

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director



DATE: April 9, 2015 (CC Meeting of 4/15/2015)

SUBJECT: Consider Response to Ventura County Planning Division on Recirculated Draft Environmental Impact Report (EIR) for Wayne J Sand and Gravel Mine Expansion, Case No. PL13-0116, a Request for a Modified Conditional Use Permit and an Amended Reclamation Plan for an Existing Mining Facility, Located at 9455 Buena Vista Street in the Moorpark Area of Interest

BACKGROUND/DISCUSSION

On March 13, 2015, the City received a Recirculated Draft EIR from the County of Ventura for the proposed Wayne J Sand and Gravel Expanded Mining Facility (Wayne J). This facility is located north of Moorpark adjacent to State Route 23 (Grimes Canyon Road). A Modification to the existing Conditional Use permit is required for the project which would, if approved, extend the permit from 2013 to 2043, increase the excavation area from 48 to 134 acres, increase production from 270,000 tons to 700,000 tons per year, and allow for an average of 240 and maximum of 300 truck trips per day, up from the current allowed 72 average and 100 maximum truck trips per day. Wayne J is also proposing to add asphalt and concrete recycling to their operation, which had previously been allowed but not built. Comments on the Draft EIR are due April 30, 2015. A copy of the executive summary of the Draft EIR is attached (Attachment 1).

This proposed expansion has been monitored by City staff for at least 12 years, due to concerns of the impacts of additional truck traffic in Moorpark. Staff sent the County Planning Division a comment letter on the original Notice of Preparation for this EIR on the Wayne J Mining expansion, dated December 17, 2003, a copy of the letter is provided, (Attachment 2). Also, staff sent the County Planning Division a comment letter on the Draft EIR, dated August 4, 2006, a copy of the letter is provided, (Attachment 3). The EIR Consultant, Envicom Corporation, sent staff a letter in response to our comments which was included in the Final EIR; the response to comments of the Final EIR, which was dated June 2009, is provided, (Attachment 4). Staff sent the County Planning Division a comment letter on the Response to

Comments prepared for the Final EIR, dated August 19, 2009, a copy of the letter is provided, (Attachment 5). Finally, staff sent the County Planning Division a comment letter with Requested Project Conditions, dated March 24, 2010, a copy of the letter is provided, (Attachment 6).

The City has retained The Sohagi Law Group to assist in reviewing and preparing comments on this Recirculated Draft EIR. Given the small amount of time between the receipt of the Draft EIR and the time comments are due, City comments are not expected to be available until close to the April 30 deadline for submission of comments. This item is being placed on the City Council agenda to give the City Council and public the opportunity to express the concerns they wish to see addressed in the City's comments on the Draft EIR and on the permit application.

STAFF RECOMMENDATION

Authorize staff to send a comment letter to Ventura County Planning Division to address the unresolved issues in the Recirculated Draft Environmental Impact Report and through the permit application review process.

Attachments:

1. Introduction and Executive Summary of Recirculated DEIR, dated March 2015
2. Staff comment letter on Notice of Preparation, dated December 17, 2003
3. Staff comment letter on Draft EIR, dated August 4, 2006
4. EIR Consultant Response to Comments in Final EIR, FINAL EIR dated June 2009
5. Staff comment letter on Response to Comments Final EIR, dated August 19, 2009
6. Staff comment letter with Requested Project Conditions, dated March 24, 2010



WAYNE J

**SAND AND GRAVEL
EXPANDED MINING FACILITY**

**RE-CIRCULATED DRAFT
ENVIRONMENTAL IMPACT REPORT**

CUP MODIFICATION 4571-6 and
AMENDED RECLAMATION PLAN
Case No. PL13-0116

ORANGE COUNTY, CALIFORNIA
SEP 2015

Volume 1 of 2

Prepared by and for:

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SCH# 2003111063

March 2015

CC ATTACHMENT 1

A. DISCUSSION OF RECIRCULATION OF DRAFT EIR

Introduction:

In compliance with the California Environmental Quality Act (CEQA) Guidelines, a lead agency "is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review . . . but before certification." (Calif. Code of Regs., tit. 14, § 15088.5, subd.(a).) Based on this governing CEQA law and several significant changes affecting this project, the County has prepared this Recirculated Draft Environmental Impact Report (RDEIR) for the Wayne J Sand and Gravel project for public review and comment.

Before explaining the significant changes affecting this project, a brief history of the County's CEQA analysis of this project is in order. A Draft Environmental Impact Report (DEIR) for the proposed Wayne J mine expansion project was prepared and circulated for public review in the summer of 2006.¹ The County, as the CEQA lead agency, received a substantial number of written public comments on this DEIR and the County prepared written responses to these public comments pursuant to CEQA Guidelines section 15088. Moreover, the County made numerous revisions to the DEIR's language and analysis.

In June 2009, the County prepared a proposed Final Environmental Impact Report (FEIR) and released it for public review and comment. In addition, the County's Environmental Report Review Committee (ERRC)² held several public hearings (July 15, 2009, August 12, 2009, and March 3, 2010) on this FEIR and received public comment and testimony on the FEIR. On March 3, 2010, the ERRC voted to find the EIR "technically adequate." The 2009 FEIR was not forwarded to the County Planning Commission for its consideration of the Wayne J Sand and Gravel Conditional Use Permit (CUP) Major Modification request.

Since the preparation of the 2006 DEIR and the 2009 FEIR for the Wayne J project, various changes in circumstances have occurred that affect the CEQA analysis of the project and that now require the recirculation of the Draft EIR for public review and comment. These changed circumstances are as follows:

¹ 2006 Draft EIR was prepared by ENVICOM CORPORATION, 28328 Agoura Road, Agoura Hills, California 91301 (818) 879-4700

² The ERRC was a committee of County staff persons from various County agencies and special districts charged with the task of reviewing EIRs where the County was the lead agency for the subject project. ERRC's role was to determine the "technical adequacy" of the EIR before the project would go to the County land use decision-making body. In 2010, the County Board of Supervisors decided to eliminate the ERRC in order to streamline its CEQA process and procedure.

1. The preparation and submittal of an amended Reclamation Plan by the applicant for the proposed surface mining project in conformance with the California Surface Mining and Reclamation Act (SMARA) (Pub. Res. Code, § 2710 et seq) and corresponding State Mining and Geology Board Reclamation Regulations (Calif. Code of Regs., tit. 14, § 3500 et seq.). The County, as lead agency under both SMARA and CEQA for this project, is responsible for reviewing both the CUP modification and the amended reclamation plan as a single project under both laws. (*Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 267-270.) This amended Reclamation Plan revised the project description in terms of total acreage disturbed, configuration of the final reclaimed surface, re-vegetation standards, volume of material to be extracted, and extended further into the future the estimated date for the termination of surface mining activities.

2. In June 2010, the County adopted updates and revisions to its Administrative Supplement to the State CEQA Guidelines and its Initial Study Assessment Guidelines. These changes to the County's CEQA compliance guidelines necessitated substantial revisions to the Wayne J Sand and Gravel DEIR in terms of discussing potential environmental impacts, mitigation measure development, and general formatting of information.

RDEIR and Proposed FEIR Textual and Analysis Changes from the 2006 DEIR and 2009 FEIR:

Table A-1 below summarizes the changes in the RDEIR text from the 2006 DEIR and proposed 2009 FEIR.

Table A-1: Changes in text and analysis of 2006 DEIR and 2009 FEIR included in the 2014 RDEIR

Chapter Number	Title	Changes from 2006 DEIR incorporated into the 2015 RDEIR	Changes from 2009 FEIR incorporated into the 2015 RDEIR
1.0	Executive Summary	Executive summary reflects revised analysis described in this table. An impact and mitigation measure summary table has been added.	
2.0	Project Description	The project description has been revised to reflect the proposed amended Reclamation Plan. This includes the revised end date for mining of 2043.	
3.0	Related Projects	This section has been updated based on information provided by the City of Moorpark and the City of Fillmore. New maps of the Unincorporated area in the project vicinity, the City of Fillmore, and the City of Moorpark have been added.	
Environmental Setting and Impact Analysis			
4.1	Traffic/Circulation	This section has been revised to incorporate new traffic data collected in 2014 as reported in the February 2015 Traffic Study (Appendix B). This section also addresses the change from the former 2025 end date for mining activities to the new end date of 2043 as indicated in the proposed amended Reclamation Plan.	
4.2	Air Quality	This section has been revised to reflect 1) the projected change in mining facility emissions over the new estimated duration of mining activities and 2) the recent changes in State law that establish limits on heavy truck and construction equipment emissions.	
4.3	Noise	This section has been revised to eliminate on-road noise generated by material hauling trucks from consideration as an environmental impact. The County-adopted 2010 Initial Study Assessment Guidelines specifically exclude project-related traffic on State or Federal highways and roads included in the Regional Road Network from impact assessment. All of the potential haul roads are included in one of these roadway categories.	

4.0	4.4	Land Use and Planning	This section has been replaced with a new "Community Character" section prepared in conformance with the 2010 Ventura County Initial Study Assessment Guidelines.	
	4.5	Hydrology and Water Resources	This analysis has been revised based on the site conditions that would be created with the implementation of the proposed amended Reclamation Plan.	
	4.6	Biological Resources	This section has been revised to address the impacts resulting from the additional 14 acres of ground disturbance that would occur under the revised project description. The mitigation measures have also been revised as described in Table A-2 below.	
	4.7	Paleontological Resources	No substantive changes.	
	4.8	Climate Change	This section was added as it was not included in the 2006 DEIR.	This section was updated from the analysis presented in the 2009 FEIR to include current information.
	N/A	Visual Resources	A Visual Resources section has been added in the RDEIR to describe the change in public views along State Route 23.	
5.0	Alternatives	This section has been revised to reflect the changes in the project description and impacts identified in the RDEIR. The alternatives discussed in the RDEIR are limited to various levels of ground disturbance and operational intensity. The Alternatives discussed in the 2006 DEIR and 2009 FEIR that involve alternate truck hauling routes have been deleted because the County does not have the authority to regulate traffic on State highways pursuant to Section 21 of the California Vehicle Code.		
6.0	Significant Irreversible Environmental Changes	This section has been revised to reflect the proposed 2043 date for the termination of surface mining activities.		
7.0	Growth-Inducing Impacts	No change.		
8.0	Preparers of the EIR, Contacts and References	This section has been revised to identify the current members of County staff that participated in the preparation of the RDEIR.		

RDEIR Mitigation Measure Changes from 2006 DEIR and 2009 FEIR:

Table A-2 below describes the changes made to the mitigation measures in the RDEIR from both the 2006 Draft EIR and the 2009 FEIR, which reflect the County's consideration of CEQA Guidelines §15126.4 and related CEQA case law.

Table A-2: Changes in mitigation measures identified in the 2006 DEIR and 2009 FEIR that have been incorporated into the 2015 RDEIR

EIR Section	2006 DEIR MM#	Description of 2006 Mitigation Measure	Revisions made in 2009 FEIR	Additional revisions made in 2015 RDEIR
Traffic	T 1-1	Improvements to SR23/SR126 intersection	Measure identified as potentially infeasible under CEQA because of reliance on a future funding or implementing mechanism that was unspecified. Measure not recommended. New mitigation measures T 1-1 and T 1-1B added to address traffic congestion impacts.	Measure deleted because it is infeasible under CEQA as it relies on a future funding or implementing mechanism that has not been formulated, funded or adopted. CEQA Guidelines §15126.4(a)(2). Mitigation measures T 1-1 and T 1-1B have been revised to conform to new County standard condition of approval format.
	T 1-2	Improvement of Walnut Road/Casey intersection.	Measure deleted as road improvements have been installed.	No additional revisions.
	T 1-3	Improvements of segments of SR 23.	Measure identified as potentially infeasible under CEQA as it relies on a future funding or implementing mechanism that has not been formulated, funded or adopted. Measure not recommended.	Measure deleted because it is infeasible under CEQA as it relies on a future funding or implementing mechanism that has not been formulated, funded or adopted. CEQA Guidelines §15126.4(a)(2).
	T 1-5	Limitation on traffic on SR 118	Mitigation measure re-numbered to T 1-4 and revised to allow 72 peak hourly trips (PHTs) rather than 5 one-way trips on any	Mitigation measure deleted as the potential impact is addressed by Mitigation Measure T 1-1.

