative impacts. Moreover, Section 6.2 fails to include other projects that cumulatively add truck traffic to Highway 33,

including the Ojai Quarry, the TXI Pacific Custom Materials mine on Lockwood Valley Road, and other smaller mines in the area.

The discussion of cumulative impacts on quality of life (Section 6.3) is equally deficient because it offers no mitigation measures. It concludes:

If all three aggregate mines are operating in the area, along with the Lima Gypsum mine, their combined effects would likely be viewed by some residents as inconsistent with the rural nature of the region. For these reasons, the potential cumulative impacts on the quality of life in the area are considered adverse and unavoidable.

DEIR at p. 6-3. The DEIR offers no attempt to present feasible mitigation measures to reduce these cumulative impacts.

Finally, the three-page cumulative impacts analysis fails to discuss the cumulative impacts of combined truck traffic on scenery and recreation along Highway 33, forest recreation, air quality, and groundwater supply.

For these reasons, we urge the County to significantly revise its cumulative impacts analysis and to recirculate the DEIR for further public review and comment.

## 2. The DEIR Fails to Adequately Analyze and Mitigate Significant Impacts to Recreation Activities in the Los Padres National Forest

The Los Padres National Forest is one of the region's premier destinations for outdoor recreation. According to estimates by the federal government, more than 1.7 million visitors enjoy the Los Padres National Forest each year. U.S. Forest Service, Revised Visitation Estimates: National Visitor Use Monitoring Program, 2006 (available at <http://www.fs.fed.us/recreation/programs/nvum/>). The purpose of most (81%) visits to the Los Padres National Forest is "viewing natural features such as scenery" and "relaxing, hanging out, escaping noise." U.S. Forest Service, Final Environmental Impact Statement, Volume 2 (Appendices) for Land Management Plans, Southern California National Forests, R5-MB-074-B, 2005, Table 423, page 370.

Highway 33 provides the primary access route to popular recreation destinations in the southern Los Padres National Forest. Because of the popularity of the Highway 33 corridor for outdoor recreation activities, the Wheeler Gorge Visitors' Center – the only stand-alone visitors' center in the entire Los Padres National Forest – is located along the highway, directly across from the Wheeler Gorge campground. The Wheeler Gorge

Campground hosts an average of 30-50 campers per night. U.S. Forest Service, Jacinto Reyes Scenic Byway Corridor Management Plan, 2004, p. 62). Highway 33 is also the only access route for two official recreation areas in the forest – the Rose Valley Recreation Area and the Pine Mountain Recreation Area.

The highway serves as a trailhead for several popular hiking, biking, and equestrian trails, including the Cozy Dell Trail, the Wheeler Gorge Nature Trail, the Middle Sespe Trail, the Potrero John Trail, the Chorro Grande Trail, the Bear Canyon Trail, the Boulder Canyon Trail, and numerous unnamed trails. The highway also provides access to trails leading into the Sespe, Matilija, and Dick Smith wilderness areas.

Highway 33 is also known for its popular rock climbing sites, including Munson and Reese Boulders, Pine Mountain Inn, Potrero John, the Black Wall at Sespe Gorge, Wheeler Gorge, and many other named boulders and climbing routes. Several swimming holes are located immediately alongside the Highway in the North Fork of Matilija Creek. It's also a popular route for bicyclists and is a world-class motorcycle route.

The DEIR fails to analyze the impacts of truck traffic (both project-specific and cumulative) on forest recreation. For example, the DEIR states

*It should be noted that the focus of the Scenic Byway users is primarily directed to activities at certain destinations along the route (e.g., camping, hiking, etc), or simply sightseeing. While the volume of traffic can detract from these activities, they do not preclude them.* The Scenic Byway Corridor Management Plan acknowledges that the state highway is open to all users, and that the Forest Service and Caltrans have, within their existing authorities, the ability to improve the visitor's experience by improving roadway operations and safety over time. In light of the above information, the increase in truck traffic on the Scenic Byway associated with the proposed Diamond Rock mine, and its effect on visual qualities of this scenic highway, is considered adverse, but less than significant (Class III). The primary impact would be the visitor's perceived increase in truck traffic and its effect on the pleasure driving experience. The magnitude of impact would be very small and episodic.

