VENTURA COUNTY

PACIFIC ROCK QUARRY EXPANSION PROJECT

FINAL ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE NO. 2017081052

VOLUME I – MAIN DOCUMENT



MAY 2025

Lead Agency:
Ventura County Resource Management Agency, Planning Division

Preparer:
Benchmark Resources

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LIST OF ACRONYMS

µPa	micropascals
ac	acre
AE	Agricultural Exclusive
AFY	acre-feet per year
amsl	above mean sea level
ANFO	ammonium nitrate fuel oil
APN	Assessor's Parcel Number
bi	dark intrusive basaltic rocks
BMPs	Best Management Practices
BRC	BioResources Consultants
Cal/EPA	California Environmental Protection Agency
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAT	Camarillo Area Transit
CBC	California Building Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERS	California Environmental Reporting System
CHP	California Highway Patrol
CHRIS	California Historical Resources Information System
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CSD	Camarillo Sanitary District
CUP	Conditional Use Permit
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibels
dBA	A-weighted decibels
DEIR	Draft Environmental Impact Report

DMR	Division of Mine Reclamation
DOC	California Department of Conservation
DOT	U.S. Department of Transportation
DTSC	California Department of Toxic Substances Control
DWR	California Department of Water Resources
EHD	Ventura County Environmental Health Division
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
ESA	Environmental Science Associates
FCGMA	Fox Canyon Groundwater Management Agency
FEIR	Final Environmental Impact Report
FEMA	Federal Emergency Management Agency
FHRP	Fire Hazard Reduction Program
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FIRM	Flood Insurance Rate Map
GSP	Groundwater Sustainability Plan
h:v	horizontal:vertical
HCWC	Habitat Connectivity Wildlife Corridor
HMBP	Hazardous Materials Business Plan
HRA	Health Risk Assessment
HSWA	Hazardous and Solid Waste Amendments Act
Hz	Hertz
in/sec	inches per second
ISAG	Ventura County Initial Study Assessment Guidelines
kW	kilowatt
kWh	kilowatt hour
LARWQCB	Los Angeles Regional Water Quality Control Board
LCA	Land Conservation Act
Leq	average/equivalent sound level over period of time
LIC	Locally Important Community
Lmax	maximum sound level during a given period
LoS	line of sight

LOS	level of service
MBTA	Migratory Bird Treaty Act
MMRP	Mitigation Monitoring and Reporting Program
NEC	No Exposure Certification
NOI	Notice of Intent
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRCS	Natural Resource Conservation Service
OS	Open Space
OWTS	onsite wastewater treatment system
PCE	passenger car equivalent
PPV	peak particle velocity
PRC	Public Resources Code
PRDEIR	Partial Recirculated Draft Environmental Impact Report
PWATD	Ventura County Public Works Agency Transportation Department
RCRA	Resources Conservation and Recovery Act
RMA	Resource Management Agency
RWQCB	Regional Water Quality Control Board
SARA	Superfund Amendments and Reauthorization Act
SARA Title III	Emergency Planning and Community Right-to-Know
SB	Senate Bill
SCCIC	South Central Coastal Information Center
SGMA	Sustainable Groundwater Management Act
SMARA	Surface Mining and Reclamation Act
SPCC	Spill Prevention Control and Countermeasure
SWRCB	State Water Resources Control Board
Tcvb	dark gray extrusive basalt
Tcvdb	light gray to pinkish gray dacitic breccias
TDS	total dissolved solids
TIS	Transportation Impact Study
TMDL	Total Maximum Daily Load

TNM	Traffic Noise Model
TSCA	Toxic Substances Control Act
VCAPCD	Ventura County Air Pollution Control District
VCTC	Ventura County Transportation Commission
VMT	vehicle miles traveled
VRPA	VRPA Technologies, Inc.
WCPA	wildlife corridor preservation area
WDID	Waste Discharge Identification Number
WP	Wildlife Passage
WWTP	wastewater treatment plant

CHAPTER 1
INTRODUCTION

CHAPTER 1-INTRODUCTION

1.1 OVERVIEW

The California Environmental Quality Act (CEQA) requires that local, regional, and State agencies and special purpose districts prepare an Environmental Impact Report (EIR) for any discretionary action that may have the potential to significantly affect the quality of the environment. This document, together with the 2020 Draft EIR (DEIR) and the 2022 Partial Recirculated Draft EIR (PRDEIR), constitutes the Final EIR (FEIR) for proposed modifications to the Pacific Rock Quarry Conditional Use Permit (CUP) (CUP 3817-3) and Reclamation Plan project (Project).

The Ventura County Resource Management Agency, Planning Division prepared and circulated for public review between December 1, 2020, and January 15, 2021, the DEIR which described and evaluated the proposed Project. Following public review of the DEIR, Ventura County determined that revisions to DEIR Section 3.5, "Biological Resources," were necessary and that the revisions warranted recirculation for public review pursuant to Public Resources Code (PRC) Section 21092.1 and CEQA Guidelines Section 15088.5. Ventura County then prepared and circulated for public review between October 26 and December 9, 2022, a Partial Recirculated Draft EIR (PRDEIR) containing the revised Biological Resources section.

This FEIR incorporates the DEIR and PRDEIR by reference, provides responses to comments received on both the DEIR and the PRDEIR (FEIR Chapter 2), and includes revisions to the DEIR and PRDEIR through errata (FEIR Chapter 3).

The errata in Chapter 3 of this FEIR modify the DEIR and PRDEIR as deemed necessary in responding to comments or as otherwise deemed necessary by the County for reasons summarized at each errata in Chapter 3. The errata also include revisions to the DEIR and PRDEIR to modify the description of the Project and analysis where needed to adjust the Applicant's request to modify the duration of the proposed CUP extension from 30 years to 60 years, for reasons explained below in Section 1.3.

1.2 PURPOSE OF THE FINAL EIR

In conformance with CEQA and CEQA Guidelines, the FEIR provides objective information regarding the environmental consequences of the proposed Project. The FEIR also examines mitigation measures and alternatives to the Project intended to reduce or eliminate significant environmental impacts. The FEIR is intended to be used by Ventura County and any Responsible Agencies in making decisions regarding the Project.

Pursuant to CEQA Guidelines Section 15090(a), prior to approving a project, the lead agency shall certify that:

1. the FEIR has been completed in compliance with CEQA;
2. the FEIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the FEIR prior to approving the project; and
3. the FEIR reflects the lead agency's independent judgment and analysis.

CEQA Guidelines Section 15132 specify that the FEIR shall consist of:

a. the draft EIR or a revision of the draft EIR;

b. comments and recommendations received on the draft EIR either verbatim or in summary;
c. a list of persons, organizations, and public agencies commenting on the draft EIR;
d. the Lead Agency's responses to significant environmental points raised in the review and consultation process; and
e. any other information added by the Lead Agency.

This FEIR incorporates the DEIR and the PRDEIR. Comments and recommendations on the DEIR and the PRDEIR are included in their original form in Appendix I of this FEIR. Reproduction of the text of comment letters is provided in Chapter 2, which also provides a list of the persons, organizations, and public agencies commenting on the DEIR and PRDEIR, and provides responses to the significant environmental points raised in comments. Chapter 3 provides errata to the DEIR and PRDEIR as deemed necessary in responding to comments or as otherwise deemed necessary by the County.

CEQA Guidelines Section 15088.5 requires that an EIR be recirculated prior to certification if significant new information is added to the EIR after release of the draft EIR that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. In consideration of comments on the 2020 DEIR, the County determined that revisions to 2020 DEIR Section 3.5, "Biological Resources," warranted recirculation document prior to preparing this FEIR. Thus, the County revised 2020 DEIR Section 3.5 and recirculated it as the 2022 PRDEIR. The County has also considered whether the revisions made in preparing this FEIR warrant recirculation pursuant to CEQA requirements, and has determined recirculation is not required.

1.3 OVERVIEW OF THE PROPOSED PROJECT

1.3.1 Project Summary

The Pacific Rock Quarry is located approximately 1.5 miles east of Lewis Road and approximately two miles south of State Highway 101 off a private road (Howard Road) in unincorporated Ventura County. (See Figure 1-1, "Regional Location" and Figure 1-2, "Site Location."). The physical address for the site is 1000 South Howard Road, Camarillo, California 93012. The existing quarry is located within Assessor's Parcel Number ("APN") 234-0-060-220. Proposed expansion areas are within additional portions of APN 234-0-060-220 and a portion of APN 234-0-060-190. Both parcels are located in Section 8, Township 1 North, Range 20 West, San Bernardino Baseline and Meridian.

The parcels and their designations under the County General Plan and zoning are summarized in Table 1-1, "Project Site Parcels and Designations."

Table 1-1. Project Site Parcels and Designations

Assessor's Parcel Number *(APN)*	Area *(acres)*	General Plan Land Use Designation	Zoning Designation
234-0-060-220	241.34	Agricultural (40 Ac. Min.) Open Space (10 Ac. Min.)	Agricultural Exclusive (AE)-40 ac/HCWC
234-0-060-190	476.56	Agricultural (40 Ac. Min.) Open Space (10 Ac. Min.)	Open Space (OS)-160 ac/HCWC

Notes:
1. HCWC component of zoning designation reflects Habitat Connectivity and Wildlife Corridor overlay zoning pursuant to County amendments to zoning ordinance in March 2019.

Quarrying at the Project site began in the late 1800's when Southern Pacific Railroad constructed a spur line to a hillside at the northwest corner of the existing quarry for aggregate production for railroad bed material. The existing hard-rock quarry has been in operation since 1902. The original CUP was granted in 1980 to the L.S. Hawley Corporation. On March 25, 1999, the Ventura County Planning Commission approved a 10-year permit extension (CUP 3817-2) and adopted a Mitigated Negative Declaration for the mining operation. In December 2000, Pacific Rock, Inc. acquired the mining operation. On March 23, 2000, the Planning Commission approved a permit modification (CUP 3817-3) and a Reclamation Plan with an open space end use, and a Reclamation Plan Compliance Amendment (RPCA-CUP3817-3) was approved on April 19, 2011, to include the areas where mining occurred outside of the prior mining boundary.

The Project proponent, Pacific Rock, Inc. (referenced herein as the "Applicant" or "Operator") is requesting the approval of a CUP modification to extend the life of the existing permitted operations, expand the mining area, extend the operational days from 6 to 7 days per week (adding Sunday for material load out) with additional material load out hours and limited extended 24 hour operations (60 days maximum per year), allow construction and mobile mining equipment in outdoor storage areas, operate a concrete and asphalt recycling plant, allow for imported material to be used in reclamation fill, and replace an existing mobile home to be used as a 24-hour security trailer.

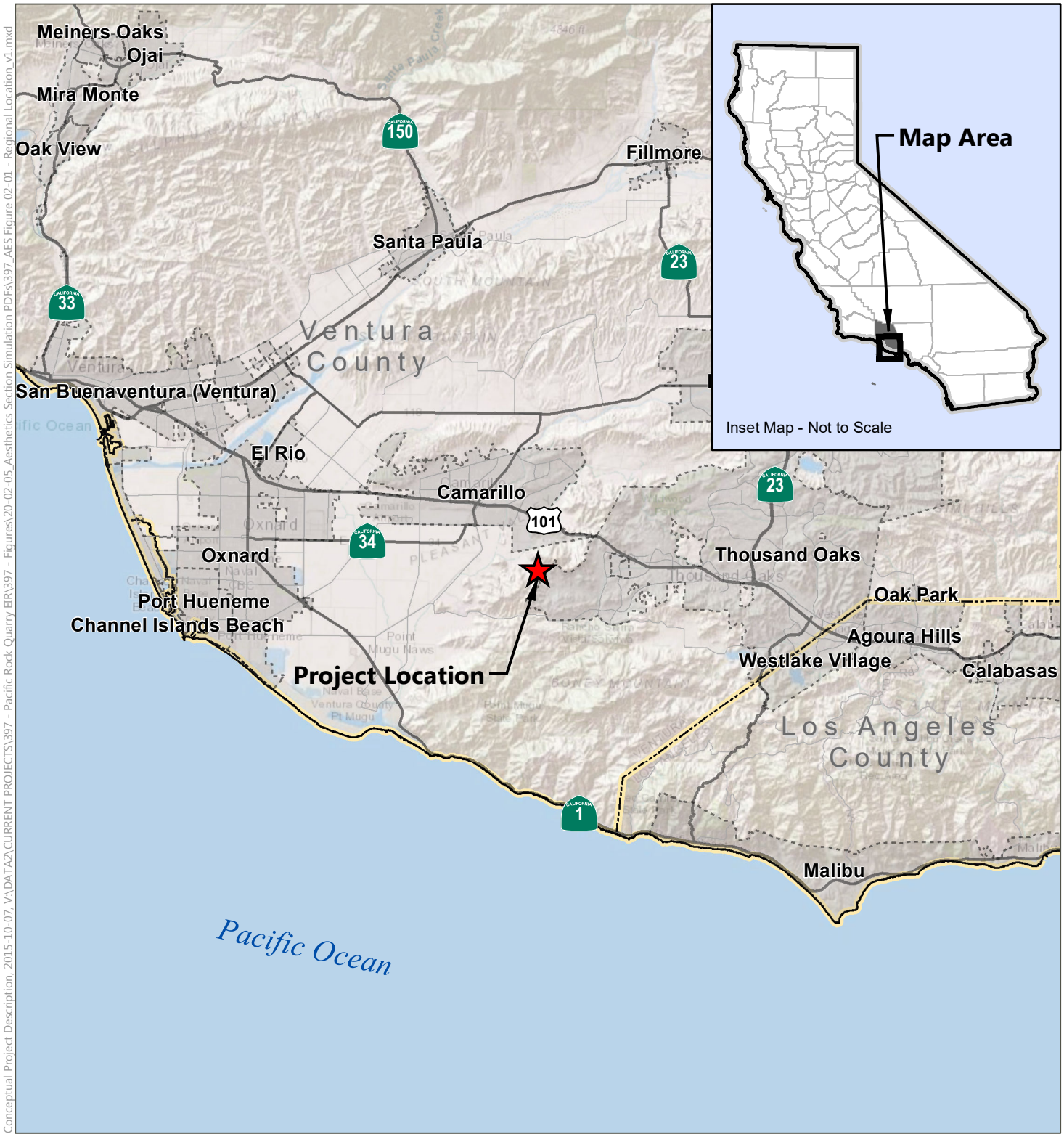
The Applicant is requesting that the County approve a CUP modification to extend the life of the permit and continue to operate on property zoned Open Space (OS-160) and Agricultural Exclusive (AE-40). The existing facility is an active quarry that supplies large rock for the production of rip-rap, various sizes of crushed rock and aggregate to public works and private projects in Ventura County. The request includes expansion of the mining area to the east to address slope conditions at the northerly and northeasterly side of the quarry and expansion onto recently acquired adjacent land. Under the Project, mining methods would continue as under existing operations, including blasting to loosen the hard rock material and various processing methods.

The Applicant is also requesting approval of an amendment to the existing Reclamation Plan to account for the proposed expanded mine area and to amend specifications for reclaimed conditions at the site. The proposed Reclamation Plan amendment specifies end land uses as "open space" on the benched portions, and "agriculture" on the remaining areas, where grasses would be planted for cattle grazing and would also provide for erosion control. The proposed reclamation would also involve import and placement of fill material at the site.

Table 1-2, "Comparison of Existing Conditions and Proposed Project," provides a summary comparison of existing conditions and the Project areas and operations.

Table 1-2. Comparison of Existing Conditions and Proposed Project

Mining Facility Component or Activity	Existing	Proposed	Change
CUP Area	111.5 acres	204.4 acres	Increase of 93 acres
Mining Area and Facilities	56.6 acres (mining area) 5.9 acres (facilities) 62.5 acres (total)	172.8 acres (mining and facilities)	Increase of 110.3 acres
Reclamation End Use	Open Space	Open Space and Agriculture	Addition of Agriculture for end use of pad areas
Annual Production	86,000 tons (permitted) 20,900 tons (baseline / 10-year average)	468,000 tons	382,000-ton increase from permitted 447,000-ton increase from baseline
Maximum Production / Shipments Per Operating Day	1,500 tons	1,500 tons	No change
Surface Mining and Processing Methods	Blasting, sorting, processing/crushing, and stockpiling.	Blasting, sorting, processing/crushing, and stockpiling.	No change
Structures and Equipment	Aggregate processing facilities, mobile equipment, bunkers, scale/scalehouse, storage, etc.	Aggregate processing facilities, mobile equipment, bunkers, scale/scalehouse, storage, etc.	No change
Soil Imports/Exports	None	Up to 100,000 cubic yards per year	New component of operations and reclamation
Concrete and Asphalt Recycling	None	Up to 30,000 cubic yards per year	New component of operations
Hours of Operation – Mining Excavation and Processing	Mon. – Sat. 7:00 AM – 4:00 PM	Mon. – Sat. 7:00 AM – 4:00 PM	No change
Hours of Operation: Water Truck Use, Equipment Fueling; Arrivals and Departures of Aggregate, Recycle, and Soil Haul Trucks	Mon. – Sat. 7AM – 4PM	Mon. – Sun. 4:30AM – 10PM	Add Sundays Add 4:30AM – 7AM Add 4PM – 10PM
Maximum Daily Haul Truck Traffic (combined aggregate, soil, and concrete/asphalt)	120 one-way trips (60 truckloads per day)	120 one-way trips (60 truckloads per day)	No change



Conceptual Project Description, 2015-10-07, V:\DATA2\CURRENT PROJECTS\397 - Pacific Rock Quarry EIR\397 - Figures\20-02-05_Aesthetics Section Simulation PDFs\397_AES Figure 02-01 - Regional Location_v1.mxd

SOURCES: ESRI World Shaded Relief accessed June 2019, ESRI World Topographic Map accessed June 2019; ESRI World Streetmap, 2009; Adapted by Benchmark Resources in 2019

NOTES: This figure was prepared for land use planning and informational purposes only. The information shown and its accuracy are reflective of the date the data was accessed or produced.

Project Location
City Boundary
County Boundary
Highway
Major Road

BENCHMARK RESOURCES

N

0 2.5 5 10 Miles

Regional Location
PACIFIC ROCK QUARRY EXPANSION PROJECT
Figure 1-1

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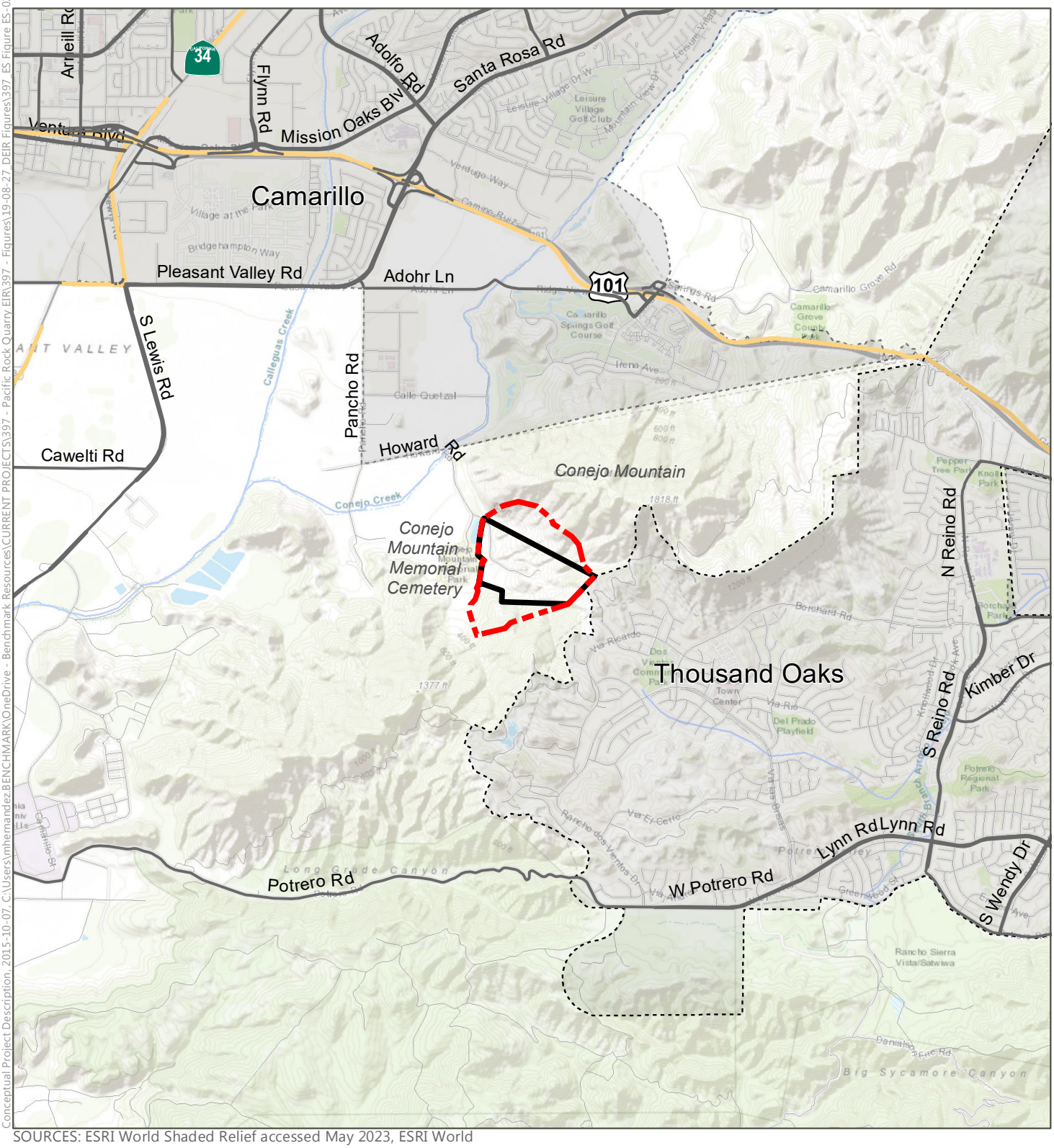

SOURCES: ESRI World Shaded Relief accessed May 2023, ESRI World Topographic Map accessed May 2023; ESRI World Streetmap, 2009; Adapted by Benchmark Resources in 2023

NOTES: This figure was prepared for land use planning and informational purposes only. The info shown and its accuracy are refelctive of the date the data was accessed or produced.

- Proposed CUP Boundary
- Existing CUP Boundary
- City Boundary
- Water Body
- Highway
- Major Road
- Street

BENCHMARK RESOURCES

N

0 2,000 4,000 8,000 Feet

Site Location

PACIFIC ROCK QUARRY EXPANSION PROJECT

Figure 1-2

Conceptual Project Description, 2015-10-07, C:\Users\mhernandez.BENCHMARK\OneDrive - Benchmark Resources\CURRENT PROJECTS\397 - Pacific Rock Quarry EIR\397 - Figures\19-08-27 DEIR Figures\397_ES Figure ES-02 - Site

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1.3.2 Project Modification from 30- To 60-Year CUP Extension

As described and evaluated in the DEIR and PRDEIR, the proposed CUP would allow extension of the mining operation for a period of 30 years. During preparation of this FEIR, the Applicant notified the County in a February 13, 2025, letter that the Applicant team found a mathematical error when calculating the Project's estimated total material volume to be excavated and exported from the site. The Applicant's April 1, 2019, Project Description submitted to the County states that the total maximum material volume that would be excavated and exported from the site under the proposed permit and associated Reclamation Plan (LU10-0003) is approximately 19,800,000 cubic yards. This total estimated quantity is correct and was based on the existing topographic contours as compared to the proposed final mine plan topographic contours. While the total estimate production value of 19,800,000 cubic yards remains correct, when the Applicant originally converted this amount from cubic yards to tons for export calculations, it was divided by an assumed material density of 1.5 tons per cubic yard, which equated to 13.2 million tons. This conversion is incorrect, as the formula for converting cubic yards to tons is to multiply (not divide) the total estimated cubic yards of 19.8 million by the assumed material density of 1.5 tons/cubic yard conversion factor. The corrected conversion results in an estimated total tonnage of approximately 29.7 million tons. In recognizing the conversion error, the Applicant's February 2025 letter requests that the duration of the CUP extension be increased from 30 years to 60 years, sufficient to excavate and export the 29.7 million tons estimated to be available based on the proposed mine plan and based on the allowed export truck trip limitations associated with the proposed CUP modification. No other changes to the Project described and evaluated in the DEIR are requested.