Traffic			working day.	
	T 2-1	Improvements of facility entrance on SR 23.	Mitigation measure language revised for clarity and to add timing component.	Mitigation measure deleted as the existing Wayne's Way entrance road constitutes an adequate connection to SR-23.
	T 3-1	Signalization of SR23/River Street intersection.	Mitigation measure deleted because a traffic improvement was installed that eliminated the identified impact.	No additional revisions.
	T 3-2	"Fair share" contribution to signal at SR23/Bardsdale intersection.	Mitigation measure renumbered to T 3-1 and identified as potentially infeasible under CEQA because of reliance on a future funding or implementing mechanism that had not been formulated, funded or adopted. Measure not recommended.	Measure deleted because it is infeasible under CEQA as it relies on a future funding or implementing mechanism that has not been formulated, funded or adopted. CEQA Guidelines §15126.4(a)(2).
	T 3-3	"Fair share" contribution to traffic signal at SR23/Bardsdale intersection.	Mitigation measure renumbered to T 3-2 and identified as potentially infeasible under CEQA as it relied on a future funding or implementing mechanism that has not been formulated, funded or adopted. Measure not recommended.	Measure deleted because it is infeasible under CEQA because of speculative reliance on a future funding or implementing mechanism that had not been formulated, funded or adopted. CEQA Guidelines §15126.4(a)(2).
T 3-4	Traffic impact mitigation fees.	Mitigation measure renumbered to T 3-3 and revised to remove conditional phrase "if an approved reciprocal TIMF agreement is in	Measure re-numbered to T 3-1 and revised to be presented in the new County standard format.	

			place.”	
	T 4-1	Studies of the need for future traffic lights at mine entrances.	Measure augmented to state that “each mine shall be responsible for full funding and implementation of the traffic signal for their access road.”	Measure deleted because it deferred formulation of a mitigation measure to the future. CEQA Guidelines § 15126.4(a)(1)(B).
	T 5-1	“Fair share” contribution to improvements of sharp turns, guardrails and other features of SR 23.	Measure identified as potentially infeasible under CEQA as it relies on a future finding or implementing mechanism that has not been formulated, funded or adopted. Measure not recommended.	Measure deleted because it is infeasible under CEQA as it relies on a future funding or implementing mechanism that had not been formulated, funded or adopted. CEQA Guidelines §15126.4(a)(2).
	T 6-1	“Fair share” contribution to pavement rehabilitation on SR 23.	Measure identified as potentially infeasible under CEQA as it relies on a future finding or implementing mechanism that has not been formulated, funded or adopted. Measure not recommended.	Measure deleted because it is infeasible under CEQA as it relies on a future finding or implementing mechanism that has not been formulated, funded or adopted. CEQA Guidelines §15126.4(a)(2).
Air Quality	AQ 1-1	Dust/PM10 emissions	Mitigation measure revised to clarify the definition of “inactive” areas and to specify the use of water or other dust control agents to minimize fugitive dust.	Mitigation measure revised to include clarified language and to be presented in the new County standard format.
	AQ 1-2	Dust impacts along external haul routes	Mitigation measure deleted and replaced with new measure AQ 1-2 that imposes modified VCAPCD	Mitigation measure revised for clarity with no substantive change.

			rules and regulations.	
Air Quality	AQ 1-3	Cleaning of trucks prior to departing mine site.	Mitigation measure deleted as issue is addressed by new measure AQ 1-2.	No additional change.
	AQ 1-4	Covering of material loads.	Mitigation measure renumbered to AQ 1-3 and revised for clarity and to specify its applicability to trucks operating under an account on file with the project.	Measure revised to be applicable to all material hauling trucks and presented in the new County standard format. Measure also revised to only require compliance with the applicable section of the California Vehicle Code.
	AQ 2-1	Reduction of ozone precursors	In-lieu fee payment option revised to reflect updated per pound mitigation fee. Text revised to delete the establishment of a priority to spend mitigation funds in the Fillmore/Moorpark area.	Measure revised to be presented in the new County standard format. Per pound mitigation fee and total in-lieu fee payment amount as determined by VCAPCD remains unchanged.
Noise	N 2-1	Limitations on the daily operational hours	Mitigation measure revised to require that onsite noise levels do not exceed County noise standards.	This mitigation measure has been deleted because noise impacts resulting from onsite operations has been found to be less than significant.
	N 3-1	Limitations on the time of truck arrivals and departures	Mitigation measure revised to allow truck staging within 7 miles of the project site rather than 4 miles.	This mitigation measure has been deleted because on-road noise generated by material hauling trucks has been eliminated from consideration as an environmental impact. The County-adopted 2010 Initial Study Assessment Guidelines specifically

				exclude project-related traffic on State or Federal highways and roads included in the Regional Road Network from impact assessment. All of the potential haul roads are included in one of these roadway categories.
	N 3-2	Mining projects to pay pro-rata share for noise mitigation	Measure language revised and a limitation on potential payments to property owners established. Measure identified as potentially infeasible under CEQA as it relies on a future finding or implementing mechanism that has not been formulated, funded or adopted. Measure not recommended.	Measure deleted because it is infeasible under CEQA as it relies on a future funding or implementing mechanism that has not been formulated, funded or adopted. CEQA Guidelines §15126.4(a)(2).
	N 3-3	Mining projects to pay pro-rata share for noise mitigation in cities	Measure identified as potentially infeasible under CEQA as it relies on a future finding or implementing mechanism that has not been formulated, funded or adopted. Measure not recommended.	Measure deleted because it is infeasible under CEQA as it relies on a future funding or implementing mechanism that has not been formulated, funded or adopted. CEQA Guidelines §15126.4(a)(2).
	N 3-4	Restricted use of engine braking	Measure not included in 2006 DEIR but was added in 2009 FEIR.	This mitigation measure has been deleted because on-road noise generated by material hauling trucks has been eliminated from consideration as an environmental impact. The County-adopted 2010 Initial

				Study Assessment Guidelines specifically exclude project-related traffic on State or Federal highways and roads included in the Regional Road Network from impact assessment. All of the potential haul roads are included in one of these roadway categories.
Land Use ³	LU 7-1	Payment of "fair share" contribution to Moorpark Eastern Bypass road.	Measure identified as potentially infeasible under CEQA as it relies on a future finding or implementing mechanism that has not been formulated, funded or adopted. Measure not recommended.	Measure deleted because it is infeasible under CEQA as it relies on a future funding or implementing mechanism that has not been formulated, funded or adopted. CEQA Guidelines §15126.4(a)(2).
Water Resources	WR 1-1	Use of State Water to avoid depletion of groundwater supplies	Measure renumbered to WR 2-1 and revised for clarity.	Measure deleted because the impact would not occur with the design of the proposed Reclamation Plan. CEQA Guidelines § 15126.4(a)(3).
	WR 2-1	Disposal of fines outside of quarry pit to avoid loss of recharge	Measures deleted in 2009 FEIR and replaced with measure WR 1-2 that addresses the disposal of fines left at the time of reclamation.	Measure WR 1-2 revised for clarity and renumbered to WR 1-1.
	WR 2-2	Standards for placement of fill into quarry pit.		

³ Note: The "Land Use and Planning" section of the EIR has been replaced with a section on "Community Character."

Water Resources	WR 2-3	Removal of concrete lined ponds at the time of reclamation.	Measure deleted in 2009 FEIR.	Measure not included in the 2015 RDEIR because it is not required to mitigate a potentially significant impact.
	WR 2-4	Design standard for the release of stormwater runoff.	Measure deleted in 2009 FEIR. Flood issues addressed by mitigation measure WR 5-1 that requires Watershed Protection District approval of flood control facilities.	Measure WR 5-1 revised for clarity and presented in the new County standard format.
	WR 3-1	Design of fuel storage and maintenance areas	Measure deleted in 2009 FEIR and replaced with measure WR 4-1 and slightly revised.	Measure WR 4-1 revised for clarity and presented in the new County standard format.
	WR 3-2	Stormwater and erosion control	Mitigation measure re-numbered to WR 4-2 and slightly revised.	Mitigation measure replaced with new measure WR 4-2.
	N/A	Limitation on future grazing	Measure not included in 2006 DEIR. Measure included in 2009 FEIR as WR 3-2.	Measure re-numbered to WR 4-3, revised for clarity, and presented in the new County standard format.
	WR 4-1	Irrigation of reclaimed areas	Measure replaced with new measure WR 3-1 that limits irrigation of reclaimed areas.	Measure re-numbered to WR 2-1 and revised to be consistent with the approved Reclamation Plan and adopted conditions of approval.
	N/A	Approval of drainage facilities by the Watershed Protection	Measure not included in 2006 DEIR but was added in 2009 FEIR as WR 5-1.	Measure WR 5-1 revised for clarity and presented in the new County standard format.

		District.		
	N/A	Access to completed areas for irrigation by water trucks.	Measure not included in 2006 DEIR but was added as WR 5-3 in 2009 FEIR.	Measure deleted as re-vegetation requirements are specified in the proposed amended Reclamation Plan prepared in accordance with SMARA.
	N/A	Design limitations for final slopes.	Measure not included in 2006 DEIR but was added as WR 5-4 in 2009 FEIR.	Measure re-numbered to WR 5-2, revised for clarity and presented in the new County standard format.
Biology	BR 1-1	Preservation of land to offset impacts	Measure revised to include priority of acquisition of local lands, phasing of mitigation, clarification of an endowment fund, and revised in mitigation ratios.	Measure content has been substantially revised for clarity and presented in the new County standard format.
	BR 1-2	Payment of in-lieu fees	Measure revised to reference a specific "Guidance Document" for compensatory mitigation projects.	Measure deleted as no in-lieu fee program has been identified, prepared or adopted. CEQA Guidelines § 15126.4(a)(2).
	BR 1-3	Staking of permit boundary	Measure revised for clarity.	Mitigation measure revised and presented in the new County standard format.
	BR 1-4	Plant communities and Plant	Measure slightly revised.	Measure deleted as the mitigation is accomplished by the revised mitigation measure BR 1-1.

Biology		Protection Plan		
	BR 1-5	Limitation on disturbed area	Mitigation measure revised to allow 55 acres of disturbed area rather than 35 acres.	Mitigation measure revised to allow 60 acres of disturbed area and presented in the new County standard format.
	BR 3-1	Protective fencing around trees	Measure slightly revised.	Measure deleted as the mitigation is accomplished by the revised mitigation measure BR 1-1.
	BR 3-2	Protected Tree Plan	Measure slightly revised.	Measure deleted as the mitigation is accomplished by the revised mitigation measure BR 1-1.
	BR 4-1	Obtain permits from non-County agencies	Measure not revised.	Mitigation measure revised and presented in the new County standard format.
	BR 6-1	Sensitive species protection plan	Measure revised to specify coordination required with the California Department of Fish and Game.	Measure has been deleted and replaced by BR 1-1.
	BR 7-1	Pre-disturbance surveys for sensitive birds.	Measure not revised.	Mitigation measure revised and presented in the new County standard format.
	N/A	Pre-disturbance surveys for sensitive wildlife species.	Measure not included in 2006 DEIR but was added as BR 7-2 in 2009 FEIR.	Measure replaced with new mitigation measures BR 7-2A and BR 7-2B.
	BR 10-1	Avoidance of California	Measure not revised.	Mitigation measure revised and presented in the new County standard format.

		Gnatcatcher		
	BR 11-1	Limitations on lighting	Measure not revised.	Mitigation measure revised and presented in the new County standard format.
	BR 12-1	Native vegetation planting plan	Measure revised to include various additional planting specifications.	Measure deleted as re-vegetation requirements are specified in the proposed amended Reclamation Plan prepared in accordance with SMARA.
	BR 13-1	Limitation on grazing	Measure deleted because of a similar requirement included in the Water Resources section.	Provision included in 2015 RDEIR as mitigation measure WR 4-3.
Paleontology	PR 1-1	Recovery of paleontological resources	Measure slightly revised for clarity.	Mitigation measure revised and presented in the new County standard format.
	PR 1-2	Training of mining staff	Measure not revised.	Measure deleted as the mitigation has been incorporated into PR 1-1.
	PR 1-3	Paleontological surveys	Measure not revised.	Measure deleted as the mitigation has been incorporated into PR 1-1.
	PR 1-4	Cessation of mining upon resource discovery	Measure not revised.	Measure deleted as the mitigation has been incorporated into PR 1-1.
	PR 1-5	Curation of fossil remains	Measure slightly revised for clarity.	Measure deleted as the mitigation has been incorporated into PR 1-1.
	PR 1-6	Duration of paleontological	Measure not revised.	Measure deleted as the mitigation has been incorporated into PR 1-1.

		recovery program		
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Comments and Responses to Comment on the RDEIR:

Section 15088.5(f)(1) of the CEQA Guidelines describes the requirement for the lead agency to respond to comments on a recirculated EIR as follows:

When an EIR is substantially revised and the entire document is recirculated, the lead agency may require reviewers to submit new comments and, in such cases, need not respond to those comments received during the earlier circulation period. The Lead Agency shall advise reviewers, either in the text of the revised EIR or by an attachment to the revised EIR, that although part of the administrative record, the previous comments do not require a written response in the final EIR, and that new comments must be submitted for the revised EIR. The lead agency need only respond to those comments submitted in response to the recirculated revised EIR.

Based on this section of the CEQA Guidelines, reviewers of this RDEIR are hereby notified that the County will not include any written responses to comments received during the 2006 DEIR review period or the 2009 FEIR review period in the Final EIR following this recirculation. But please know that all previous comments received on the 2006 DEIR and 2009 FEIR shall remain a part of the administrative record. In several cases, the previous comments resulted in revisions in the EIR. In any case, the County will only respond to those comments submitted in response to this RDEIR.

1.0 EXECUTIVE SUMMARY

1.1 INTRODUCTION

The County of Ventura has prepared this Recirculated Draft Environmental Impact Report (RDEIR) to assess particular potential environmental impacts of the proposed project to continue and expand the existing Wayne J Sand and Gravel mining operation. This RDEIR has been prepared in accordance with the California Environmental Quality Act (CEQA) (Pub. Res. Code § 21000 et seq.), the CEQA Guidelines (14 Cal. Code of Regs., § 15000 et seq.), the County of Ventura's Administrative Supplement to the CEQA Guidelines, and the County's Initial Study Assessment Guidelines.

The project applicant, Wayne J Sand and Gravel, Inc. (Wayne J), requests that Modification No. 6 of Conditional Use Permit 4571 (CUP 4571-5) be granted and that an Amended Reclamation Plan prepared pursuant to the California Surface Mining and Reclamation Act (SMARA) (Pub. Res. Code § 2710 et seq.) be approved. The reference number for this application is now PL13-0116. The requested actions would authorize an expansion of the area subject to surface mining activities and allow for the continuation of surface mining activities to the year 2043.

1.2 ORGANIZATION OF THE RDEIR

This RDEIR is divided into several sections that reflect the mandatory content of an EIR as required by Article 9 of the CEQA Guidelines. The key section of the EIR is Chapter 4.0. This chapter contains the evaluation of environmental impacts in the various issue areas for which the need for further analysis was identified in the Initial Study. Each of the impact analysis sections is divided into six subsections as follows:

- **Existing Conditions** – This subsection describes the existing environmental setting for each issue area.
- **Thresholds of Significance** – This subsection identifies the thresholds used to identify the significance of project impacts. These are based on the County of Ventura's Initial Study Assessment Guidelines or, where applicable, the City of Moorpark thresholds.
- **Project Impacts** – This subsection describes the extent to which the proposed project would affect the existing environment and whether that affect would constitute a potentially significant impact.
- **Cumulative Impacts** – This subsection evaluates the potential for significant impacts to result from the proposed project in combination with other anticipated development in the project area. Whether the proposed project contribution to any identified impact is cumulatively considerable is evaluated.

- **Mitigation Measures** – This subsection lists the mitigation measures required to reduce or eliminate the potentially significant environmental impacts identified for the proposed project.
- **Residual Environmental Impacts** – This subsection identifies the level of significance of the identified impacts with implementation of the identified mitigation measures.

