

EXHIBIT 4
EIR ADDENDUM
CEQA Guidelines Section 15164

Ojai Quarry
Reclamation Plan Amendment
Case No. PL18-0136

A. BACKGROUND INFORMATION:

Entitlement: Reclamation Plan for a mining facility (Case No. PL18-0136)

Applicant: Larry Mosler, representing GraLar LLC.

Property Owners: GraLar, LLC.

Location: The project site is located at 15558 Maricopa Hwy (SR 33), near the intersection of South Matilija Road and State Route 33, near the City of Ojai, in the unincorporated area of Ventura County.

Assessor's Parcel Number: 009-0-090-16 and 009-0-090-18

Lot Size: 34.61 acres

General Plan Land Use Designation: Open Space (10-Acre Minimum) and Agricultural (40-Acre Minimum)

Zoning Designation: OS-160 ac (Open Space, 160-Acre Minimum Lot Size)

B. PROJECT DESCRIPTION:

The applicant requests that a Reclamation Plan Amendment (RPA) be approved to authorize changes in the final reclaimed configuration of the Ojai Quarry.

The current approved Reclamation Plan for the Ojai Quarry is comprised of the 1995 Reclamation Plan (Exhibit 10) and the 2012 Reclamation Plan Compliance Amendment (Exhibit 9). Because excavation and material removal occurred below the Final Reclaimed Surface (FRS) depicted in the 1995 plan, reclamation of the site in accordance with the approved plan could not be achieved without the backfilling of the over-excavated areas. Approximately 97,000 cubic yards of material would have to be placed in the over-excavated area to create the approved FRS.

The proposed RPA would allow the existing ground surface in the over-excavated area to constitute a part of the FRS. This would eliminate the requirement for the placement of 97,000 cubic yards of fill.

The proposed project does not include any other substantial changes in the reclamation requirements to be applied to the mined lands at the subject facility. No changes in the operational limitations established by CUP PL15-0118 are proposed or would be authorized by the requested RPA.

County of Ventura Planning Commission Hearing Case No. PL18-0136 Exhibit 4 - Addendum to EIR

C. STATEMENT OF ENVIRONMENTAL FINDINGS:

History of Regulatory Actions and CEQA Review:

The project site has been used intermittently as a rock quarry since 1939. At that time, it was known as the “Maricopa Placer Claim”. The original owner, Schmidt Construction, Inc., leased the site in 1948 and purchased it in fee in 1962.

In 1974, the mine operator applied for a Conditional Use Permit (CUP) to authorize continued surface mining activities at the site for a 20-year period. On January 15, 1976, the County Planning Commission granted CUP 3489 and certified an Environmental Impact Report (EIR) prepared in accordance with CEQA.

In 1981, the Planning Commission granted a modified CUP (CUP 3489-1) to extend the effective period of the permit by 5 years and approved a Reclamation Plan Amendment. The Planning Commission determined that the original EIR adequately addressed the potential impacts of the modified project.

On June 1, 1995 the Planning Commission granted a modified CUP (CUP 3489-2) to authorize an expansion of the area subject to mining excavation and to extend the effective term of the permit by an additional 20 years. A revised Reclamation Plan was also approved at this time. As part of these actions, the Commission certified a subsequent EIR (“1995 EIR”). The EIR identified potentially significant project-specific and cumulative impacts related to aesthetics (visual), biology/sedimentation, geology/soils and traffic.

On April 17, 2012, the Planning Director approved a Reclamation Plan Compliance Amendment (RPCA) required to address areas located outside of the previously approved 1995 Reclamation Plan boundary that had been disturbed by mining activities. A Permit Adjustment (Case No. LU11-0080) was also granted to authorize minor changes in facility operations. As part of the actions taken on April 17, 2012, the Planning Director approved the EIR Addendum as satisfying the environmental review requirements of CEQA.

On November 13, 2012, the RPCA was considered on appeal by the Board of Supervisors. The Board denied the appeal, approved the RPCA, and found that the EIR Addendum had been prepared in compliance with the applicable requirements of the California Environmental Quality Act (CEQA).

