



PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT**

BUILDING STRONG®

**APPLICATION FOR PERMIT
Diamond Rock Sand & Gravel Mine Proposed Expansion**

Public Notice/Application No.: SPL-2003-00803-BAH

Project: Diamond Rock Sand and Gravel Mine Expansion

Comment Period: December 11, 2018 through January 10, 2019

Project Manager: Antal Szijj; (805) 585-2147; Antal.J.Szijj@usace.army.mil

Applicant

Steve Troesh
Troesh Materials, Inc.
305 Cuyama Lane
Nipomo, California 93444-9001

Contact

Sarah Bartling
Project Coordinator
GPS River Rock Products, Inc.
P.O. Box 344
Taft, CA 93268

Location

Within the Cuyama River near the town of Ventucopa, Santa Barbara County, CA (at: 34.858682°N Lat., 119.493755°S Long). See attached figures.

Activity

Troesh Materials is proposing to expand the existing sand and gravel extraction pit located in the Cuyama River. The existing 28-acre pit would be expanded by an additional 28 acres, of which approximately 13.8 acres would occur within non-wetland waters of the U.S. Discharges of fill within waters of the U.S. would include: (1) mechanized land clearing of the river bed; (2) grading of a 4-foot-tall 10-foot-wide earthen flood control berm around the mine pit and ongoing maintenance as needed; (3) maintaining access roads; and 4) placement of unmarketable excess fines and sands back into the mined areas. Discharge activities within waters of the U.S. would be staged in accordance with the progression mining operation (see attached drawings). For more information see Additional Project Information section below.

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act. Comments should be mailed to:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
ATTN: Antal Szijj
60 South California Street, Suite 201
Ventura, CA 93001-2598

Alternatively, comments can be sent electronically to: Antal.J.Szijj@usace.army.mil

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts

of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Coastal Zone Management- This project is located outside the coastal zone and preliminary review indicates it would not affect coastal zone resources. After a review of the comments received on this public notice and in consultation with the California Coastal Commission, the Corps will make a final determination of whether this project affects coastal zone resources after review of the comments received on this Public Notice.

Essential Fish Habitat- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH is affected by the proposed project

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Three federally listed species are known to occur in the project vicinity, the threatened Kern primrose sphinx moth (*Euproserpinus euterpe*), the endangered San Joaquin kit fox (*Vulpes macrotis mutica*) and the endangered blunt-nosed leopard lizard (*Gambelia sila*). The Corps completed formal consultation with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the Endangered Species Act to address potential effects to these species resulting from the initial 14-acre project. The USFWS issued a biological opinion (BO) on December 5, 2006, which concluded the project would not jeopardize the blunt-nosed leopard lizard nor San Joaquin kit fox and was not likely to adversely affect the Kern primrose sphinx moth. The BO analyzed an approximately 85-acre pit with a 90-foot depth as described in the initial application request. Consultation was reinitiated in May 2011 to address proposed changes to the haul route from the pit, modifications to the exclusionary fencing and invasive vegetation removal techniques; specifically, the potential impacts to the blunt-nosed leopard lizard that were not considered in the original BO. Consultation was reinitiated a second time to address the 2015 expansion from 14 to 28 acres. In both instances the USFWS concluded the changes did not materially affect the analysis and conclusions of the original BO.

Under the existing permit, Troesh Materials is required to conduct annual surveys for blunt-nosed leopard lizard, which is the species most likely to be adversely affected by the mining operations. Additionally, Troesh is required to conduct surveys for any San Joaquin kit fox dens within 14 days prior to any new ground disturbance in natural habitats. Permitted biologists have conducted eight years of surveys on behalf of Troesh Materials and no blunt-nosed leopard lizards have been observed. Signs of kit fox have been observed, but no dens have been found in the survey area. Based on the proposed expansion area and cumulative survey data, the Corps has made a preliminary determination that the proposed expansion would not adversely affect the above-listed threatened and endangered species and will request concurrence from the USFWS.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to extract and process Portland cement concrete-grade aggregate to supply the demand in southern Santa Barbara and northern Ventura counties.

Additional Project Information

Baseline information- The subject reach of the Cuyama River is located near the Town of Ventucopa, CA (Figure 1) and exhibits an ephemeral flow regime in which surface flows are only present during moderate to high rain events and for a brief period thereafter. The channel at the subject location is roughly 2,500 feet wide (including areas within and outside the ordinary high water mark) and exhibits a braided morphology with lower lying areas consisting of unvegetated sand and adjacent terraces supporting scalebroom scrub vegetation community dominated by *Lepidospartum squamatum*.