1.3 SCOPE OF THE RDEIR

Prior to preparation of the original Draft EIR circulated for public review in 2006, an Initial Study was prepared in accordance with CEQA and the County's Initial Study Assessment Guidelines in effect at that time to identify potential environmental impacts associated with the proposed Wayne J project. This Initial Study is included as Appendix A of the original Draft EIR circulated for public review in 2006. The Initial Study identified potentially significant impacts in the following environmental issue areas:

- **Transportation/Circulation**
- **Air Quality**
- **Noise**
- **General Plan/Land Use Compatibility**
- **Hydrology and Water Resources**
- **Biological Resources**
- **Paleontology**

All of the issues listed above were addressed in the Draft EIR circulated for public review in 2006. Pursuant to CEQA Guidelines section 15088.5, this Recirculated Draft EIR has been prepared to incorporate changes in the project description, new County Initial Study Assessment Guidelines adopted in 2010, and a new amended Reclamation Plan. The requirement that the proposed modification of the CUP be considered concurrently with a complete Reclamation Plan is mandated by a 2010 California Appeals Court decision (*Nelson v. County of Kern*),

Section 15088.5(f)(1) of the CEQA reads as follows:

When an EIR is substantially revised and the entire document is recirculated, the lead agency may require reviewers to submit new comments and, in such cases, need not respond to those comments received during the earlier circulation period. The lead agency shall advise reviewers, either in the text of the revised EIR or by an attachment to the revised EIR, that although part of the administrative record, the previous comments do not require a written response in the final EIR, and that new comments must be submitted for the revised EIR.

The lead agency need only respond to those comments submitted in response to the recirculated revised EIR.

In accordance with the above guideline, this RDEIR constitutes a substantially revised entire EIR and responses to comments will only be prepared and included in the Final EIR for new comments submitted on this revised document. Note that the "General Plan/Land Use Compatibility" section has been replaced with a "Community Character" section in accordance with the 2010 ISAGs.

1.4 CLASSIFICATION OF IMPACTS

The following nomenclature is used to describe various levels of impact within this EIR:

- **Class I Impacts** – Potentially significant environmental impacts for which feasible mitigation that would reduce impacts to a less than significant level has not been identified. Pursuant to Section 15092(b) of the CEQA Guidelines, the County decision-makers must adopt a Statement of Overriding Considerations to approve a project with Class I impacts.
- **Class II Impacts** – Potentially significant environmental impacts that can be mitigated to a less than significant level with implementation of the mitigation measures identified in this EIR. The County must make "findings" pursuant to Section 15091(a) of CEQA Guidelines in order to approve the proposed project.
- **Class III Impacts** – Environmental impacts that are adverse, but less than significant.
- **Class IV Impacts** – Beneficial Impacts.

1.5 PROJECT DESCRIPTION

The applicant requests that a modification of Conditional Use Permit CUP 4571-5 (Case No. PL13-0116) be granted, and an amended Reclamation Plan be approved, to authorize:

- An expansion of the permit area from 80 acres to 200 acres.
- An expansion of the area subject to mining excavation from 48 acres to 134 acres.
- Extension of the effective term of the CUP by 30 years (to the year to 2043).
- Continued processing of mineral materials by such means as crushing, grinding, washing, dry screening, wet screening, flotation, mechanical separation and batch plant.

- An increase in sand and gravel production (material export) from 270,000 tons per year to 700,000 tons per year (300 days per year X 93 loads per day X 25 tons per load = 697,500 tons).
- Onsite operations to occur 24 hours per day.
- Establish material hauling truck traffic volume limits as follows:
 - Average daily one-way trips (ADT) of 240. Of the 240 ADT, 186 ADT will be for delivery of sand and gravel products and 54 ADT will be for the import and export of recyclable materials and the products derived from them.
 - Maximum of 300 one-way trips on any one day.
 - Importation and recycling of asphalt, inert construction and demolition (C&D) materials, concrete and clean fill dirt. This material will be processed and sold in bulk or in bags. Up to 200,000 tons per year (300 days X 27 loads X 25 tons/load = 202,500 tons) of this material will be processed and exported from the site as product. *(Note: A concrete and asphalt recycling plant is authorized by CUP 4571-5 but has not been built.)*
- The overnight parking of up to 20 material hauling trucks on the project site.
- Mining excavation and site reclamation in accordance with the amended Reclamation Plan. *(No excavation below the final reclaimed surface or outside the limits of the excavation area is authorized.)*
- Production and sale of ready mix concrete, concrete products, asphalt plant mix, sand soil mix, crushed and Natural base mix including the importation of such supplemental materials as aggregate, asphalt, ground rubber, and related admixtures.
- Bulk sampling of authorized excavation areas to assess material composition.
- Accessory structures which are necessary and appurtenant to the above described uses.

Surface Mining Operations

The methods of operation that have been used to date will continue to be employed at the proposed expanded mining facility. Aggregate material will be excavated with a loader that

delivers the material to a hopper that feeds a conveyor system. The conveyor system will carry the material to the processing plant for screening, crushing, washing and sorting. The final products will be placed in separate stockpiles to be ready for transport.

The proposed project involves the expansion of surface mining activities into the two adjacent parcels located to west of the current operation. In accordance with the proposed amended Reclamation Plan, the proposed expanded material extraction area will be excavated and reclaimed in four specific phases. The final reclaimed surface specified in the amended Reclamation Plan includes maximum 3:1 cut slopes and a central quarry floor that slopes southward at a 2 percent gradient. Runoff will be conveyed to the historic drainage points located along the southern boundary of the mining site. Future changes in phase boundaries or sequencing will require a modification or adjustment of the applicable CUP and Reclamation Plan.

In Phase 1, mining operations would extend to the west of the current facility to recover 5.6 million cubic yards (8.4 million tons) of material. In this Phase, the low point on the final reclaimed surface would be at an elevation of 1288 MSL. Temporary slopes at a 3:1 gradient will be established near the middle of the project site. Permanent slopes will be established on the North and South edges of the Phase 1 area. All slopes will be at a maximum 3:1 gradient and surround a quarry floor that slopes southward at a 2 percent gradient. An unlined channel will convey runoff to a newly established desilting basin. This basin will drain to a culvert to be constructed below Wayne's Way. A second desilting basin and culvert will be constructed near the Southeast corner of the site to maintain the historic flow pattern of water through the site. Both of the desilting basins will remain at reclamation to address sedimentation until vegetation is established.

At the completion of Phase 1, the portion of the site at the final reclaimed grade will include approximately 22 acres of gently sloping quarry floor and about 11 acres of 3:1 gradient slopes. A portion of the 22-acre floor will continue to be used for surface mining operations and be occupied by conveyor belts and unpaved roads, a crushing plant and associated stockpiles, and an asphalt plant. The remained areas of Phase 1 will be spread with topsoil and planted in accordance with the amended Reclamation Plan. Signage shall be posted indicating the planted areas are under reclamation and to remain undisturbed.

In order for the operator to begin excavation in Phase 2 or a subsequent Phase, a Zoning Clearance must be issued by the County. Prior to issuance of a Zoning Clearance to allow additional excavation, the operator will be required to submit updated plans that delineate the areas reclaimed or under reclamation and the areas to remain part of the active mining operation. A seamless transition from one phase to the next without interruption of surface mining activities is anticipated.

In Phase 2, mining activities would extend further to the west and result in the recovery of an additional 2.2 million cubic yards (3.3 million tons) of aggregate. The Phase 2 area

encompasses 25.5 acres. At the completion of excavation in this Phase, there will be about 11.7 acres of 2 percent gradient quarry floor and 13.8 acres of maximum 3:1 gradient slopes. Once the final grades are reached in Phase 2, most of the floor and about half of the slope area will be available for reclamation.

In Phase 3, mining activities would extend further to the west and result in the recovery of an additional 4 million cubic yards (6 million tons) of aggregate. The Phase 3 area encompasses 31.5 acres. The western limit of excavation in this phase is setback about 140 feet from SR 23. The top of the east-facing cut slope at the edge of the excavation area will parallel SR 23 and be set back about 140 feet from the edge of the roadway. It will also be located 75 feet above the elevation of the road. At the completion of Phase 3, virtually all of the 31.5 acres will be available for reclamation.

In Phase 4, the mine operator will excavate the area where the processing equipment is currently located to recover an additional 2.6 million cubic yards (3.9 million tons) of aggregate. Prior to the implementation of Phase 4, the processing equipment will be moved to another location on the site. The existing office building will remain in its present location near the site's entrance until the end of mining operations. At that time it will be removed. A new road will be built along the Eastern property line to provide access to the Federal Aviation Administration navigation facility located north of the project site. A drainage channel will also be constructed along the new road to convey runoff from the eastern edge of the site. Once the final reclaimed surface has been reached, the mining equipment will be removed and the remaining un-reclaimed surfaces will receive topsoil and be planted in accordance with the amended Reclamation Plan. Wayne's Way will remain in place to provide access to the property from SR 23.

Backfill Operations:

The mine operator excavated below the final reclaimed surface in violation of the approved 1992 Reclamation Plan and CUP 4571-5. Under the terms of a Compliance Agreement with the County Planning Division, the operator is required to backfill the over-excavated areas of the site. The County holds a Financial Assurance of over \$2,000,000 for the existing Wayne J facility that includes sufficient funds to ensure the reclamation of these areas.

Backfill operations are currently underway. The fill material used is tested during placement and must meet standards of permeability set by the County Watershed Protection District, Groundwater Section. The County has approved a method for the backfilling of an unpermitted excavation at the East edge of the existing Wayne J site with imported material under EUA Case No. AD-0053 (September 17, 2012). This method addresses the inspection, testing and documentation of backfill permeability and will be the basis for all fill placed onsite. The backfilling process will continue to be monitored by a soils engineer. The engineer will perform infiltration testing using test method ASTM D

3385 (Infiltration Rate of Soils in Fill Using the Double Ring Infiltrometer) during backfill operations within every 2500 square feet of backfill area and every 5 vertical feet of backfill depth. The geometry of the backfill, the location of the test points, and the test results will be disclosed as part of the required Annual Compliance Report.

The volume of material required to fill any remaining excavations below the approved final reclaimed surface will be included in the annual FACE and in the FAM posted for this mining facility.

As part of the proposed project, the operator will not conduct any excavation below the below the final reclaimed surface specified in the amended Reclamation Plan. All excavated materials will be sold as product and no mining waste will be generated. It is anticipated that a minor volume of the excavated fine materials will be used to augment the topsoil temporarily stockpiled on the site for final reclamation.

Bulk Sampling

A component of the requested permit and amended reclamation plan is the practice of bulk sampling in areas outside of the current phase limits to determine the nature, extent and quality of materials on the property. Up to 5 exploratory pits spaced at least 500 feet apart will be allowed. These exploratory pits will be limited to no more than one-half acre of disturbed area and 1,000 cubic yards in volume. These pits will be excavated within the excavation limits and above the final reclaimed surface specified in the amended Reclamation Plan. The pits will be backfilled to the pre-existing natural grade with aggregate material equivalent in character to the material removed for bulk sampling. The disturbed pit areas will then be spread with topsoil and planted in accordance with the standards specified in the amended Reclamation Plan once the exploration is complete. Restoration of these pit areas will be required to occur within 6 months after the completion of excavation regardless of the timing of future mining phases. Prior to conducting any bulk sampling, the operator must submit a plan showing the location of the test pit and a restoration schedule to the County Planning Director for review and approval. The cost of restoration of any un-reclaimed pits will be included in the Financial Assurance posted for this mining facility.

Reclamation

Reclamation activities will occur on an ongoing basis throughout the project life as planned excavation Phases are completed. The reclamation plan maps and cross sections (Figure 2-5) depict the volume of material to be excavated and the proposed finished slope contours after each phase of the mining operations are completed. The site will be reclaimed to a configuration that includes a gently sloping (approximately 2 percent gradient) floor surrounded by cut slopes with maximum 3:1 gradient slopes.

Reclamation will occur on an ongoing basis as portions of the final reclaimed surface are created by mining excavation. Completed surfaces will be reclaimed by establishing the final 3:1 slope gradients and by re-vegetation in accordance with the standards set forth in the amended Reclamation Plan. As discussed under Surface Mining Operations above, Phases 1, 2 and 3 involve the expansion of the excavation area west from the existing mining site. In Phase 4, the processing plant will be moved and its former site excavated to complete the mining project.

Upon reaching the topographic contours of the final reclaimed surface, the operator will revegetate disturbed areas with native plant species consistent with the surroundings and the vegetation that existed prior to disturbance due to surface mining activities. Finished slopes will be revegetated with the native seed mix specified in the amended Reclamation Plan and approved by the County of Ventura and the State Office of Mine Reclamation (OMR). The objective is to restore the mining site with native vegetation that is similar in species composition and density to the pre-mining vegetation. The revegetated surfaces will be compatible with native flora, self-perpetuating, provide habitat value to wildlife, and stabilize the onsite soils. The finished slopes will be revegetated in the fall of the year each excavated area reaches the final reclaimed surface. This timing is intended to take advantage of seasonal rainfall to start plant growth. A Coastal Sagebrush mix will be used to seed the side slopes, while a Grass Woodland mix will be used for the flat areas. No irrigation will be used to germinate and establish plants as the selected species are adapted to the climate and rainfall conditions at the project site.

All topsoil encountered in the excavation areas will be salvaged and stockpiled for use in reclamation. Trees and brush cleared from areas to be excavated will be shredded or chipped on site and included as an amendment to the stockpiled topsoil. Some fine grained material recovered during mining excavation will be used to augment the salvaged topsoil. This topsoil material will be placed on the finished slopes at a minimum thickness of 6 inches to establish a growth medium prior to application of the approved seed mixes.

Upon completion of all excavation and the commencement of final reclamation, the operator will remove most of its plant facilities and all mining equipment from the site. Some infrastructure improvements including the access road would remain on-site to support the future end use. All unused foundations, pavement, and the processing plant will be removed. Compacted areas will be ripped and reworked to a consistency and permeability similar to that of the original soils.

During surface mining operations, siltation basins will be utilized to minimize downstream sedimentation due to erosion of the disturbed areas of the mining site. Once operations cease, any pipes used to convey drainage across the mining site will be removed and replaced with open channels. Sediments collected from the basins will be mixed with other materials and sold as product or used to augment topsoil resources.

Water entering the site from the two northern drainage courses will be directed to open inlet structures and conveyed down the 3:1 gradient cut slopes in concrete-lined channels. These channels will direct the water to un-grouted rip rap pads at the toe of the slopes to reduce its velocity and release it onto the mine floor. The reclaimed floor will slope at an approximate 2 percent gradient toward the south. Concrete grade stabilizers will be installed every 250 to 500 feet along the path of flow on the final reclaimed quarry floor. This will minimize erosion of the floor and downstream sedimentation while the vegetation is established.