Modification of the requested CUP extension from 30 to 60 years is addressed in this FEIR. Specific text revisions needed to reflect the proposed CUP extension from 30 to 60 years are provided in Chapter 3 errata. Additionally, as presented below in Section 1.6, the County has reviewed and considered the potential for the extended duration to change the impact analysis and conclusions of the DEIR and PRDEIR, and concludes that the modifications would not substantially alter the analysis and conclusions in the DEIR and PRDEIR.

1.4 PROJECT OBJECTIVES

As stated in the Applicant's Project Description (Sespe, 2019a), the Applicant's primary objectives for the Project are to:

- meet the market demand for rip rap, stone, and aggregate products;
- continue to recover rock and rip rap in a manner that is environmentally responsible and to comply with applicable laws and regulations during material production, while maximizing the utilization of the resource and meeting the financial expectations of the owners;
- mine and process quality rock as aggregate for sale. Provide a reliable and sustainable, local source of high-quality aggregate to help meet the current and long-term demand for construction materials in Santa Barbara, Ventura, and Los Angeles counties;
- create additional, long-term supply of local aggregate reserves resulting in significantly shorter truck trip distances by reducing the need to haul aggregate from greater distances to meet demand and thereby reducing fuel consumption, air pollution, traffic congestion, road maintenance and the cost of delivery;
- provide an additional local source of construction aggregate with enough annual sales capacity (0.47 million tons) to encourage a healthy competitive market;

- create an environmentally sound project that would balance the recovery of the aggregate resource with the protection of other resources including wildlife habitat, groundwater, surface water, and air quality through environmentally sound and economically viable reclamation of the site in accordance with the approved reclamation plan;
- create a project that will return a significant amount of mined land back to agriculture and open space; and
- create local quality jobs, while also benefiting local downstream businesses and creating an enhanced tax revenue to the county.

1.5 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Table 1-3, "Summary of Project Impacts and Mitigation Measures," lists the impacts identified and evaluated in the DEIR for each resource topical area with the exception of Biological Resources for which the table provides a summary of impacts identified and evaluated in the PRDEIR Recirculated Section 3.5. Table 3 also includes a summary of recommended mitigation measures for impacts found to be significant or potentially significant. The full text of each recommended mitigation measure is in each resource section of DEIR Chapter 3, with the exception of Biological Resources mitigation for which the full text of each recommended measure is in Section 3.5 of the PRDEIR, and with the exception of mitigation measures revised during preparation of this FEIR as presented in Chapter 3. With the exception of one Project impact, the EIR concludes that the significant and potentially significant impacts of the Project could be reduced to less than significant with implementation of the identified mitigation. However, even with implementation of mitigation, the following Project impact is considered significant and unavoidable:

- Impact VIS-1: The Project would result in an adverse change to the visual character of the site and surrounding areas.

Table 1-3. Summary of Project Impacts and Mitigation Measures

Impact	Significance Before Mitigation	Summary of Mitigation Measures	Significance with Mitigation
VISUAL RESOURCES			
Impact VIS-1: The Project would result in an adverse change to the visual character of the site and surrounding areas.	Significant	MM VIS-1: 1. Reduce the angular and benched appearance of final mined slopes and promote revegetation of benches and slopes at final reclamation. 2. Implement a landscape screening plan that provides for installation and maintain of vegetative plantings along the western perimeter of the site sufficient to screen views of the site from adjacent areas.	Significant
Impact VIS-2: Project lighting for operations during early morning and evening periods would create the potential for light spill and night sky lighting.	Significant	MM VIS-2: Prepare and submit a lighting plan sufficient to avoid or minimize night-sky lighting and offsite light shine.	Less than Significant
Impact VIS-3: The Project could result in daytime glare.	Less than Significant	No mitigation required.	Less than Significant
Contribution to cumulative Visual Resources impacts.	Not Substantial	No additional mitigation required.	Not Substantial
AGRICULTURE AND FORESTRY RESOURCES			
Impact AG-1: The Project could result in the conversion or otherwise adversely affect Prime Farmland and Unique Farmland.	Less than Significant	No mitigation required.	Less than Significant
Impact AG-2: The Project would continue and expand mining activities in areas subject to a Land Conservation Act contract.	Less than Significant	No mitigation required.	Less than Significant
Contribution to cumulative Agriculture or Forestry Resources impacts.	Not Substantial	No additional mitigation required.	Not Substantial

Impact	Significance Before Mitigation	Summary of Mitigation Measures	Significance with Mitigation
AIR QUALITY AND GREENHOUSE GASES			
Impact AQ-1: Project activities would generate air pollutant emissions that could affect regional air quality.	Significant (NOx emission)	MM AQ-1: Options including limiting aggregate and/or recycle plant operation when quarrying, limiting duration of simultaneous aggregate and recycle plant operations, limiting daily haul truck trips, and/or retrofitting equipment to meet CARB and USEPA Tier 4 off-road emissions standards for onsite equipment and vehicles; each as necessary to ensure net Project NOx emissions do not exceed 25 pounds per day over baseline emissions.	Less than Significant
Impact AQ-2: Project emissions of toxic air contaminants would increase cancer and non-cancer health risk.	Less than Significant	No mitigation required.	Less than Significant
Impact AQ-3: Project greenhouse gas emissions could contribute to global climate change.	Less than Significant	No mitigation required.	Less than Significant
Impact AQ-4: Project operations could generate odors.	Less than Significant	No mitigation required.	Less than Significant
Impact AQ-5: Project activities associated with final site reclamation would result in air pollutant and GHG emissions.	Less than Significant	No mitigation required.	Less than Significant
Contribution to cumulative Air Quality or GHG emissions impacts.	Substantial (NOx)	Implement mitigation measure MM AQ-1.	Not Substantial
BIOLOGICAL RESOURCES			
Impact BIO-1: Project ground disturbance and mining within proposed expansion areas could directly or indirectly impact nesting birds protected by the MBTA and the California Fish and Game Code Section 3503.	Significant	MM BIO-1(a-d): Perform pre-disturbance nesting bird surveys and establish buffer areas, perform nesting bird surveys during vegetation clearing and establish no-work buffers, prepare an annual biological resources mitigation and monitoring report, and provide documentation and reporting.	Less than Significant
Impact BIO-2: Project disturbance within proposed expansion areas would result in the loss of special-status vegetation communities.	Significant	MM BIO-2(a-c): Demarcate work area boundaries to avoid disturbance in areas adjacent to the approved mine area boundary, perform biological monitoring during vegetation clearing and boundary demarcation, and prepare and implement an upland scrub and special-status plant species mitigation and monitoring plan.	Less than Significant

Impact	Significance Before Mitigation	Summary of Mitigation Measures	Significance with Mitigation
Impact BIO-3: Project disturbance within proposed expansion areas would result in the loss of special-status plants.	Significant	MM BIO-3(a-h): Perform onsite and adjacent areas baseline surveys for special-status plants, perform pre-disturbance surveys for special-status plants and establish buffer areas, locate staging areas outside of locations with special-status plants, restrict the use of herbicides, implement a worker environmental awareness program, obtain an Incidental Take Permit (ITP) from CDFW if CESA-listed plant species cannot be avoided, and implement a special-status plant mitigation and monitoring plan.	Less than Significant
Impact BIO-4: Vegetation removal, surface disturbance, and mining and processing operations could result in the loss of habitat and direct and indirect adverse effects to special-status wildlife species. ***General***	Significant	MM BIO-4(a) and (b): Perform pre-disturbance surveys for special-status wildlife species and implement protection measures, perform monitoring during vegetation clearing, and implement species-specific mitigation measures MM BIO-4(c) through MM BIO-4(i).	Less than Significant
Impact BIO-4: Vegetation removal, surface disturbance, and mining and processing operations could result in the loss of habitat and direct and indirect adverse effects to special-status wildlife species. ***Burrowing Owl***	Significant	MM BIO-4(c) Burrowing Owl: Conduct protocol-level burrowing owl surveys following CDFW guidelines and implement a plan for avoidance of occupied burrows in accordance with the requirements approved by CDFW.	Less than Significant
Impact BIO-4: Vegetation removal, surface disturbance, and mining and processing operations could result in the loss of habitat and direct and indirect adverse effects to special-status wildlife species. ***San Diego Woodrat***	Significant	MM BIO-4(d) San Diego Woodrat: Survey suitable habitat for woodrats within areas that will be subject to land clearing activities. Postpone land clearing activities within 50 feet of woodrat nests until the end of peak nesting season. If active woodrat nests are present outside of the peak nesting season, relocate the nests according to specified requirements.	Less than Significant
Impact BIO-4: Vegetation removal, surface disturbance, and mining and processing operations could result in the loss of habitat and direct and indirect adverse effects to special-status wildlife species. ***Least Bell's Vireo and Yellow Warbler***	Significant	Implement mitigation measures MM BIO-1(a), MM BIO-4(a), MM BIO-4(b), MM NV-1, MM AQ-1, and MM BIO-7(a).	Less than Significant

Impact	Significance Before Mitigation	Summary of Mitigation Measures	Significance with Mitigation
Impact BIO-4: Vegetation removal, surface disturbance, and mining and processing operations could result in the loss of habitat and direct and indirect adverse effects to special-status wildlife species. ***Golden Eagle***	Significant	Implement mitigation measure MM BIO-1(a).	Less than Significant
Impact BIO-4: Vegetation removal, surface disturbance, and mining and processing operations could result in the loss of habitat and direct and indirect adverse effects to special-status wildlife species. ***Coastal California gnatcatcher***	Significant	MM BIO-4(e) Coastal California gnatcatcher: Conduct protocol surveys for coastal California gnatcatcher. If surveys confirm the presence of coastal California gnatcatcher implement protective procedures.	Less than Significant
Impact BIO-4: Vegetation removal, surface disturbance, and mining and processing operations could result in the loss of habitat and direct and indirect adverse effects to special-status wildlife species. ***Western pond turtle***	Significant	MM BIO-4(f) Western pond turtle: Conduct a pre-construction survey for western pond turtle. If western pond turtle or potentially occupied burrows are identified within the planned disturbance area. Consult with and obtain approval from CDFW for relocation of the individuals to a suitable location approved by CDFW.	Less than Significant
Impact BIO-4: Vegetation removal, surface disturbance, and mining and processing operations could result in the loss of habitat and direct and indirect adverse effects to special-status wildlife species. ***Crotch bumble bee***	Significant	MM BIO-4(g) Crotch bumble bee: Conduct pre-disturbance surveys and implement survey report and measures sufficient to avoid take; if adverse impacts cannot be avoided, obtain ITP from CDFW and implement all impact avoidance and minimization measures specified in ITP.	Less than Significant
Impact BIO-4: Vegetation removal, surface disturbance, and mining and processing operations could result in the loss of habitat and direct and indirect adverse effects to special-status wildlife species. ***Mountain lion***	Significant	MM BIO-4(h) Mountain lion: Survey areas that may provide habitat for mountain lion natal dens within no more than one year prior to the initial vegetation removal or ground disturbance in the mine expansion areas, coordinate with National Park Service for collared mountain lion data, prepare mountain lion natal den survey report and identify and implement measures to avoid adverse impacts to mountain lion den and cubs if found; perform pre-disturbance mountain lion natal den surveys, establish setbacks, and avoid intrusion of occupied areas through consultation with CDFW; and prohibit the use of rodenticide in existing mine and mine expansion areas.	Less than Significant

Impact	Significance Before Mitigation	Summary of Mitigation Measures	Significance with Mitigation
Impact BIO-4: Vegetation removal, surface disturbance, and mining and processing operations could result in the loss of habitat and direct and indirect adverse effects to special-status wildlife species. ***Bats***	Significant	MM BIO-4(i) Special-status bat species: perform focused surveys for special-status bat species; prepare a bat management plan with impact avoidance and minimization measures; restrict vegetation clearing and blasting during bat maternity season; establish buffers and avoid night work near roosts; and provide bat protection during tree removal.	Less than Significant
Impact BIO-5: Ground disturbance associated with mining and reclamation within mine expansion areas could directly and indirectly impact wetlands and waters of the U.S. and/or waters of the State.	Significant	MM BIO-5: Conduct a delineation of federal and state jurisdictional waters that may be present in the Project site, obtain any applicable state and federal regulatory agency approvals required for planned site activities, and implement mitigation pursuant to regulatory approvals.	Less than Significant
Impact BIO-6: Vegetation clearing in mine expansion areas would result in the direct removal of Ventura County Protected Trees.	Significant	MM BIO-6: The Permittee shall comply with the County's Tree Protection Regulations (TPR) set forth in § 8107-25 et seq. of the Ventura County Non-Coastal Zoning Ordinance and the Tree Protection Guidelines (TPG), through implementation of specified measures.	Less than Significant
Impact BIO-7: Project implementation would directly and indirectly affect wildlife movement opportunities the open space area adjacent to the Project site.	Significant	MM BIO-7(a-c): Minimize light and glare in wildlife migration corridors and/or wildlife habitat Wildlife Corridor or Wildlife Habitat through compliance with specified requirements; design fencing for wildlife permeability; and establish a wildlife corridor preservation area.	Less than Significant
CULTURAL RESOURCES			
Impact CR-1: Project-related ground disturbance would have the potential to adversely affect historical and archaeological resources.	Significant	MM CR-1: If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities, implement resource evaluation and proper disposition methods.	Less than Significant
Impact CR-2: Project-related ground disturbance would have the potential to disturb human remains.	Significant	MM CR-2: If any human burial remains are encountered during ground disturbance or construction activities, cease operations and assure the preservation of the area in which the discovery was made, notify the County Coroner and the Planning Director, and implement the agreed upon recommendations.	Less than Significant
Impact CR-3: Project-related ground disturbance and other activities would create the potential to cause a substantial adverse change in the significance of a tribal cultural resource(s) if such resource(s) are present within or adjacent to the site.	No Impact	No mitigation required.	No Impact

Impact	Significance Before Mitigation	Summary of Mitigation Measures	Significance with Mitigation
Contribution to cumulative Cultural Resources impacts.	Not Substantial	No additional mitigation required.	Not Substantial
GEOLOGY AND SOILS			
Impact GS-1: Project-related ground disturbance and other activities would create the potential for impacts to paleontological resources.	No Impact	No mitigation required.	No Impact
Impact GS-2: Project excavation could result in unstable slopes.	Significant	MM GS-2(a): Prepare and submit to Ventura County for review and approval geotechnical evaluations for each new area of planned mining. MM GS-2(b): Inspect quarry slopes as determined by County Geologist and implement recommendations by the inspecting engineering geologist or geotechnical engineer.	Less than Significant
Impact GS-3: Placement of fill material for reclamation could create the potential for hazards associated with liquefaction, landslides/mudflow, expansive soils, and subsidence.	Significant	MM GS-3: Monitor and document the receipt of all imported material received at the site and shall prepare and update an engineered fill placement plan as necessary to ensure that all imported fill material is characterized and placed for reclamation in a manner to sufficiently minimize the potential for geologic hazards.	Less than Significant
Impact GS-4: Project ground disturbance and stormwater runoff from disturbed areas could result in increased erosion and loss of topsoil.	Significant	Implement mitigation measure MM WR-3.	Less than Significant
Impact GS-5: The Project septic system would have the potential to be located in areas with soils incapable of adequately supporting the use of the proposed septic system.	Less than Significant	No mitigation required.	Less than Significant
Contribution to cumulative Geology and Soils impacts.	Not Substantial	No additional mitigation required.	Not Substantial

Impact	Significance Before Mitigation	Summary of Mitigation Measures	Significance with Mitigation
NOISE AND VIBRATION			
Impact NV-1: Onsite mining, processing, and reclamation activities could result in noise levels at residential and noise-sensitive locations that exceed applicable standards.	Significant	MM NV-1: Restrict excavation, materials processing and recycling, and reclamation activities to the hours of 7:00 a.m. to 4:00 p.m.; install and maintain manufacturer's improved exhaust mufflers on excavation and reclamation equipment, limit equipment idling to 30 minutes; prohibit concurrent operation of aggregate and recycle plants; prohibit operation of aggregate and recycle plants when mining within 1,600 feet of Conejo Mountain Funeral Home; and conduct noise monitoring for activities within line-of-sight of Receptors R 1, R2-B, and R-3 and implement additional measures if needed to avoid exceedance of County noise standards.	Less than Significant
Impact NV-2: Offsite materials hauling could result in noise levels at residential and other noise-sensitive locations that exceed applicable standards.	Less than Significant	No mitigation required.	Less than Significant
Impact NV-3: Project blasting could result in groundborne vibration at residential and other sensitive locations that exceed applicable structural damage or annoyance thresholds.	Less than Significant	No mitigation required.	Less than Significant
Contribution to cumulative Noise and Vibration impacts.	Not Substantial	No additional mitigation required.	Not Substantial
TRANSPORTATION AND CIRCULATION			
Impact TC-1: Potential for the Project to contribute to regional vehicle miles traveled (VMT) associated with haul trucks and worker trips.	Less than Significant	No mitigation required.	Less than Significant
Impact TC-2: Potential for the Project to increase transportation-related hazards on public or private roads due to design or incompatible uses.	Less than Significant	No mitigation required.	Less than Significant
Impact TC-3: Potential for the Project to conflict with emergency response or emergency access.	Less than Significant	No mitigation required.	Less than Significant

Impact	Significance Before Mitigation	Summary of Mitigation Measures	Significance with Mitigation
Impact TC-4: Potential for the Project to conflict with bicycle and pedestrian circulation.	Less than Significant	No mitigation required.	Less than Significant
Impact TC-5: Potential for the Project to conflict with transit operations.	Less than Significant	No mitigation required.	Less than Significant
Contribution to cumulative Transportation and Circulation impacts.	Not Substantial	No mitigation required.	Not Substantial
WATER RESOURCES			
Impact WR-1: Project groundwater consumption could affect the quantity of groundwater available at and adjacent to the Project site.	Significant	MM WR-1: Measure and report to the Public Works Agency (PWA) the volume of groundwater extracted. Return to active status or abandon/destroy onsite wells in compliance with County ordinance.	Less than Significant
Impact WR-2: Project mining and reclamation activities would create the potential to adversely affect groundwater and surface water quality.	Significant	MM WR-2(a-c): Submit a Hazardous Materials Business Plan (HMBP) to the Environmental Health Division/Certified Unified Program Agency (Ventura CUPA) for storage of hazardous materials above reporting thresholds.	Less than Significant
Impact WR-3: The Project could adversely affect surface water quality due to increased runoff, erosion, siltation, and inadequate stormwater storage capacity.	Significant	MM WR-3: Prepare and submit an engineering grading and drainage plan (drainage plan) for review and approval by the County, and develop and maintain all stormwater facilities as specified in the drainage plan.	Less than Significant
Impact WR-4: The Project's increased use of reclaimed wastewater would reduce the quantity of surface water available for beneficial uses downstream within Conejo Creek and Calleguas Creek.	Less than Significant	No mitigation required.	Less than Significant
Impact WR-5: The Project requires a long-term, reliable source of water.	Significant	MM WR-5(a): Prior to installation of security trailer, provide a water quality and water well pump and recovery test to the County verifying the sufficiency of the 24-hour security trailer water supply. MM WR-5(b): Provide the County with written verification that operations will cease if the minimum amount of water needed for daily operation is not available and until an adequate water supply is reestablished or alternative supply is approved by the County.	Less than Significant

Impact	Significance Before Mitigation	Summary of Mitigation Measures	Significance with Mitigation
Impact WR-6: The Project must meet fire flow requirements as determined by the Ventura County Waterworks manual or the Ventura County Fire Protection District Fire Code.	Significant	MM WR-6: Design and install sufficient storage and facilities for the provision of water for fire suppression at the site in accordance with specifications and requirements determined by the County.	Less than Significant
Impact WR-7: The Project could release pollutants, including sediment, due to project inundation in flood hazard, tsunami, or seiche zones.	Less than Significant	No mitigation required.	Less than Significant
Contribution to cumulative Water Resources impacts.	Not Substantial	No additional mitigation required.	Not Substantial
HAZARDS AND PUBLIC SAFETY			
Impact HAZ-1: Improper storage, use, or disposal of hazardous materials and waste could result in adverse impacts to the environment.	Significant	Implement mitigation measure MM WR-2.	Less than Significant
Impact HAZ-2: The Project has the potential to impact public health associated with septage waste generation and disposal.	Significant	MM HAZ-2(a): Provide clean and sanitary toilet facilities and ensure septage from portable toilets is disposed of in accordance with California Health and Safety Code sections 117400-117450. MM HAZ-2(b): Prior to installation of security trailer, demonstrate the feasibility for the installation of the proposed onsite wastewater treatment system (OWTS) and compliance with state and local regulations.	Less than Significant
Impact HAZ-3: The Project could create public health risk associated with potential release of contaminants that could be contained in recycle asphalt and concrete and fill material imported to the site.	Significant	MM HAZ-3: Obtain written approval from the Ventura County Environmental Health Division, Local Enforcement Agency (LEA) to receive imported material.	Less than Significant
Impact HAZ-4: The Project could result in public health impacts related to breeding and/or harborage of vectors of disease, such as mosquitoes, due to standing water onsite.	Significant	MM HAZ-4: Prepare and implement a mosquito control plan throughout the duration of Project mining operations and until site reclamation is deemed complete.	Less than Significant

Impact	Significance Before Mitigation	Summary of Mitigation Measures	Significance with Mitigation
Impact HAZ-5: The Project could pose a public safety risk associated with unauthorized public access to mine and processing areas.	Significant	MM HAZ-5: Prepare and submit a signage and fencing plan to the County for review and approval. Hazard/Warning signage and fencing shall be installed around the perimeter of previously mined and active mine areas consistent with the County-approved plan.	Less than Significant
Impact HAZ-6: The Project would create the potential for increased risk to public safety associated with the transport, handling, storage, and use of blasting agents.	Less than Significant	No mitigation required.	Less than Significant
Impact HAZ-7: The Project would involve activities that create potential sources of fire ignition and could increase the potential for wildland fires.	Significant	MM HAZ-7: Develop a fire safety plan that describes fire prevention measures including access and defensible space clearing requirements, potential fire scenarios, and action plans for each potential scenario. Install and maintain emergency water distribution systems and provide for emergency fire suppression access to the Project site.	Less than Significant
Impact HAZ-8: The Project could increase the demand for police, fire protection, and other emergency services.	Less than Significant	No mitigation required.	Less than Significant
Contribution to cumulative Hazards and Public Safety impacts.	Not Substantial	No additional mitigation required.	Not Substantial
ENERGY			
Impact EN-1: The Project would result in increased use of diesel fuel and electricity.	Less than Significant	No mitigation required.	Less than Significant
Contribution to cumulative Energy impacts.	Not Substantial	No additional mitigation required.	Not Substantial
LAND USE AND PLANNING			
Impact LU-1: The Project could conflict with adjacent land uses or adversely affect community character.	Significant	Implement mitigation measures MM VIS-1, MM VIS-2, MM AQ-1, and MM NV-1.	Less than Significant
Impact LU-2: The Project could adversely affect recreational resources.	Less than Significant	No mitigation required.	Less than Significant
Impact LU-3: Project consistency with Ventura County General Plan policies.	Significant	Implement all EIR mitigation measures.	Less than Significant
Contribution to cumulative Land Use and Planning impacts.	Not Substantial	No additional mitigation required.	Not Substantial

1.6 ASSESSMENT OF IMPACT CONCLUSIONS ASSOCIATED WITH PROJECT MODIFICATION FROM 30- TO 60-YEAR CUP EXTENSION

As discussed above in Section 1.3.2, the Project is modified for this FEIR to change the requested CUP extension duration from 30 to 60 years. The DEIR and PRDEIR assessed the Project as originally proposed for a 30-year CUP extension. Based on the Applicant's February 2025 request, this FEIR provides for a modified Project that includes a 60-year CUP extension. Other than extending the total life of the operations, this change does not modify any other aspects of the proposed Project, including the maximum annual production quantity of 468,000 tons per year, the proposed maximum annual soil imports/export quantity of 100,000 cubic yards per year, and the proposed maximum annual concrete/asphalt recycling throughput of 30,000 cubic yards per year. Similarly, the change does not increase or modify the type and number of onsite mining or processing equipment, annual equipment activity levels, or the number of haul trucks travelling to and from the site on a daily basis, which would remain at no more than 60 truckloads (or 120 one-way trips) per day. Lastly, the change does not modify the proposed mine area footprint and does not modify the proposed reclamation design or end use.