DEIR at p. 3.8-17 (emphasis added). The DEIR must analyze the impacts to outdoor recreation activities, and cannot avoid a finding of significance merely because outdoor recreation is not "precluded." This is the equivalent of dismissing air pollution impacts because pollutants do not preclude breathing. The DEIR must analyze at what level truck traffic volume detracts from outdoor recreation, and if that level is significant, then the DEIR must seek to avoid or mitigate those impacts.

The U.S. Forest Service and CalTrans may have the authority to improve highway conditions with respect to roadway operations and highway safety, but lack the authority to protect outdoor recreation from the noise and visual blight of truck traffic. Therefore, there is no sufficient basis in the DEIR to make a “less than significant” finding. The DEIR bases this finding on the “primary impact” of “the visitor’s perceived increase in truck traffic and its effect on the pleasure driving experience.” DEIR at p. 3.8-17. This explanation ignores the impacts to outdoor recreation along (but not on) the highway, where the magnitude of the impact is not “small and episodic.” Instead, forest visitors who are swimming, fishing, climbing, hiking, camping, or bicycling near the highway will suffer the impacts of increased truck traffic throughout the duration of their visit.

Other than this brief discussion on recreation impacts, the DEIR fails to address impacts to forest recreation. The only discussion on scenic impacts to recreationists is in the context of the actual project site. Specifically, the DEIR states:

Local residents may make multiple trips past the project site in a single day and as a result are less sensitive to the visual environment than a tourist seeing the area for the first time. Tourists are likely to be more conscious of surrounding views as they travel on State Route 33. However, tourists are more likely to be outdoor recreationists, hunters, or off-road enthusiasts, and are not necessarily visiting the area solely for its scenic beauty. Based on these considerations, the overall viewer sensitivity *at the project site* is expected to be low to moderate.

DEIR at p. 3.8-5 (emphasis added). This discussion not only ignores the scenic and visual impacts of truck traffic along Highway 33, but also contains an inaccurate statement about visitors “not necessarily visiting the area solely for its scenic beauty.” As stated above, and according to recent surveys conducted by the U.S. Forest Service, visitors to the Los Padres cite “viewing natural features such as scenery” and “relaxing, hanging out, escaping noise” as their primary reasons for visiting the forest.

The DEIR selects two “key observation points” to assess scenic impacts (see DEIR at p. 3.8-5), but these key observation points were selected based on the visibility of the mining site. The DEIR should select and assess the impacts to several “key observation points” in the forest that are frequented by forest visitors and representative of the truck-related impacts to forest recreation.

Finally, the DEIR is silent on impacts to recreation activities *on* Scenic Highway 33, including bicycling and motorcycle riding. Additional truck traffic presents unique safety concerns to these recreationists that must be analyzed and mitigated.

In short, the DEIR improperly dismisses impacts to outdoor recreation activities along Highway 33, fails to select any “key observation points” for recreation areas, and is based on incorrect assumptions about the purposes of visits to the forest. For these reasons, the DEIR must be revised and recirculated.

3. The DEIR Fails to Adequately Analyze and Mitigate Significant Impacts to Scenic Highway 33

As stated in the DEIR, Highway 33 is a State Scenic Highway and a National Forest Scenic Byway. DEIR at p. 3.8-12. The DEIR’s discussion of impacts to the Scenic *Byway* is inadequate, and the discussion of impacts to the Scenic *Highway* is absent.

Truck traffic from the Diamond Rock mine and/or other mines would likely require the installation of slow-vehicle and passing lanes that would negatively affect the scenic character of Highway 33. The impacts of this road widening are not discussed in the DEIR, even though the DEIR cites to recommendations in the Corridor Management Plan that call for “slow vehicle ‘turnout lanes’ (for slow-moving vehicles)” and “passing lanes.” DEIR at p. 3.8-15. The DEIR must evaluate the need for additional turnout or passing lanes as a result of the proposed project.

a. National Forest Scenic Byway

We appreciate the addition of a section in the DEIR on impacts to the stretch of Highway 33 that is designated as a National Forest Scenic Byway. However, the analysis contained in this section is inadequate, and wrongly concludes that these impacts to its scenic character are not significant.