It is proposed that the site will be reclaimed to an end use of Open Space.

1.6 USE OF RDEIR

This RDEIR has been prepared to evaluate and disclose the environmental impacts associated with the proposed operational changes and expansion of the Wayne J mining facility that would be authorized by the requested approval of a modified CUP and an amended Reclamation Plan. It is intended that this document be adequate to satisfy the requirements for environmental review for each of the discretionary entitlements required to authorize the proposed changes in the facility. Listed below are the permits or plans required for approval of the proposed project.

Permit or Plan	Regulation	Lead Agency
Modified Conditional Use Permit	Ventura County Non-Coastal Zoning Ordinance	County of Ventura
Amended Reclamation Plan	Ventura County Non-Coastal Zoning Ordinance, and the Surface Mining and Reclamation Act	County of Ventura
Permit to Construct	California Health & Safety Code Section 42300 et seq.	Ventura County APCD
Permit to Operate	California Health & Safety Code Section 42300 et seq.	Ventura County APCD
Streambed Alteration Agreement	Section 1603 of the California Fish and Game Code	California Department of Fish & Game
Clean Water Act Certification	Section 401 of Federal Clean Water Act	California Regional Water Quality Control Board

1.7 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

The following table summarizes the proposed project's environmental impacts and the measures identified to mitigate these impacts.

Issue Area	EIR Section	Impact	Mitigation Measures		Residual Impact
			#	Requirement	
Traffic/Circulation	4.1	Congestion of area roadways due to new project-related truck traffic. (T-1)	T 1-1	Limit on peak-hour truck trips	Less than significant (II)
			T 1-1B	Overnight parking of heavy trucks.	
		Considerable contribution to cumulative traffic congestion. (T-3)	T 1-1	Limit on peak-hour truck trips	Less than significant (II)
			T 2-1	Payment of traffic impact mitigation fees.	
		Considerable contribution to cumulative congestion (T-4)	T 1-1	Limit on peak-hour truck trips	Less than significant (II)
			T 2-1	Payment of traffic impact mitigation fees.	
Air Quality	4.2	Onsite fugitive dust and PM10 emissions (AQ-1)	AQ 1-1	Enhanced dust control plan	Less than significant (II)
			AQ 1-2	Compliance with Air Pollution Control District rules and regulations	
			AQ 1-3	Compliance with California Vehicle Code regulations	
		Onsite ozone precursor emissions (AQ-2)	AQ 2-1	Ozone precursor/carbon dioxide reduction in-lieu fee program	Less than significant (II)
		Carbon monoxide concentrations (AQ-3)		None	Less than significant (III)
		Health risk for diesel particulate matter (AQ-4)		None	Less than significant (III)
		Cumulative onsite fugitive dust and PM10 emissions (AQ-5)	AQ 1-1	Enhanced dust control plan	Less than significant (II)
			AQ 1-2	Compliance with Air Pollution Control District rules and regulations	
			AQ 1-3	Compliance with California Vehicle Code regulations	
		Cumulative off-site dust generation along trucking	AQ 1-3	Compliance with California Vehicle Code regulations	Significant (I)

		routes (AQ-6)			
		Cumulative onsite ozone precursor emissions (AQ-7)	AQ 2-1	Ozone precursor/carbon dioxide reduction in-lieu fee program	Less than significant (II)
		Cumulative carbon monoxide concentrations (AQ-8)		None	Less than significant (III)
		Cumulative health risk for diesel particulate matter (AQ-9)		None	Less than significant (III)
Noise	4.3	Noise from on-site operations (N-2)		None	Less than significant (III)
		Cumulative noise from onsite operations (N-4)		None	Less than significant (III)
Hydrology and Water Resources	4.5	Changes in groundwater recharge (WR 1)	WR 1-1	Disposal of residual fine-grained material	Less than significant (III)
		Depletion of groundwater supplies (WR 2)		None	Less than significant (III)
		Reduction in groundwater storage capacity (WR 3)		None	Less than significant (III)
		Degradation of surface water and groundwater quality (WR 4)	WR 4-1	Design requirements for maintenance areas	Less than significant (II)
			WR 4-2	General industrial stormwater permit	
			WR 4-3	Restrictions on future animal keeping	
		Alteration of drainage patterns resulting in erosion or flooding (WR 5)	WR 5-1	Flood control facilities requirements	Less than significant (II)
WR 5-2	Slope design requirements				
Biological Resources	Special-Status Plants (BR-1)	BR 1-1	Mitigation of impacts through protection of offsite habitat areas	Less than significant (II)	
		BR 1-3	Staking of permit boundary and disturbance area		
		BR 1-5	Limitation on disturbed area		
	Special-Status Wildlife (BR-2)	BR 1-1	Mitigation of impacts through protection of		

Biological Resources	4.6		offsite habitat areas	Less than significant (II)	
		BR 1-5	Limitation on disturbed area		
		BR 4-1	Obtain permits from Federal and State resource agencies, if necessary for the coastal California gnatcatcher		
		BR 7-1	Protection of nesting birds		
		BR 7-2A	Protection of special-status wildlife		
		BR 7-2B	Woodrat nest avoidance and relocation		
		BR 10-1	Avoidance of coastal California gnatcatcher		
		Indirect Impacts on Special Status Species (BR-3)	BR 11-1	Mitigation of lighting impacts on special-status wildlife	Less than significant (II)
			BR 1-5	Limitation on disturbed area	
			AQ 1-1	Enhanced dust control plan	
			AQ 1-2	Compliance with Air Pollution Control District rules and regulations	
			AQ 1-3	Covering of loads	
		Sensitive Plant Communities (BR-4)	BR 1-1	Mitigation of impacts through protection of offsite habitat areas	Less than significant (II)
			BR 1-3	Staking of permit boundary and disturbance area	
			BR 1-5	Limitation on disturbed area	
		Waters and Wetlands (BR-5)	BR 1-1	Mitigation of impacts through protection of offsite habitat areas	Less than significant (II)
			BR 4-1	Obtain permits from Federal and State resource agencies	
		Habitat Connectivity (BR-6)	BR 1-5	Limitation on disturbed area	Less than significant (III)
		Cumulative impacts (BR-7)	BR 1-1	Mitigation of impacts through protection of offsite habitat areas	Significant (I)
			BR 1-5	Limitation on disturbed	

				area	
			BR 7-1	Protection of nesting birds	
			BR 7-2A	Protection of sensitive wildlife	
			BR 7-2B	Woodrat nest avoidance and relocation	
			BR 10-1	Avoidance of California gnatcatcher	
			BR 11-1	Protection of sensitive wildlife (limitation on night lighting)	
Paleontological Resources	4.7	Potential loss of paleontological resources (PR 1)	PR 1-1	Recovery of paleontological resources	Significant (I)
		Cumulative loss of paleontological resources (PR 2)	PR 1-1	Recovery of paleontological resources	Significant (I)

1.8 SUMMARY OF PROJECT ALTERNATIVES

The alternatives developed for the RDEIR do not include alternate locations for the proposed project. As acknowledged in CEQA Guidelines Section 15126.6(f)(2)(B), there may be no feasible alternative locations for this project. In that CEQA Guidelines section, mining projects are cited as an example where there are no feasible alternative locations because of the need to be in close proximity to natural resources at a given location. In the current case, the proposed project involves the expansion and continued operation of an existing mining facility. Thus, the project site has an existing environmental setting that includes mining operations and the associated noise, truck traffic, air quality and other effects. Continuing the mineral extraction use of the current site would have less impact than the installation of a new mining facility elsewhere. Thus, the alternatives evaluated in the RDEIR focus on operational intensity and extent of new ground disturbance as they would affect the significant and unavoidable (Class I) impacts related to air quality, biology and paleontology identified in this RDEIR.

The following alternatives were selected for analysis in this EIR:

- Alternative 1: No project alternative.
- Alternative 2: Existing annual production level until the excavation limits of Phase 1 of the proposed Reclamation Plan are reached.
- Alternative 3: Existing annual production level continued until the excavation limits of Phases 1 and 2 of the proposed amended Reclamation Plan are reached.

- Alternative 4: Lower level of annual production than requested with operations continued until the excavation limits specified in the proposed amended Reclamation Plan are reached.
- Alternative 5: Lower level of annual production than requested with reduced excavation limits.

As discussed below, these project alternatives were selected on the basis of CEQA and CEQA Guidelines requirements, and the project's significant impacts as identified in Chapter 4.0 of this RDEIR. The CEQA requirements for alternatives analysis are discussed below, followed by an analysis of each of the selected alternatives and identification of the environmentally superior alternative.

Each of these alternatives is described in more detail below.

Alternative 1: No Project

The existing permit (CUP 4571-5) that authorizes the operation of the Wayne J Sand and Gravel mining facility expired in 2013. The facility has continued to operate under this permit while the operator diligently seeks a new permit as allowed by the County Non-Coastal Zoning Ordinance. Under the No Project Alternative, the requested expansion of the mining area and production volume, and the extension of the effective term of the CUP to 2043 would not occur.

Alternative 2: Existing annual production level until the excavation limits of Phase 1 of the proposed Reclamation Plan are reached.

Under this alternative, the requested expansion of the mining area would be limited to the area and volume of mineral resources delineated in Phase 1 of the proposed Reclamation Plan. The daily production rate would also be held to the existing level as reflected in the 72 one-way truck trips (36 loads per day) limit. The mining excavation area would expand from 48 acres to 63 acres.

Phase 1 of the proposed Reclamation Plan involves the excavation and export of 8,400,000 tons (5,600,000 cubic yards) of aggregate. At a trucking rate of 36 loads per day, 25 tons per load and 300 days per year, the Wayne facility would operate for approximately an additional 31 years or until the year 2046.

Alternative 3: Existing annual production level continued until the excavation limits of Phases 1 and 2 of the proposed amended Reclamation Plan are reached.

Under this alternative, the requested expansion of the mining area would be limited to the area and volume of mineral resources delineated in Phases 1 and 2 of the proposed Reclamation Plan. The daily production rate would also be held to the existing level as reflected in the 72 one-way truck trips (36 loads per day) limit. The mining excavation area would expand from 48 acres to 63 acres.

Phases 1 and 2 of the proposed Reclamation Plan involves the excavation and export of 11,700,000 tons (7,800,000 cubic yards) of aggregate. At a trucking rate of 36 loads per day, 25 tons per load and 300 days per year, the Wayne facility would operate for approximately an additional 43 years or until the year 2058.

Alternative 4: Lower level of annual production than requested with operations continued until the excavation limits specified in the proposed amended Reclamation Plan are reached.

Under this alternative, the annual material production rate at the Wayne J facility would be increased to 50 percent of the requested rate with operations continuing under the proposed amended Reclamation Plan. All other requested permit modifications would occur. The area of disturbance would increase from 48 acres to 134 acres as currently proposed. The project would involve the excavation of 21,500,000 tons (14,300,000 cubic yards) of aggregate. At the lower level of annual production (350,000 tons rather than 700,000 tons), the truck trips for aggregate hauling would be decreased from 186 average daily one-way trips to 94 average daily one-way trips. The 54 average daily one-way truck trips associated with the proposed recycling component of the project would remain. At the lower level of annual production, the volume of material above the final reclaimed floor in the proposed amended Reclamation Plan would last approximately 61 years beyond the current 2014 date to the year 2076.

Alternative 5: Lower level of annual production than requested with reduced excavation limits

Under this alternative, the annual material production at the Wayne J facility would be increased by 50 percent of the requested amount with operations limited to Phases 1 and 2 of the proposed amended Reclamation Plan. The area of disturbance is assumed to increase from 48 acres to 80 acres (rather than the 134 acres currently proposed), and the volume of aggregate material to be excavated would be 11,700,000 tons (7,800,000 cubic yards).

At the lower level of annual production (350,000 tons rather than 700,000 tons), the truck trips for aggregate hauling would be decreased from 186 average daily one-way

trips to 94 average daily one-way trips. The 54 average daily one-way truck trips associated with the proposed recycling component of the project would remain. At the lower level of annual production, the volume of material above the final reclaimed floor in Phases 1 and 2 of the proposed amended Reclamation Plan would last approximately 33 years beyond the current 2015 date to the year 2048.

The effect of the above project alternatives on the identified significant impacts of the proposed mining project is illustrated in the following table.

Comparison of Alternatives

Issue Area	Significant impact to remain (yes/no)				
	1	2	3	4	5
Air Quality (Cumulative)	No	No	No	Yes	Yes
Biology (Cumulative)	No	Yes	Yes	Yes	Yes
Paleontology (Project-Specific)	No	Yes	Yes	Yes	Yes
Paleontology (Cumulative)	No	Yes	Yes	Yes	Yes
Attain project objectives? (Yes/No)	No	No	No	No	No

As apparent from the above table, the environmentally superior alternative is the No Project Alternative because significant impacts related to air quality, biology and paleontological resources associated with the proposed expansion of the mining facility and the increase in annual aggregate production would be avoided.

The remaining alternatives (2, 3, 4 and 5) all involve a reduction in the requested annual production rate and associated truck traffic volume. None of these alternatives would attain the project objectives. This is because the area of excavation and the annual production rate are fundamental aspects of a mining facility. The area of excavation is defined by the location of the mineral materials proposed to be produced and sold. The annual production rate relates to the anticipated market demand for the mineral materials.

In the case of Alternatives 2 through 5, the only significant offsite environmental impact that would be affected is the contribution of the project to dust generation along haul routes. If one of these alternatives were selected, it could be argued that dust generation would be proportionally reduced by a reduction in truck trips. However, this potential marginal benefit would not likely be realized because any demand for aggregate not served by Wayne J would be satisfied by another local mining facility. If all local mining facilities had reached maximum permitted production levels, any remaining outstanding demand would be served by more remote facilities. Given the

basic fact that aggregate demand is virtually always satisfied, a reduced production alternative would provide little or no air quality benefit.

The remaining significant impacts of the project involve effects on the Wayne J project site or on the recently permitted expanded Grimes Rock facility. These effects are localized at the site of excavation and would remain with any expansion of the excavation area.