The sections below summarize the County's assessment of the potential for the extended duration to change the impact analysis and conclusions of the DEIR and PRDEIR. As discussed below, the County's assessment concludes that the extended CUP duration does not substantially alter the analysis and conclusions in the DEIR and PRDEIR.

1.6.1 Visual Resources

The DEIR concludes that the Project would result in a significant adverse change to the visual character of the site and surrounding areas (Impact VIS-1). Mitigation for Impact VIS-1 would lessen the impact, but the residual impact is considered significant and unavoidable. The DEIR evaluation of Impact VIS-1 discusses that mining would progress over a 30 year period. With the change to a 60-year mining period, the progression of mining within the site and the visibility of disturbed mining areas would be expected to be slower and occur over an extended period as compared to that anticipated in the DEIR. Additionally, with a 60-year mining period, final reclamation of the site would occur later than anticipated in the DEIR analysis. Notwithstanding these variations, the DEIR analysis and conclusions regarding the visual impacts of the Project are unaltered by a 60-year mining period as compared to a 30-year mining period. The DEIR sufficiently discloses the visual impact of mining disturbance and mine-related activities within the proposed mine area footprint, and sufficiently identifies all feasible mitigation to reduce the visual impact. The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to Impact VIS-1.

The DEIR concludes that potential impacts associated with onsite lighting would be potentially significant (Impact VIS-2) but reduced to less than significant with mitigation. Mitigation would be sufficient to reduce the potential lighting impact of the Project to less than significant regardless of the Project's operational duration, and the change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that potential impacts associated with daytime glare would be less than significant (Impact VIS-3) and the change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that the visual resources impacts associated with the cumulative projects identified in the DEIR would be localized and would not contribute to visual impacts of the proposed Project, and that

the Project would not create the potential for substantial cumulative effects associated with visual resources. The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to cumulative visual impacts.

1.6.2 Agriculture and Forestry Resources

The DEIR concludes that potential impacts associated with effects on Prime and Unique Farmland would be less than significant (Impact AG-1) and the change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that potential impacts associated with effects on areas subject to a Land Conservation Act contract would be less than significant (Impact AG-2) and the change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that the Project would not reduce or otherwise adversely affect agricultural or forestry resources in a manner that would create the potential for substantial cumulative effects. The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to cumulative agricultural or forestry resource impacts.

1.6.3 Air Quality and Greenhouse Gases

The DEIR concludes that the impact associated with air pollutant emissions that could affect regional air quality is potentially significant (Impact AQ-1) but would be reduced to less than significant with mitigation. The evaluation utilizes emissions estimates and significance thresholds based on daily (pounds per day) criteria pollutant emissions. The change to a 60-year CUP duration does not affect the daily operational emissions analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that potential health risk impacts associated with Project emissions of toxic air contaminants would be less than significant (Impact AQ-2). As discussed in more detail in FEIR Appendix K, "Effect of Extending Project Duration from 30 to 60 Years on EIR Health Risk Analysis," (Sespe, 2025) the methodology used in the DEIR to evaluate health risk is consistent with Office of Environmental Health Hazard Assessment (OEHHA) guidance and Ventura County Air Pollution Control District (APCD) practice which applies a period of 30 years for residential exposure regardless of a project's duration. The DEIR evaluated health risk based on a 30-year residential exposure consistent with the appropriate HRA methodology and not because the requested CUP extension was for a coincidental period of 30 years. Thus, modifying the requested CUP extension from 30 to 60 years does not affect the adequacy of the DEIR's HRA 30-year residential exposure methodology and does not change the HRA analysis or conclusions in the DEIR.

The DEIR concludes that the impact associated with greenhouse gas emissions contribution to global climate change would be less than significant (Impact AQ-3). The evaluation utilizes GHG emissions estimates and significance based on annual (metric tons per year) emissions and finds that the Project would neither exceed the significance threshold nor conflict with applicable plans for reducing GHG emissions. The change to a 60-year CUP duration does not affect the annual operational emissions nor would it create the potential for the Project to conflict with plans for reducing GHG emissions, and does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that the impact associated with potential odors would be less than significant (Impact AQ-4) and the change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that air pollutant and GHG emissions associated with final reclamation would be less than significant (Impact AQ-5). The change to a 60-year CUP duration would affect the timeframe for reclamation emissions (moving them to approximately 60 years instead of 30 years from present) but does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that the Project would not result in cumulatively significant impacts associated with air quality or GHG emissions, and the change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to air quality and GHG emissions cumulative impacts.

1.6.4 Biological Resources

As discussed further in Section 3.3, in consideration of comments on the 2022 PRDEIR, additional analysis and information has been assembled and is incorporated into this FEIR as Appendix J, "Biological Resources Errata." Appendix J is a full reproduction of the Biological Resources section showing revisions made to the text of the PRDEIR Biological Resources section using underline format for added text and strikethrough format for deleted text. The Appendix J Biological Resources Errata section also includes three additional appendices not previously included with the PRDEIR: Appendix C-4, "Supplemental Technical Report Addressing Drainage Feature Width and Potential Mitigation Ratios for Impacts Resulting from the Pacific Rock Quarry Expansion Project (CUP 3817-3)" (BRC, 2024), Appendix C-5, "Potential Impacts to Mountain Lion and Wildlife Movement Corridors for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)" (ECORP, 2024; referred to herein as the Mountain Lion Technical Memorandum), and Appendix C-6, "Potential Impacts to Biological Resources Associated with Extending the Permit Duration from 30 to 60 Years for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)" (ECORP, 2025). Appendices C-4 and C-5 were prepared to provide supplemental information for the County's consideration in responding to comments on the PRDEIR, and Appendix C-6 was prepared to assess potential changes to impact conclusions associated with extension of the proposed CUP duration to 60 years.

The ECORP review presented in Appendix C-6 considers each biological resources impact identified in the PRDEIR Biological Resources section as well as the supplemental analysis and conclusions presented in the Mountain Lion Technical Memorandum, both of which were prepared prior to the Applicant's request to extending the CUP duration to 60 years.

As summarized and amplified in the ECORP memorandum presented in Appendix C-6:

A. the boundary of the Project and all mining operations will remain the same as stated in the Project Description regardless of whether the mining operations are conducted over a 30- or 60-year period;
B. the existing conditions of the biological resources described in the PRDEIR and the August 2024 Mountain Lion Technical Memorandum are the same whether the mining operations are conducted over a 30- or 60- year period;
C. the potential direct and indirect impacts to biological resources described in the impact analysis in the PRDEIR and the August 2024 Mountain Lion Technical Memorandum for the 30-year Project would be the same for the 60-year Project; and

D. the mitigation measures required to be implemented for the 30-year Project in the PRDEIR and with modifications suggested in the August 2024 Mountain Lion Technical Memorandum would also reduce the impacts of the 60-year Project on biological resources to less than significant.

The County incorporates the ECORP memorandum findings herein, and concludes that the change to a 60-year CUP duration does not affect the analysis or conclusions of the Biological Resources analysis presented in the PRDEIR and as clarified and amplified in the Appendix J, "Biological Resources Errata," of this FEIR.

1.6.5 Cultural Resources

The DEIR concludes that Project-related ground disturbance would have the potential to adversely affect historical and archaeological resources (Impact CR-1) that would be reduced to less than significant with mitigation. The change to a 60-year CUP duration does not affect Project-related ground disturbance and therefore does not change the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that Project-related ground disturbance would have the potential to disturb human remains (Impact CR-2) that would be reduced to less than significant with mitigation. The change to a 60-year CUP duration does not affect Project-related ground disturbance and therefore does not change the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that Project-related ground disturbance would not have the potential to adversely affect tribal cultural resources, as no such resources were identified (Impact CR-3). The change to a 60-year CUP duration does not change the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that the Project would have a less than significant project-specific impact on cultural resources and no impact on tribal cultural resources, would not incrementally contribute to cumulatively considerable cultural resources impacts. The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to cultural resources cumulative impacts.

1.6.6 Geology and Soils

The DEIR concludes that each of the five geology and soils-related impacts would either be less than significant without mitigation or would be reduced to less than significant with mitigation. The impacts are each related to ground disturbance associated with the Project and are not related to the time period of disturbance, mining activities, or reclamation. Therefore, the change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to geology and soils impacts.

The DEIR concludes that the Project would not incrementally contribute to cumulatively considerable geology or soil resources impacts and the change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to geology and soils cumulative impacts.

1.6.7 Noise and Vibration

The DEIR concludes that onsite mining, processing, and reclamation activities could result in noise levels at residential and other noise-sensitive locations that exceed applicable standards and identifies a potentially significant (Impact NV-1) that would be reduced to less than significant with mitigation. The evaluation considers hourly and daily average noise levels and significance thresholds. The change to a 60-year CUP duration does not affect the hours and daily noise levels associated with the Project and therefore does not change the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR assesses potential noise impacts associated with offsite materials hauling and concludes that the impact would be less than significant (Impact NV-2). The evaluation considers daily average noise levels and significance thresholds. The change to a 60-year CUP duration does not affect daily average noise levels associated with offsite materials hauling trips and therefore does not change the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR assesses potential groundborne vibration impacts associated with blasting and concludes that the impact would be less than significant (Impact NV-3). The evaluation considers peak blasting vibration levels and significance thresholds. The change to a 60-year CUP duration does not affect the vibration levels associated with blasting and therefore does not change the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that the Project would not result in cumulatively considerable noise or vibration impacts. The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to cumulative noise and vibration impacts.

1.6.8 Transportation and Circulation

The DEIR evaluation recognizes that vehicle miles traveled (VMT) associated with the Project would have the potential to increase as compared to the existing operation baseline conditions (Impact TC-1). The analysis concludes that the Project itself would not induce aggregate transport travel and the Project would create the potential for reductions in regional VMT by providing a continued source of construction aggregates, thus concluding that the Project impact related to VMT is less than significant. The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to VMT impacts. Notably, the longer operational life and period of material availability under a 60-year CUP extension would create additional potential for reductions in regional VMT as compared to a 30-year CUP extension.

The DEIR concludes that the Project would not result in significant impacts associated with transportation-related hazards, emergency response or access, conflicts with bicycle and pedestrian circulation, or conflicts with transit operations (Impacts TC-2 through TC-5). The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to these transportation-related impact conclusions.

1.6.9 Water Resources

The DEIR concludes that Project groundwater consumption could affect the quantity of groundwater available at and adjacent to the Project site (Impact WR-1) but that this impact would be reduced to less than significant with mitigation. The analysis and conclusions are based on the annual rate of groundwater consumption and mitigation would ensure that the Project's water consumption is below the significance threshold of 1.0 acre feet per year. The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to annual groundwater use.

The DEIR concludes that Project mining and reclamation activities would create the potential to adversely affect groundwater and surface water quality (Impact WR-2) but that this impact would be reduced to less than significant with mitigation. The analysis and conclusions are based on the types of fuels, chemicals, blasting agents and other hazardous materials associated with mining operations. The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to potential water quality impacts.

The DEIR concludes that the Project could adversely affect surface water quality due to increased runoff, erosion, siltation, and inadequate stormwater storage capacity (Impact WR-3) but that this impact would be reduced to less than significant with mitigation. The analysis and conclusions are based on stormwater runoff management and basin sizing. The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to these potential surface water quality impacts.

The DEIR concludes that the Project's increased use of reclaimed wastewater would reduce the quantity of surface water available for beneficial uses downstream within Conejo Creek and Calleguas Creek (Impact WR-4) but that this impact would be less than significant due to the relatively small portion of the Project's water use compared with the total amount of treated wastewater potentially released to Conejo Creek each year. The change to a 60-year CUP duration does not affect the Project's annual water use, and does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that the Project requires a long-term, reliable source of water (Impact WR-5) and that this impact would be reduced to less than significant with mitigation. To ensure sufficient water supply for operations, mitigation (MM WR-5) requires the Applicant to provide verification that the Project's operational demand for water will not exceed the volume of water available to the Project. Mitigation measure MM WR-5 is applicable and effective regardless of the duration of the CUP extension. Thus, the change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to water availability.

The DEIR concludes that the Project must meet Ventura County fire flow requirements (Impact WR-6) and that this impact would be reduced to less than significant with mitigation. To ensure sufficient fire flow, mitigation (MM WR-6) requires the Applicant to design and provide for fire water storage and flow capacity consistent with County requirements. Mitigation measure MM WR-6 is applicable and effective regardless of the duration of the CUP extension. Thus, the change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to fire flow sufficiency.

The DEIR concludes that the Project's potential to release pollutants, including sediment, due to project inundation would be less than significant (Impact WR-6). The change to a 60-year CUP duration does not affect the Project's potential to release pollutants due to inundation, and does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that the Project would not incrementally contribute to cumulatively considerable water resources impacts and the change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to water resources cumulative impacts.

1.6.10 Hazards and Public Safety

The DEIR concludes that potential improper storage, use, or disposal of hazardous materials and waste could result in adverse impacts to the environment (Impact HAZ-1) but that this impact would be reduced to less than significant with mitigation. The analysis and conclusions are based on proper storage, use, and disposal methods and are not influenced by the duration of the CUP. The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that the Project has the potential to impact public health associated with septage waste generation and disposal (Impact HAZ-2) but that this impact would be reduced to less than significant with mitigation. The analysis and conclusions are based on design considerations for the onsite septic system

and are not influenced by the duration of the CUP. The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that the Project has the potential to create public health risk associated with potential release of contaminants that could be contained in recycle asphalt and concrete and fill material imported to the site (Impact HAZ-3) but that this impact would be reduced to less than significant with mitigation. The analysis and conclusions are based on protocol for receiving, characterizing, handling, and placement of imported recycle concrete and asphalt and imported fill material, and are not influenced by the duration of the CUP. The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that the Project has the potential to create public health risk related to breeding and/or harborage of vectors of disease, such as mosquitoes, due to standing water onsite (Impact HAZ-4) but that this impact would be reduced to less than significant with mitigation. The analysis and conclusions are based on management of onsite surface water, and are not influenced by the duration of the CUP. The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that the Project has the potential to create public health risk associated with unauthorized public access to mine and processing areas (Impact HAZ-5) but that this impact would be reduced to less than significant with mitigation. The analysis and conclusions are based on management of site access, and are not influenced by the duration of the CUP. The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that the Project has the potential to create increased risk to public safety associated with the transport, handling, storage, and use of blasting agents (Impact HAZ-6) but that this impact would be less than significant. The analysis and conclusions are based on handling practices and compliance with applicable regulations and oversight provided by a licensed explosives expert, and are not influenced by the duration of the CUP. The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that the Project would involve activities that create potential sources of fire ignition and could increase the potential for wildland fires (Impact HAZ-7) but that this impact would be reduced to less than significant with mitigation. The analysis and conclusions are based on management of fire hazards and vegetation, and are not influenced by the duration of the CUP. The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that the Project could create the potential to result in an increased demand for police, fire protection, or other emergency services (Impact HAZ-7) but that this impact would be less than significant. The analysis and conclusions are not influenced by the duration of the CUP. The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that the Project would not incrementally contribute to cumulatively considerable hazards or public safety impacts and the change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to hazards and public safety cumulative impacts.

1.6.11 Energy

The DEIR concludes that the Project would result in increased use of diesel fuel and electricity (Impact EN-1) but that this impact would be less than significant. The analysis and conclusions are based on considerations of energy use and efficiency, and are not influenced by the duration of the CUP. The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that the Project would not incrementally contribute to cumulatively considerable energy use impacts and the change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to cumulative energy impacts.

1.6.12 Land Use and Planning

The DEIR concludes that the Project could conflict with adjacent land uses or adversely affect community character (Impact LU-1) but that this impact would be reduced to less than significant with mitigation. The analysis and conclusions are based on consideration of potential impacts (e.g., visual, lighting, air quality, noise) identified in the DEIR, and the implementation and efficacy of mitigation for such resource impacts. The change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR concludes that the Project could adversely affect recreational resources (Impact LU-2) but that this impact would be less than significant. The analysis and conclusions consider the potential for the Project to conflict with adjacent recreational uses, and the change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to this impact.

The DEIR assesses the Project's consistency with the Ventura County General Plan (Impact LU-3) and concludes that with implementation of mitigation measures in the EIR and with potential imposition of additional conditions of approval the Project would be consistent with the General Plan. The policy consistency analysis is not dependent on the duration of the CUP extension, and the change to a 60-year CUP duration does not affect the analysis or conclusions of the DEIR pertaining to General Plan policy consistency.

The DEIR discusses that land use conflicts and General Plan consistency associated with the Project are project-specific issues, and that all other projects considered and approved by the County must be evaluated and deemed to be consistent with the Ventura County General Plan. The analysis concludes the Project would not result in the potential for substantial cumulative effects associated with land use and planning, and the change to a 60-year CUP duration does not affect this determination.

1.6.13 Issues Eliminated from Further Consideration

DEIR Section 3.14, "Issues Eliminated from Further Consideration," discusses the County's determinations for why issues associated with certain resource subjects do not warrant detailed analysis in the EIR. These resource subjects include Mineral Resources, Population and Housing, Public Services, Utilities, Coastal Beaches and Sand Dunes, Waste Treatment & Disposal Facilities – Sewage Collection/Treatment Facilities, and Education. The County has reviewed each of the DEIR determinations to consider whether the rationale for elimination of the issue from further consideration is affected by a change in the duration of the CUP extension to 60 years. In all instances, the rationale for elimination remains valid and none of the issues previously eliminated from further consideration warrants additional consideration or evaluation.

1.6.14 Growth Inducement and Irreversible Changes

DEIR Chapter 4.0, "Growth Inducement and Irreversible Changes," discusses the County's assessment of the Project for growth inducing impacts and significant irreversible environmental changes that would be caused by a project should it be implemented. The County has reviewed growth inducement and irreversible changes analysis and discussion to consider whether the rationale and conclusions of those sections are affected by a change in the duration of the CUP extension to 60 years. In all instances, the County has determined that the rationale and conclusions of those sections remain valid and no changes are warranted.

1.6.15 Alternatives Evaluation

DEIR Chapter 5.0, "Alternatives," outlines the Project objectives, describes alternatives eliminated from further consideration, and defines and evaluates three alternative to the proposed Project, including the No Project Alternative as required by CEQA. The County has reviewed the alternatives formulation, selection, and evaluations in Chapter 5 to consider whether the rationale and conclusions of those sections are affected by a change in the duration of the CUP extension to 60 years. In all instances, the County has determined that the alternatives selected for evaluation remain valid and represent a reasonable range of alternatives for consideration in the EIR. Additionally, the County has determined that the alternatives evaluations remain valid and provide the necessary and relevant information for the County's informed decision making regarding the Project.

CHAPTER 2
COMMENTS AND RESPONSES TO COMMENTS

CHAPTER 2–COMMENTS AND RESPONSES TO COMMENTS

2.1 INTRODUCTION

This chapter provides responses to comment letters received during the public review periods for the 2020 Pacific Rock Quarry Project Draft EIR (DEIR) and the 2022 Pacific Rock Quarry Project Partial Recirculated Draft EIR (PRDEIR). In conformance with Section 15088(a) of the State CEQA Guidelines, written responses have been prepared addressing comments on environmental issues received from reviewers of the DEIR and the PRDEIR.

2.2 LIST OF COMMENTERS ON THE DEIR AND PRDEIR

Table 2-1, "List of DEIR and PRDEIR Commenters," presents the list of commenters, including the numerical designation for each comment letter received, the author of the comment letter, and the date of the comment letter. The comment letters and emails are included within Volume II of this Final EIR (FEIR) as Appendix I-1, "Comments on DEIR," and Appendix I-2, "Comments on PRDEIR." (Note that Appendix I-1 includes the comment letter number 10 in Table 2-1, but does not include the 1,679 pages of attachments provided with that comment letter. The attachments are included in the Project record and available by request to Ventura County.)

Table 2-1. List of DEIR and PRDEIR Commenters

Letter No.[1]	Commenter	Date
DEIR Commenters		
Public Agencies		
1	California Department of Fish and Wildlife	January 22, 2021
2	U.S. Fish and Wildlife Service	January 12, 2021
3	California Department of Transportation, District 7	January 12, 2021
4	California Department of Resources Recycling and Recovery (CalRecycle)	January 12, 2021
5	City of Camarillo	January 15, 2021
6	City of Thousand Oaks	January 15, 2021
7	Mountains Recreation & Conservation Authority	February 2, 2021
Organizations		
9	Conejo Oak Tree Advocates	January 12, 2021
10	Center for Biological Diversity California Native Plant Society California Oaks Coalition California Wildlife Foundation	January 15, 2021
11	Palermo Maintenance Corporation	January 14, 2021
Individuals		
12	Randy and Kathy Denning	January 14, 2021
13	Dan Fish	January 14, 2021
14	James D. Crawford	January 14, 2021
15	Mark Cotone	January 14, 2021
16	Ferruh and Derya Unlu	January 14, 2021
17	Tom and Keri Casey	January 15, 2021
18	Daniel M. Ritt	January 15, 2021
19	Sarah Epstein	January 15, 2021
20	Sharon Lin	January 15, 2021

Letter No. [1]	Commenter	Date
PRDEIR Commenters		
21	California Department of Fish and Wildlife	December 15, 2022
22	Center for Biological Diversity	December 9, 2022
Note 1. No comment letter number 8 was assigned; thus, comments 1-7 and 9-22 as listed here represent all comment letters that were received.		

2.3 AGENCY DEIR COMMENTS AND COUNTY RESPONSES

2.3.1 Comment Letter 1 - California Department of Fish and Wildlife (January 22, 2021)

Comment 1-1

The California Department of Fish and Wildlife (CDFW) has reviewed Ventura County's (County; Lead Agency) Draft Environmental Impact Report (DEIR) for the Pacific Rock Quarry Expansion Project (Project). Review of the DEIR included the following documents: Draft Environmental Impact Report, Appendix A – EIR Scoping Records Appendices (Appendix A), and Appendix C – Biological Resource Appendices (Appendix C).

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, [§ 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, §2050 et seq.), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish Game Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Response 1-1

Ventura County appreciates the review and input provided by the California Department of Fish and Wildlife (CDFW) on the 2020 DEIR. In part due to the County's consideration of CDFW comments on the 2020 DEIR, the County performed additional evaluation of biological resources, prepared revisions to the DEIR Biological Resources section, and circulated the revised Biological Resources section for review and comment between October 26 and December 9, 2022, as the October 2022 Partial Recirculated Draft EIR (PRDEIR). CDFW also provided comments on the PRDEIR and the County's responses to those comments are provided in Responses 21-1 through 21-48 in Section 2.6, "PRDEIR Comments and County Responses" of this chapter.

Comment 1-2

Project Description and Summary

Objective: The County and Pacific Rock, Inc. (Applicant) are proposing the Project. The Applicant is requesting the approval of a Conditional Use Permit (CUP) modification to extend the life of the existing permitted operations for an additional 30 years, significant expansion of the mining area, extend the operational days from six to seven days per week (adding Sunday for material load out) with additional material load out hours and limited extended 24-hour operations (60 days maximum per year), allow construction and mobile mining equipment in outdoor storage areas, operate a concrete and asphalt recycling plant, allow for imported material to be used in reclamation fill, and replace an existing mobile home to be used as a 24-hour security trailer.

The Applicant is requesting that the County approve a CUP modification to extend the life of the permit and continue to operate on property zoned Open Space (OS-160) and Agricultural Exclusive (AE-40). Both parcels occur within a Habitat Connectivity and Wildlife Corridor overlay zone, pursuant to Ventura County's Zoning Ordinance.

The existing facility is an active quarry that supplies large rock for the production of riprap and various sizes of crushed rock and aggregate materials to public works and private projects in Ventura County. The request includes expansion of the mining area to the east and onto recently acquired adjacent land. The CUP area would increase from 111.5 acres to 204.4 acres, an increase of 93 acres. The mining and facilities area would increase from 62.5 acres to 172.8 acres, an increase of 110.3 acres. The maximum depth of mining activities is 180 feet.