On December 3, 2014, the Planning Director granted a Permit Adjustment (Case No. PL14-0088) of CUP LU11-0080 (an adjustment of CUP 3489-2). With this action, stormwater pollution control measures set forth in a Consent Decree and Settlement Agreement entered into by the Permittee and Santa Barbara Channelkeeper

organization were incorporated into the CUP and Reclamation Plan for this mining facility. The pollution control measures incorporated into the authorized facility include:

1. Paving of the haul road from the facility entrance to the upper detention basin
2. An increase in the volume of the upper detention basin to 1,000,000-gallon capacity; and
3. Replacement of the lower detention basin with an 18,000-gallon capacity weir tank during the rainy season (October through April) of every calendar year.

The incorporation of the stormwater control measures into the project was found by the Planning Director to be exempt from environmental review in accordance with Section 15301 of the CEQA Guidelines.

On March 7, 2017, the Board of Supervisors granted modified CUP No. PL15-0118 to authorize mining operations to continue at the Ojai Quarry for an additional 30-year period ending in 2046. As part of this action, the Board approved an Addendum to the 1995 EIR as satisfying the environmental review requirements of CEQA. The previously approved Reclamation Plan for this mining facility was not revised as part of this land use permit action by the Board. The approved Reclamation Plan continues to be comprised of the 1995 plan as augmented by the 2012 Reclamation Plan Compliance Amendment (RPCA).

Environmental Review of the proposed project:

The proposed Reclamation Plan Amendment (RPA) would allow the existing ground surface in the over-excavated area to constitute a part of the FRS. This would eliminate the current requirement for the placement of 97,000 cubic yards of fill. The RPA would also serve to apply the current reclamation standards set forth in the SMARA statutes and regulations over the area subject to the 1995 Reclamation Plan. In any case, the current requirements for site revegetation, drainage, erosion and sedimentation control would remain in effect.

The proposed project does not include any other substantial changes in the reclamation requirements to be applied to the mined lands at the subject facility. No changes in the operational limitations established by CUP PL15-0118 are proposed or would be authorized by the requested RPA.

The existing certified environmental document (i.e. the 1995 EIR as augmented by the 2012 EIR Addendum) addresses the key issues of the mining facility's effects on visual resources, biological resources (including the endangered steelhead trout), creek sedimentation and slope stability (e.g. rockfall). The issue of slope stability, however, is further addressed in the proposed RPA as this is relevant to the proposed change in the Final Reclaimed Surface (FRS).

The RPA incorporates technical reports prepared by California-licensed geologists and engineers. These reports document that the slopes that would remain after implementation of the proposed RPA would meet established standards of slope stability.

Section 15164(a) of the CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3) states that the decision-making body shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR have occurred.

The conditions described in Section 15162 of the CEQA Guidelines which require the preparation of a subsequent EIR are provided below, along with a discussion as to why a subsequent EIR is not required:

- 1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§15162(a)(1)];**

The proposed RPA would replace the current approved Reclamation Plan. The only substantial change in site reclamation that would be allowed under the RPA is a change in the configuration of the Final Reclaimed Surface (FRS) for the Ojai Quarry. Under proposed the RPA, the current over-excavated areas of the quarry would become part of the final reclaimed surface and the current requirement to place 97,000 cubic yards of fill would be largely eliminated.

The proposed change in FRS configuration would not substantially alter the appearance of the Ojai Quarry (at the time of final reclamation) from public views along the adjacent State Highway 33. This is because the over-excavated areas are not prominently visible from the highway under current conditions and would be screened by required vegetation planted as part of reclamation of the site.

The other major issue pertinent to the proposed RPA is slope stability. This issue is addressed by State-licensed geologists and engineers in reports included in the RPA. Based on the information provided in these reports, the current slopes proposed to remain after site reclamation meet established standards of stability. The slopes in question were created by mining excavation that occurred more than 30 years ago. No substantial slope failure has occurred over this period.

In terms of biological resources, the proposed RPA continues to require revegetation of the slopes that would remain after mining excavation ceases. The over-excavated area would serve a beneficial post-mining purpose as an additional sediment trap to limit siltation of nearby Matilija Creek. Siltation would

also be minimized by eliminating the grading activities that would be required to place the currently required 97,000 cubic yards of fill.