In conclusion, the No Project alternative would avoid all impacts but would not attain the project objectives. Alternatives 2, 3, 4 and 5 would not substantially lessen environmental impacts and would also not allow for the project objectives to be attained. The proposed project would have the positive benefit of providing a local source of aggregate to meet demand within Ventura County. This would minimize the transport of aggregate from remote mining facilities. Given this benefit, the proposed project would be the environmentally superior alternative.



CITY OF MOORPARK

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING – BUILDING AND SAFETY – CODE ENFORCEMENT

799 Moorpark Avenue, Moorpark, California 93021 (805) 517-6200 fax (805) 529-8270

www.ci.moorpark.ca.us

December 17, 2003

Christopher Stephens, Director
County of Ventura, Resource Management Agency
Planning Division
800 South Victoria Avenue, L#1740
Ventura, CA 93009

Attention: Scott Ellison, Senior Planner

**RE: Notice of Preparation for an Environmental Impact Report
Modification No. 6 to Conditional Use Permit No. 4571
Wayne J Sand and Gravel
9455 Buena Vista Street, Moorpark**

Thank you for sending the City a copy of the Notice of Preparation for the proposed expansion of Wayne J Sand and Gravel's mining operation. As noted in past correspondence, the City of Moorpark is vehemently opposed to any permits or alterations to permits that would permit additional truck traffic through the City along Walnut Canyon Road and Moorpark Avenue. As the residents and businesses within Moorpark are already severely impacted by this incompatible land use, the City would like this EIR to address the following concerns:

- 1. Areas of Impact** – Impacts to existing and planned land uses in Moorpark from this project that should be addressed in the EIR, both individually and cumulatively, include traffic and traffic safety, noise, vibration, destruction of the road surface, air quality including toxic emissions from diesel engines, and land use compatibility. The City would like to see the EIR evaluate noise and traffic impacts within Moorpark using local thresholds. For traffic, staff does not believe the use of a planning level analysis with generalized standards for lane capacity would adequately assess the impacts on traffic in the City, given the nature of the project. The City believes that a detailed operational analysis of capacity, passenger car equivalency for heavy trucks, and traffic impacts at the intersections of Walnut Canyon Road and Casey Road, Moorpark Avenue and High Street, Moorpark Avenue and Poindexter Avenue/First Street, Moorpark Avenue and Los Angeles Avenue, and Los Angeles Avenue/New Los Angeles Avenue and Spring Road is the only way the full impact of the proposed project could be fully understood. This operational analysis should take into account vertical and horizontal geometry, signalization/signal timing, railroad operations/proximity to railroad tracks, proximity to other signalized and unsignalized cross streets, driveways, corner turn radii, heavy truck volumes, pedestrian and bicycle traffic, and overall condition of the roadway. In the past, the

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PATRICK HUNTER
Mayor

JANICE PARVIN
Mayor Pro Tem

CLINT HARPER
Councilmember

ROSEANN MIKOS
Councilmember

KEITH F. MILLHOUSE
Councilmember

CC ATTACHMENT 2

City has suggested that a Passenger Car Equivalency factor of 3.0 should be used to assess heavy truck impacts instead of 2.0 as suggested by ATE in its early scope of work for a traffic study prepared for this project. The City would like to see in the EIR a detailed analysis of local conditions to determine an appropriate Passenger Car Equivalency factor for the trucks given the complex network of streets, railroad tracks, and driveways in close proximity to one another in the City's downtown core.

2. **Alternative Route** – The EIR should consider an alternative to the existing haul route on Walnut Canyon Road and Moorpark Avenue that does not impact the residential and commercial land uses along this route. The only alternative that would not become an enforcement issue later on is the completion of the SR-23 Bypass from the SR-23/SR-118 freeways to Broadway. Such a route would allow trucks to haul sand and gravel on a direct route from the mines to the freeways. Truck drivers would by choice no longer use Walnut Canyon Road as it would be less direct. This bypass route is planned in the City's General Plan Circulation Element to carry through traffic. City staff is currently studying alignment and freeway connection alternatives for this bypass route and is available to discuss these alternatives with County staff and the EIR consultant. The City would like to see the EIR compare such an alternative with the proposed project for impacts and accomplishing the project objectives. It should also be noted that the construction of this bypass has been designated by the Ventura County Transportation Commission as a priority project for STIP funding, although the timing of the availability of funds for this project is uncertain at this time given the State's financial crisis.
3. **Expanded Hauling Hours** – The proposed expansion of hauling hours to allow 24-hour operations is unacceptable under any route, given the extent of existing and planned residential uses along all potential alternative routes. Impacts that should be addressed in the EIR from the expanded hours include noise, traffic safety, and land use compatibility. Although it is recognized that some road construction projects require deliveries at night, such deliveries should come from sand and gravel operations that do not directly impact residential neighborhoods, even if the sand and gravel has to come from another county. A viable alternative for such road construction projects is for the sand and gravel suppliers to create a stockpile during the day in a location that would not create significant noise effects at night. The City is opposed to any sand and gravel trucks traveling through the City on any route after 7:00 P.M., due to nighttime noise impacts
4. **Saturday Operations** – The City opposes any expansion of operations that would allow Saturday hauling, as this would create greater incompatibility with the City's efforts to redevelop its downtown core into a vibrant commercial destination consistent with the General Plan and Downtown Specific Plan. This land use impact should be fully addressed in the EIR.
5. **Public Outreach** – Up to this point, the only significant involvement on this EIR has been staff from the County and various agencies, including Caltrans, VCTC, CHP, and the Cities of Fillmore and Moorpark. Due to the significance of this project to the

Christopher Stephens
December 17, 2003
Page 3

quality of life in Moorpark, the City would like to see the County and EIR consultant to hold at least one public meeting on the Draft EIR in Moorpark to inform the residents of the proposal and accept oral testimony. Moorpark residents within 300 feet of the existing haul routes should be notified of the Draft EIR, and 1/8 page ads should be placed in the local newspapers (Ventura County Star, Moorpark Acorn and Simi-Valley Moorpark Examiner).

The contact person for the City of Moorpark is David A. Bobardt at (805) 517-6281. We look forward to discussing these issues with you and reviewing the Draft Environmental Impact Report.

Sincerely,

Barry K. Hogan
Community Development Director

C: Honorable City Council
Honorable Planning Commission
Steven Kueny, City Manager
Supervisor Judy Mikels
Chron
File

provided to the Western (Ventura County) Production Consumption Region, and how much is provided to western Los Angeles County. If the four existing sand and gravel mines are now meeting the aggregate demand for Ventura County, where will the additional material go if the expansion is permitted? Finally, this section should identify the percentage of the aggregate material in weight that comes from the imported gravel, as well as the source of the imported gravel. If the expansion is permitted, how many more truck trips of imported material would be expected to produce aggregate on site, and how far a distance will this material be trucked? The sentence that notes, "imported materials...originate from the south," is too vague. This information is important in the understanding of the impacts and comparison of the alternatives.

50-1

- 2. Relationship of Existing and Proposed Permits to CEQA Analysis (Section 2.3.1)** – The Draft EIR cites a previous court case (*Fairview Neighbors v. County of Ventura – 70 Cal.App.4th 238*) and establishes a baseline for analysis as that which is permitted under the current Conditional Use Permit. If all the permitted activities are part of the baseline, whether or not these activities are currently taking place, then the current restrictions on the activities should also be part of the baseline. It should be noted that the current Conditional Use Permit expires in the year 2012. Therefore, the baseline for impact analysis after 2012 should be with no mining activities taking place on the project site. For cumulative analysis, the baseline should also take into account that the Best Rock Conditional Use Permit expired in 2000 and the Grimes Rock Conditional Use Permit will expire in 2013.

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It should be further noted that the current permit prohibits truck traffic from Best Rock and Grimes Rock from using Walnut Canyon Road. However the cumulative analysis in the EIR is based only on the additional trucks under the expansion of these mining operations, and does not count the impact of the existing trucks that would be legally permitted to use Walnut Canyon Road if these CUP modifications are approved. This results in an understating of transportation, air quality, noise and land use impacts in Moorpark.

- 3. Project Objectives (Section 2.9)** – The Draft EIR has six bullet-pointed project objectives (Pages 1-8 and 2-15). These stated objectives are inadequate since none call for compliance with the County's General Plan or Zoning Ordinance, fundamental requirements for issuance of a Conditional Use Permit (CUP) or, in this case, modification to an existing CUP. Without General Plan and Zoning Ordinance compliance as a project objective, there is no assurance that any of the alternatives, (including the proposed project) are feasible. The County's General Plan discusses the importance of extraction areas being close to areas of use and demand. Among the stated goals of the County's General Plan are to identify and manage mineral resources in order to:

50-3

- Safeguard future access to the resource.

- Facilitate a long-term supply of mineral resources within the County.
- Minimize incompatibility between the extraction and production of the resource and neighboring land uses and the environment.

As stated in the Draft EIR, the project is located in the Open Space -160 Acre Minimum with a Mineral Resources Protection Overlay (O-S-160/MRP) Zone. Among the stated purposes of the MRP Overlay Zone are:

- to safeguard future access to an important resource.
- to facilitate a long term supply of mineral resources within the County.
- to minimize land use conflicts.

The feasibility analysis of the alternatives in the Draft EIR is based partly on the ability to achieve the identified project objectives. The project objectives would also be used in Findings and a Statement of Overriding Considerations if the project is approved with unmitigated impacts (as is proposed). The importance of including General Plan and Zoning Ordinance compliance as project objectives for consideration of a Conditional Use Permit Modification application cannot be understated. Neither the project, nor any of the alternatives should be approved if they cannot meet such basic project objectives. Further comments on project and alternative analysis related to this issue are provided under the respective chapter or section comments.

Of minor note, the correct spelling is "public" in the first project objective.

4. **Mining Needs and Local Context (Section 2.9.1)** – Currently, at least three of the four sand and gravel mines along State Route 23 north of Moorpark are providing aggregate material to western Los Angeles County, as well as both the Simi Production Consumption Region and the Western Production Consumption Region in Ventura County. The Draft EIR does not, but should identify the current and future aggregate demand in each of the two production consumption regions of Ventura County, as well as the demand from Los Angeles County, and how much of this demand is being met by each of the four Grimes Canyon quarries. Without this information, the Draft EIR does not properly analyze whether or not the expansion of any of the existing mining permits is needed to comply with the goals of both the General Plan and Zoning Ordinance to facilitate a long term supply of mineral resources within the County. In addition, identification of the demand is crucial in understanding the project impacts in the comparison of alternatives and in the mitigation of truck impacts through trip limits. As noted in the comment on Section 2.2, the market for the material from expanded mining permits needs to be identified, as well as the source of the imported gravel used to produce aggregate. If the expansion implies that the quarries will require more imported material from distant locations as well as provide material to more distant markets, it would not comply with the project objective of reducing regional air quality impacts of truck traffic caused by long-distance importation.

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5. **Related Projects (Chapter 3.0)** – With respect to the related projects list, Moorpark: Residential Project No. 3 has about 200 units already completed and occupied. Residential Project No. 4 is 284 units, not 247 as stated; Residential Project Nos. 5, 10, 12 and 13 have all been complete for well over a year and should be deleted; Residential and Commercial Project No. 16 (10 on Commercial List) was denied in February, 2006 and should be deleted; Residential Project No. 19 is 200 apartment units, not 110 as stated; Commercial Project No. 45 is on the north side of Campus Park Drive; Commercial Project Nos. 46 and 47 are complete and should be deleted; two shopping centers on the south side of Los Angeles Avenue between Moorpark Avenue and Park Lane, totaling about 100,000 square feet, should be listed; a 25,522 square-foot office building, south of Los Angeles Avenue and west of Leta Yancy Road should be listed; a 15,505 square-foot office building on Park Lane should replace the description for site 48; a 76,000 square-foot medical office building on the north side of Los Angeles Avenue between Leta Yancy Road and Shasta Avenue should be added; Industrial Project No. 69 is complete and should be deleted; Industrial Project No. 70 is south of the railroad tracks.

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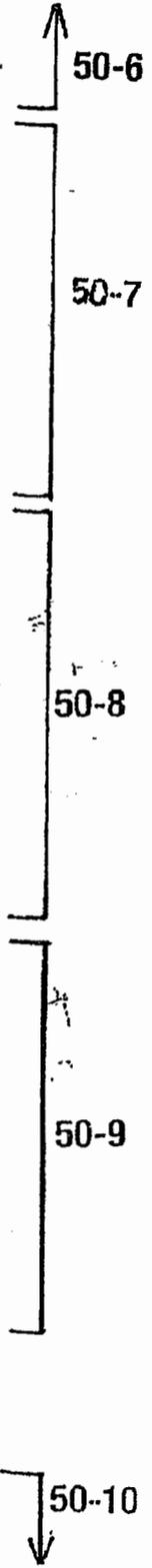
6. **Traffic/Circulation (Section 4.1 and Appendix B)** – The City retained Austin Foust Associates, inc. to review the *Traffic Study for the Grimes Canyon Quarries in the County of Ventura*, Appendix B of the Draft EIR, prepared by Katz, Okitsu, & Associates to analyze the individual and cumulative traffic impacts of the three sand and gravel mine expansion proposals being reviewed concurrently. Their comments are incorporated as City comments on the Draft EIR as follows and apply to Section 4.1 as well as Appendix B:

- The existing and short-range (2006) conditions are based on peak hour count data that is at least two years old and may be as old as four years or more (i.e., some data was obtained from the previous report prepared by Associated Transportation Engineers (ATE) in October 2002). In addition to being out of date, there is a discrepancy between existing peak hour intersection levels of service (LOS) in recent City reports (e.g., "Essex Apartments Traffic Analysis" dated April 2005, "Traffic Impact Study for 110-Unit Residential Development Casey Road" dated June 2006, etc.) and the existing LOS reported in the Grimes Canyon Quarries traffic study (e.g., High Street at Moorpark Avenue is operating at LOS "C" in recent City reports and LOS "A" in the Grimes Canyon Quarries study and Spring Street at Los Angeles Avenue is operating at LOS "D" in recent City reports and LOS "B" in the Grimes Canyon Quarries study). These differences may be due to different count years or different lane assumptions, but the result is that the Grimes Canyon Quarries traffic study does not adequately identify the impacts from the proposed expansion on these intersections since they would be operating at unacceptable levels of service with the proposed project. The intersection

50-6

volume counts in the City of Moorpark need to be updated for a realistic depiction of current conditions and for projected short-range conditions.