For example, the DEIR lists the management objectives that are outlined in the Jacinto Reyes Scenic Byway Corridor Management Plan. DEIR at p. 3.8-14. These objectives include “high quality recreation opportunities” in “predominantly natural settings,” as well as maintaining the “high scenic integrity of the corridor, as viewed from the Scenic Byway *and associated activity nodes.*” *Id.* (emphasis added). The DEIR includes no analysis of whether these objectives are currently being attained with respect to truck traffic, and no analysis of whether they would be attained with additional truck traffic. Moreover, the DEIR completely ignores any analysis of the scenic characteristics of the highway from “associated activity nodes” like campgrounds, hiking trails, swimming holes, and other popular recreation sites.

b. California State Scenic Highway

The DEIR correctly states that CalTrans designated a portion of Highway 33 as a state Scenic Highway, from milepost 17.5 (near Wheeler Hot Springs) to milepost 57.5 (the Santa Barbara County line). However, the DEIR fails to analyze impacts to the highway's classification as Scenic Highway – which has different eligibility requirements and restrictions than a Forest Service Scenic Byway.

The DEIR also fails to analyze the impacts to the stretch of Highway 33 from the Santa Barbara County line north to the intersection with Highway 166. This stretch is *eligible* for designation as a state Scenic Highway. Cal. Streets & Highways Code § 263. The DEIR must analyze the impacts of the truck traffic and mine on the eligibility of this stretch for Scenic Highway status. For example, the DEIR must analyze whether the placement of a mine along an eligible stretch of Highway 33 would preclude future designation as a State Scenic Highway.

The DEIR also fails to analyze the consistency of the project with the Scenic Corridor Protection Program for Highway 33. This program is required by Cal. Streets & Highways Code § 261 and is designed to ensure that development is consistent with the scenic goals and values of the corridor.

4. The DEIR Fails to Analyze Impacts of Truck Traffic on the Designation of Sespe Creek as a Wild & Scenic River

The federal Wild & Scenic Rivers Act provides protection for rivers that possess “outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values,” and seeks to preserve these rivers in their free-flowing condition. The Act also states that “their immediate environments shall be protected for the benefit and enjoyment of present and future generations.” 16 U.S.C. §§ 1271. These protections apply to the river itself, as well as the “related adjacent land area.” 16 U.S.C. § 1272(b).

The revised Land Management Plan for the Los Padres National Forest recommends for Wild & Scenic River designation a stretch of Sespe Creek along Highway 33. This segment of Sespe Creek extends for 11.5 miles, from Chorro Grande Canyon to Rock Creek. Specifically, the Land Management Plan states:

Sespe Creek has exemplary visual features, including contrasts created by large rock outcroppings and seasonal colors, and water that attracts regional and national attention.

Below Chorro Grande Canyon, Sespe Creek offers excellent dispersed recreation opportunities, such as swimming and wading, picnicking, backpacking, hiking, horseback riding, bicycling, rock climbing, hunting, fishing, photography, driving for pleasure and viewing scenery on the adjacent scenic byway.

U.S. Forest Service, Land Management Plan Part 2: Los Padres National Forest Strategy, 2005, pp. 94-95. In the Forest Service's eligibility study of this segment (available at <http://www.fs.fed.us/r5/scfpr/projects/lmp/docs/wildandscenicrivers.pdf>), the agency recognized its "outstandingly remarkable" scenic, recreational, and wildlife values, stating:

Recreation activities below Chorro Grande Canyon include swimming and wading, picnicking, backpacking, hiking, horseback riding, bicycling, rock climbing, hunting, fishing, photography, and driving for pleasure with outstanding visual experiences. All but two miles of this segment is near State Highway 33. As a California Scenic Highway and National Forest Scenic Byway, State Highway 33 has the potential to draw visitors from throughout California and the nation....

Visitors can choose among a variety of dispersed recreation opportunities as listed above. As recreation use increases on the highway, it demonstrates the willingness of visitors to travel long distances to use the river resources for recreational purposes. Interpretive exhibits are planned along the highway, and have the potential to attract visitors from outside the region. *River access would be mostly from the shoulder of State Highway 33.*

(emphasis added)(see pp. 232-248). This study noted that 12 miles of this segment are visible from the scenic byway, and vice versa. Given the outstandingly remarkable values of this corridor, along with the fact that most river access is from the shoulder of Highway 33, the Diamond Rock project will have a significant impact on the eligibility of this stretch of river for Wild & Scenic designation. The DEIR must disclose and mitigate this impact to the fullest extent possible.