Response 1-2

The comment provides a summary of the proposed Project and does not address the adequacy of the DEIR. Please note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.

Comment 1-3

Expected impacts to vegetation communities are detailed in Table 1 below.

Table 1. A summary of anticipated impacts to plant communities, as depicted in Appendix C.

Plant Community	Acres within Study Area	Acres Impacted by Project	Percent Impacted of Total within Study Area
Laurel Sumac Scrub	120.52	71.02	59%
California Sagebrush Scrub	0.14	0.14	100%
Deerweed Scrub	1.30	0	0
Giant Wild Rye Grasslands	2.04	1.50	74%
Cattail Marsh	0.32	0.19	59%
Red Willow Thicket	2.01	0	0
Mountain Mahogany Scrub	0.23	0.23	100%
Disturbed Chamise/Ceonothus Chaparral	1.43	1.34	94%
Coast Live Oak Woodland	1.52	0	0
Russian Thistle Fields	2.93	1.52	52%
Non-Native Annual Grassland	16.38	11.50	70%
Agriculture	19	10.21	54%
Ornamental	4.25	0.01	0.2%
Developed	1.70	0.29	17%
Previously Cleared Land	79.90	69.03	86%
Detention Pond	3.73	0	0
Total	**257.4**	**166.98**	

Response 1-3

The comment summarizes plant community types, acreages within the study area and acreages anticipated to be impacted by the Project with information from the DEIR. Substantial additional information pertaining to plant communities was included in the PRDEIR and the commenter provided comments on the PRDEIR for which the County has provided responses. CDFW's comments on the PRDEIR are included as Comment Letter 21 with this FEIR, and responses to the comment letter are provided in Section 2.6, "PRDEIR Comments and County Responses" of this chapter. For responses to CDFW comments on the PRDEIR pertaining to vegetation communities, please see Responses 21-12, 21-26, 21-34, 21-35, 21-42, and 21-44 in Section 2.6.

Comment 1-4

The proposed Project is expected to impact 23 unnamed drainage features and may impact one detention pond. The detention pond is approximately 3.75 acres in size and contains habitat for multiple Endangered Species Act- (ESA) and CESA-listed species as well as California Species of Special Concern (SSC) including, but not limited to, least Bell's vireo (*Vireo bellii pusillus*), yellow warbler (*Setophaga petechia*), and western pond turtle (*Actinemys marmoratais*). The feature is situated immediately adjacent to existing mining operations and captures all runoff from the facility. Many of the 23 unnamed drainage features are hydrologically connected to Conejo Creek and emergent wetlands downstream. In total, there is approximately 20,000 linear feet of ephemeral streams within the Project footprint. The acreage of impacts to streams and corresponding habitat was not provided.

Response 1-4

The commenter summarizes drainage features identified in the Project site based on information in the DEIR and states the acreage of impacts to streams and corresponding habitat was not provided in the DEIR.

Figure 3.5-4 in the DEIR and PRDEIR shows the locations of the unnamed drainage features and the detention pond in relation to the Proposed Mine Area Boundary. The detention pond is located outside of

the Project impact area and the potential habitat for least Bell's vireo, yellow warbler, and western pond turtle in and around the detention pond would not be directly impacted by the Project.

The comment notes that the acreage of impacts to streams and corresponding habitat was not provided. In consideration of this comment and as reiterated by the commenter in comments on the PRDEIR, BioResource Consultants prepared a letter report, "Supplemental Technical Report Addressing Drainage Feature Width and Potential Mitigation Ratios for Impacts Resulting from the Pacific Rock Quarry Expansion Project (CUP 3817-3)" (BRC, 2024), that was submitted to the County by the Applicant and is included as Appendix C-4 of the FEIR. Among other information, the BRC letter provides supplemental information related to the drainages that may be affected by the Project. As discussed further in Response 21-18 in Section 2.6, "PRDEIR Comments and County Responses," of this chapter, BRC's evaluation estimates that drainage features encompass an area of approximately 0.91 acres within the proposed CUP boundary and that approximately 0.68 acres of these drainage features are within the proposed mine disturbance area. Although a formal delineation to determine the extent to which the drainage areas may be considered jurisdictional aquatic resources, for the purposes of the County's CEQA review, the drainage areas are considered to be jurisdictional with a final determination to be made in accordance with mitigation measure MM BIO-5. This information has been added to the EIR in the Biological Resources Errata section discussed further in FEIR Chapter 3 (see Section 3.3) and included in Appendix J of this FEIR. Note also that PRDEIR mitigation measure MM BIO-5 is modified in the Biological Resources Errata to specify that a Habitat Mitigation and Monitoring Plan (HMMP) be prepared and implemented for the Project and that the HMMP shall minimum ratio of 1:1 and as otherwise necessary to be deemed sufficient to achieve no net loss of waters, wetlands, or riparian area habitat values, as discussed in FEIR Chapter 3 (see Section 3.3, Errata 22). The additional information clarifies and amplifies information presented in the PRDEIR Biological Resources section and does not identify a new significant impact or an increase in the severity of a previously identified significant impact. To ensure the Project impacts to these drainage features are accurately determined and mitigated, Mitigation Measure MM BIO-5 requires a formal jurisdictional delineation and acquisition of all applicable state and federal permits prior to the initiation of disturbance in the mine expansion areas. With the implementation of MM BIO-5, direct and indirect impacts to jurisdictional waters and wetlands would be reduced to less than significant.

Comment 1-5

Existing mining methods including rock blasting, sorting, processing/crushing, and stockpiling would occur throughout the enlarged area. The Applicant is also requesting approval of an amendment to the existing Reclamation Plan to account for the proposed expanded mine area and to amend specifications for reclaimed conditions at the site. The proposed Reclamation Plan amendment specifies end land uses as "open space" on the benched portions, and "agriculture" on the remaining areas, where grasses would be planted for cattle grazing. The proposed reclamation would also involve import and placement of fill material at the site.

Response 1-5

The comment summarizes aspects of the existing and proposed operation and reclamation plan consistent with the Project as described in the Draft EIR. The comment does not address the adequacy of the DEIR.

Comment 1-6

Location: The Project is located within the westernmost portion of the Santa Monica Mountains and within the Santa Monica-Sierra Madre Connection (Connection), one of the few coastal-to-inland connections remaining in the

South Coast Ecoregion. The Connection stretches from the rugged Santa Monica Mountains at the coast inward to the jagged peaks of the Santa Susana Mountains and the Sierra Madre Ranges of the Los Padres National Forest. The Connection is characterized as a corridor connecting the Santa Monica Mountains to Conejo Mountain. More specifically, the Project is located approximately 1.5 miles east of Lewis Road and approximately two miles south of State Highway 101 off a private road (Howard Road) in unincorporated Ventura County. The physical address for the site is 1000 South Howard Road, Camarillo, California 93012. The existing quarry is located within Assessor's Parcel Number (APN) 234-0-060-220. Proposed expansion areas are within additional portions of APN 234-0-060-220 and a portion of APN 234-0-060-190. Both parcels are located in Section 8, Township 1 North, Range 20 West, San Bernardino Baseline and Meridian.

Response 1-6

The comment summarizes the Project location consistent with the project location as described in the DEIR. The comment does not address the adequacy of the DEIR.

Comment 1-7

Comments and Recommendations

CDFW previously commented on the proposed Project on October 2, 2017, because many of those comments have yet to be fully addressed, those comments are attached as Attachment B to this letter. CDFW offers the comments and recommendations below to reassert its concerns and to assist the County in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Pub. Resources Code, §21081.6; CEQA Guidelines, § 15097) (see Attachment A).

Response 1-7

The County considered comments raised in the CDFW October 2, 2017, scoping comment letter and that letter was included in Appendix A-2 of the DEIR. Please see Responses 1-8 through 1-73, below, addressing CDFW comments on the DEIR which also address issues raised in CDFW 2017 letter as reiterated or expanded by CDFW in the January 22, 2021, DEIR comment letter. As discussed in Response 1-1, in consideration of comments on the DEIR, including CDFW's January 22, 2021, DEIR comment letter, the County subsequently prepared and circulated the PRDEIR. CDFW provided a December 15, 2022, letter commenting on the PRDEIR, and the County has considered and responded to that CDFW comment letter in Responses 21-1 through 21-48, in Section 2.6, "PRDEIR Comments and County Responses," of this chapter.

Comment 1-8

Specific Comments

Comment #1: Mountain Lion (Puma concolor)

Issue: The County/Applicant stated, "The expansion of the quarry will narrow the corridor connecting the Santa Monica Mountains to Conejo Mountain but may not be determined to be significant being that the wildlife movement through

the area will not be impeded." CDFW disagrees with this statement and is concerned that the Project may impact mountain lion (Puma concolor) because the Project occurs within the range of mountain lion habitat.

Specific impacts: The Project as proposed may impact the southern California mountain lion population by increasing human presence, traffic, noise, air pollutants and dust, artificial lighting, and will significantly and permanently reduce the width of the existing wildlife corridor.

Why impacts would occur: Mountain lions may occur within the Project footprint or in areas immediate adjacent to the Project. The Project may increase human presence (e.g., new development, public trail access), traffic, noise, and artificial lighting during Project construction and over the life of the Project. Most factors affecting the ability of the southern California mountain lion populations to survive and reproduce are caused by humans (Yap et al. 2019). As California has continued to grow in human population and communities expand into wildland areas, there has been a commensurate increase in direct and indirect interaction between mountain lions and people (CDFW 2013). As a result, the need to relocate or humanely euthanize mountain lions (depredation kills) may increase for public safety. Mountain lions are exceptionally vulnerable to human disturbance (Lucas 2020). Areas of high human activity have lower occupancy of rare carnivores. Mountain lions tend to avoid roads and trials by the mere presence of those features, regardless of how much they are used (Lucas 2020). Increased traffic could cause vehicle strikes. Mountain lions avoid areas with low woody vegetation cover and artificial outdoor lighting (Beier 1995). As human population density increases, the probability of mountain lion persistence decreases (Woodroffe 2000).

Response 1-8

The commenter states they disagree with the determination that narrowing the corridor connecting the Santa Monica Mountains to the Conejo Mountains will not be a significant impact to wildlife movement because the Project is located within the range of mountain lion habitat. The commenter also states increased human presence and associated Project impacts from traffic, noise, air pollutants and dust, and artificial lighting will significantly and permanently reduce the width of the existing corridor. The commenter provides a discussion of why the impacts would occur, including increased human presence and the corresponding impacts to mountain lions.

As discussed in Response 1-1, in consideration of comments on the DEIR, including CDFW's January 22, 2021, DEIR comment letter, the County subsequently prepared and circulated the PRDEIR. CDFW provided a December 15, 2022, letter commenting on the PRDEIR, and the County has considered and responded to that CDFW comment letter in Responses 21-1 through 21-48, in Section 2.6, "PRDEIR Comments and County Responses," of this chapter. Please see Responses 21-1 through 21-48 for additional discussion and responses to CDFW comments pertaining to potential impacts to mountain lion. Note that PRDEIR mitigation measure MM BIO-4(h) (PRDEIR pg. 3.5-68) provided expanded mitigation for potential impacts to mountain lion as compared to mitigation in the DEIR. The expanded mitigation would afford more protection for mountain lions as compared to mitigation in the DEIR and supports PRDEIR's conclusion that, with mitigation, Project impacts to mountain lion would be less than significant. Additional consideration of potential impacts to mountain lion and PRDEIR MM BIO-4(h) is provided in "Potential Impacts to Mountain Lion and Wildlife Movement Corridors for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)" (ECORP, 2024) and is incorporated to the FEIR in the Biological Resources Errata section (see Chapter 3, Section 3.3, Errata 23) and is discussed further in responses to CDFW's PRDEIR comment letter in Section 2.6.

Comment 1-9

The Project as proposed would also impair a wildlife corridor. The Project would permanently impact the County's Wildlife Linkage and [habitat] Corridor. Loss of wildlife connectivity is another primary driver for the potential demise of the southern California mountain lion population (Yap et al. 2019). Habitat loss and fragmentation due to roads and development has driven the southern California mountain lion population towards extinction (Yap et al. 2019). Conserving and restoring habitat connectivity and corridors is essential for mitigating impacts to mountain lions. This is especially critical in the face of climate change-driven habitat loss and increased frequency of fires (Yap et al. 2019). Under a high emissions and warm and wet climate scenario, much of the chaparral habitat in southern California that provide habitat for mountain lions would be climactically highly stressed by the year 2070 (Thorne et al. 2016).

Evidence impact would be significant: The mountain lion is a specially protected mammal in the State (Fish and Game Code, § 4800). In addition, on April 21, 2020, the California Fish and Game Commission accepted a petition to list an evolutionarily significant unit (ESU) of mountain lion in southern and central coastal California as threatened under CESA (CDFW 2020a). As a CESA-candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA. Moreover, the Project may not fully mitigate for impacts to the vegetation where mountain lions may occur, which comprises the majority of the 110.3 acre increase of proposed mining activities. This is a substantial and significant impact to mountain lion habitat. The Project would continue to have significant impacts because mitigation as proposed would not result in adequate and successful mitigation for the unavoidable direct and indirect, permanent, or temporal losses, of habitat for mountain lion.

Response 1-9

The commenter states the Project as proposed will impair a wildlife corridor and may not fully mitigate impacts to the vegetation where mountain lions may occur. The commenter states the mitigation proposed by the Project would not be adequate and successful mitigation for the unavoidable direct, indirect, permanent, or temporal losses of habitat for mountain lion.

As discussed in Response 1-1, in consideration of comments on the DEIR, including CDFW's January 22, 2021, DEIR comment letter, the County subsequently prepared and circulated the PRDEIR. CDFW provided a December 15, 2022, letter commenting on the PRDEIR, and the County has considered and responded to that CDFW comment letter in Responses 21-1 through 21-48, in Section 2.6, "PRDEIR Comments and County Responses," of this chapter. Please see Responses 21-1 through 21-48 for additional discussion and responses to CDFW comments pertaining to potential impacts to mountain lion.

Comment 1-10

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: CDFW recommends setting aside a minimum of 110.3 acres of replacement habitat. CDFW recommends the replacement habitat be located adjacent to the County's Wildlife Linkage and Corridor in order to widen the corridor at locations where the corridor is less than one mile. There should be no net loss of suitable habitat for mountain lions. The County should consult and collaborate with CDFW to conserve areas beneficial to the southern California mountain lion population that may improve chances of survival and

reproduction of mountain lions in the face of climate change. The mitigation lands should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012). Assembly Bill 1094 amended Government Code, sections 65965-65968. Under Government Code, section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.

Response 1-10

The commenter recommends setting aside a minimum of 110.3 acres of replacement habitat as mitigation for impacts to mountain lion habitat and protecting the mitigation site in perpetuity prior to the County's issuance of grading permits.

As discussed in Response 1-1, in consideration of comments on the DEIR, including CDFW's January 22, 2021, DEIR comment letter, the County subsequently prepared and circulated the PRDEIR. CDFW provided a December 15, 2022, letter commenting on the PRDEIR, and the County has considered and responded to that CDFW comment letter in Responses 21-1 through 21-48, in Section 2.6, "PRDEIR Comments and County Responses," of this chapter. Please see Responses 21-1 through 21-48 for additional discussion and responses to CDFW comments pertaining to potential impacts to mountain lion. Additional consideration of potential impacts to mountain lion and wildlife movement is provided in "Potential Impacts to Mountain Lion and Wildlife Movement Corridors for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)" (ECORP, 2024) and is incorporated to the FEIR in the Biological Resources Errata section (see Chapter 3, Section 3.3, Errata 23). Note that the Biological Resources Errata discussed in FEIR Section 3.3 Errata 23 incorporates a requirement to establish a wildlife corridor preservation area, as discussed further in responses to CDFW's PRDEIR comment letter in Section 2.6.

Comment 1-11

Mitigation Measure #2: Due to potential habitat within the Project footprint, a CDFW-approved biologist knowledgeable of mountain lion species ecology should survey areas that may provide habitat for mountain lion natal dens. This should be performed within one year of Project implementation, including site preparation, equipment staging, and mobilization. Caves and other natural cavities and thickets of brush and timber provide cover and are used for denning. Females may be in estrus at any time of the year, but in California, most births probably occur in spring. Survey results, including negative findings, should be submitted to CDFW prior to Project implementation. The survey report should include a map of potential denning sites. The survey report should also include measures to avoid impacts to dens and cubs if necessary.

Response 1-11

The commenter suggests including a mitigation measure requiring a survey for mountain lion natal dens prior to Project implementation.

As discussed in Response 1-1, in consideration of comments on the DEIR, including CDFW's January 22, 2021, DEIR comment letter, the County subsequently prepared and circulated the PRDEIR. CDFW provided a December 15, 2022, letter commenting on the PRDEIR, and the County has considered and responded to that CDFW comment letter in Responses 21-1 through 21-48, in Section 2.6, "PRDEIR Comments and County Responses," of this chapter. Please see Responses 21-1 through 21-48 for additional discussion and responses to CDFW comments pertaining to potential impacts to mountain lion. Note that PRDEIR mitigation measure MM BIO-4(h) (PRDEIR pg. 3.5-68) provides expanded mitigation for potential impacts to mountain lion as compared to mitigation in the DEIR. Mitigation Measure MM BIO-4(h)(1) requires a survey for mountain lion natal dens within no more than one year prior to any vegetation clearing or ground disturbance and requires the preparation of an Initial Mountain Lion Natal Den Survey Report that includes measures sufficient to avoid take or other adverse impacts to mountain lion dens and cubs, if found. The results of the survey report are to be submitted to CDFW. The expanded mitigation would afford more protection for mountain lions as compared to mitigation in the DEIR and supports PRDEIR's conclusion that, with mitigation, Project impacts to mountain lion would be less than significant. Additional consideration of potential impacts to mountain lion and wildlife movement is provided in "Potential Impacts to Mountain Lion and Wildlife Movement Corridors for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)" (ECORP, 2024) and is incorporated to the FEIR in the Biological Resources Errata section (see Chapter 3, Section 3.3, Errata 23).

Comment 1-12

Mitigation Measure #3: If potential habitat for natal dens is identified, CDFW recommends fully avoiding potential impacts to mountain lions, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved biologist should conduct a survey for mountain lion natal dens. The survey area should include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW should be notified within 24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work should cease. No work should occur within a 2,000-foot buffer from a natal den. A qualified biologist should notify CDFW to determine the appropriate course of action. CDFW should also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion should occur within the established setback until mountain lion cubs have been successfully reared; the mountain lions have left the area; or as determined in consultation with CDFW.

Response 1-12

The commenter recommends the addition of a mitigation measure requiring pre-construction and surveys conducted once per week during construction for mountain lion natal dens within the construction footprint and an area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. The commenter also recommends CDFW notification if a natal den is found and suggests setbacks and other measures to ensure adverse impacts to the successful rearing of cubs will not occur.

As discussed in Response 1-1, in consideration of comments on the DEIR, including CDFW's January 22, 2021, DEIR comment letter, the County subsequently prepared and circulated the PRDEIR. CDFW provided a December 15, 2022, letter commenting on the PRDEIR, and the County has considered and responded to that CDFW comment letter in Responses 21-1 through 21-48, in Section 2.6, "PRDEIR Comments and County Responses," of this chapter. Please see Responses 21-1 through 21-48 for additional

discussion and responses to CDFW comments pertaining to potential impacts to mountain lion. PRDEIR MM BIO-4(h) provides expanded mitigation for potential impacts to mountain lion as compared to mitigation in the DEIR. Mitigation Measure MM BIO-4(h)(2) requires a pre-construction survey for mountain lion natal dens within no more than two weeks prior to each phase of new vegetation clearing (rather than "prior to Project implementation" as specified in DEIR mitigation) because the removal of vegetation in the proposed Project area would be phased and not cleared all at one time. Mitigation Measure MM BIO-4(h)(2) focuses the survey where Project activities, including vegetation clearing or ground disturbance in new areas, will be occurring and within 2,000 feet (or to the limits of the property line) of where the Project activities will be occurring. MM BIO-4(h)(2) requires notification to CDFW if a natal den is found, establishment of a setback area, monitoring, reporting, and restriction of human intrusion and construction activities within the setback area until the natal den is vacated. MM BIO-4(h)(2) does not require weekly surveys during the construction activities in new areas because if a natal den is found, then MM BIO-4(h)(2) would require notification to CDFW and a monitoring schedule will be established. The construction activities in new areas will not be implemented until the results of the pre-construction survey required by MM BIO-4(h)(2) are known and reported to CDFW and the Planning Division. Implementation of MM BIO-4(h)(2) would afford additional protections for mountain lion natal dens as compared to the DEIR and supports the PRDEIR's conclusion that, with mitigation, impacts to mountain lion natal dens would be less than significant.

Comment 1-13

Mitigation Measure #4: If "take" or adverse impacts to mountain lion cannot be avoided either during Project construction and over the life of the Project, the County must consult with CDFW to determine if a CESA ITP is required (pursuant to Fish & Game Code, § 2080 et seq.).

Response 1-13

The commenter stated the County must consult with CDFW regarding the need for a CESA ITP if "take" or adverse impacts to mountain lions cannot be avoided.

The County understands the potential need for an ITP in the case of unavoidable "take" or adverse impacts to mountain lions and will comply with the requirement to consult with CDFW during the permitting process if "take" or adverse impacts could potentially occur. Mitigation Measure MM BIO-3(g) requires the Permittee to obtain an ITP if unavoidable "take" or adverse impacts to CESA-listed species will occur and requires that the ITP shall be obtained prior to such "take" or adverse impacts. PRDEIR Mitigation Measure MM BIO-4(h) would avoid "take" or other adverse impacts to mountain lions and their natal dens and, with implementation of MM BIO-4(h), the Project impact to mountain lion would be less than significant as concluded in the PRDEIR. Implementation of MM BIO-3(g), if necessary, will also ensure that "take" or other adverse impacts to mountain lion and mountain lion natal dens resulting from the Project would be less than significant as concluded in the PRDEIR.

Comment 1-14

Mitigation Measure #5: CDFW highly discourages the use of rodenticides and second-generation anticoagulant rodenticides due to their harmful effects on the ecosystem and wildlife. CDFW recommends the County include a mitigation measure prohibiting the use of such harmful materials.

Response 1-14

The commenter requested a specific mitigation measure prohibiting the use of rodenticides and second-generation anticoagulant rodenticides be prohibited due to their harmful effects on the ecosystem and wildlife.

Mitigation Measure MM BIO-4(h)(3) was added to the PRDEIR to prohibit the use of rodenticides and second-generation anticoagulant rodenticides on the Project site. Additional consideration of potential impacts to mountain lion associated with the use of rodenticides and second-generation anticoagulant rodenticides is provided in "Potential Impacts to Mountain Lion and Wildlife Movement Corridors for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)" (ECORP, 2024) included with this FEIR as Appendix C-5, "Mountain Lion Technical Memorandum." The technical memorandum verifies the potential impact of rodenticides on mountain lion and concludes the implementation of MM BIO-4(h)(3) provides additional protections against take or adverse impacts to mountain lions as compared to mitigation in the DEIR and supports the PRDEIR's conclusion that, with mitigation, impacts to mountain lion would be less than significant.

Comment 1-15

Comment #2: Impacts to Rare Plants

Issue #1: Page three of the Pacific Rock Quarry Expansion Project: June 18 Rare Plant Survey […] (2018 Plant Survey) states "[f]ive […] special-status [plant] species were observed during the surveys: Catalina mariposa lily (*Calochortus catalinae*), club haired mariposa lily (*Calochortus clavatus* var. *clavatus*), Blochman's dudleya (*Blochman's dudleya*), Conejo buckwheat (*Eriogonum crocatum*), and southern California black walnut (Juglans californica)." CDFW is concerned that the mitigation proposed in the DEIR, at a 1:1 ratio, is insufficient.

Response 1-15

The commenter refers to the June 18 Rare Plant Survey Report noting that five special status plant species were observed on the Project site and that the commenter is concerned that the DEIR proposed mitigation at a 1:1 ratio is insufficient.