- The Grimes Canyon Quarries traffic study concludes that the proposed project has a significant impact at the intersection of Walnut Canyon Road and Casey Road and identifies planned signal modifications as mitigation for this impact; however, the City last summer completed the addition of a protected left-turn phase from northbound Walnut Canyon Road to westbound Casey Road at this location. A simultaneous right-turn arrow from eastbound Casey Road to southbound Walnut Canyon Road has not been installed. The project should determine project impacts under current conditions and identify additional mitigation measures if needed at this or any other locations in the City of Moorpark at which updated peak hour counts reveal additional significant impacts.
- The Grimes Canyon Quarries traffic study recognizes the City of Moorpark's opposition to the use of Walnut Canyon Road/Moorpark Avenue as a haul route for trucks, and offers the use of Grimes Canyon Road south of Broadway as an alternative route to mitigate the inconsistency with the City of Moorpark General Plan. All quarry truck traffic, including existing trucks, would be prohibited from using Walnut Canyon Road/Moorpark Avenue. The removal of truck traffic from Walnut Canyon Road/Moorpark Avenue is seen as a positive impact; however, the increase of project trucks on South Grimes Canyon Road is considered an unacceptable impact to the City's residents along Grimes Canyon Road south of Broadway and on Los Angeles Avenue (SR-118) west of Moorpark Avenue.
- Projected buildout volumes were obtained from the County's traffic model. These volumes differ from buildout volumes produced by the Moorpark Traffic Analysis Model (MTAM). In this case, the county model produces a worse level of service at study intersections than the MTAM volumes. These discrepancies may be attributable to two major circulation improvements assumed in the MTAM that are not assumed in the County's model (i.e., construction of North Hills Parkway and extension of Spring Road to Walnut Canyon Road, the latter now under construction). Although the buildout volume projections differ, the proposed project is not expected to produce any long-term negative impacts that would not be addressed under short-range conditions.



The preceding comments summarize our concerns regarding the overall methodology and conclusions of the traffic study. The following comments refer to specific items throughout the report.

- Page 13: The traffic study discusses the use of the City of Moorpark's peak hour operating standard for determining significant impacts (i.e.,

project causes .02 or more increase in the intersection capacity utilization (ICU) value at intersections which reach LOS "D"); however, the ICU analysis does not use the City of Moorpark's saturation flow rate assumptions (1,600 vehicles per hour (vph) per through lane and 1,500 vph per left- or right-turn lane). In addition, the traffic analysis does not apply a passenger car equivalent (PCE) adjustment to the background volumes for non-project-related existing heavy truck traffic on the roadways. Given the higher than average amount of existing heavy truck traffic on Walnut Canyon Road/Moorpark Avenue and on Los Angeles Avenue (SR-118), the use of 1,800 vph per lane in the traffic analysis for all movements is too high. The ICU values at locations within the City of Moorpark should be calculated assuming the City's saturation flow rates.

- Figure 2: To what does "TDS Counts 10/15" in the legend of Figure 2, Figures 16-22, Figures 28-31, and Figures 35-36 refer? 50-10
- Page 21, Table 6: The existing ICU values in Table 6 do not match the ICU values in the calculation worksheets in Appendix B. In addition, the calculation worksheets for the intersection of Walnut Canyon Road at Casey Road are missing from Appendix B. 50-11
- Page 21, Table 6: The existing ICU values in Table 6 do not match the ICU values in the calculation worksheets in Appendix B. In addition, the calculation worksheets for the intersection of Walnut Canyon Road at Casey Road are missing from Appendix B. 50-12
- Page 34, Table 10: The Scenario 2 (year 2006 with existing permit levels of project traffic) AM peak hour ICU value for the intersection of Moorpark Avenue at Los Angeles Avenue (SR-118) in Table 10 (.526 LOS "A") does not match the ICU value in the calculation worksheet in Appendix C (1.376 LOS "F"). 50-13
- Page 45, Table 14: The Scenario 5 (year 2025 with existing permit levels of project traffic) AM peak hour ICU values in Table 14 do not match the ICU values in the calculation worksheets in Appendix E for the intersections of Moorpark Avenue at Poindexter Avenue (.519 LOS "A" in Table 14 and .514 LOS "A" in Appendix E) and Moorpark Avenue at Los Angeles Avenue (SR-118) (.679 LOS "B" in Table 14 and .989 LOS "E" in Appendix E). 50-14
- Page 49: The traffic analysis states that the counts of existing truck traffic were approximately 50 percent lower than expected based upon the existing volume of material and the expected number of trucks for each site. How was the expected number of trucks determined? What is amount of material per truck assumed for the analysis? Also, please provide additional details about how the truck traffic activity was normalized. 50-15
- Page 50, Table 16: The Rate per Million Tons for both Cars and Trucks are incorrect for Grimes Rock and Best Rock (e.g., 4 cars/952 million tons = 4.20 cars/million tons not 4.00 cars/million tons). As a result of these errors, the Average Car Rate and Average Truck Rate are incorrect. Are 50-16

- Page 89, Table 31: The AM peak hour ICU value for Moorpark Avenue at Los Angeles Avenue (SR-118) in Table 31 (.679 LOS "B") does not match the ICU value in the worksheet in Appendix E (.989 LOS "E"); however, the project has no significant impact on this intersection under buildout conditions. 50-35
- Page 91: The City of Moorpark has completed the signal modification referred to in the discussion of Walnut Canyon Road and Casey Road mitigation. Project impacts with the current signal operation should be identified. There is no discussion of the significant project impact at Moorpark Avenue and Los Angeles Avenue (SR-118) identified in Table 31. 50-36
- Page 92: There is no discussion as to why only the Wayne J site has an impact at Moorpark Avenue and Los Angeles Avenue (SR-118) under 2025 conditions. 50-37
- Page 94: The intersection of Moorpark Avenue and Los Angeles Avenue (SR-118) needs to be included in the list of year 2006 impacted locations based on the ICU values in Appendix C. 50-38
- Page 96: Discussion of project impacts on the intersection of Moorpark Avenue and Los Angeles Avenue (SR-118) under buildout conditions based on ICU values in Appendix E and subsequent mitigation measures need to be included in the text. 50-39
- Page 97, Table 34: Table 34 should include the intersection of Moorpark Avenue and Los Angeles Avenue (SR-118) in the evaluation of mitigation for year 2006 conditions based on the ICU values in Appendix C. 50-40
- Page 97, Table 34: The ICU values in Table 34 are not included in the ICU calculations worksheets in the Appendix. 50-41
- Page 98: Walnut Canyon Road/Moorpark Avenue is not a truck route on the City of Moorpark General Plan. As stated in the text, the City of Moorpark objects to the use of Walnut Canyon Road/Moorpark Avenue by heavy trucks. However, the offer to redistribute the project trucks to Grimes Canyon Road south of Broadway will simply transfer the impacts of increased truck traffic to the residents along South Grimes Canyon Road and along Los Angeles Avenue (SR-118) west of Moorpark Avenue. 50-42
- Page 98: If the gravel trucks are to use Grimes Canyon Road south of Broadway as a mitigation measure, then the project impacts at Moorpark Avenue and Los Angeles Avenue (SR-118) as a result of the redistribution of truck traffic still needs to be addressed. 50-43
- Page 109: The discussion of Buildout Year (2025) mitigation needs to show that the City's signal modification improvements at Walnut Canyon 50-44

- Road and Casey Road result in an acceptable LOS, and that the project has no significant impact at this location. 50-44
- Figure 35 and Figure 36: The peak hour figures do not show the correct number of project trips traveling on Los Angeles Avenue (SR-118) east of Grimes Canyon Road. 50-45
- Page 117: The enforcement of route restrictions must be actively pursued and meaningful penalties must be imposed. 50-46
- Page 127: The mitigation costs will need to be recalculated after updated traffic counts are obtained and corrected lane assumptions and signal operations are taken into consideration, which may result in additional project impacts. 50-47
- Page 133: The project impacts identified in the report are based on trips requested by the project applicants. What assurances does the City have that these levels of peak hour traffic will not be exceeded? 50-48

Other comments are as follows:

Page 4.1-53: Impacts on Pavement. Moorpark Avenue has been severely damaged by the extensive volume of heavy trucks, the vast majority of which are sand and gravel trucks. A doubling of the truck volumes, as proposed collectively by Wayne J, Grimes Rock, and Best Rock, is more than a slight variation in truck usage, as noted in the Draft EIR. Deep depressions in the asphalt can now be seen on Moorpark Avenue where the sand and gravel trucks travel on a daily basis. These depressions were not caused by passenger vehicles. What can Moorpark expect with an even greater number of trucks? Mitigation is needed to repair this damage that is a direct result of the quarry operations. 50-49

Page 4.1-62: Mitigation Measure T 1-2. A protected left-turn phase has been provided from northbound Walnut Canyon Road to westbound Casey Road in the summer of 2005, however, a simultaneous right-turn arrow from eastbound Casey Road to southbound Walnut Canyon Road has not been installed. 50-50

Page 4.1-63: Mitigation Measure T-1-5. As evidenced from previous attempts to prevent Best Rock and Grimes Rock sand and gravel trucks from using Walnut Canyon Road/Moorpark Avenue, measures that attempt to prohibit trucks on roads where trucks are normally permitted are unenforceable without full-time code enforcement efforts. 50-51

Pages 4.1-66 and 4.1-67: Mitigation Measure T 3-4. The City of Moorpark has a reciprocal Traffic Impact Mitigation Fee agreement with the County, therefore this mitigation is not infeasible as stated. 50-52

Page 4.1-68: Mitigation Measure T 6-1. Repair to the Moorpark Avenue roadway damage caused by heavy trucks should be included in the mitigation, since sand and gravel trucks account for the vast majority of trucks, and weighing ten times or 50-53

more the weight of passenger cars, account for the majority of the pavement damage.

7. **Noise (Section 4.3)** – The City concurs that the project has a significant noise impact as additional housing units are affected by an expanded 65 dB CNEL noise contour. However, the impact is understated for residential areas already experiencing severe traffic noise. The threshold of significance used in the noise analysis for Moorpark is a 3 dB CNEL or greater increase for sensitive noise environments experiencing noise greater than 65 dB CNEL. Though a similar threshold is often used in environmental assessments, this is not an appropriate threshold in areas experiencing substantial noise such as the residences along Walnut Canyon Road/Moorpark Avenue and Los Angeles Avenue. Because decibels are measured on a logarithmic scale, a 3 decibel increase in noise at 75 dB CNEL (approximate exterior noise levels measure on Walnut Canyon Road/Moorpark Avenue and Los Angeles Avenue) represents a substantially greater amount of sound energy that a 3 decibel increase at 60 dB CNEL. Therefore, under the proposed threshold, the louder (and more incompatible for sensitive uses) the existing noise environment, the more additional noise is allowed before considered significant. Such a threshold becomes illogical in extremely loud environments such as those experienced on Walnut Canyon Road/ Moorpark Avenue and Los Angeles Avenue.

Other comments are as follows:

Page 4.3-13: Table 4.3-6. Under Los Angeles Avenue, "W of Walnut Cyn" and "E of Walnut Cyn" should be changed to "W of Moorpark Ave" and "E of Moorpark Ave" as Walnut Canyon Road changes names to Moorpark Avenue at Everett Street.

Page 4.3-18: Mitigation Measure N 3-3. This mitigation measure places the burden on the City to adopt a noise mitigation program for impacts caused directly by quarry activities. Contrary to what is stated in the Draft EIR, there is no need for the City to have a noise mitigation program for this mitigation to be feasible. Such a program should be run by the County as a permitting agency for the quarry operations and should be in place prior to allow additional mining activities to take place.

8. **Land Use and Planning (Section 4.4)** – The City concurs with the conclusion of the analysis in the Draft EIR that this project would have a significant and immitigable community character impact in Moorpark. Other comments are as follows:

Page 4.4-3: Figure 4.4-1. Industrial uses should have a different color than mining uses on this exhibit; residential land use has filled in the west side of Walnut Canyon Road to just north of Championship Drive; the area north of Los Angeles Avenue and east of Science Drive is industrial, not commercial; the west half of the area north of Los Angeles Avenue between Spring Road and the Arroyo Simi is commercial, not residential.

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Page 4.4-4: Project Site General Plan Land Use Designation and Zoning. For clarity, the goals and policies of the General Plan related to mineral resources and the purpose of the MRP Zone should be listed verbatim here. This is particularly important since one of the thresholds of significance in the land use analysis is the consistency of the project with the General Plan goals and policies. The paraphrasing in this document has left out words that may be critical to understanding the proposed project. For example, the description of the MRP land use designation (more accurately "overlay zone") in the second paragraph alludes to the purpose of the zone as to, "ensure access to and supply of mineral resources." The Zoning Ordinance text includes as a stated purpose, "to facilitate a long-term supply of mineral resources within the County." The General Plan includes as a goal to, "minimize incompatibility between the extraction and production of the resource and neighboring land uses and the environment," yet this goal is not even stated in this section.

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9. **Alternatives (Chapter 5.0)** – The Draft EIR examines and rejects a number of alternatives. Nonetheless, the analysis does not provide for a reasonable range of alternatives as required by §15126.6 of the CEQA Guidelines. Many of the immitigable impacts of this project are site specific, and many of the project objectives could be achieved at a different location. Alternatives in particular missing from the analysis include: 1) alternative site(s) for the extraction of aggregate resources, and 2) alternative site(s) for the production of aggregate products. These alternatives, as described briefly below, could achieve many of the project objectives, while contributing substantially to the ability to make an informed decision on the project proposal and identifying ways that environmental damage can be avoided or significantly reduced, two basic purposes of CEQA.

- **Alternative Site(s) for the Extraction of Aggregate Resources** – As noted in the Draft EIR, the four sand and gravel mines along Grimes Canyon Road are currently providing for the aggregate demand for all of Ventura County, due to the end of extraction activities in the Santa Clara River (Page 2-15). In addition, though not stated in the Draft EIR, aggregate resources are also currently being exported to Los Angeles County from these sand and gravel mines. The Draft EIR does not evaluate alternative sites to provide aggregate to the Western (Ventura County) Production Consumption Region or western Los Angeles County. Appropriate sites closer to their markets could better meet the stated project objectives "to continue to make available to the public and construction industry adequate supplies of aggregate, concrete and asphalt products at a reasonable price," and "to provide a local source of aggregate products, which would reduce regional air quality impacts of truck traffic caused by the long-distance importation." Alternative sites could also better achieve General Plan and Zoning objectives, which should have been included as project objectives (see comment no. 3).