Troesh Materials initially applied for a Corps of Engineers permit to mine approximately 500,000 tons of sand and gravel annually over a 28-year period from an approximately 85-acre area in the Cuyama River to a depth of 90 feet, which matched the limits authorized under the conditional use permit issued by the County of Santa Barbara. To address concerns with potential indirect impacts to the Cuyama River the Corps authorized extraction activities for an initial five-year term, covering a 14-acre extraction pit to a depth of 45 feet. The permit was issued on April 16, 2010. The smaller and shallower mine pit that was initially authorized was due in part to the concern for channel erosion extending upstream of the pit (headcutting) as well as downstream of the pit due to sediment starvation that could result when the perimeter is breached by high flows and water and sediments are entrained in the pit. Additionally, there was concern about extraction operations encountering groundwater at the full 90-foot pit depth. The upstream slope of the pit was also modified from the

initial proposal to require a shallower 5:1 slope (versus the 3:1 slope along the remaining perimeter) to further minimize the potential for off-site erosion. The initial permit was modified on January 30, 2015 to allow the mining area to increase to 28 acres, while maintaining the 45-foot depth. The time limit for completing the authorized activities was extended to April 16, 2020 in a permit amendment issued April 2, 2015.

The eventual expansion of the pit was anticipated in the Corps' decision document and the permit was conditioned to require biannual surveys of the longitudinal profile of the centerline of the Cuyama River to monitor any erosion or other geomorphic changes that may be occurring as a result of material extraction and inform future permit decisions. The survey data extends 5,000 feet upstream and downstream of the pit, with additional cross-sections at 250-, 500-, 1500-, and 5000-foot intervals upstream and downstream of the pit, and cross sections of Santa Barbara Canyon and Ballinger Canyon immediately upstream of their respective confluences with the Cuyama River. A separate monitoring effort associated with the GPS River Rock Mine located approximately 1,300 feet downstream was also initiated in 2009, providing approximately 9 years of data over approximately 15,000 linear feet of the Cuyama River to date. The monitoring data encompass several flow events during this period and have not shown any substantial changes in the channel profile along the 15,000 foot reach of the river. Changes attributable to the pit appear to be confined to localized channel incision at the site of berm breaches, which only affected a secondary braid of the main channel.

The perimeter of the pit is bound by a four-foot-tall by ten-foot-wide earthen berm which is periodically maintained to direct surface flows around the pit when they occur. The berm is designed to allow larger flow events (in excess of a 5- to 10-year recurrence interval) to breach the berm and enter the pit, which also deposits entrained sediments as they are conveyed downstream. Breaches by high flows have occurred on two occasions since issuance of the permit, which have deposited approximately 260,000 cubic yards of material.

The estimated aggregate produced from the initial and modified permits is 1,750,000 tons (1.2 million cubic yards). Excavated material is trucked to the GPS River Rock processing plant located approximately ¾-mile to the north. Ongoing extraction of is nearing the limit of available material within the existing authorized mining pit, prompting the request to expand the current boundary. Material deposited in the pit by flood events has consisted of sediments with a higher proportion of finer grained material which is less suitable for construction purposes compared to the existing streambed deposits.

Project description- The proposed project would expand the existing pit area by an additional 28 acres, of which approximately 13.8 acres are currently within the ordinary high water mark of the Cuyama River (Figure 2). There are no wetlands or other special aquatic sites present. The expanded pit would continue to maintain earthen berms surrounding the perimeter and a 5:1 pit slope at the upstream side. Once exhausted the pit would be allowed to infill naturally. Partial or complete infilling may also occur during the proposed 5-year term of the permit as has occurred historically. This process has been ongoing at the nearby GPS River Rock extraction pit downstream, where extraction ceased in 2009 and has largely been reclaimed by natural deposition. Material would continue to be processed at the nearby GPS River Rock processing plant (a condition of the county's conditional use permit prohibits both mining pits from operating simultaneously).

Proposed Mitigation- The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: Avoidance of waters of the U.S. was considered in the alternatives analysis conducted as part of the existing permit. The availability of upland sites is constrained by existing land uses (primarily agriculture). A similar analysis would be conducted as part of the current application for expansion.

Minimization: Minimization measures have largely focused on minimizing the depth and footprint of the mine to minimize direct impacts to waters as well as measures to minimize indirect impacts such as excessive headcutting or other erosive impacts. The proposed mining footprint is constrained in part by the county-approved mining limits and would include an approximately equal proportion of waters of the U.S. and adjacent uplands.

Compensation: Compensatory mitigation for the existing mining operation included 1.5 acres of enhancement (revegetation and non-native vegetation control) along Deer Park Creek (a tributary to the Cuyama River adjacent to the Diamond Rock Mine) and restoration of an approximately 1,400 foot long section of the Cuyama River bank including removal of buried vehicles and tree planting. Both site continue to be monitored. Troesh Materials has proposed trash and debris removal over an approximately 112-acre portion of the Cuyama River in the vicinity of the Diamond Rock Mine as additional compensatory mitigation for the proposed expansion. Most of this debris consists of various farm equipment, plastics, vehicles and vehicle parts washed downstream.