The "Pacific Rock Quarry Expansion Project: June 18 Rare Plant Survey and Burrowing Owl Habitat Assessment Results" memorandum (ESA 2018) included as Appendix C-2 of the DEIR and PRDEIR identifies that five species of special status plants noted in the comment were found on the Project site. PRDEIR Mitigation Measures MM BIO-2 and MM BIO-3 substantially modify and expand mitigation requirements for special-status plant species as compared to mitigation specified in the DEIR. MM BIO-2 (PRDEIR pg. 3.5-43 through 3.5-46) requires that the preparation of an "Upland Scrub and Special-Status Plant Species Mitigation and Monitoring Plan" that provides for the protection of sensitive upland scrub communities and special-status plant species on lands owned or otherwise controlled by the Permittee or its designee, if feasible, that is located adjacent to or in close proximity to the Project site. The measure requires that protection of sensitive upland scrub vegetation communities and special-status plant species shall be at a *minimum* of a 1:1 ratio for the 74.23 acres of sensitive upland scrub vegetation communities that would be impacted by the Project. (PRDEIR pgs. 3.5-45 through 3.5-46)

Additionally, PRDEIR Impact BIO-3 identifies the five plant species notes in the comment, as well as two other special-status plant species considered to be present with the Project site and six other special-status plant species considered to have a high or moderate potential to occur within the Project site. Mitigation

Measures MM BIO-3 3(a) and MM BIO-3(b) (PRDEIR pgs. 3.5-47 through 3.5-48) require the Permittee to conduct baseline surveys for special-status plants within the proposed mine expansion areas and on adjacent lands owned by the Permittee. MM BIO-3(c) (PRDEIR pg. 3.5-48) requires pre-disturbance surveys prior to the initial vegetation removal and each subsequent vegetation clearing or ground disturbing activities in new areas. MM BIO-3(d), MM BIO-3(e), and MM BIO-3(f) (PRDEIR pg. 3.5-49) provide for restrictions on the locations of staging areas, prohibitions on the use of herbicides, and the implementation of a Worker Environmental Awareness Program, respectively. MM BIO-3(g) (PRDEIR pg. 3.5-50) requires the Permittee to apply for an Incidental Take Permit from CDFW if state-listed plants are impacted by the Project and MM BIO-3(h) requires implementation of MM BIO-2 which, as discussed above, requires replacement of vegetation communities and special-status plant species at a *minimum* ratio of 1:1 in areas that would not be disturbed by subsequent mining or reclamation activities. As concluded in the PRDEIR, implementation of Mitigation Measures MM BIO-3(a) through MM BIO-3(h) would reduce potential impacts to special-status plant species to less than significant. Note that mitigation measure MM BIO-2(c) is modified in the Biological Resources Errata in this FEIR to provide that, if mitigation is accomplished at an off-site location not in proximity to the Project site the minimum mitigation ratio may be increased above 1:1, and to specify a requirement for no net loss of habitat values and function. Additionally, MM BIO-2(c) is modified in the FEIR to specify that upland scrub/grassland seed mix shall be sourced from a reputable native plant seed supplier and collected from the same general geographic region as the Project site.

The MM BIO-3(g) requirement that the Permittee obtain an Incidental Take Permit from CDFW prior to the take or other adverse impacts to special-status plant species would provide for the commenter's (CDFW's) consideration of additional or modified measures as CDFW may deem necessary and could include increasing mitigation ratios to more than the minimum 1:1 specified in MM BIO-2. However, for the purposes of the EIR, Mitigation Measures MM BIO-2 and MM BIO-3 are considered sufficient to reduce the Project impact to special-status plants to less than significant.

Comment 1-16

Issue #2: CDFW expressed concerns regarding impacts to Conejo buckwheat, an endemic species to Ventura County and designated CESA-listed rare plant pursuant to the NPPA in the October 2, 2017 NOP comment letter. As previously stated in 2017, the NPPA prohibits the take and/or possession of State listed rare plants unless authorized by CDFW or in certain limited circumstances. Take of Conejo buckwheat or other CESA-listed rare plants may only be permitted through an incidental take permit (ITP) or other authorization issued by the Department pursuant to California Code of Regulations, Title 14, section, 786.9 subdivision (b). CDFW is concerned the loss of CESA-listed rare plants will occur if appropriate avoidance, minimization, and/or mitigation for these species is not adopted, including an ITP.

Response 1-16

The commenter expressed concerns that the loss of CESA-listed rare plant species, including Conejo buckwheat, will occur if appropriate avoidance, minimization, and/or mitigation for these species is not adopted, including an ITP.

Potential impacts to special-status plants, including Conejo buckwheat and other CESA-listed species, were acknowledged in the DEIR and the impact discussion was expanded in the PRDEIR at Impact BIO-3. Please see Response 1-15 for discussion of mitigation for special-status plant species in mitigation measures MM BIO-2 and MM BIO-3.

Comment 1-17

Issue #3: The observed and potentially occurring Special-Status Species table on pages 29-31 of Appendix C indicate that Several ESA- and CESA-listed plant species including Catalina mariposa lily, Verity's dudleya (*Dudleya verity*), and Conejo dudleya (*Dudleya parva*) were observed within study area in 2010, but not during 2016 surveys. However, in the 2018 Plant Survey, Mariposa lily and Conejo buckwheat were observed within the study area. Collectively, the survey results are inconsistent and suggest there is a high likelihood of each of the species to occur within the footprint of the proposed Project. CDFW suggests the County propose mitigation measures for plants observed during all three surveys (2010, 2016, 2018) to sufficiently mitigate impacts to rare plants that have been documented to occur within the Project footprint. CDFW is aware of the 2013 fire that took place within the vicinity of the Project. However, burned habitat is habitat reset to an early seral stage. Burned habitat does not decline in value or importance by default of being burned. Given time, burned habitat is expected to successionally progress back to the pre-burn vegetation community. The burned habitat still contains all of the vegetation species that occurred pre-fire, in the form of 1) embryos (seed bank) or 2) basal burls or roots that allow for resprouting of vegetation. Either way, the site is still considered to currently support, even after a burn, the same vegetation (Coop et al. 2020).

Response 1-17

The commenter summarized the reported results of previous surveys for special status and ESA- and CESA-listed plant species in the study area for the Project, asserts the results of the surveys are inconsistent, and asserts there is a high likelihood each of species found in the various surveys occurs within the footprint of the proposed Project. The commenter suggested including mitigation measures to address plant observations from all three of the focused plant surveys (2010, 2016, and 2018). The commenter also stated CDFW is aware of the 2013 fire that occurred in the vicinity of the Project and pointed out the burned habitat does not decline in value, and it still contains all of the vegetation species that occurred pre-fire (seeds, basal burls, or roots so the site is still considered to currently support the same vegetation.

PRDEIR Impact BIO-3 (PRDEIR pg. 3.5-46 through 3.5-47) identifies that Conejo buckwheat, Blochman's dudleya, club haired mariposa-lily, Catalina mariposa-lily, Conejo dudleya, Verity's dudleya, and Southern California black walnut are considered present within the Project site. Additionally, PRDEIR Impact BIO-3 identifies six other special-status plant species (Plummer's mariposa lily, Marcescent dudleya, white-veined monardella, Ojai navarretia, Lyon's pentachaeta, and woven-spored lichen) considered to have a high or moderate potential to occur within the Project site. The County understands the CDFW's expectation that the burned habitats in the vicinity of the Project will successionally progress back to the pre-burn vegetation communities over time. In addition, the County also acknowledges that the burned habitat may contain plant species that occurred pre-fire and may still be present as seeds, basal burls, or roots that may resprout in future years. To determine the presence of rare plants in the Project expansion areas and in the vicinity of the Project over time, Mitigation Measures MM BIO-3(a), MM BIO-3(b), and MM BIO-3(c) were added to the Biological Resources section of the PRDEIR and require baseline surveys for special-status plants on the Project site and in adjacent Permittee-owned lands and pre-construction surveys prior to each phase of vegetation clearing.

Additionally, Mitigation Measure MM BIO-3(h) (PRDEIR pg. 3.5-50) requires the preparation of a special-status plant species mitigation and monitoring plan that is approved by the Planning Division and the plan

may be shared with the CDFW at the Planning Division's discretion. MM BIO-3(h) also specifies that no disturbance shall occur until the mitigation and monitoring plan is approved in writing by the Planning Department and any pre-disturbance mitigation elements of the plan are implemented. PRDEIR MM BIO-3(h) require incorporation of the results of the focused surveys required by MM BIO-3(a) and MM BIO-3(b) to ensure the most recent survey results in the mine expansion and adjacent lands owned or otherwise controlled by the Permitted are incorporated into mitigation and monitoring plan.

The purpose of the additional mitigation measures presented in the PRDEIR is to ensure the occurrences of rare plants are inventoried, identified, recorded, and flagged prior to Project initiation. Implementation of MM BIO-3(a) through MM BIO-3(h) support the PRDEIR's conclusion that, with mitigation, Project impacts to special-status plant species would be less than significant.

Comment 1-18

Specific Impacts: Direct impacts to rare plants that occur on site or within the immediate vicinity of the Project are likely to occur. This may result in mortality, reduced reproductive capacity, population declines, or local extirpation of a sensitive or special status plant.

Why impacts would occur: Wildfires are significant drivers of landscape change and can act as a catalyst for promoting biological diversity. Many California endemic and rare plants occur in fire dependent ecosystems or are fire adapted which means seeds or bulbs generally germinate with fire-related cues (e.g., heat, smoke) (USFWS 1999). For plants with underground bulbs (i.e., geophytes), the absence of visible above-ground plants may not necessarily be indicative of actual population absence or size. A population may still exist via underground bulbs even when no above-ground individuals are observed (Miller et al. 2004). Many Calochortus species are gap specialists and depend on disturbances such as fire to open the habitat, to provide nutrients, and to allow for a successful reproduction year.

Rare plants may have established in the Project site post-fire and have since been undetected. As stated above, burned habitat does not decline in value or importance by default of being burned. Given time, burned habitat is expected to successionally progress back to the pre-burn vegetation community. The burned habitat still contains all of the vegetation species that occurred pre-fire, in the form of 1) embryos (seed bank) or 2) basal burls or roots that allow for resprouting of vegetation. Project construction and activities such as vegetation clearing, operating large equipment (e.g., loaders, dozers, drilling rigs, and cranes), and ground disturbance (e.g., staging, access, grading, excavating, drilling) may have direct impacts on sensitive or special status plant species and indirect impacts by modifying or removing habitat (Coop et al. 2020).

Evidence impacts would be significant: Impacts to special status plant species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to special status plant species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS). Additionally, plants that have a California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately

threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380). Please see CNPS Rare Plant Ranks page for additional rank definitions.

Response 1-18

The commenter summarized the potential direct impacts to rare plants that may occur from Project implementation and explained that many rare plants are fire adapted. The commenter also explained that fire adapted species may germinate following fire and may not be detected subsequently to their initial post-fire germination. The commenter also stated the rare plants may also still be present in the soil even if they don't exhibit above-ground growth, so lack of above-ground plants is not necessarily representative of absence or population size. The commenter stated Project construction and associated activities may have direct impacts on rare plants and indirect impacts resulting from modifying or removing habitat. The commenter also stated impacts to special status plant species should be considered significant under CEQA unless they are clearly mitigated to below a level of significance.

PRDEIR Impact BIO-3 concludes that Project impacts to special-status plant species observed on the Project site during surveys and impacts to other special-status plant species not observed but with a moderate to high potential to occur on the Project site (see species listed in Response 1-17) are considered significant. As discussed in Response 1-17, additional and modified mitigation measures included in the PRDEIR (i.e., MM BIO-3(a), MM BIO-3(b), MM BIO-3(c), and MM BIO-3(h)) would ensure the occurrences of rare plants are inventoried, identified, recorded, and flagged prior to Project initiation and in future years and to ensure Project impacts are reduced to less than significant.

Comment 1-19

Recommended Potentially Feasible Mitigation Measure(s): The following mitigation measures should be performed.

Mitigation Measure #1: The EIR should provide species-specific measures to fully avoid impacts to all ESA- and CESA-listed plants. This may include flagging all plants and/or perimeter of populations; no-work buffers around plants and/or populations (e.g., flagged perimeter plus 50 feet); restrictions on ground disturbing activities within protected areas; relocation of staging and other material piling areas away from protected areas; restrictions on herbicide use and/or type of herbicide and/or application method within 100 feet of sensitive plants; and worker education and training.

Response 1-19

The commenter recommended including a mitigation measure that avoids impacts to ESA- and CESA-listed plants by flagging, identifying no-work buffers, requiring restrictions on ground disturbing activities within protected areas, relocation of staging areas away from protected areas, restrictions on herbicide use near special status plants, and worker education and training.

PRDEIR Mitigation Measure BIO-3 has been expanded as compared to mitigation in the DEIR to address the topics in Comment 1-19 (see PRDEIR pgs. 3.5-43 through 3.5-46).

Comment 1-20

Mitigation Measure #2: CDFW recommends the environmental document provide measures to fully mitigate the loss of individual ESA- and CESA-listed plants and habitat.

a) The EIR should provide a map showing which plants or populations will be impacted and provide a table that clearly documents the number of plants and acres of supporting habitat impacted, and plant composition (e.g., density, cover, abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, abundance of each species).

b) CDFW recommends the EIR be conditioned to provide a minimum mitigation ratio above 1:1 for sensitive plant species. CDFW recommends a replacement ratio of 3:1 to 10:1 depending on the population and occurrence status of the species (1.e., generally 5:1 for CRPR 3 and 4 species; 7:1 for CRPR 2; and 10:1 for CRPR 1). This should be for the number of plants replaced to number impacted, including acres of habitat created to acres of habitat impacted. Rare plants are habitat specialists that require specific conditions to persist such as vegetation composition (species abundance, diversity, cover), soils, substrate, slope, hydrology, and pollinators. Accordingly, mitigation for impacts to rare plants should also include habitat.

c) The EIR should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of on-site mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [Genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations (e.g. percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques.

Please note that CDFW generally does not support the use of salvaging, translocation, or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant species.

Response 1-20

The commenter recommends measures should be included to fully mitigate for the loss of individual ESA- and CESA-listed plants and habitat, including a) a map of impacted plants/populations and a table listing the number of plants and acres and composition of supporting habitat, b) a minimum mitigation ratio above 1:1 for sensitive plants, and c) species-specific measures for on-site mitigation. The commenter also stated that CDFW generally does not support salvaging, translocation, or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant species.

a) PRDEIR Impact BIO-3 clearly states that Conejo buckwheat, Blochman's dudleya, club haired mariposa-lily, Catalina mariposa-lily, Conejo dudleya, and Verity's dudleya are considered present within the Project site based on the results of the surveys conducted in 2010, 2016, and 2018 and that six other special-status plant species have a high or moderate potential to occur. Appendix C-2 of the PRDEIR includes the "Pacific Rock Quarry Expansion, Project: June 18 Rare Plant Survey and Burrowing Owl Habitat Assessment Results" (ESA, 2018). The rare plant survey was

conducted in the entire mine boundary, including areas within the existing CUP and existing mining areas, as well as an approximately 200-foot buffer beyond the proposed expansion limits. Table 1 in the rare plant survey report lists the special-status plant species observed and others with a high potential to occur, describes the general locations of where plants were observed, and lists associated plants at some of the locations. Table 2 in the rare plant survey report identifies the number of individual plants of each species observed within the study area and Attachment A, Figure 3 (Rare Plant Locations) is a map that shows the locations of all rare plants observed within the survey area. The Special-Status Species table starting on page 33 of the ISBA in PRDEIR Appendix C-1 lists the acreage of adequate habitat for each of the special-status plant species observed or with a high or moderate potential to be impacted by the Project (Map Key IDs: SSP2=Catalina mariposa lily, SSP3=Plummer's mariposa lily, SSP6=Blochman's dudleya, SSP8=Conejo dudleya, SSP9=Verity's dudleya, SSP10=Conejo buckwheat, SSP12=Ojai navarretia, SSP13=Lyon's pentacheata, and SSP16=woven-spored lichen). The comment column in the table includes information about when the species was observed and about the habitat where the plants were found, if applicable.

b) Please see Response 1-15 regarding special-status plant species mitigation ratios.

c) Please see Response 1-15 regarding special-status plant species mitigation measures included in the PRDEIR. PRDEIR Mitigation Measure MM BIO-2(c) requires the preparation and approval of a special-status species mitigation and monitoring plan, incorporating the results of surveys (required by new mitigation measures MM BIO-3(a) and MM BIO-3(b)), description of the impacts to special-status plants, adequacy of the mitigation site, locations of propagule sources, scientific names of plants used in the restoration, species-specific planting methods, success criteria for establishing self-sustaining populations, identification of appropriate reference sites, and measures for long-term monitoring. The plan contents required by MM BIO-3(h) includes the location of the mitigation site and adaptive management techniques.

The commenter states the CDFW generally does not support salvaging, translocation, or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant species. The Upland Scrub and Special-status Species Mitigation and Monitoring Plan required by MM BIO-2(c) specifies that methods for harvesting seeds or salvaging and transplanting individual plants that may be impacted are to be included in the mitigation and monitoring plan. MM BIO-2(c) is revised to require that methods for harvesting seeds and salvaging and transplanting individual plants that may be impacted are to be included in the plan. Incorporating multiple methods will allow for flexibility when implementing the mitigation and monitoring plan and will ensure that salvaging and transplanting individual plants is not the only method implemented to ensure that impacts to special-status plants are addressed in the mitigation strategy. The mitigation and monitoring plan must be reviewed and approved by the County Planning Division, and at the discretion of the County Planning Division, they may coordinate with CDFW for concurrence with the plan. With implementation of Mitigation Measures MM BIO-2(c) and MM BIO-3(a) through MM BIO-3(h), the PRDEIR's conclusion of less than significant impacts to special-status plants after mitigation is supported.

Comment 1-21

Recommendation #1: Given the mixed conclusions of species presence over the past few years, CDFW recommends the County update and consolidate all plant survey results (2010, 2016, and 2018) and propose mitigation for all species impacted. If new, significant effects to rare plants are identified and

mitigation measures or project revisions must be added to the EIR, CDFW recommends recirculating the environmental document so CDFW may provide additional comments on avoidance, minimization, and mitigation measures (CEQA Guidelines, § 15073.5).

Response 1-21

The commenter recommends updating and consolidating all plant survey results and proposing mitigation for all impacted species. Also, the commenter requests recirculation of the environmental document if new, significant effects are identified and mitigation measures or project revisions are added to the document so CDFW may provide additional comments on avoidance, minimization, and mitigation measures.

Please see item "a" in Response 1-20 which refers to Tables 1 and 2 and Attachment A, Figure 3 (Rare Plant Locations) in PRDEIR Appendix C-2, which includes the results of the 2018 rare plant surveys. The tables include specific information about the locations, habitats, and number of plants observed during the survey and Figure 3 shows the locations. The commenter is also directed to the Observed and Potentially Occurring Special-Status Species table starting on page 29 of the ISBA in Appendix C-1 of the PRDEIR, which lists the special-status plant species, potential to occur, and habitat requirements. In the "Survey/Source" column, the survey dates are listed for those species that were observed or reported during the 2010 and 2016 surveys and the notes in the Habitat Requirements" column provide the details about when the species were observed or reported.

Please also see Responses 1-17 through 1-20, which discuss how certain CDFW recommendations for additional mitigation measures were incorporated to mitigation measures in the PRDEIR. Specifically, MM BIO-3(a), MM BIO-3(b), and MM BIO-3(c) were added to the PRDEIR and MM BIO-3(h) was modified to ensure the occurrences of rare plants are inventoried, identified, recorded, and flagged prior to Project initiation and the results are incorporated into the special status species mitigation and monitoring plan. Four new mitigation measures were also added to the PRDEIR (MM BIO-3(d), MM BIO-3(e), MM BIO-3(f), and MM BIO-3(g)) to address CDFW comments in Comment 1-19. With implementation of the mitigation measures described above, the PRDEIR's conclusion of less than significant impacts to special-status plants after mitigation is supported.

Comment 1-22

Comment #3: Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement (LSAA)

Issue: In Appendix C, the County/Applicant indicates that the Project may impact 23 ephemeral streams, one ponded detention basin, and associated habitats that are subject to Fish and Game Code, section 1600 et seq. Within the same appendix, the following statement is made, "a wetland delineation was conducted as part of original ISBA submission by Impact Sciences, Inc., in 2010; however, this delineation did not include the additional impact areas that were added to the revised Construction Footprint. Therefore, an updated formal wetland delineation should be conducted for the revised Project." The document also stated that an updated wetland delineation was performed in 2017. The updated information, including the Jurisdictional Wetland Delineation Report, were not clearly apparent. As such, CDFW is only able to comment on the information provided. Please provide CDFW with the updated information, including any information regarding the delineations of basins or streams subject to Fish and Game code section 1602, for review. Upon review, CDFW may provide additional comments, as necessary.

Specific Impact: The Project proposes to modify 23 unnamed ephemeral streams and may impact one ponded detention basin. Collectively, 20,000 linear feet of ephemeral streams may be directly impacted as a result of the Project. The detention basin is approximately 3.75 acres. Modification of these features may result in the loss of streams and associated watershed function and biological diversity. Frequent mining activities on or near streams is likely to diminish on site and downstream water quality. Altering these drainage features will also alter the hydrologic and geomorphic processes and may impact Conejo Creek and emergent fish and wildlife downstream. Project activities may also impact tributaries that occur upstream, outside of the Project boundary, where hydrologic connectivity occurs.

Why Impact Would Occur: The Project will directly impact 23 ephemeral streams and potentially one detention basin. Collectively, this would result in the potential loss of several acres of natural drainage patterns, soils, and associated vegetation. These actions may also result in changes to the streams, altering hydrologic and geomorphic processes that may impact plant and wildlife species.

Evidence Impact Would Be Significant: The Project may substantially adversely affect the existing stream patterns of the Project site through the alteration or diversion of streams, which absent specific mitigation, could result in substantial erosion or siltation on site or off site of the Project. Debris, soil, silt, sawdust, rubbish, raw cement/concrete, or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous or deleterious to aquatic life, wildlife, or riparian habitat resulting from Project related activities may enter the stream.

Response 1-22

The commenter stated that an updated formal delineation that was recommended in the original ISBA submission was not included in Appendix C and is requesting updated delineation information related to basins or streams subject to Fish and Game code section 1602. The commenter also suggests that the impacts to the 23 ephemeral streams and potential impact to one ponded detention basin would result in the loss of several acres of natural drainage patterns, soils, and associated vegetation, and may result in changes to streams, alteration of hydrologic and geomorphic processes, impacts to plant and wildlife species, and impact to upstream hydrologic connectivity. The commenter states the alteration or diversion of streams could result in multiple types of impacts related to erosion and assorted debris entering the streams and that these impacts to streams would be considered significant absent specific mitigation.

The commenter refers to the 2017 "Initial Study Biological Assessment Report for Pacific Rock" (ISBA) included as Appendix C-1 of both the DEIR and the PRDEIR. Page 19 in section 3.1 of the ISBA describes the 24 water features and the ponded detention basin identified within the Study Area during the 2016 survey of the Project site. Page 19 of the ISBA discusses that a wetland delineation originally prepared for a previous version of the ISBA did not include the entire project site considered in the 2017 ISBA as the project was modified and expanded after the 2010 studies. The lengths and characteristics of the drainages and the detention basin are listed in the Waters and Wetlands tables of the ISBA on pages 20 through 22. and the locations of the 24 drainages and the detention basin are shown on the Waters and Wetlands Map on page 24 of the ISBA. This information is presented in the DEIR in Table 3.5-5 and in the PRDEIR in Table 3.5-6, "Waters and Wetlands Summary," the 24 water features, including the detention pond, are shown on DEIR and PRDEIR Figures 3.5-4, "Waters and Wetlands." A supplemental memorandum prepared by

BRC and included in Appendix C-4 of this FEIR, confirms that the acreage dimensions summarized in the DEIR and PRDEIR accurately represent the drainage areas observed onsite during the 2016 survey/2017 report, and reconfirmed through the aerial desktop review.