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- Alternative Site(s) for the Production of Aggregate Resources – Wayne J Sand and Gravel is primarily mining sand from the project site and is currently importing 50 to 100 tons per day of 3/8" and 3/4" gravel from the south (through Moorpark) to mix with on-site material for the production of aggregate (Page 2-1). These extra trucks in and out of the site could be reduced if the on-site and off-site materials are mixed off site closer to markets for aggregate in the Western (Ventura County) Production Consumption Region or western Los Angeles County. This would reduce impacts to Moorpark, while still meeting the project objective of providing a local source of aggregate products and reducing regional air quality impacts caused by long-distance importation.

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Other comments are as follows:

Grimes Canyon Road South: The improvement of Grimes Canyon Road South to accommodate sand and gravel trucks would only shift the trucking impacts from residents and businesses along Walnut Canyon Road/Moorpark Avenue to residents and businesses along Grimes Canyon Road South and Los Angeles Avenue. Therefore, since this alternative doesn't reduce impacts, it is not acceptable.

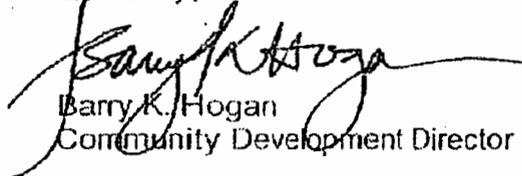
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SR-23 Bypass: The Draft EIR fails to discuss how this alternative might be implemented, thereby precluding any meaningful evaluation of this alternative.

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The City looks forward for a response to these comments and would appreciate notification of any upcoming public hearings or meetings on this project. Please let me know if you have any questions.

Sincerely,



Barry K. Hogan
Community Development Director

- C: Honorable City Council
Honorable City of Moorpark Planning Commission
Honorable Ventura County Board of Supervisors
Honorable Ventura County Planning Commission
Supervisory Candidate Jim Dantona
Supervisory Candidate Peter Foy
Steven Kueny, City Manager
Joseph M. Montes, City Attorney
Chron
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Response to Commentor No. 50: Barry Hogan, City of Moorpark, August 4, 2006

50-1 The EIR discusses the existing and proposed mining activity using a few descriptors that are the basis for different permit limits and/or environmental impacts. For example, the Conditional Use Permit (CUP) limits plant throughput based on tons per year yet some air quality impact thresholds are based on daily emissions and therefore tons per day becomes a relevant descriptor for this analysis. The number of trucks traveling to and from the site is another important aspect of the requested CUP modifications. This truck limit is expressed in terms on one-way trips per day. This limit is not based on conversion of the annual throughput to truckloads. The applicant did not indicate a correlation between the two.

Each truckload generates two one-way trips (one inbound and one outbound). Whether trucks are delivering materials to the project site or exporting materials from the project site, they are counted toward the permitted truck trip limits, which are based on one-way trips. A clarification to this effect was made to Section 2.2 in the FEIR.

Since the proposed mining expansion area tends to contain a high ratio of sand relative to gravel, there is the potential that gravel would be imported from more gravel rich mines in Los Angeles County locations, such as Solidad Canyon, and sand would be exported from the site to the mines or plants in Los Angeles County so that proper mixes can be made with the required combinations of sand and gravel for each locale. In that sense, the proposed project could be helping to serve the Los Angeles County area and vice versa.

See Response 50-4 regarding issues related to projections of market demands within various production-consumption regions.

50-2 Under CEQA the "existing environment" for the project is a combination of: (1) the physical activities associated with the project; and, (2) any permit limits that existed at the time of the Notice of Preparation (NOP). Where there is conflict between what the project is actually doing and the permit conditions CEQA requires that the larger project be considered the "existing environment".

Once an EIR establishes an "existing environment" as it existed at the time of the NOP, this "existing environment" is assumed not to change. The "existing environment" is considered to continue into the future, even beyond the expiration date of the existing permit. Under CEQA, for purposes of analysis, the mine is assumed to continue operating through the 2025 time horizon of the EIR, even though the permit actually expires earlier.

CC ATTACHMENT 4

As noted in this comment, the Best Rock and Grimes Rock projects have trip limitations on the use of Walnut Canyon Road. However, Wayne J does not, therefore these limitations do not need to be considered in this EIR as project impacts. These limitations are not evaluated under the cumulative analysis; at the time of the NOP Best Rock and Grimes Rock were routinely violating that prohibition, therefore under CEQA that traffic is part of the "existing environment". Formal Notices of Violation (NOV) were later issued because of these violations. However enforcement of the NOVs has been suspended in that the only alternative route, Grimes Canyon Road south of Broadway, was closed to heavy trucks for a few years due to ongoing flood repairs. However, the route was reopened in late 2008.

- 50-3 As per CEQA Guidelines Section 15124(b), the objectives stated in the project description are those sought by the proposed project, in this case the applicants for the proposed project are the mining operators. The County agrees, however, that one of its objectives in reviewing and making a decision on the requested projects and considerations of the alternatives is to assure compatibility and compliance with the General Plan and Zoning Ordinance. The proposed project and each of the alternatives was assessed for its consistency with the General Plan. As per CEQA Guidelines Section 15124(b), the objectives stated in the project description are those sought by the proposed project; in this case applicants are for the proposed project are the mining operators. Typically project objectives do not include consistency with Zoning and General Plan requirements. These are two of a large number of local, State and Federal laws, rules and regulations that any project is potentially subject to. There is no basis to single out these two legal requirements and not list other equally important regulations. A project objective may or may not be met, but Zoning and General Plan consistency are mandatory. Including Zoning and General plan consistency as project objectives would tend to blur the difference between mandatory legal requirements and desirable end states (i.e. the objectives as currently listed).

In regard to consistency with the Mineral Resources Protection Overlay Zone (MRP) additional text has been added to the FEIR to discuss this Zone in more detail.

- 50-4 A detailed discussion of aggregate supply and demand has been added to the in FEIR in Chapter 5 (Alternatives). Aggregate supply and demand issues have also been taken into consideration in the policy consistency analysis provided in Section 4.4 Land Use and Planning in the FEIR.
- 50-5 The related projects list and map in the FEIR has been updated according to this comment (see Chapter 3.0).
- 50-6 New counts have been done and the necessary updates have been made in the FEIR Traffic Study for counts originally taken prior to the Notice of Preparation.

50-7 The Traffic Study was revised as requested.

The FEIR analysis is generally consistent with this comment. Section 4.4.3 Impact LU-6 concludes that use of Walnut Canyon Road by project related traffic would result in a significant impact on the community character along that road. Section 5.6.4 makes the same finding if traffic is diverted to Grimes Canyon Road south of Broadway. Also, in both cases, these impacts are considered significant and unavoidable (Class I) impacts if they are allowed to occur. The term "unacceptable" is not used in CEQA. However, the determination of what is "unacceptable" will be made by Ventura County when the decision-makers evaluate whether these and other Class I impacts are "unacceptable" or "acceptable" given the benefits derived from the project.

50-8 The County model is the only one that covered this area in adequate detail. The use of a different model is not expected to reveal any traffic impacts that would not be identified by the model used for this analysis.

50-9 The necessary changes have been made to reflect City of Moorpark saturation flow rates within City boundaries, however it should be noted that the values stipulated by the City are lower than typical measurements of saturation flow rate and will generally produce Level of Service results that are lower than observed conditions. Typically background truck traffic is presumed and built into intersection capacity assumptions for lane capacities. This is especially true in Moorpark, where saturation rates stipulated for use are extremely low compared to measured values.

50-10 TDS is a traffic count company from Santa Ana that provided the counts. 10/15/06 was the date of the counts.

50-11 The FEIR Traffic Study was revised to reflect proper values, as updated by replacement traffic counts. The missing page was also added to the Study.

50-12 The FEIR Traffic Study was revised to reflect proper values, as updated by replacement traffic counts.

50-13 The FEIR Traffic Study was revised to reflect proper values, as updated by replacement traffic counts.

50-14 The differences between observed levels during data collection and permit allowed levels was fully explained in the Trip Generation Section of the Traffic Study. Observed levels were much lower than permit levels would expect. The traffic generation is based upon permitted or requested levels, not existing activity levels.

- 50-15 The Traffic Study was revised as noted. However, trip generation is based upon permitted or requested rates, not observed activity levels.
- 50-16 The asterisk means that the average was taken from all three sites; this has been included in the FEIR Traffic Study.
- 50-17 Requested daily traffic trips are discussed because it was used to obtain the additional volume of site traffic needed to account for the existing permit levels, because the measured activity was much lower than the permitted activity.
- 50-18 The Traffic Study was revised as requested.
- 50-19 The permitted trips are based on what the mines are currently allowed under the existing CUPs. The mines are not all currently at the maximum allowed under their existing CUPs, so the permitted trips are not the same as the existing trips (described on pgs 50-51 of the Traffic Study). Appendix B and the EIR are based on data supplied by the applicant regarding average traffic volumes. The actual traffic counts are a single snapshot in time compiled over a few days. The average volumes are not likely to match a very short term snapshot. The more accurate average provided by the applicant was considered most appropriate to use.
- 50-20 Requested daily traffic trips are discussed because it was used to obtain the additional volume of site traffic needed to account for the existing permit levels, because the measured activity was much lower than the permitted activity.
- 50-21 The volume attributed to cars is based upon the existing automobile trip generation rates that were measured for the sites and the amount of the permit request.
- 50-22 Yes, the permitted traffic generation includes truck deliveries.
- 50-23 The traffic generation was determined using the same methodology that was used for the existing permitted trip generation shown on DEIR Traffic Study pg 50 last paragraph.
- 50-24 The project distributions were derived in conjunction with the mines and County staff and are expected to accurately reflect project conditions. The overall distribution is believed to be correct. The northern legs are only shown at 70 percent to the north for two of the four projects in question, with 30 percent to the north for the other two mines. The distributions assume that trucks will avoid the steep grades of Grimes Canyon Road if this does not result in misdirected travel.

- 50-25 There are 3 project sites Wayne J, Grimes Rock, and Best Rock; Cemex is not currently proposing to amend their CUP, and is not a subject of this study but its contribution to truck traffic is considered in a cumulative context.
- 50-26 The Traffic Study figure has been revised as requested.
- 50-27 The Traffic Study figure has been revised as requested.
- 50-28 DEIR Table 20 (FEIR Table 25) only includes the traffic generation for truck trips and does not include PCE's. Table 22 includes the cars, trucks and PCE's, which reflects Table 20 and 21 combined including the PCE numbers.
- 50-29 This has been corrected in the FEIR Traffic Study.
- 50-30 This has been corrected in the FEIR Traffic Study.
- 50-31 This has been corrected in the FEIR Traffic Study.
- 50-32 This has been corrected in the FEIR Traffic Study.
- 50-33 The requested text discussion has been added to the FEIR Traffic Study.
- 50-34 This has been corrected in the FEIR Traffic Study.
- 50-35 The Traffic Study has been revised as requested.
- 50-36 The requested text discussion has been added to the FEIR Traffic Study.
- 50-37 The Traffic Study has been revised as requested.
- 50-38 The requested text discussion has been added to the FEIR Traffic Study.
- 50-39 The Traffic Study has been revised as requested.
- 50-40 New counts have been taken and the necessary updates have been made as well as the Moorpark saturation rate.
- 50-41 The Traffic Study and EIR fully disclose the impacts of the proposed project and the alternative route. The County will consider these in deciding whether or not to approve the project or an alternative.
- 50-42 Impacts at this location and mitigation measures are discussed.
- 50-43 The Traffic Study has been revised as requested.

50-44 This has been corrected in the FEIR Traffic Study.

50-45 As discussed starting on FEIR Appendix B page 118, the County staff may propose an aggressive permit condition monitoring and penalty program, with a major focus on enforcing traffic conditions. While such a program would require a major policy decision by the Ventura County decision-makers, it would be the type of program requested by this comment.

50-46 The Traffic Study has been revised as requested.

50-47 This concern is addressed in the Traffic Study. See Response 46-46.

50-49 The EIR discusses a mitigation measure for pavement impacts, however it also notes that the measure may not be feasible to implement. For clarification, the measure has been modified to indicate that it applies to SR-23 between SR-126 and SR-118.

50-50 The Traffic Study was revised as requested to reflect current conditions.

50-51 See Response 50-46.

50-52 The Traffic Study and FEIR have been updated to reflect this information.

50-53 See Response 50-49.

50-54 The threshold of significance for Moorpark residents includes both a condition of a change from an acceptable to an excessive exterior noise exposure, as well as an incremental increase that is substantial (+ 3 dB). The commenter correctly notes that the change in acoustic energy is much higher for a 3 dB increase from a 75 dB baseline than from a 60 dB baseline. However, CEQA requires consideration of the change from the baseline. If the change is below the human perception threshold because the baseline is already markedly elevated, it is very noisy now and will be very noisy in the future. However, a listener will not be able to perceive a clear-cut difference. The combination of a clearly perceptible change (+ 3 dB) and the possible increase of the noise impact envelope to encompass sensitive uses not previously impacted represents standard significance thresholds that are in common use in most CEQA analyses.

50-55 Table 4.3-6 has been revised accordingly.

50-56 As shown in Section 4.3 Table 4.3-6, the total increase in traffic from all three mines does not exceed the 3.0 dBA significance threshold at 50 feet from centerline for project-specific noise impacts. As such, no individual project

exceeds the threshold. The same result occurs for cumulative non-mining traffic which also does not exceed the 3.0 dBA threshold.

As shown on Table 4.3-8, in 2006 the three mines result in an additional 34 homes in Moorpark being exposed to the 65 CNEL noise contour, which is also a significance threshold (Moorpark rows, 2006 With Project minus 2006 Baseline). In 2025 the mines result in an additional 10 homes being exposed to 65 CNEL (Moorpark rows, 2025 With Projects minus 2025 Baseline). These impacts are identified as significant in the EIR.