Proposed Special Conditions

Special conditions included in the existing permit would likely be required in the amended permit, if issued. These include requirements for ongoing monitoring of the channel condition, biological monitoring, and compensatory mitigation.

For additional information please call Antal Szijj of my staff at (805) 585-2147 or via e-mail at Antal.J.Szijj@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
60 South California Street, Suite 201
Ventura, CA 93001-2598

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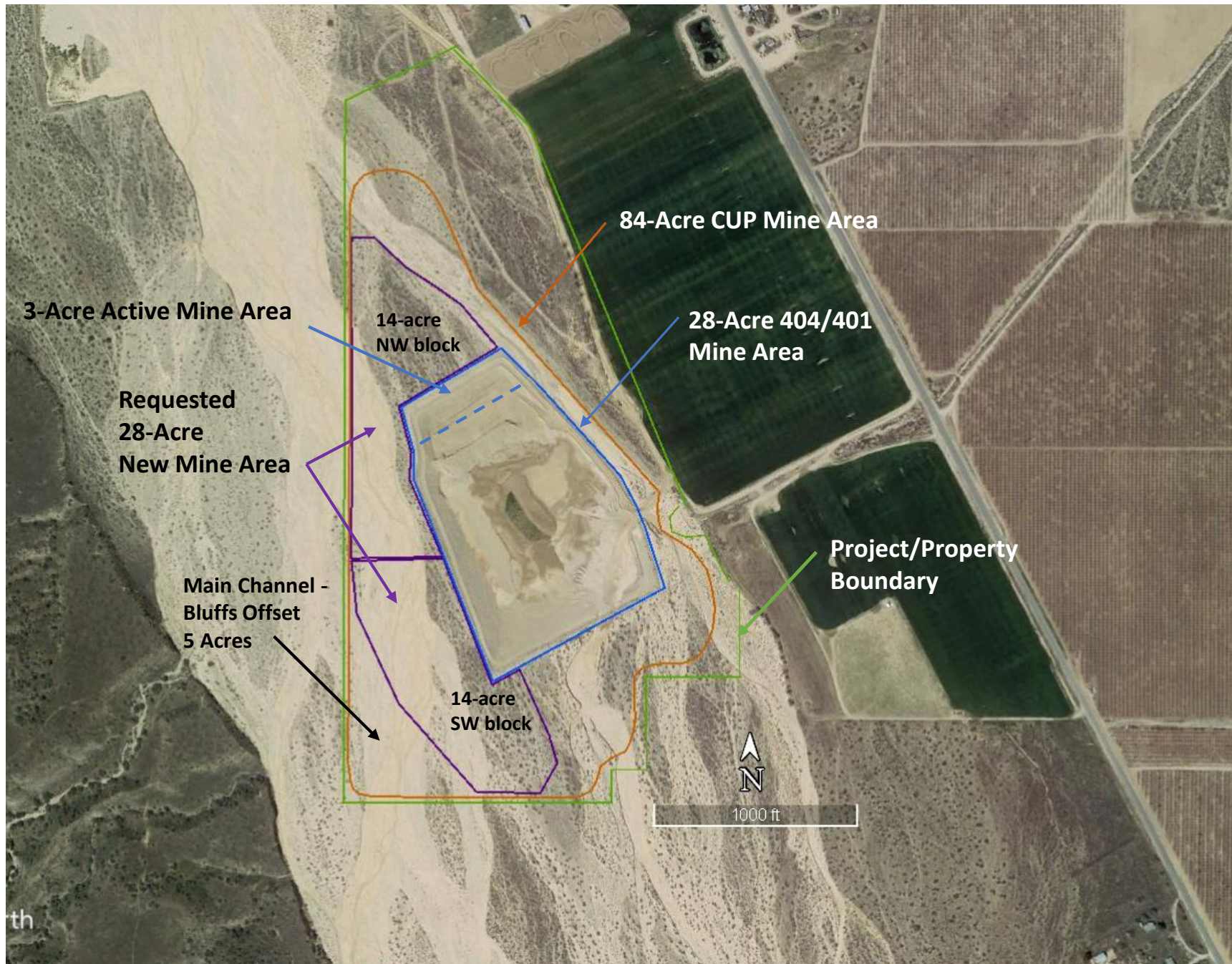