As described in PRDEIR Section 3.5.1.7, the surface water flows through the onsite drainages primarily drain onto the immediate mine property and the flows are contained onsite in the detention pond. The detention pond is within the biological resources study area but is located outside of and adjacent to the western boundary of the Project between the existing mining operation and Conejo Creek. As discussed in the PRDEIR in Impact BIO-5, the retention of the flows onsite and within the detention pond would not change as a result of the Project. Surface flows from the Project site converge with Conejo Creek via an off-site swale only during high flow events when runoff into the detention pond overtop the pond's outflow elevation. The ephemeral drainages on the Project site do not connect hydrologically to any upstream tributaries as they all originate below the peaks of the west-facing, steep slopes of the site. Therefore, the Project would not impact upstream tributaries.

Also as discussed at PRDEIR Impact BIO-5, a formal aquatic resources delineation has not been conducted to define the specific physical and jurisdictional attributes of drainages and other waters and wetland features at the site. However, the PRDEIR describes that site surveys and data collection provide information regarding the locations and size (i.e., length of ephemeral drainages and area of the one detention pond in the study area) of features within and adjacent to the site sufficient to inform the impact analysis in this EIR and, furthermore, that until such time as a formal aquatic resources delineation of jurisdictional waters is prepared and all required reviews and approvals are obtained from regulatory agencies, the drainage and pond features are considered to have the potential to be waters of the U.S. and/or waters of the State (PRDEIR Impact BIO-5, pg. 3.5-71). PRDEIR Mitigation Measure MM BIO-5 requires a formal delineation of federal and state jurisdictional waters be conducted, and that all state and federal regulatory approvals be obtained prior to vegetation removal or ground disturbing activities. MM BIO-5 also requires the Permittee to implement and provide written documentation of all required regulatory agency conditions and the preparation and implementation of a compensatory mitigation plan addressing temporary and permanent impacts to federal and/or state jurisdictional wetlands and waters prior to disturbance. Note that mitigation measure MM BIO-5 is modified in the FEIR Biological Resources Errata to specify that a Habitat Mitigation and Monitoring Plan (HMMP) be prepared and implemented for the Project and that the HMMP shall minimum ratio of 1:1 and as otherwise necessary to be deemed sufficient to achieve no net loss of waters, wetlands, or riparian area habitat values. Additional revisions are also provided in the measure to clarify and amplify implementation methods and timing. The EIR properly evaluates and discloses potential impacts of the Project on jurisdictional waters and provides mitigation to ensure that the Project impacts would be reduced to less than significant.

Potential impacts to jurisdictional waters associated with effects on surface water quality from erosion, siltation, and introduction of hazardous materials or other chemicals/debris are evaluated in the PRDEIR Biological Resources section in Impact BIO-5 (PRDEIR pg. 3.5-71) and in the DEIR Water Resources section in Impacts WR-2 and WR-3. PRDEIR Mitigation Measure MM BIO-3(f) requires the preparation and implementation of a Worker Education and Awareness Program (WEAP) that will include measures to avoid contamination of aquatic habitat and impacts to wildlife from trash and other contaminants. Potential Project impacts to surface water quality from the use of materials considered hazardous or that might otherwise have deleterious impacts on water quality, and which could therefore adversely affect aquatic resource habitat, are described in DEIR Impact WR-2. Mitigation Measure MM WR-2 includes three measures that address compliance with applicable hazardous material regulatory requirements, minimization of potential water quality impacts associated with blasting, and minimization of potential

water quality impacts associated with vehicle and equipment maintenance. (DEIR pgs. 3.10-13 through 3.10-16) Potential Project impacts to surface water quality from increased runoff, erosion, siltation, and inadequate stormwater storage capacity are described in DEIR Impact WR-3. Mitigation Measure MM WR-3 would reduce these impacts to less than significant levels. MM WR-3 requires the Permittee to submit an engineered grading and drainage plan to the County for approval, that ensures all stormwater retention basins have sufficient capacity to retain all stormwater runoff and are designed to convey calculated flows. The drainage plan also requires annual inspections of all stormwater retention basins and submittal of these inspection reports to the County. The DEIR analysis concludes that Mitigation Measure MM WR-3 would reduce this water quality impact to less than significant levels. (DEIR pgs. 3.10-16 through 3.10-18)

Comment 1-23

Recommended potentially feasible mitigation measure(s)

Mitigation Measure #1: The Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW shall determine whether a Lake and Streambed Alteration (LSA) Agreement is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's web site at https://www.wildlife.ca.gov/conservation/lsa.

CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for the Project. To minimize additional requirements by CDFW pursuant to section 1600 et seq. and/or under CEQA, the CEQA document should fully identify the potential impacts to streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

Response 1-23

The commenter recommends including a mitigation measure requiring notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code prior to conducting the proposed activities. The commenter also recommends fully identifying the potential impacts to streams and riparian resources and including measures to provide adequate avoidance, mitigation, monitoring, and reporting to minimize additional CDFW requirements in the LSA Agreement.

As discussed at Response 1-22, as presented in the PRDEIR and in the Biological Resources Errata of the FEIR, Mitigation Measure MM BIO-5 specifically requires the Permittee to conduct a formal delineation of federal and state jurisdictional waters and to obtain all required state and federal regulatory approvals prior to vegetation removal or ground disturbing activities or activities that would result in the discharge of fill or dredged materials within a potentially jurisdictional watercourse.

The existing ephemeral drainages within the Project site are described in section 3.5.1.7 of the PRDEIR and the locations are shown on PRDEIR Figure 3.5-4. Additionally, the "Supplemental Technical Report Addressing Drainage Feature Width and Potential Mitigation Ratios for Impacts Resulting from the Pacific Rock Quarry Expansion Project (CUP 3817-3)" (BRC, 2024), which is included in the Biological Resources Errata of this FEIR (see FEIR Chapter 3, Section 3.3, Errata 18, and FEIR Appendix J and Appendix C-4), confirms that the acreage dimensions summarized in the PRDEIR accurately represent the drainage areas observed onsite during the 2016 survey/2017 report, and reconfirmed through the aerial desktop review.

PRDEIR Table 3.5-6 describes the vegetation in each of the ephemeral drainages in the column labeled "Habitat Conditions." All of the ephemeral drainage features are identified as supporting chaparral and invasive species except the drainage feature labeled W17, which supports sumac scrub and a small section of cattail marsh. The ephemeral drainage feature labeled W23 runs through a small section of oak woodland, and it also contains numerous invasive species. The detention pond, which is labeled as feature W24 supports riparian habitat; however, the detention pond is located outside of the Project boundary and would not be directly impacted. The impacts to the ephemeral drainages are described in the PRDEIR in Impact BIO-5 (PRDEIR pgs. 3.5-70 through 3.5-72). Impacts to vegetation communities are quantified in PRDEIR Table 3.5-8 (PRDEIR pg. 3.5-40) which identifies the Project would impact 0.19 acre of cattail marsh but would not impact red willow thicket or the detention pond, since these features are located outside of the Project disturbance area.

Mitigation Measure MM BIO-5 requires the Permittee to prepare a compensatory mitigation plan in coordination with the USACE, RWQCB, and/or CDFW, prior to disturbance that addresses direct and indirect impacts to jurisdictional areas. The mitigation measure also requires the plan to include implementation of mitigation, monitoring, maintenance, and reporting, and the plan is required to include performance standards and success criteria, minimization measures to reduce temporal loss, buffers around significant wetland habitat, protection of mitigation areas in perpetuity, and regular maintenance activities as appropriate. With implementation of the identified mitigation measures, the PRDEIR's conclusion of less than significant impacts to wetlands and waters of the U.S. and/or waters of the State is unchanged.

Comment 1-24

Mitigation Measure #2: Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project such as additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: avoidance of resources, on-site or off-site creation, enhancement, or restoration, and/or protection and management of mitigation lands in perpetuity.

Response 1-24

The commenter states an LSA Agreement issued for the Project may include additional protective measures for streambeds and downstream areas, such as additional erosion and pollution control measures. In addition, the commenter states additional mitigation may be included in the LSA Agreement to compensate for any on-site and off-site impacts to riparian resources.

Mitigation Measures MM BIO-5, MM WR-2 and MM WR-3 (as discussed in Response 1-22) are considered sufficient to reduce the Project impact to waters and drainages to less than significant. Mitigation measure MM BIO-5 requires the Permittee to develop a compensatory mitigation plan in consultation with USACE, RWQCB, and CDFW and requires the Permittee to implement and provide written documentation verifying the implementation of all required regulatory agency conditions. Consideration of additional measures that CDFW may deem necessary for any required LSA Agreement(s) for the Project is beyond the scope of the County's CEQA review of the Project.

Comment 1-25

Mitigation Measure #3: CDFW recommends fully avoiding impacts to waters and riparian/wetland vegetation communities. If feasible, CDFW recommends redesigning the Project to avoid impacts to the existing drainage features that

support sensitive vegetation communities. CDFW also recommends the County consider Project alternatives that could incorporate the unnamed streams into the planned development. Design alternatives should attempt to retain as much surface flow and natural hydrologic processes as possible. CDFW recommends taking an inter-disciplinary approach to involve landscape architects, engineers, and wildlife biologists, and hydrologists to develop design alternatives that could fully avoid or lessen impacts to waters and riparian/wetland vegetation communities.

Response 1-25

The commenter recommends redesigning the Project, if feasible, to fully avoid impacts to waters and riparian/wetland vegetation communities and consideration of Project alternatives that attempt to retain as much surface flow and natural hydrologic processes as possible. This recommendation was reiterated in CDFW comments on the PRDEIR. Please see Response 21-23 for the County's response to this recommendation.

Comment 1-26

Mitigation Measure #4: If impacts to streams is unavoidable, CDFW recommends that mitigation occur at a CDFW-approved bank. Mitigation bank credits should be purchased, approved, or otherwise fully executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.

Response 1-26

The commenter recommends mitigation be implemented at a CDFW-approved bank if impacts to stream is unavoidable. This recommendation was reiterated in CDFW comments on the PRDEIR. Please see Response 21-24 for the County's response to this recommendation.

Comment 1-27

Mitigation Measure #5: If credits at a CDFW-approved mitigation bank are not available, CDFW recommends setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. Mitigation lands should be in the same watershed as the Project site and support in-kind vegetation. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities prior to the County's issuance of grading permits.

Response 1-27

The commenter recommends mitigation be implemented onsite if credits at a CDFW-approved bank are not available and that the mitigation lands should be protected in perpetuity with funding for long-term management prior to Project-related ground disturbance and the issuance of a grading permit. This recommendation was reiterated in CDFW comments on the PRDEIR. Please see Response 21-25 for the County's response to this recommendation.

Comment 1-28

Mitigation Measure #6: If impacts to riparian habitat, such as arroyo willow thicket, mulefat thicket, and cattail marshes cannot be avoided, CDFW suggests mitigation should be achieved entirely on site if possible. CDFW recommends that impacts be mitigated at no less than 3:1. CDFW recommends that an on-site Habitat Mitigation and Monitoring Plan (HMMP) be developed. An HMMP should provide specific, detailed, and enforceable measures.

Response 1-28

The commenter recommends onsite mitigation for impacts to riparian/wetland habitats at no less than a 3:1 ratio if these habitats cannot be avoided and recommends an HMMP be prepared with specific, detailed, and enforceable measures. This recommendation was reiterated in CDFW comments on the PRDEIR. Please see Response 21-26 in Section 2.6, below, for the County's response to these recommendations.

Comment 1-29

Mitigation Measure #7: CDFW recommends that all on-site mitigation sites for impacts to waters and riparian/wetland vegetation communities be protected in perpetuity from public encroachment and structural intrusion. This should include all water features on site, including ephemeral and perennial bodies.

CDFW recommends the County fund a minimum of 10 years of initial restoration and maintenance. If applicable, mitigation lands (unnamed creeks, surrounding natural areas) should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.

Response 1-29

The commenter recommends mitigation sites for impacts to waters and riparian/wetland vegetation communities and all water features on site be protected in perpetuity from public encroachment and structural intrusion. In addition, the commenter is recommending the County fund a minimum of 10 years of initial restoration and maintenance and if applicable, the mitigation lands should be protected in perpetuity under a conservation easement with adequate long-term funding prior to Project-related ground disturbance or the issuance of a grading permit. This recommendation was reiterated in CDFW comments on the PRDEIR. Please see Response 21-27 for the County's response to this recommendation.

Comment 1-30

Recommendation #1: As part of the LSAA Notification process, CDFW requests a map showing features potentially subject to CDFW's broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.

Response 1-30

The commenter is requesting a map showing the features potentially subject to CDFW's regulatory authority over streams and a hydrologic evaluation of various frequency storm events for existing and

proposed conditions. This recommendation was reiterated in CDFW comments on the PRDEIR. Please see Response 21-28 for the County's response to this recommendation.

Comment 1-31

Comment #4: Crotch's Bumble Bee

Issue #1: The DEIR concluded that Project impacts to California sage brush is limited to 0.14 acre. Therefore, potential impacts to Crotch's bumble bee (an invertebrate of conservation and an SSC), habitat is limited to 0.14 acres and is not significant. CDFW disagrees with this statement because Crotch's bumble bees are generalist foragers and have been reported visiting a wide variety of flowering plants (Biesmeijer et al. 2006; Xerces 2018). They are known to occur in laurel sumac scrub, grassland, meadows, and coastal sage scrub, among other vegetation communities.

Response 1-31

The commenter disagrees with the DEIR's impact analysis regarding the Crotch bumble bee because the bumble bee is a generalist forager that visits a wide variety of flowering habitats in various habitat types rather than only occupying to California sage brush. The PRDEIR provided a revised and updated evaluation of potential impacts to Crotch bumble bee, identifying that implementation of the Project would impact 74.42 acres of native shrublands and grassland communities and 11.50 acres of non-native grasslands that could potentially support the foraging and nesting of Crotch bumblebee. The PRDEIR also updated the discussion of Crotch bumble bee status as a Candidate for listing as Endangered under the California Endangered Species Act (CESA) and includes Mitigation Measure MM BIO-4(g) to reduce potential impacts to Crotch bumble bee to less than significant (PRDEIR pg. 3.5-58). Revisions to the impact analysis and mitigation for Crotch bumble bee as presented in the PRDEIR is sufficient to address the comment.

Comment 1-32

Issue #2: The DEIR and Appendix C do not provide information as to what criteria would be used to conclude that the species is not present. CDFW is concerned that crotch's bumble bee surveys will not be performed in all habitat areas where they may occur and cannot decern whether the surveys will be adequately performed based on the information provided.

Response 1-32

The commenter is concerned that surveys for Crotch bumble bee will not be conducted in all areas where the species might occur and would like more information on the survey method and criteria used to determine absence. Please see Response 1-30, above. The updated and revised impact analysis and mitigation measures presented in the PRDEIR sufficiently address potential impacts to Crotch bumble bee.

Comment 1-33

Specific impacts: The Project as proposed would increase mining activities by 110.3 acres, the majority of which is comprised of native vegetation including, but not limited to, laurel sumac scrub, grasslands, and ceanothus scrub. Native vegetation communities and grasslands could provide Crotch's bumble bee habitat. The Project as proposed would grade and/or develop habitat that could support Crotch's bumble bee. The Project may result in temporal or permanent loss of suitable nesting and foraging habitat for Crotch's bumble bee. Project ground-

disturbing activities and vegetation removal may cause death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success.

Why impacts would occur: Crotch's bumble bees may occur in a variety of habitats expected to be impacted by the Project and are not limited to the 0.14 acres of coastal sage scrub described in the DEIR. Suitable Crotch's bumble bee habitat includes areas of grasslands and scrub that contain requisite habitat elements, such as small mammal burrows. Crotch's bumble bee primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2018). Overwintering sites utilized by Crotch's bumble bee mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). Ground disturbance and vegetation removal associated with Project implementation during the breeding season could result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas adjacent to the Project site. Project activities may result in temporal or permanent loss of colonies, and suitable nesting and foraging habitat.

Evidence impact would be significant: Crotch's bumble bee is listed as an invertebrate of conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority (CDFW 2017). Crotch's bumble bee has a State ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Also, Crotch's bumble bee has a very restricted range and steep population declines make the species vulnerable to extirpation from the State (CDFW 2017). Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065.

Response 1-33

The commenter provided life history information about the Crotch's bumble bee and the potential impacts to the species resulting from the Project. The commenter also provided information on the S1/S2 State ranking of the species and stated the impacts to the species could require a mandatory finding of significance according to CEQA guidelines. Please see Response 1-30, above. The updated and revised impact analysis and mitigation measures presented in the PRDEIR sufficiently address potential impacts to Crotch bumble bee. Also as noted in Response 1-30, the PRDEIR updates the discussion of Crotch bumble bee status as a Candidate for listing as Endangered under CESA.

Comment 1-34

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: Crotch's bumble bee surveys should be expanded to native vegetation communities and grasslands beyond coastal sage scrub. Surveys should be performed by a qualified entomologist familiar with the species behavior and life history to determine the presence/absence of Crotch's bumble bee and within one year prior to vegetation removal and/or grading. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey results, including negative findings, should be submitted to CDFW prior to implementing

Project-related ground-disturbing activities. At minimum, a survey report should provide the following:

a) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys.

b) Field survey conditions that should include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched.

c) Map(s) showing the location of nests/colonies.

d) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).

Response 1-34

The commenter suggests a mitigation measure be included that requires a qualified entomologist conduct surveys for Crotch's bumble bee, surveys should be conducted during the flight season, and surveys should be expanded to included native vegetation communities and grasslands. The commenter states a survey report should be submitted to CDFW prior to ground-disturbing activities and outlines information required in the report. Please see Response 1-30, above. The updated and revised impact analysis and mitigation measures presented in the PRDEIR sufficiently address potential impacts to Crotch bumble bee. Note that Mitigation Measure BIO-4(g) in the PRDEIR requires that a County-approved qualified biologist knowledgeable of Crotch bumble bee species ecology conduct a survey of areas that may provide habitat for this species and requires that the qualified biologist obtain and follow CDFW-accepted protocol when conducting the surveys.

Comment 1-35

Mitigation Measure #2: If "take" or adverse impacts to Crotch's bumble bee cannot be avoided either during Project activities or over the life of the Project, the County must consult CDFW to determine appropriate avoidance and/or minimization measures for the species.

Response 1-35

The commenter states CDFW must be consulted if take or adverse impacts to Crotch's bumble bee cannot be avoided over the life of the Project. Please see Response 1-30, above. The updated and revised impact analysis and mitigation measures presented in the PRDEIR sufficiently address potential impacts to Crotch bumble bee. Note that Mitigation Measure BIO-4(g) in the PRDEIR specifies that, if adverse impacts or "take" of Crotch bumble bee cannot be avoided, the Permittee shall implement Mitigation Measure MM BIO-3(g), which requires the Permittee to obtain an Incidental Take Permit from CDFW and implement all impact avoidance and minimization provisions specified in the Incidental Take Permit.

Comment 1-36

Comment #5: Impacts to Oak Trees and Oak Woodland

Issue: According to page 3.5-50 of Appendix C, several coast live oak trees (Quercus agrifolia), including heritage oaks, will be removed as a result of the Project. Coast live oak has a CNPS rarity ranking of S4. CDFW is concerned that the proposed mitigation for impacts to oak trees may be insufficient for impacts to oak trees and oak woodlands. In addition, Table 3.5-7 of Appendix C states that zero of the 1.52 acres of coast live oak woodlands would be impacted as a result of the Project. CDFW believes this should be revisited considering the Project includes oak tree removal (as referenced above).

Response 1-36

The commenter expresses concern regarding the DEIR's conclusion that no impacts to 1.52 acres of oak woodland would occur even though the Project impact analysis states heritage oaks would be removed. The impact analysis and mitigation requirements for Project impacts to oak trees was updated and revised in Impact BIO-6 in Section 3.5.2.2 of the PRDEIR. PRDEIR Table 3.5-11 lists the oak trees or tree clusters that would potentially be impacted by the Project through direct removal of the trees. As shown on PRDEIR Figure 3.5-1, the area mapped as oak woodland is located outside of the proposed mine area boundary and, therefore, this oak woodland area would not be directly impacted by the Project. PRDEIR Mitigation Measure MM BIO-6 requires the Permittee to comply with the County's Tree Protection Regulations set forth in the Ventura County Non-Coastal Zoning Ordinance and the Tree Protection Guidelines which would require avoiding impacts to protected trees to the extent feasible, or through appropriate offsets and mitigations to protect tress from damage. A Tree Protection Plan (TPP) will also be prepared and submitted to the County for approval, and the TPP will have clear and enforceable standards that will ensure onsite trees are sufficiently protected. Compliance with the County-approved TPP and mitigations for any indirect impacts to oak woodlands would be determined through compliance with the County's Tree Protection Regulations set forth in the Ventura County Non-Coastal Zoning Ordinance and the Tree Protection Guidelines. With implementation of PRDEIR MM BIO-6, the Project impact to oak trees and oak woodlands would be less than significant.

Comment 1-37

Specific impact: CDFW is concerned with proposed mitigation because:

a) BIO-5 may defer payment of an in-lieu fee to the County's oak tree mitigation fund and/or relocation of oak trees as mitigation, instead of restoration/replanting as the primary mitigation;

b) BIO-5 may not address a significant portion of coast live oak woodland canopy within the Project site. The acreage of impact was not discussed in the DIER; and,

c) BIO-5 does not include an attempt to replant oak trees within the vicinity of the Project.

As a result, trees may be planted in areas that have not historically supported oak woodlands or would not provide appropriate hydrological conditions. As a result, the Project may continue to have temporal or permanent impacts to oak trees and oak woodlands.

Why impacts would occur: The Project would remove and impact oak woodlands that include oak trees and understory associated vegetation. Mitigation Measure BIO-5, as it is currently proposed, may be insufficient for mitigating impacts to oak trees and oak woodlands. First, BIO-5 focuses primarily on individual oak tree replacement instead of applying an ecosystem-based approach to restore the

oak woodland. Second, BIO-5 may defer to or include in-lieu fees and as means of mitigation for individual oak trees. It is unclear how in-lieu fees will be used for mitigation such that there is no net loss of oak trees. Lastly, BIO-5 may defer to or include relocation/translocation of individual oak trees. CDFW views relocation/translocation as experimental in nature (Fiedler 1991; CNPS 1998; Fahselt 2007; Godefroid 2010). A study conducted in Calabasas on the survivorship of 25 transplanted oak trees yielded a low 8 percent establishment and no more than 40 percent change of long-term survival, perhaps considerably less, of the oak trees that established (Dagit and Downer 1997).

Evidence impacts would be significant: Oak trees provide nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). Oak woodlands serve several important ecological functions such as protecting soils from erosion and land sliding; regulating water flow in watersheds; and maintaining water quality in streams and rivers. Oak woodlands also have higher levels of biodiversity than any other terrestrial ecosystem in California (Block et al. 1990). Coast live oak and old-growth oak trees (native oak tree that is greater than 15 inches in diameter) are of importance due to increased biological values and increased temporal loss.

Due to the historic and on-going loss of this ecologically important vegetation community, oak trees and woodlands are protected by local and State ordinances. CDFW considers oak woodlands a sensitive vegetation community.

The current mitigation as proposed would not result in adequate successful mitigation for the unavoidable direct and indirect, permanent, or temporal losses, of oak woodlands. First, the acreage of oak woodland habitat should be disclosed in the DEIR. Second, the Mitigation Measure BIO-5 should clearly include the commensurate acreage of mitigation for impacts to oak woodlands. Absent appropriate mitigation for impacts for the unknown acres of oak woodland, the Project would continue to have significant impacts. Inadequate or lack of avoidance, minimization, and mitigation measures for impacts to special status plant species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

Response 1-37

The commenter expresses concern that the proposed mitigation for loss of oak trees states an in-lieu fee payment would be made to comply with the County's Tree Protection Regulations (TPR) rather than restoration or replanting in the vicinity of the site.

As discussed at Response 1-36, the impact analysis and mitigation requirements for Project impacts to oak trees was updated and revised in Impact BIO-6 in Section 3.5.2.2 of the PRDEIR. Mitigation for impacts to the three oak trees (PRDEIR MM BIO-6) would be achieved through adherence to the requirements of the County's TPR. As required by MM BIO-6, the Applicant would prepare and submit a Tree Protection Plan (TPP) to the Planning Division describing the offset or mitigation that will be provided for the three trees approved for felling. The offset or mitigation may include either an in-lieu payment to a conservation agency or to the Planning Division's Tree Impact Fund or replacement/transplant of trees prior to the issuance of a Zoning Clearance for construction and verification that the fees have been paid or trees have been planted prior to oak tree removal.