No substantial changes are proposed in the existing permitted mining facility. This facility is authorized to be in operation until 2046. The authorized area subject to mining excavation would not change with the implementation of the proposed RPA.

The proposed change in the approved Reclamation Plan will not result in any new physical effects on the environment that were not analyzed in the certified 1995 EIR as augmented by the 2012 EIR Addendum. Thus, there will be no new environmental effects or increase in the severity of previously identified significant effects.

Based on the above discussion, major revisions of the previous EIR and Addendum are not required.

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§15162(a)(2)]; or,

With one exception, there have been no substantial changes in land use or environmental circumstances in the vicinity of the Ojai Quarry since certification of the EIR in 1995. There has been no substantial new development or other land use changes in the vicinity of the quarry since that time.

The one exception involves the federal listing of the Southern California steelhead trout (*Oncorhynchus mykiss*) by the federal government as endangered in 1997. Critical habitat for the Southern California steelhead trout has been identified in Ventura County and includes the Ventura River and major tributaries (Matilija Creek-North Fork and San Antonio Creek) and the Santa Clara River and major tributaries (Sespe Creek and Santa Paula Creek). The north fork of Matilija Creek is located adjacent to the project site.

The potential effects of mining operations on aquatic habitat and fish in Matilija Creek, including sedimentation and the potential for rockfalls to block fish passage, were evaluated in the 1995 EIR. As acknowledged on pages 64-66 of the 1995 EIR:

“The California Department of Fish and Game considers streambeds and drainages, including but not limited to such blue line streams to be potentially significant fish and wildlife habitat. Currently, the potential exists for rockfall from the existing quarry operation to enter the Matilija Creek. This is considered an existing adverse condition.”

“... for purposes of this EIR, significant effects on rare or endangered plants or animals (or the habitat of such species), as well as substantial interference with resident or migratory fish or wildlife species, are considered to be significant adverse impacts.”

“Given the significance of stream riparian and aquatic habitats, the potential for erosion/sedimentation due to implementation of the project is considered a significant adverse impact.”

“The quarry slope as it currently exists within the project area has the potential for a major failure into the North Fork of Matilija Creek resulting in several adverse impacts. These include loss of riparian habitat through burial, loss of aquatic habitats through burial and/or siltation onsite and downstream and interruption of movement by fish and wildlife along the creek.”

The 2012 EIR Addendum (pages 4, 5, and 6) also addresses the project’s potential effects on Matilija Creek and the steelhead as follows:

“The original quarry operation created an unstable slope which has the potential for a rockfall that would impact quarry workers, Matilija Creek and Highway 33.”

“All reclaimed slopes (both existing and proposed) will meet the slope stability standards set forth by the original Conditional Use Permit, Reclamation Plan and EIR. Therefore, the proposed modification will not result in any new significant environmental effects or an increase in the severity of previously identified impacts.”

“... the proposed changes will not cause an impact to the creek and therefore could not affect the Southern California steelhead trout. The original project was conditioned to mitigate potential impacts to the creek by reducing sedimentation on-site. The project was also conditioned to mitigate any existing and potential geotechnical hazards. With both the biological and geotechnical mitigation measures in place, the proposed project will not involve any new significant environmental impacts or cause a substantial increase in the severity of the previously identified significant effects.”

In addition, the 2012 EIR Addendum includes six letters of public comment that raise various issues involving potential impacts of the mining operation on biological resources (i.e. the steelhead trout). The January 2012 Southern California Steelhead Recovery Plan Summary prepared by the National Marine Fisheries Service is also included in the letters of public comment and incorporated into the Addendum. Staff responses to 46 specific public comments are included in the 2012 EIR Addendum that address each issue raised in the submitted letters.

As part of the consideration and approval of the 2012 EIR Addendum at the November 13, 2012 public hearing, the County Board of Supervisors implicitly determined that none of these public comments constituted or identified substantial evidence [as defined in Section 15064(f)(5) of the CEQA Guidelines] of a potentially significant impact that would result from the continued operation of the Ojai Quarry for a 30-year period ending in 2046. At the November 13, 2012 hearing, the Board of Supervisors made specific findings that *“the Addendum to the Environmental Impact Report (EIR) has been prepared in compliance with applicable requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines”* and that *“no subsequent or supplemental EIR is required...”*.