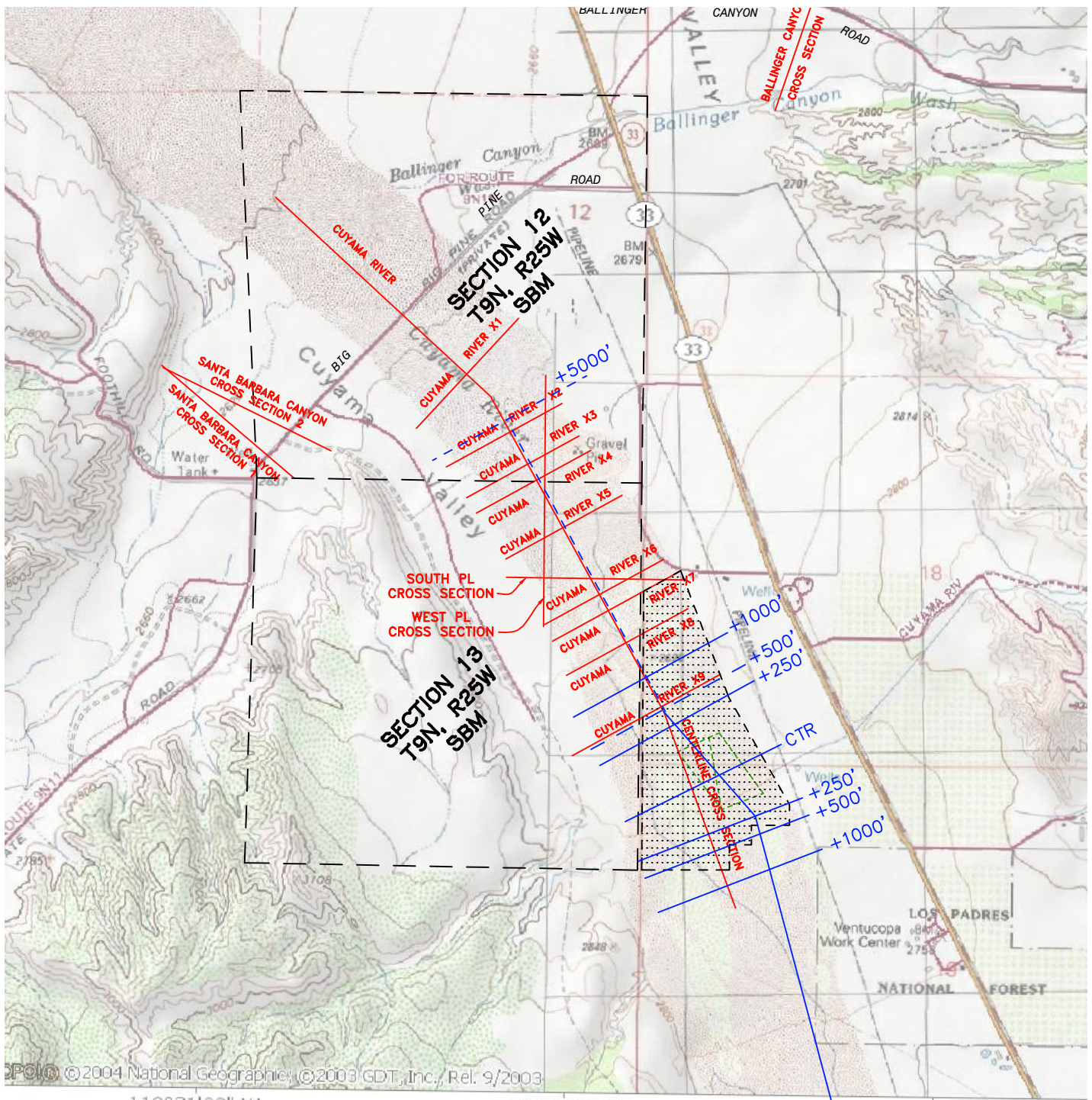


Figure 2
Diamond Rock Sand & Gravel Mine
Proposed Permit Modification
SPL 2003-303-AJS
August 2018



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119°31'00" W 119°30'00" W 119°29'00" W

NATIONAL
GEOGRAPHIC

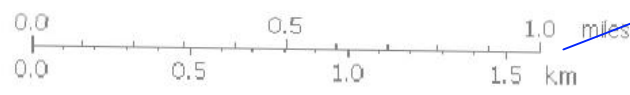


Figure 3

**EXHIBIT MAP
OF
GPS & DRM
MINE CROSS SECTIONS**

- GPS CROSS SECTIONS
- DRM PROPOSED CROSS SECTIONS

SCALE: 1" = 2000' PLOT DATE: 1/27/2012



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210 Enos Drive, Suite A, Santa Maria, CA 93454
Phone: (805) 925-2345 Fax: (805) 925-1539

W.O. 18323.06 DWG: 18323PLAN.dwg