The commenter also expressed concern regarding impacts to oak woodland that may not have been described in the DEIR. As discussed above, the impact analysis and mitigation requirements for Project impacts to oak trees was updated and revised in Impact BIO-6 in Section 3.5.2.2 of the PRDEIR. As discussed at Response 1-36, the area mapped as oak woodland on DEIR and PDEIR Figure 3.5-1 is located outside of the proposed mine area boundary and, therefore, this oak woodland area would not be directly impacted by the Project.

The commenter also expressed concern that the mitigation does not include an attempt to replant oak trees within the vicinity of the Project site, that oak trees may be planted in unsuitable areas, and the Project will continue to have temporal/permanent impacts to oak trees.

As discussed above, PRDEIR Mitigation Measure MM BIO-6 requires compliance with the County's TPR and preparation and implementation of a TPP. The mitigation may include payment of in-lieu fees or replanting/transplant of oak trees, and the TPP must be submitted and approved by the Planning Division prior to the removal of the three oak trees impacted by the Project. The TPP must be prepared by a qualified arborist and include the details regarding the tree impact offsets. Approval of the TPP and payment of in-lieu fees or replanting/transplant of oak trees must be completed prior to the issuance of a Zoning Clearance for construction.

The commenter states the DEIR focuses on individual oak tree replacement rather than implementing an ecosystem-based approach to restore the impacts to oak woodland and understory associated vegetation. The commenter also expressed concern that the mitigation may defer to or include in-lieu fee payment for impacts to individual oak trees, which might not guarantee no net loss of oak trees, or may include relocation/transplantation, which CDFW views as experimental. The commenter also states the proposed mitigation would not result in adequate mitigation for various types of impacts to oak woodlands and significant impacts would continue if the acreage of oak woodlands should be disclosed in the DEIR and a commensurate acreage of mitigation for impacts to oak woodlands is not included in the mitigation.

As discussed above, the mapped oak woodlands are outside of the Project impact boundary and the oak woodlands and associated understory vegetation would not be impacted by the Project. Thus, a commensurate acreage of oak woodland as mitigation is not applicable since the oak woodland vegetation community would not be affected by the Project.

Implementation of PRDEIR Mitigation Measure MM BIO-6 would sufficiently reduce Project impacts to oak trees to less than significant.

Comment 1-38

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Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: In order to ensure no net loss of oak trees/oak woodlands,
CDFW recommends the following replacement ratios: (1) trees less than 5 inches
diameter at breast height (DBH) should be replaced at 2:1; (2) trees between 5
and 12 inches DBH should be replaced at 3:1; (3) trees between 12 and 24 inches
DBH should be replaced at 5:1; (4) trees greater than 24 inches DBH should be
replaced at 10:1. Oak trees should be used to recreate functioning oak woodland
of similar composition, density, structure, and function to the selected oak
woodland that was impacted.
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Response 1-38

The commenter recommends a mitigation measure that sets the replacement ratios to ensure no net loss of oak trees/oak woodlands would result from the Project. Please see Responses 1-36 and 1-37 above. As discussed there, the TPP required by PRDEIR MM BIO-6 would include a description of the proposed tree impact offsets and would be approved by the Planning Division as sufficient to mitigate tree impacts prior to the issuance of a Zoning Clearance for construction.

Comment 1-39

Mitigation Measure #2: Mitigation should restore a minimum of the currently unknown acres of oak woodlands on site in approximately the same footprint as Project impacts. The mitigation site should mimic the pre-Project percent basal, canopy, and vegetation cover of oak woodland impacted. Associated understory and early successional native species should be planted and monitored along with trees to achieve viable habitat and adequately compensate for biological functions lost.

Response 1-39

The commenter suggests mitigation should restore the area and pre-Project basal, canopy and vegetation cover of oak woodland impacted by the Project. As discussed in Responses 1-36 through 1-38, oak woodland would not be impacted by the Project, therefore, restoration of oak woodlands as Project mitigation is not required.

Comment 1-40

Mitigation Measure #3: Prior to any Project ground-disturbing activities, the County should develop and implement an Oak Woodland Mitigation Program with the following components:

1) An inventory of all oak trees removed or encroached upon during project activities, separated by species and DBH;

2) Acres of oak woodlands impacted, and density, coverage, and abundance of understory vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine);

3) Mitigation ratios applied and total number and/or area of replacement trees and vegetation;

4) Location of restoration areas and a discussion of the adequacy of the location(s) to serve as mitigation (e.g., would support oak trees/oak woodlands; avoid habitat type conversion));

5) The location and assessment of appropriate reference site(s) to inform the appropriate planting rate to recreate the pre-project function, density, percent basal, canopy, and vegetation cover of oak woodland impacted;

6) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration;

7) Location(s) of propagule source. Propagules should be collected or grown from on-site sources or adjacent areas within the same watershed and should not be purchased from a supplier. Seeds must originate from plants/trees of the

same species (i.e., Genus, species, subspecies, and variety) as the species impacted;

8) Species-specific planting methods (i.e., container or bulbs);

9) Planting schedule;

10) Measures to control exotic vegetation and protection from herbivory;

11) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Measurable success criteria should be based on present site/habitat conditions and/or functional local native oak woodlands as reference sites;

12) Contingency measures should the success criteria not be met;

13) Long-term monitoring for at least 10 years;

14) Adaptive management techniques, including replacement plants if necessary; and,

15) Annual reporting criteria and requirements.

Response 1-40

The commenter suggests a mitigation measure where the County would develop and implement a comprehensive Oak Woodland Mitigation Program and describes the components of the Program. Please see Responses 1-39. The PRDEIR includes Mitigation Measure MM BIO-6 which incorporates applicable recommendations in the comment and is considered sufficient to reduce the Project impact to oak trees to less than significant.

Comment 1-41

Mitigation Measure #4: CDFW recommends that a sufficient depth and composition of soils be replaced on the remediated landslide suitable to support all dominant co-dominate plants found in coast live oak woodlands. Use of engineered fill should be kept minimal to the extent feasible. Planting on graded slopes for the purposes of mitigation should be kept minimal to the extent feasible.

Response 1-41

The commenter recommends a mitigation measure that requires sufficient depth and composition of soils be used in areas where oak woodlands would be restored and recommends planting on graded slopes be kept to a minimum. As discussed above, the Project would not impact oak woodlands and oak woodlands restoration is not required for Project mitigation. Thus, the commenter's recommendations are not applicable to the Project.

Comment 1-42

Mitigation Measure #5: If on-site oak woodland mitigation is not feasible, CDFW recommends the County set aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. Mitigation lands should be in the same watershed as the Project site and replace at minimum the acreage of oak woodlands of similar composition as the oak woodlands impacted. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and

endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.

Response 1-42

The commenter recommends an additional mitigation measure that would set aside replacement oak woodland habitat and preserve it in perpetuity.

As discussed above, the Project would not impact oak woodlands and oak woodlands mitigation is not required for the Project. Thus, the commenter's recommendations are not applicable to the Project.

Comment 1-43

Comment #6: Impacts to Locally Important Upland Plant Communities

Issue: CDFW is concerned that the County has not proposed mitigation for locally important upland plant communities, including vegetation alliances that fall within the coastal sage scrub vegetation community.

Specific impact: The Project proposes to impact a substantial amount of native Upland Scrub and Grassland habitat, see Table 1 above for acreage impacts per plant community. The absence of mitigation for Upland Scrub and Grassland habitats is insufficient and will result in permanent loss of habitat for plants and wildlife. Appendix C states 11.50 non-native annual grasslands and 1.34 acres of disturbed chamise/ceanothus chaparral will be impacted as a result of the Project. Despite their status as a "semi-natural" or "introduced" plant communities, these habitats still support and provide habitat for plants and wildlife.

Why impacts would occur: approximately 85 acres of Upland Scrub and Grassland habitat that support rare plants, birds, and wildlife will be impacted as a result of Project activities. Laurel sumac scrub (*Malosma laurina* Alliance) and deerweed Scrub (*Acmispon glaber* Alliance) are part of the coastal sage scrub vegetation community (Westman 1981) and will be significantly impacted by the project. In addition, giant wild rye grasslands (*Elymus condensatus* Alliance), mountain mahogany scrub (*Cercocarpus montanus* Alliance), and chamise/ceanothus chaparral (*Adenostoma fascicultatum* Alliance) are also sensitive upland plant communities that support wildlife. Collectively, the aforementioned vegetation communities are referred to as Upland Scrub and Grassland.

Evidence impacts would be significant: California coastal sage scrub covers approximately 7,501 square kilometers of the State. By the end of the century, up to 3,000 square kilometers of lands will not be suitable to support California coastal sage scrub under projected climate change scenarios (Thorne et al 2016). In southern California, human activities have eliminated coastal sage scrub from 70 to 90 percent of the original land area occupied by this habitat and contributed to significant fragmentation and degradation of existing habitat (EcoAdapt 2017). Southern California's sage scrub habitats are sensitive to impacts resulting from climate change such as increase frequency and intensity of wildfires and extreme high and low temperature events (EcoAdapt 2017). Additionally, land-use conversion is a significant barrier to sage scrub habitat continuity and dispersal in the face of climate change. In light of climate change and developmental pressures on the State's shrublands, one of the goals of the 2030 Natural and Working Lands Climate Change Implementation Plan is to

conserve shrublands and protect land from conversion to more intensified uses (CalEPA et al. 2019).

Pursuant under CEQA Guidelines, section 15125(c), CDFW considers southern California coastal sage scrub habitats as locally significant. The absence of mitigation for many of the habitats listed above will result in significant loss of viable and valuable habitat. As a result, the Project may continue to have a significant change on the environment absent appropriate mitigation for the unavoidable direct and indirect, permanent, or temporal losses, of native and undisturbed vegetation and habitat (CEQA Guidelines, § 15382). Collectively, Upland Scrub and Grassland habitats currently support or provide suitable habitat for plants and wildlife, including a rare plant and wildlife, including SSC. Inadequate or lack of avoidance, minimization, and mitigation measures for impacts to special status plant and wildlife species and sensitive vegetation communities will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW and USFWS.

Response 1-43

The commenter states the County has not proposed mitigation for impacts to upland plant communities, including alliances falling within the coastal sage scrub vegetation community, and grasslands. The commenter also describes the sensitivity of the coastal sage scrub habitats and significance of these habitats to CDFW. The commenter names Giant Wild Rye Grasslands, Mountain Mahogany Scrub, and Chamise/Ceanothus Chaparral are sensitive plant communities that support wildlife. The commenter asserts that, without sufficient mitigation, the loss of the upland scrub communities and grasslands would result in a significant loss of viable and valuable habitat and a substantial adverse effect on listed or special status species.

In consideration of this comment on the DEIR, the County substantially revised and expanded the discussion of Project impacts to plant communities in preparing the revised biological resources section circulated with the PRDEIR. PRDEIR Impact BIO-2 provides a detailed discussion of the type and quantity (acreages) of plant community impacts anticipated as a result of the Project. PRDEIR Mitigation Measure BIO-2 provides specific requirements for mitigating impacts through a combination of avoidance, monitoring, replacement, and conservation easements. Additionally, in response to CDFW's comments on the PRDEIR, as discussed in Response 21-33 in Section 2.6 below, the text of the PRDEIR mitigation measure MM BIO-2(c) has been modified in the FEIR Biological Resources Errata (see FEIR Chapter 3, Section 3.3, Errata 20) to provide that, if mitigation is accomplished at an off-site location not in proximity to the Project site the minimum mitigation ratio may be increased above 1:1, and to specify a requirement for no net loss of habitat values and function, and to specify that upland scrub/grassland seed mix shall be sourced from a reputable native plant seed supplier and collected from the same general geographic region as the Project site. As the comment pertains to the DEIR prior to circulation of the PRDEIR with its expanded analysis and mitigation pertaining to plant communities, no further response to the comment is required.

Comment 1-44

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: CDFW recommends the County prepare an Upland Restoration Plan inclusive of Upland Scrub and Grasslands listed above. CDFW recommends taking an interdisciplinary approach, inclusive of wildlife biologists and

restoration professionals, to restore scrub and grassland habitats. The County should replace acreage of Upland Scrub and Grasslands at no less than the total acres impacted and use only native grasses or forbs indigenous to grasslands in region/watershed. Restoration should consider habitat requirements (e.g., refugia, structure, variation in plant density and cover) of wildlife that could occur in these two vegetation communities. CDFW recommends that the location of the mitigation site avoid the conversion of other habitats (e.g., scrubland to grassland). Scrub and grassland restoration should occur in areas appropriate abiotic and biotic conditions to support each habitat type.

Response 1-44

The commenter recommends a mitigation measure requiring the preparation of an Upland Scrub and Grasslands Plan in conjunction with wildlife biologists and restoration professionals to restore scrub and grassland habitats. The commenter also recommends the County replace the acreage of scrub and grasslands at no less than what was impacted with native species indigenous to grasslands in the region/watershed.

In consideration of this comment on the DEIR, the County substantially revised and expanded the discussion of Project impacts to plant communities in preparing the revised biological resources section circulated with the PRDEIR. PRDEIR Impact BIO-2 provides a detailed discussion of the type and quantity (acreages) of plant community impacts anticipated as a result of the Project and PRDEIR and Mitigation Measure MM BIO-2 expands the mitigation requirements for addressing impacts to plant communities. (See Response 1-43, above, regarding revisions made to MM BIO-2 through errata in the FEIR.) As the comment pertains to the DEIR prior to circulation of the PRDEIR with its expanded analysis and mitigation pertaining to plant communities, no further response to the comment is required.

Comment 1-45

Comment #7: Impacts to Bats

Issue: The Project site contains potential habitat for bats to forage and roost. CDFW is concerned that impacts to bats was not addressed in any of the documents reviewed. Without a comprehensive bat analysis, bats, including CESA-listed species, may be adversely impacted by Project activities.

Specific impacts: The Project proposes to remove several trees. Direct impacts include removal of trees, vegetation, and/or structures that may provide roosting habitat and therefore has the potential for the direct loss of bats. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment. Demolition, grading, and excavating activities may impact bats potentially using man-made structures or surrounding trees as roost sites.

Why impacts would occur: Bats use trees and man-made structures for daytime and nighttime roosts, and forage in sources of open water such as ponds and lakes (Avila-Flores and Fenton 2005; Oprea et al. 2009; Remington and Cooper 2014). Modifications to roost sites can have significant impacts on the bats' usability of the roost and can impact the bats' fitness and survivability (Johnston et al. 2004). Extra noise, vibration, or the reconfiguration of large objects can lead to the disturbance of roosting bats which may have a negative impact on the animals. Human disturbance can also lead to a change in humidity, temperatures, or the approach to a roost that could force the animals to change

their mode of egress and/or ingress to a roost. Although temporary, such disturbance can lead to the abandonment of a maternity roost (Johnston et al. 2004).

Evidence impact would be significant: Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & Game Code, § 4150; Cal. Code of Regs, § 251.1). Several bat species are considered SSC and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

Response 1-45

The commenter notes that an analysis of Project impacts to bats, including CESA-listed bat species, was not included in the DEIR. The commenter provides information about the specific impacts that could occur, why the impacts will occur, and evidence the impacts would be significant.

In consideration of this comment on the DEIR, a bat habitat study was performed and discussion of potential impacts to bat species and recommended mitigation measures were included in the revised biological resources section circulated with the PRDEIR. PRDEIR Impact BIO-4 includes a detailed discussion of bat habitat types within the Project site, potential Project impacts to special-status bat species and their habitat, and mitigation (MM BIO-4(i)) to avoid or minimize potential impact to bat species.

The PRDEIR discusses that Project impacts to special-status bat species would potentially be significant if special-status bat species are present on the Project site. MM BIO-4(i)(1) requires a baseline survey for bats on the Project site and MM BIO-4(i)(2) requires the preparation of a Bat Management Plan that would include the results of the focused surveys and would identify situation-specific and species-specific avoidance and minimization measures to reduce impacts to roosting bats. MM BIO-4(i)(3) places restrictions on blasting and vegetation clearing during the bat maternity season (March 1 through September 15), MM BIO-4(i)(4) addresses night work near bat roosts, and MM BIO-4(i)(5) requires specific tree removal protocols to avoid impacts to bats. As discussed in the PRDEIR, with implementation of mitigation identified in the PRDEIR, Project impacts on special-status bat species would be reduced to less than significant.

As the comment pertains to the DEIR prior to circulation of the PRDEIR with its expanded analysis and mitigation pertaining to bats, no further response to the comment is required.

Comment 1-46

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends a qualified bat specialist conduct bat surveys to determine baseline conditions within the Project site and within a 500-foot buffer to identify trees and/or structures (i.e., tunnels, maintenance buildings, food concession stands, comfort stations) that could provide daytime and/or nighttime roost sites. CDFW recommends using acoustic recognition technology to maximize detection of bats. Night roosts are typically utilized from the approach of sunset until sunrise. In most parts of California, night roost use will only occur from spring through fall while day roosts are typically utilized during the spring, summer, and fall in California (Johnston et al. 2004).

Response 1-46

The commenter recommends conducting bat surveys to determine the baseline conditions within the Project site and a 500-foot buffer to identify potential roost sites and conducting acoustic surveys to detect bats that may be present.

As discussed in Response 1-45, bat studies were performed in preparing the PRDEIR and impact analysis and mitigation for potential impacts to bats were included in the PRDEIR. PRDEIR MM BIO-4(i)(1) requires a qualified bat biologist to conduct focused baseline surveys for special-status bat species to determine the approximate size of the colony(s), species that may be present, and features being used within the mine and the mine expansion areas. MM BIO-4(i)(3) places restrictions on vegetation clearing and blasting during the bat maternity season if roosting bats are present in areas where Project activities are planned to occur and requires the establishment of a 500-foot buffer around any maternity roost site in which disturbance and other activities would be prohibited. These mitigation components in the PRDEIR incorporate the commenter's recommendations.

Comment 1-47

Mitigation Measure #2: Survey methodology and results, including negative findings, should be included in final environmental documents. Depending on survey results, please discuss potentially significant effects of the proposed Project on the bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, §15125).

Response 1-47

The commenter states the methodology and results of the bat surveys should be included in the FEIR and depending on the results, the potentially significant effects on bats and the mitigation measures should be discussed.

See Responses 1-45 and Comment 1-46 for discussion of bat impact analysis and mitigation included in the PRDEIR. As the comment pertains to the DEIR prior to circulation of the PRDEIR with its expanded analysis and mitigation pertaining to bats, no further response to the comment is required.

Comment 1-48

Mitigation Measure #3: If maternity roosts are found, CDFW recommends, the following three mitigation measures.

a) If maternity roosts are found, to the extent feasible, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost (March 1 to September 30).

b) If maternity roosts are found and if trees and/or structures must be removed/demolished during the maternity season, a qualified bat specialist shall conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology will be used to maximize detection of bats. Each tree and/or structure identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no more than 7 days prior to tree and/or structure disturbance to determine the presence or absence of roosting bats more precisely. If maternity

roosts are detected, trees and/or structures determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost and work shall not occur between 30 minutes before sunset and 30 minutes after sunrise.

c) If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, trees will be pushed down using heavy machinery rather than felling it with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24 hours, and preferably 48 hours, shall elapse prior to such operations to allow bats to escape. Bats shall be allowed to escape prior to demolition of buildings. This may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.

Response 1-48

The commenter recommends measures to implement if bat maternity roosts are found during focused surveys.

As discussed in Response 1-45, bat studies were performed in preparing the PRDEIR and impact analysis and mitigation for potential impacts to bats were included in the PRDEIR. PRDEIR MM BIO-4(i)(2) requires preparation of a bat management plan that includes situation-specific and species-specific avoidance and minimization measures if bats are identified during bat surveys. The Bat Management Plan is required to include, as appropriate to the findings of the focused surveys and roosting habitat affected, spatial and temporal avoidance measures, no-disturbance buffers, passive exclusion of bats outside of the maternity season (if necessary), and identification of species-specific replacement or alternative habitat to mitigate for permanent maternity roosting habitat loss. MM BIO-4(i)(3) places restrictions on vegetation clearing and blasting during the bat maternity season if roosting bats are present in areas where Project activities are planned to occur and requires the establishment of a 500-foot buffer around any maternity roost site in which disturbance and other activities would be prohibited. MM BIO-4(i)(4) includes provisions for night work near bat roosts including avoidance and buffer areas. MM BIO-4(i)(5) provides bat protection measures during tree removal. These mitigation components in the PRDEIR were prepared in consideration of the commenter's input, and are considered sufficient to address CDFW input and, in combination with additional mitigation measures in the PRDEIR are sufficient to reduce the Project's impact on bat maternity roosts to less than significant. As the comment pertains to the DEIR prior to circulation of the PRDEIR with its expanded analysis and mitigation pertaining to bats, no further response to the comment is required.

Comment 1-49

Comment #8: Impacts to Least Bell's Vireo and Coastal California Gnatcatcher

Issue: CDFW is concerned that protocol surveys performed for ESA- and CESA-listed least Bell's vireo and ESA-listed coastal California gnatcatcher (Polioptila californica californica) in 2010 are outdated and inadequate.

Specific impacts: Least Bell's vireo and coastal California gnatcatchers may occur on the Project's site or within the vicinity of the Project. Without

recent protocol surveys (i.e., 1- to 2-years old), these species may be directly or indirectly impacted. The Project, as proposed, will remove several acres of suitable habitat for least Bell's vireo and coastal California gnatcatcher. The Project's site contains elements of coastal sage scrub (see Comment #6) and riparian habitats which are suitable habitat for the two species. Indirect effects such as noise, dust, and artificial lighting may also adversely impact the two species as well as other nesting birds.

Why impacts would occur: Least Bell's vireo are expanding into their historical range, as well as, dispersing into new locations with suitable habitat. In addition, coastal California gnatcatchers affected by local fires (e.g., the Hills and Woolsey fires) may have moved into new locations. Least Bell's vireo and coastal California gnatcatcher have a high potential to occur within the Project site. Absent current protocol surveys, direct and indirect impacts to both/either species may occur since Individuals may have migrated into the Project area/vicinity over the last decade. Protocol surveys are necessary to identify listed species and supporting habitat necessary for their survival. Direct impacts to both species could result from Project construction and activities (e.g., equipment staging, mobilization, and grading); ground disturbance; vegetation clearing; and trampling or crushing from construction equipment, vehicles, and foot traffic. Indirect impacts could result from temporary or permanent loss of suitable habitat including coastal sage scrub (see Comment #6) and an undisclosed acreage of riparian habitat. Additional impacts could result from increased noise disturbances, dust, and vibrations caused by heavy equipment.

Evidence impact would be significant: Ground clearing and construction activities could lead to the direct mortality of a listed species or species of special concern. The loss of occupied and suitable habitat could yield a loss of foraging potential, nesting sites, roosting sites, or refugia and would constitute a significant impact absent appropriate mitigation. CDFW considers impacts to CESA-listed and SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. In addition, nests of all native bird species are protected under State laws and regulations, including Fish and Game Code, sections 3503 and 3503.5. Noise from increased road use, generators, and other equipment may disrupt mating calls which could impact their reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). CDFW also considers impacts to Species of Special Concern (SSC) a significant direct and cumulative adverse effect without implementing appropriate avoid and/or mitigation measures. Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the following measure.

Response 1-49

The commenter expressed concerns about direct and indirect Project impacts on the least Bell's vireo and coastal California gnatcatcher and the lack of recent protocol surveys for these species. The commenter also provides thoughts on specific potential impacts from habitat removal, noise, dust, vibrations from equipment, and artificial lighting and the reasons those impacts would occur.