The changes in site reclamation included in the proposed RPA would not exacerbate erosion of the mined lands that would potentially increase sedimentation of Matilija Creek. The current requirements for site revegetation, drainage, erosion and sedimentation control would remain in effect. Thus, no new effect on the Steelhead would result from approval and implementation of the RPA. It is likely that sedimentation resulting from erosion at the mining site will be decreased by the elimination of the grading activities required to place 97,000 cubic yards of fill.

Based on the above discussion, there has been no substantial change in the circumstances such that major revisions in the 1995 EIR (as augmented by the 2012 EIR Addendum) are required.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Planning Commission certified the previous EIR, shows any of the following:

a. The project will have one or more significant effects not discussed in the previous EIR [§15162(a)(3)(A)];

As discussed above, the Southern California steelhead trout (*Oncorhynchus mykiss*) was listed by the federal government as endangered in 1997. However, the proposed change in the Reclamation Plan does not involve an expansion of the mining excavation area or operational intensity of the surface mining activities. The current requirements for site revegetation, drainage, erosion and sedimentation control would remain in effect. Thus, the project would not result in any new effects on the aquatic habitat in Matilija Creek.

While the Southern California steelhead trout was federally listed as endangered after the 1995 EIR was certified, the biological impacts of the project were analyzed and mitigation measures were identified to reduce the potential impacts on all riparian wildlife and habitat in the 1995 EIR and 2012 EIR Addendum.

Furthermore, the National Marine Fishery Service announced its intent to review the coastal steelhead for special status in May 1993, before the 1995 EIR was certified. Information regarding the critical state of the steelhead trout was available during the preparation and certification of the 1995 EIR. The impacts on the steelhead trout and other riparian habitat were addressed in the biology assessment for the project and the impacts identified were found to be potentially significant. With the incorporation of the identified mitigation measures into the conditions of approval, the residual impacts were determined to be less than significant.

In summary, no new information of substantial importance has been identified that requires a major revision of the 1995 EIR as augmented by the 2012 EIR Addendum.

b. Significant effects previously examined will be substantially more severe than shown in the previous EIR [§15162(a)(3)(B)];

No aspect of the proposed changes in site reclamation included in the proposed RPA have been identified that would result in a new potentially significant effect on the environment or exacerbate a significant effect previously identified in the 1995 EIR. No expansion of this facility or increase in operational intensity is proposed. Truck traffic associated with product export will remain at the currently permitted level of 20 truckloads (40 one-way trips) per operational day.

Based on the above discussion, the environmental effects of the operation of Ojai Quarry will not be more severe than disclosed in the previous EIR.

c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative [§15162(a)(3)(C)];

No mitigation measures or alternatives previously found to be infeasible have been identified that are now feasible. No expansion of this facility or increase in operational intensity is proposed. Truck traffic associated with product export will remain at the currently permitted level of 20 truckloads (40 one-way trips) per day. The proposed change in site reclamation requirements will not result in any new physical effects on the environment that were not analyzed in the certified 1995 EIR (as augmented by the 2012 Addendum). No new mitigation measures are warranted.

d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative [§15162(a)(3)(D)].

No mitigation measures or alternatives different from those presented in the previous 1995 EIR (as augmented by the 2012 EIR Addendum) have been identified. No expansion of this facility or increase in operational intensity is proposed. Truck traffic associated with product export will remain at the currently permitted level of 20 truckloads (40 one-way trips) per day. The visual character of the site after reclamation will not substantially change with implementation of the proposed RPA. The proposed RPA will not result in any new potentially significant effects on the environment that were not analyzed in the certified 1995 EIR (as augmented by the 2012 EIR Addendum). No new mitigation measures are warranted.

Based on the information provided above, there is no substantial evidence on the record that requires the preparation of a subsequent EIR. The decision maker shall consider this Addendum to the adopted 1995 EIR prior to making a decision on the project.

C. PUBLIC REVIEW:

Pursuant to the CEQA Guidelines §15164(c), this Addendum to the Environmental Impact Report (EIR) does not need to be circulated for public review and comment, and shall be included in, or attached to, the adopted EIR.

Prepared by:



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