However, between 2006 and 2025, the cumulative non-mining traffic results in an additional 74 homes exceeding the 65 CNEL baseline (Moorpark rows, 2025 Baseline minus 2006 Baseline). Since the non-mining traffic impacts occur later than the 2006 mining impacts, and non-mining traffic impacts a larger number of houses, the 74 additional homes impacted by the non-mining traffic in 2025 will include the 34 homes impacted by the mining traffic in 2006. That means that the 34 homes impacted by the mines in 2006 will be impacted in the future with or without the mines – the mines just cause the impacts to occur earlier than they would occur otherwise. However, the 10 additional houses impacted by the mines in 2025 would not be impacted by non-mining traffic within the time horizon considered by the EIR (i.e. to 2025), therefore the noise impacts to these houses can be assigned to the mines.

In summary, cumulative non-mining traffic along the mining access routes is going to subject an additional approximately 74 homes in Moorpark to noise levels which exceed the 65 CNEL city noise threshold. The mines will subject 34 of those homes to noise levels above 65 CNEL earlier than would occur without the mines, but sometime between now and 2025 the homes will be exposed to levels above 65 CNEL with or without the mines. In addition, in 2025 the mines will expose 10 homes to noise levels in excess of 65 dBA that would otherwise not be exposed to those levels.

This comment says it is feasible to mitigate these impacts by Ventura County developing a noise mitigation program within the City of Moorpark. The great majority of the projected impacts come from non-mining traffic. Mining traffic accelerates exceeding the 65 CNEL noise levels for 34 homes, and is responsible for exceeding the threshold for 10 houses sometime before 2025. Non-mining traffic has a significant impact on 74 homes.

The majority of the noise impacts are from non-mining traffic, and Ventura County does not have land use or building authority within the City of Moorpark. It is not politically or legally feasible for Ventura County to step in and create a noise mitigation program within the corporate limits of the City of Moorpark which could only address a relatively small part of the problem. It is more appropriate

for Moorpark to set up the program and for the County to require appropriate projects in the unincorporated area to contribute to it.

Ventura County has long recognized that traffic noise impacts from many sources are occurring along the mining haul routes in Moorpark. Consequently, mining projects in Grimes Canyon have been conditioned for several years to contribute their "fair share" to an appropriate noise mitigation program which Moorpark may establish. Even the County Los Angeles recognizes the appropriateness of this approach, in that Los Angeles conditioned every project in the 20,000 unit Newhall Ranch project just east of the County line to also contribute to a noise mitigation program if and when Moorpark develops one. The City of Moorpark, Ventura County, and Los Angeles County recognize that impacts are occurring, but the only politically and legally feasible mitigation measure to address this issue is for Moorpark to develop such a program.

50-57 Figure 4.4-1 has been revised accordingly. Section 4.4 Land Use and Planning has been revised to include descriptions of the purposes of the MRP Zone.

50-58 Alternative local sites were not explicitly considered in the EIR because such sites are limited, and would apparently create similar or greater impacts than those in Grimes Canyon. Additional analysis in FEIR Section 5.1.1 has been added to clarify this issue.

50-59 Historically the County does not dictate where a project operator can buy supplies of aggregate. Except in unusual situations, the only interest of the County is in controlling the number, routes, and/or timing of trips, but not the specific origin or destination of those trips. The County is not going to dictate from where Wayne J may get its aggregate, in that such a condition may not be legal, and it does not appear to serve a public interest. Where possible, such trips do not add to the number of trips created by a project, in that a miner will attempt to bring in rock using trucks that have already made a delivery of aggregate, and would otherwise return empty to the mine.

50-60 The restriction of southbound trips to Grimes Canyon South is a physically feasible alternative that was identified through the Charrette process, in which the City participated, as an option to consider in the EIR, primarily for the purpose of avoiding impacts within downtown Moorpark. The EIR alternatives analysis recognizes that this alternative would shift the project's trucking impacts, primarily noise impacts, from one location to another and concludes that as with the proposed project, this alternative would result in significant unavoidable noise impacts. However, as explained in EIR Sections 5.6.3 and 5.6.4, this alternative would reduce the severity of this impact because it would affect fewer residents. Therefore, this alternative would reduce impacts and is an acceptable and appropriate alternative for consideration in the EIR.

50-61 Section 5.0 of the EIR identifies the SR-23 Bypass as a future route envisioned in the City of Moorpark General Plan to decrease traffic through the downtown Moorpark Avenue. The EIR describes the measures the City has been taking with respect to development along the alignment of this route to allow for and facilitate implementation of this future roadway, as well as existing obstacles to its completion. The EIR recognizes that this is a long-term plan that will not be implemented at the initiation of the proposed permit expansions. Therefore this is one sub-alternative to the southbound route alternative. The Grimes Canyon South Alternative is also included as this alternative could feasibly be implemented in the short term until the SR-23 Bypass is completed.



City of Moorpark

COMMUNITY DEVELOPMENT DEPARTMENT: PLANNING – BUILDING AND SAFETY – CODE COMPLIANCE

799 Moorpark Avenue, Moorpark, California 93021 (805) 517-6200 fax (805) 532-2540

August 19, 2009

County of Ventura, Resource Management Agency
Planning Division
800 South Victoria Avenue
Ventura, CA 93009

Attention: Scott Ellison, Senior Planner

RE: Reply to Response to Comments on Final Environmental Impact Reports (EIRs) for

- 1. Modification No. 3 to CUP No. 4171, Best Rock Products Corp, [SCH 20060402], Located at 2500 Grimes Canyon Road, Fillmore**
- 2. Modification No. 2 to CUP No. 4874, Grimes Rock, Inc., [SCH 20060403], Located at 3500 Grimes Canyon Road, Fillmore**
- 3. Modification No. 6 to CUP No. 4571, Wayne J Sand and Gravel, [SCH 20060404], Located at 9455 Buena Vista Street, Moorpark**

Dear Mr. Ellison,

Thank you for sending the City a copy of the response to our comment letters for consideration of the Final EIRs for the proposed expansion of Best Rock's, Grimes Rock's and Wayne J's mining operations. The City of Moorpark recognizes the importance of the proper management of the County's aggregate resources to provide for present and future County needs. However, as has been clearly stated in past correspondence, expansion of any of the mining operations along State Route 23 north of Moorpark, that either increases the number of sand and gravel trucks in our downtown area or increases the hours in which the trucking occurs, is strongly opposed by the City. These trucks already significantly impact downtown area land uses, and any expansion would be in opposition to the City's efforts to improve the livability of this area and redevelop its downtown core into a vibrant commercial destination, consistent with the General Plan and Downtown Specific Plan.

The Final EIRs prepared for the expansion of Best Rock's, Grimes Rock's and Wayne J's mining operations do not adequately address the full extent of the project impacts. Although there may be numerous points of disagreement on the conclusions of the Final EIR, this letter focuses on the dismissing of the SR-23 bypass as a viable alternative, and the dismissing of establishing a fund to build the bypass as mitigation. The following points are offered for consideration by the Environmental Report Review Committee:

1. After review of the responses to our comment letters, and the contents of the proposed Final EIR, the City remains concerned that the Final EIR, without substantial analysis, dismisses the SR-23 bypass as a future project beyond the timeframe of the expansion of the proposed mining operations. The City of Moorpark has had this bypass identified in the General Plan Circulation Element since 1992, has had an alignment study was prepared for this bypass in 2007, and is currently reviewing a proposal to prepare a preliminary engineering design for it. Although, as noted in the Final EIR, the bypass will be an expensive project, the Final EIR provides no evidence that the expense makes

CC ATTACHMENT 5

JANICE S. PARVIN
Mayor

MARK VAN DAM
Mayor Pro Tem

ROSEANN MIKOS
Councilmember

KEITH F. MILLHOUSE
Councilmember

DAVID POLLACK
Councilmember

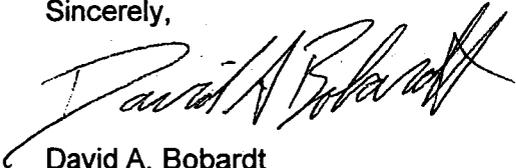
this alternative infeasible. The bypass involves only three properties. One of these properties, currently under development with the Moorpark Highlands Specific Plan, will have the grading for the SR-23 bypass completed as part of its project improvements, with the land irrevocably offered for dedication. One of the properties is already Caltrans right-of-way, and the third property is currently just north of the City boundary in the unincorporated County. The Final EIRs do not even include this alternative in the discussion of environmentally superior alternatives.

2. Furthermore, the Final EIRs dismiss funding of the SR-23 bypass as required mitigation because a funding mechanism for this improvement does not currently exist. The Final EIRs have not provided any evidence to demonstrate that a funding mechanism is infeasible. Rather, a funding mechanism should be fairly easy to establish by the County as mitigation (i.e. fee per truckload). The proposed expansion of the mining operations should only be considered if the establishment of a funding mechanism is required as mitigation, and no increase in operations above what is currently permitted should take place unless the funding mechanism has been created.

The SR-23 bypass has a reasonable potential to mitigate impacts created by the sand and gravel trucks driving through the City's downtown. However, the Final EIR dismissed this alternative without substantial analysis. Therefore, the proposed Final EIRs are not sufficiently complete to warrant certification at this time. We request the Environmental Report Review Committee to direct that this analysis be completed and that this analysis of the SR-23 bypass be recirculated for public review prior to recommending certification.

As always, we would appreciate notification of any upcoming public hearings or meetings on this project. You may contact me directly or Joseph R. Vacca, Principal Planner at (805) 517-6236 or via email at jvacca@ci.moorpark.ca.us if you have any questions.

Sincerely,



David A. Bobardt
Planning Director

C: Honorable City Council
Honorable City of Moorpark Planning Commission
Honorable Ventura County Board of Supervisors
Honorable Ventura County Planning Commission
Steven Kuény, City Manager
Joseph M. Montes, City Attorney
Joseph R. Vacca
Chron
File



City of Moorpark

COMMUNITY DEVELOPMENT DEPARTMENT: PLANNING – BUILDING AND SAFETY – CODE COMPLIANCE

799 Moorpark Avenue, Moorpark, California 93021 (805) 517-6200 fax (805) 532-2540

March 24, 2010

Scott Ellison, Senior Planner
County of Ventura, Resource Management Agency
Planning Division
800 South Victoria Avenue
Ventura, CA 93009

RE: Response to County Staff Request for Recommended Conditions of Approval for:

- 1. Modification No. 3 to CUP No. 4171, Best Rock Products Corp, [SCH 20060402], Located at 2500 Grimes Canyon Road, Fillmore**
- 2. Modification No. 2 to CUP No. 4874, Grimes Rock, Inc., [SCH 20060403], Located at 3500 Grimes Canyon Road, Fillmore**
- 3. Modification No. 6 to CUP No. 4571, Wayne J Sand and Gravel, [SCH 20060404], Located at 9455 Buena Vista Street, Moorpark**

Dear Mr. Ellison,

Thank you for contacting the City to obtain our recommended conditions of approval for the proposed expansion of Best Rock's, Grimes Rock's and Wayne J's mining operations. The City of Moorpark recognizes the importance of the proper management of the County's aggregate resources to provide for present and future County needs. However, as has been clearly stated in past correspondence, expansion of any of the mining operations along State Route 23 north of Moorpark, that either increases the number of sand and gravel trucks in our downtown area or increases the hours in which the trucking occurs, is strongly opposed by the City. These trucks already significantly impact downtown area land uses, and any expansion would be in opposition to the City's efforts to improve the livability of this area and redevelop its downtown core into a vibrant commercial destination, consistent with the General Plan and Downtown Specific Plan.

Given the current impact of truck traffic on the streets in the City of Moorpark, as well as the anticipated increase resulting from approval of these projects, each project should be conditioned to contribute its "fair share" of the anticipated cost of completion of the SR-23 bypass. As we communicated previously in connection with comments on the DEIR, the City of Moorpark has had this bypass identified in the General Plan Circulation Element since 1992, and an alignment study was prepared for this bypass in 2007. Currently the City is preparing a preliminary engineering design for it. The bypass involves only three properties. One of these properties, currently under development with the Moorpark Highlands Specific Plan, will have the grading for the SR-23 bypass completed as part of its project improvements, with the land irrevocably offered for dedication. One of the properties is already Caltrans right-of-way, and the third property is currently just north of the City boundary in the unincorporated County.

CC ATTACHMENT 6

JANICE S. PARVIN
Mayor

ROSEANN MIKOS
Mayor Pro Tem

KEITH F. MILLHOUSE
Councilmember

DAVID POLLOCK
Councilmember

MARK VAN DAM
Councilmember

Scott Ellison
March 24, 2010
Page 2

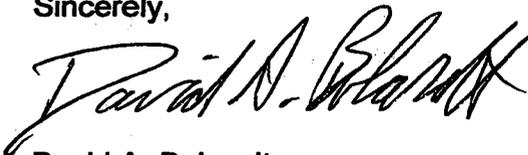
The SR-23 bypass has a reasonable potential to mitigate impacts created by the existing sand and gravel trucks driving through the City's central town core area. Once constructed, the SR-23 bypass will circumnavigate existing sand and gravel trucks, and additional trucks in the future if the proposed modification expansions are allowed, around the City's residential neighborhoods and commercial districts of the downtown. The trucks' use of the SR-23 bypass will be better served with uninterrupted access to their customers via direct connections to existing SR-118, for distribution of goods and materials. Furthermore, the trucks' use of the SR-23 bypass will alleviate noise, air quality, emissions, carrying capacities of roadways, traffic and storm water quality impacts on the existing downtown roadways of the City of Moorpark and will reduce the conflicts that exist between the passenger vehicles and trucks in these existing narrow roadways.

We would suggest that the timing of the payment of the fair share contribution be made prior to any increase in truck traffic over present levels. We would be happy to discuss with you the appropriate means of calculating the "fair share" as well as any other issues or concerns you may have with the suggested condition.

The function of a CUP is to ensure that appropriate conditions are imposed on a given use to mitigate the impacts on surrounding uses. The nexus between the activities described in the CUP and the truck traffic impacts on the streets in the City of Moorpark is clear. Limiting the required contribution to the applicants "fair share" of the cost of addressing those impacts will ensure that the mitigation is proportional to the impacts.

As always, we would appreciate notification of any upcoming public hearings or meetings on this project. You may contact me directly or Joseph R. Vacca, Principal Planner at (805) 517-6236 or via email at jvacca@ci.moorpark.ca.us if you have any questions.

Sincerely,



David A. Bobardt
Community Development Director

C: Honorable City Council
Honorable Planning Commission
Steven Kueny, City Manager
Joseph M. Montes, City Attorney
Yugal Lall, City Engineer/Public Works Director
Joseph R. Vacca

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