5. The DEIR Fails to Analyze Consistency with the Los Padres National Forest Land Management Plan

The U.S. Forest Service recently revised its land management plan for the Los Padres National Forest, including a Desired Condition for the Highway 33 corridor. U.S. Forest Service, Land Management Plan Part 2: Los Padres National Forest Strategy, 2005, pp. 59-61.

The DEIR must ensure that the Diamond Rock mine project (and associated truck traffic) is consistent with the forest plan. However, the DEIR does not even mention the forest plan.

6. The DEIR Fails to Analyze and Mitigate Significant Impacts to Class II Airsheds in the Dick Smith, Sespe, and Matilija Wilderness Areas

The federal Clean Air Act defines Class I airsheds as “all...national wilderness areas which exceed 5,000 acres in size...and which are in existence on the date of the enactment of the Clean Air Act Amendments of 1977” or airsheds redesignated as Class I airsheds by the State of California (42 U.S.C. §7472(a); 42 U.S.C. § 7474(a)). The Diamond Rock mine and associated truck traffic may impact three Class I or Class II airsheds – the Matilija Wilderness Area, the Dick Smith Wilderness Area, and the Sespe Wilderness Area. These impacts must be disclosed in the DEIR. However, the relevant portions of the DEIR on air quality impacts do not address air quality impacts to these wilderness areas.

7. The DIER Fails to Adequately Analyze and Mitigate Significant Impacts to Groundwater Supplies in the Cuyama Basin

According to the DEIR, the Diamond Rock mine project will extract water from the Cuyama Valley Groundwater Basin. DEIR at p. 3.3-1. The basin is currently in a state of overdraft of about 25,000 to 30,000 acre-feet per year, causing groundwater levels to drop by as much as 300 feet in some portions of the basin. *Id.*

The proposed Diamond Rock mine will consume between 59,686 and 83,346 gallons per day, and between 55.24 and 77.11 acre-feet per year, from a basin that is already experiencing severe groundwater overdraft. DEIR at p. 3.3-4, Table 3.3-1. This is a significant impact because it exceeds the County’s significance threshold of 31 acre-feet per year.

However, the DEIR concludes that the project’s groundwater consumption is not a significant impact. The DIER reaches this conclusion after subtracting a “historic use” credit of 45.80 acre-feet per year, an amount equal to the water currently used at the project site for alfalfa crops. DEIR at p. 3.3-5. The County cannot subtract this historic use from the current project’s predicted groundwater consumption, particularly when that historic use exceeds the County’s own thresholds of significance and have never before been subject to CEQA analysis.

The DEIR also fails to evaluate the cumulative impacts to groundwater supply. As the DEIR recognizes, the Cuyama Valley Groundwater Basin is already in a state of severe overdraft. Even if the proposed Diamond Rock mine does not individually cause significant impacts, the fact that it is withdrawing *any* groundwater from an already-overdrafted basin indicates significant cumulative impacts that must be mitigated.

8. The DEIR Fails to Adequately Analyze and Mitigate Significant Impacts to Wildlife in the Los Padres National Forest

The DEIR addresses impacts to wildlife and habitat at the proposed mine site, but fails to evaluate the wildlife impacts caused by truck traffic through the national forest. We are primarily concerned with the increased probability of vehicle strikes caused by additional truck traffic, particularly with respect to mammals like the San Joaquin kit fox, mountain lion, bear, and deer that cross Highway 33. Increased vehicle strikes are most likely to occur between dusk and early morning hours. The DEIR must disclose this potential impact and propose effective mitigation measures.

9. Conclusion

The DEIR fails to adequately analyze and mitigate significant impacts on forest recreation, scenery, a segment of Sespe Creek recommended for Wild & Scenic River designation, the Scenic Highway status, groundwater withdrawals in an already overdrafted basin, air quality in three wilderness areas, and vehicle strikes with wildlife. The DEIR also provides an inadequate analysis of cumulative impacts, and fails to analyze an alternative that prohibits additional truck traffic southbound on Highway 33. For these reasons, we respectfully request that the County revise and recirculate the DEIR.

Sincerely,



Jeff Kuyper  
Executive Director