In consideration of this comment on the DEIR, additional analysis and mitigation was included in the revised biological resources section circulated with the PRDEIR. PRDEIR Impact BIO-4 includes a detailed discussion of habitat types within and adjacent to the Project site and potential direct and indirect impacts to least Bell's vireo and coastal California gnatcatcher (PRDEIR pg. 3.5-57). PRDEIR Mitigation Measure

MM BIO-4(e) (PRDEIR pg. 3.5-65 – 3.5-66) provides specific measures to avoid or minimize potential impacts and, in combination with additional mitigation measures identified in the PRDEIR (i.e., MM BIO-1(a), MM BIO-1(b), MM BIO-4(a), MM BIO-4(b), MM NV-1, MM AQ-1 and MM BIO-7(a)) Project impacts to least Bell's vireo and coastal California gnatcatcher) would be less than significant. As the comment pertains to the DEIR prior to circulation of the PRDEIR with its expanded analysis and mitigation pertaining to these species, no further response to the comment is required.

Comment 1-50

Mitigation Measure #1: CDFW recommends the County/Applicant perform appropriate protocol survey for least Bell's vireo and coastal California gnatcatcher prior to Project construction. The survey(s) should be performed based on the species found, or likely to occur, on the Project's site. Survey results including negative findings should be submitted to CDFW and UWFSW prior to implementing Project related ground disturbing activities.

Response 1-50

The commenter recommends a mitigation measure that requires protocol surveys for least Bell's vireo and coastal California gnatcatcher and that the findings should be submitted to CDFW and USFWS prior to Project construction.

Please see Response 1-49 for discussion of recommendations pertaining to least Bell's vireo and coastal California gnatcatcher.

Comment 1-51

Mitigation Measure #2: If necessary, the survey report should provide a mitigation plan. The objective of which should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. The plan should provide measures to fully avoid and/or mitigate for permanent impacts.

Response 1-51

The commenter recommends that a mitigation plan be included in the survey report, if necessary, to offset losses of wildlife habitat values and to fully avoid and/or mitigate permanent impacts to least Bell's vireo and coastal California gnatcatcher.

Please see Response 1-49 for discussion of recommendations pertaining to least Bell's vireo and coastal California gnatcatcher.

Comment 1-52

Mitigation Measure #3: CDFW recommends fully avoiding impacts to least Bell's vireo and coastal California gnatcatcher. CDFW recommends that the County submit an avoidance plan to CDFW for review and comment. A final avoidance plan should be fully developed prior to implementing Project related ground disturbing activities.

Response 1-52

The commenter recommends full avoidance of impacts to least Bell's vireo and coastal California gnatcatcher and the submittal of an avoidance plan to CDFW prior to implementing Project related ground disturbing activities.

Please see Response 1-49 for discussion of recommendations pertaining to least Bell's vireo and coastal California gnatcatcher.

Comment 1-53

Mitigation Measure #4: If the Project will have permanent impacts to least Bell's vireo or coastal California gnatcatcher habitat, either during Project activities or over the life of the Project, CDFW recommends participation in a mitigation bank. CDFW recommends that mitigation occur at a state-approved bank. Mitigation bank credits should be purchased, approved, or otherwise fully executed prior to implementing Project related ground disturbing activities.

Response 1-53

The commenter recommends mitigation for permanent impacts to least Bell's vireo or coastal California gnatcatcher through participation at a state-approved mitigation bank. Please see Response 1-49 for discussion of recommendations pertaining to least Bell's vireo and coastal California gnatcatcher.

Comment 1-54

Mitigation Measure #5: If credits at a state-approved mitigation bank are not available for mitigating impacts to least Bell's vireo and coastal California gnatcatcher and their habitat, CDFW recommends setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A burrowing owl mitigation plan should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that should be addressed include, but are not limited to, restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and increased human intrusion. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project related ground disturbing activities.

Response 1-54

The commenter recommends setting aside replacement habitat as mitigation for impacts to least Bell's vireo and coastal California gnatcatcher if credits at a state-approved mitigation bank are not available. The commenter states the replacement habitat would need to be protected under a conservation easement dedicated to a local land conservancy or other approved entity and a non-wasting endowment should be provided for long-term management of the mitigation lands.

Please see Response 1-49 for discussion of recommendations pertaining to least Bell's vireo and coastal California gnatcatcher.

The comment also recommends that certain measures be included in a *burrowing owl* mitigation plan. This recommendation may be an errant reference to burrowing owl, as the comment is included under the heading of "Impacts to least Bell's vireo and coastal California gnatcatcher" and does not otherwise address

burrowing owl. However, please note that PRDEIR includes MM BIO-4(c) which requires the preparation of a plan to address occupied burrowing owl burrows within planned disturbance areas in consultation with CDFW and the preparation of a Mitigation and Monitoring Report. With implementation of MM BIO-4(c), impacts to burrowing owl will be less than significant.

Comment 1-55

Mitigation Measure #6: If "take" or adverse impacts to least Bell's vireo and/or coastal California gnatcatcher cannot be avoided either during Project activities or over the life of the Project, the County must consult CDFW to determine if a CESA ITP is required (pursuant to Fish & Game Code, § 2080 et seq.) and with UWFWS to determine if an ESA ITP is required, prior to construction.

Response 1-55

The commenter states the CDFW and USFWS will need to be consulted if "take" or adverse impacts to least Bell's vireo and coastal California gnatcatcher cannot be avoided during Project activities or over the life of the Project.

Please see Response 1-49 for discussion of recommendations pertaining to least Bell's vireo and coastal California gnatcatcher.

Comment 1-56

Comment #9: Impacts to Non-Game Mammals and Wildlife

Issue: Wildlife may still move through the Project site during the daytime or nighttime. CDFW is concerned that any wildlife potentially moving through or seeking temporary refuge on the Project site may be directly impacted during Project activities and construction. Any final fence, or other design features, design should allow for wildlife movement. Specific impacts: Project activities and construction equipment may directly impact wildlife and birds moving through or seeking temporary refuge on site. This could result in wildlife and bird mortality. Furthermore, depending on the final fencing design, the Project may cumulatively restrict wildlife movement opportunity.

Why impacts would occur: Direct impacts to wildlife may occur from: ground disturbing activities (e.g., staging, access, excavation, grading); wildlife being trapped or entangled in construction materials and erection of restrictive fencing; and wildlife could be trampled by heavy equipment operating in the Project site.

Evidence impact would be significant: Mammals occurring naturally in California are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & Game Code, § 4150; Cal. Code of Regs, § 251.1).

Response 1-56

The commenter advises that wildlife species moving through or taking temporary refuge on the Project site may be taken and/or harassed by ground disturbing activities, becoming trapped or entangled in construction materials or fencing, or trampled by heavy equipment.

In consideration of this comment on the DEIR, the discussion of potential impacts associated with wildlife movement was expanded in the PRDEIR (e.g., PRDEIR Impact BIO-4 and Impact BIO-7) and mitigation measures were revised to provide additional and more protective measures (e.g., MM BIO-4 and MM BIO-

7). Note that Mitigation Measures MM BIO-4 and MM BIO-7 are revised in the FEIR Biological Resources Errata as discussed further in FEIR Chapter 3 at Errata 21 and Errata 23. As the comment pertains to the DEIR prior to circulation of the PRDEIR with its expanded mitigation associated with wildlife movement, no further response to the comment is required. Please see Responses 1-57, 1-58, and 1-59, below, regarding the commenter's recommendations for additional mitigation.

Comment 1-57

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the following four mitigation measures to avoid and minimize direct impacts to wildlife during Project construction and activities.

Mitigation Measure #1: If fencing is proposed for use during construction or during the life of the Project, fences shall be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing shall also be minimized so as not to restrict free wildlife movement through habitat areas.

Response 1-57

The commenter recommends a mitigation measure requiring materials used to construct fences shall not be harmful to wildlife and the commenter lists the prohibited fencing materials.

In consideration of this comment on the DEIR, revisions were made to Mitigation Measure MM BIO-6 (renumbered to MM BIO-7) in the PRDEIR. The revised mitigation measure at MM BIO-7(b) (PRDEIR pg. 3.5-76) requires that all new fences or walls must be constructed in accordance with the County of Ventura Habitat Connectivity and Wildlife Corridor Ordinance (NCZO §8109-4.8 et. Seq.; Ordinance 4537), and Ventura County NCZO §8104-7.8 & §8106-8.1. MM BIO-7(b) also requires the Permittee to submit fencing plans to the Planning Division for review and approval specifies that the Planning Division has the authority to conduct site inspections to ensure the fences are installed and maintained in compliance with the approved plans. With implementation of MM BIO-7(b), fencing would be installed according to approved standards and would not include prohibited materials. As the comment pertains to the DEIR prior to circulation of the PRDEIR with its expanded mitigation associated with wildlife movement, no further response to the comment is required.

Comment 1-58

Mitigation Measure #2: To avoid direct mortality, a qualified biological monitor shall be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. Salvaged wildlife of low mobility shall be removed and placed onto adjacent and suitable (i.e., species appropriate) habitat out of harm's way. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.

Response 1-58

The commenter recommends a mitigation measure requiring an onsite, qualified biological monitor during ground and habitat disturbing activities to move low mobility wildlife out of harm's way.

In consideration of this comment on the DEIR, MM BIO-4(a) was added to the PRDEIR requiring pre-construction surveys for wildlife before each phase of vegetation clearing and MM BIO-4(b) was added the PRDEIR requiring that a qualified biological monitor be onsite during the initial ground and habitat disturbing activities and during each subsequent phase of vegetation clearing to move low mobility wildlife out of harm's way. As concluded in the PRDEIR, with the implementation of MM BIO-4(a) and MM BIO-4(b), impacts to non-game mammals and wildlife would be less than significant. As the comment pertains to the DEIR prior to circulation of the PRDEIR with its expanded mitigation associated with wildlife movement, no further response to the comment is required.

Comment 1-59

Mitigation Measure #3: Grubbing and grading shall be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading shall be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.

Response 1-59

The commenter recommends a mitigation measure requiring that clearing and grubbing be conducted in a manner to avoid creating habitat islands where wildlife can become trapped and later killed.

In consideration of this comment on the DEIR, MM BIO-4(b) was added to PRDEIR requiring that a qualified biologist monitor ensure that ground and habitat disturbing activities be conducted in a manner to avoid creating habitat islands where wildlife could be trapped and later killed. With the implementation of MM BIO-4(b), impacts to non-game mammals and wildlife would be less than significant. As the comment pertains to the DEIR prior to circulation of the PRDEIR with its expanded mitigation associated with wildlife movement, no further response to the comment is required.

Comment 1-60

Comment #10: Impacts to Fish and Fish Passage

Issue: CDFW is concerned that impacts to native fish and fish passage was not adequately assessed. CDFW is concerned that indirect, and potentially direct, affects to native fish, including ESA-listed southern California steelhead (*Oncorhynchus mykiss*) (SCS) and arroyo chub (*Gila orcuttii*) (SSC), may by substantially impacted by Project activities. Specific Impact: The Project is expected to impact several 23 ephemeral streams and one detention basin, some of these features have hydrologic connectivity with Conejo Creek. Direct and indirect impacts to these streams (see Comment #3) may substantially adversely affect native fish, including SCS and arroyo chub, and fish passage. Potential impacts include, but are not limited to, harmful quantities of pollutants (including high levels of dust) that would adversely affect fish and the habitat which they depend upon.

Evidence impact would be significant: Conejo Creek supports native fish species SCS and arroyo chub. In 2013 CDFW scientists observed an adult SCS upstream of the Project (approximately 100 meters downstream of the State Highway 101 overpass).

Response 1-60

The commenter expresses concern that impacts to native fish and fish passage were not adequately assessed in the DEIR. The commenter states that due to the connectivity of some of the ephemeral streams and the detention basin with Conejo Creek, potential impacts in the form of pollutants and dust could adversely

affect fish and the stream habitat. In addition, the commenter asserts that the Project could have significant impacts to arroyo chub and California steelhead, which the commenter notes was observed upstream of the Project by CDFW scientists in 2013.

The potential for occurrence of fish species with the status of SSC or federal endangered, including arroyo chub and steelhead (southern California Distinct Population Segment (DPS)), was addressed in Table 3.5-5 of the DEIR and retained in the PRDEIR. As presented in the table, neither of these two species has the potential to occur on the Project site.

In response to this comment on the DEIR, discussion was added to the Biological Resources section in the PRDEIR at Impact BIO-5 (Impact BIO-4 of the DEIR) to explain that mitigation measures MM WR-2(a), MM WR-2(b), and MM WR-2(c) (in the DEIR Water Resource section) address water quality associated with surface water within and from the Project site. These mitigation measures require compliance with applicable hazardous material regulatory requirements, minimizing potential water quality impacts associated with blasting, and minimizing potential water quality impacts associated with vehicle and equipment maintenance. As discussed in the PRDEIR, these measures would ensure indirect impacts to jurisdictional waters (including within the detention basin or any infrequent downstream discharge), would not occur as a result of erosion, siltation, or introduction of hazardous materials or other chemicals/debris. With the implementation of these mitigation measures, the indirect impacts to jurisdictional waters would be less than significant, and any potential effects on downstream aquatic habitat or fish passage would be similarly mitigated. As the comment pertains to the DEIR prior to circulation of the PRDEIR with its expanded discussion of water quality impact avoidance measures, no further response to the comment is required.

Comment 1-61

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: An Aquatic Resource Study would be performed prior to project construction. The study is to include an analysis of fish passage. If it is determined that native fish or fish passage will be directly or indirectly impacted by the Project, the County will consult with CDFW to determine additional, appropriate avoidance, minimization, and mitigation measures.

Response 1-61

The commenter recommends a mitigation measure requiring the preparation of an aquatic resource study prior to Project construction that analyzes impacts to fish passage.

Please see Response 1-60. As discussed there, the Project would not adversely affect downstream aquatic resources or fish passage, therefore, an aquatic resource study is not needed. As the comment pertains to the DEIR prior to circulation of the PRDEIR with its expanded discussion of water quality impact avoidance measures, no further response to the comment is required.

Comment 1-62

Mitigation Measure #2: If necessary, the survey report should provide a mitigation plan. The objective of which should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. The plan should provide measures to fully avoid and/or mitigate for permanent impacts.

Response 1-62

The commenter recommends the preparation of a survey report that includes a mitigation plan to fully avoid and/or mitigation permanent impacts and to offset qualitative and quantitative losses of wildlife habitat values associated with fish passage.

Please see Response 1-60. As discussed there, the Project would not adversely affect downstream aquatic resources or fish passage, therefore, neither a survey report nor additional measures for the protection of offsite aquatic resources is needed. As the comment pertains to the DEIR prior to circulation of the PRDEIR with its expanded discussion of water quality impact avoidance measures, no further response to the comment is required.

Comment 1-63

Mitigation Measure #3: CDFW recommends fully avoiding impacts to sensitive aquatic resources, including arroyo chub and SCS. CDFW recommends that the County submit an avoidance plan to CDFW for review and comment. A final avoidance plan should be fully developed prior to implementing Project related ground disturbing activities.

Response 1-63

The commenter is recommending fully avoiding impacts to sensitive aquatic resources, including arroyo chub and steelhead, and preparing an avoidance plan for CDFW's review.

Please see Response 1-60. As discussed there, the Project would not adversely affect downstream aquatic resources or fish passage, therefore, an avoidance plan is not needed. As the comment pertains to the DEIR prior to circulation of the PRDEIR with its expanded discussion of water quality impact avoidance measures, no further response to the comment is required.

Comment 1-64

Mitigation Measure #4: If "take" or adverse impacts to ESA- or CESA-listed species cannot be avoided either during Project activities or over the life of the Project, the County must consult CDFW and/or USFWS (as appropriate) to determine if an ITP is required. This consultation must occur to prior to Project construction.

Response 1-64

The commenter states the CDFW and USFWS must be consulted prior to Project construction if "take" or adverse impacts to ESA- and CESA-listed fish species cannot be avoided.

Please see Response 1-60. As discussed there, the Project would not adversely affect downstream aquatic resources or fish passage, therefore, consultation with CDFW and USFWS for potential effects on fish species is not required. As the comment pertains to the DEIR prior to circulation of the PRDEIR with its expanded discussion of water quality impact avoidance measures, no further response to the comment is required.

Comment 1-65

Additional Recommendations

Alternatives. CDFW recommends the County consider Alternative that would fully avoid or minimize impacts to streams, sensitive plants and wildlife, oak

woodlands, and large swaths of undisturbed, native plant communities. CDFW recommends the County recirculate the environmental document after including alternative locations in order to foster meaningful public participation and informed decision making [CEQA Guidelines, §§ 15088.5, 15126.6(f)]. If the County concludes that no feasible alternative locations exist, or the use of alternative locations as a mitigation measures is infeasible, the County must disclose the reasons in the final environmental document and recirculate [CEQA Guidelines, §§ 15088.5(a)(3), 15126.6(f)(2)].

Response 1-65

As presented in DEIR Chapter 5, "Alternatives," the DEIR identifies a range of reasonable alternatives to the proposed Project consisting of the No Project Alternative (Alternative A), Reduced Mine Area Expansion Alternative (Alternative B), and the Continuation of Existing Operations with Mine Expansion Alternative (Alternative C). The recommendation for the County to consider redesigning the Project and/or designing a Project alternative that avoids impacts to drainages and/or retains as mush surface flow and natural hydrologic processes is noted. Under Alternative B (Reduced Mine Area Expansion), the proposed expanded mine and reclamation area would be reduced in size. As discussed in the DEIR (pg. 5-5), various configurations of a reduced mine expansion area could be achieved to reduce impacts on habitat, special-status species, wildlife movement corridors, mine site visibility, and other factors, but a specific configuration of a reduced mine expansion area has not been developed for the EIR and is not required for a comparison of impacts of this alternative with the Project. DEIR Section 5.5.2 provides an analysis of the biological resources effects of Alternative B as compared to the Project. As discussed there, impacts associated with Alternative B would likely be less than those of the Project due to the greater extent of habitat disturbance associated with the Project.

Comment 1-66

Seed Collection. CDFW recommends that some sensitive plant propagules collected from the Project site be deposited as a Documented Conservation Seed Collection at either Santa Barbara Botanic Garden or the California Botanic Garden (formerly known as Rancho Santa Ana Botanic Garden). A Documented Conservation Seed Collection is when propagules from a California Native Plant Society-ranked and/or CESA-listed plant species is collected and stored as part of a permanent genetic collection in a protected location. Documented conservation collections are important for conserving rare plant genetic material in order to provide a source material for future restoration and recovery and protect against possible species extinction. The County should provide evidence of Documented Conservation Seed Collection and funding to CDFW prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.

Response 1-66

The commenter recommends depositing sensitive plant propagules collected from the Project site in a Documented Conservation Seed Collection at a either Santa Barbara Botanic Garden or California Botanic Garden and requests the County provide evidence of the deposition and the associated funding to CDFW prior to implementing ground disturbing activities and the issuance of a grading permit by the County.

In consideration of this comment on the DEIR, mitigation measure MM BIO-3(h) was added to reference PRDEIR MM BIO-2(c) which requires the preparation and approval of an Upland Scrub and Special-Status Plant Species Mitigation and Monitoring Plan that shall be implemented prior to vegetation removal or

ground disturbing activities on the Project site. PRDEIR MM BIO-2(c), which was also revised from the DEIR in consideration of the comment, specifies that the Special-Status Plant Species Mitigation and Monitoring Plan shall include instructions for depositing propagules and funding the deposition of sensitive plant propagules collected from the Project site into a Documented Conservation Seed Collection at the Santa Barbara Botanic Garden, California Botanic Garden, or other botanic garden who is part of California Plant Rescue. MM BIO-3(h) requires Planning Division review and approval of the plan and completion of pre-disturbance elements of the plan prior to Project-related disturbance and states the County may coordinate with CDFW for CDFW concurrence with the plan prior to Planning Division approval. As the comment pertains to the DEIR prior to circulation of the PRDEIR with its expanded special-status plant species mitigation measures, no further response to the comment is required.

Comment 1-67

Fuel Modification. If the Project includes fuel modification, CDFW recommends that the final environmental include avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area. A weed management plan should be developed for all areas adjacent to open space that will be subject to fuel modification disturbance. CDFW also recommends that any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants.

Response 1-67

The commenter recommends preparation of a weed management plan for areas subject to fuel modification and recommends that if irrigation of fuel modification zones is planned the water should drain back into the development and not onto natural land to avoid invasion of Argentine ants.

The Project would not require fuel modification in areas adjacent to open space and would not introduce irrigation or irrigation runoff into fuel modification zones. MM HAZ-7 in DEIR Section 3.11.2.2 requires the Permittee to coordinate with the Ventura County Fire Department prior to initiating the expanded operations to develop and comply with the conditions of a fire safety plan for the Project site. MM HAZ-7 also requires the Permittee to install and maintain emergency water distribution systems or other suitable fire suppression systems on the Project site in compliance with State and County fire code.

Additionally, in accordance with the Surface Mining and Reclamation Act (SMARA), the existing mining operation's weed management plan would be updated and implemented through the Reclamation Plan Amendment proposed under the Project. No onsite irrigation is proposed for the mining operation or proposed reclamation. Water would be applied for dust suppression; however, no other water would be deposited on the site that could exacerbate weed growth or increase/modify the availability of fuel on or adjacent to the Project site. As discussed in the proposed Reclamation Plan, weeds would be monitored and abated post-mining until the Project site is sufficiently reclaimed/revegetated in accordance with the Reclamation Plan revegetation performance standards to the satisfaction of the County.

Comment 1-68

Mitigation and Monitoring Reporting Plan. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the County with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

[See comment letter Attachment A for CDFW recommended Draft Mitigation Monitoring and Reporting Plan.]

Response 1-68

In accordance with CEQA Guidelines section 15097, the County will prepare and adopt a mitigation monitoring plan for the Project that includes all mitigation measures to be imposed by County decisionmakers on reviewing and certifying the FEIR. This comment does not address the adequacy of the EIR, and no further response is required.

Comment 1-69

Filing Fees - The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the County and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

Response 1-69

Upon the County's certification of the FEIR and if and when the Project is approved the County would file a Notice of Determination (NOD) and pay the required CDFW filing fee. This comment does not address the adequacy of the EIR, and no further response is required.

Comment 1-70

Conclusion - We appreciate the opportunity to comment on the Project to assist the County in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, §15073(e)]. If you have any questions or comments regarding this letter, please contact Baron Barrera, Environmental Scientist, at Baron.Barrera@wildlife.ca.gov.

Response 1-70

The County appreciates the review and input provided by CDFW and will provide responses to comments and all required hearing notices in accordance with applicable local and state law.

2.3.2 Comment Letter 2 - U.S. Fish and Wildlife Service (January 12, 2021)

Comment 2-1

I am writing to inform you that the USFWS would like to provide comments on the project and its potential effects on the federally threated plant, *Dudleya verityi*. We understand that the deadline for comments is this Friday. We found out about the project yesterday. This is not a lot of time to prepare a comment letter. Would you be willing to accept our comment letter if it were to arrive late, no later than Friday, Jan 22nd?

Response 2-1

County staff responded to this request by granting the commenter until January 22, 2021, to provide further comments. However, U.S. Fish and Wildlife Service (USFWS) did not provide additional comments subsequent to this request for additional time to comment. Additionally, USFWS was provided the Notice

of Availability for the October 2022 Partial Recirculated Draft EIR (PRDEIR) and they did not provide comments on the PRDEIR biological analysis or section. The PRDEIR addresses the presence of *Dudleya verityi* in Sections 3.5.1.5 and the potential for impacts and mitigation for the impacts in Section 3.5.2.2 under Impact BIO-3 and Mitigation for Impact BIO-3 (i.e., MM BIO-3(a) and MM BIO-3(b)).

2.3.3 Comment Letter 3 - California Department of Transportation (January 12, 2021)

Comment 3-1

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The applicant requests that a modified Conditional Use Permit (CUP) be granted and an amended Reclamation Plan be approved to authorize the expansion and continued operations of an existing surface mining facility for an additional 25-year period. The project site is about two miles away from the State facilities (US-101).

Response 3-1

The commenter summarizes the Project and does not comment on the adequacy of the Draft EIR; therefore, no further response is required. However, please note that as described in the DEIR, the proposed Project would extend the life of operations for an additional 30 years (DEIR pg. 2-1) instead of 25 years referenced in the comment. Please also note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from the 30 years evaluated in the DEIR to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.

Comment 3-2

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. Senate Bill 743 (2013) has been codified into CEQA law. It mandates that CEQA review of transportation impacts of proposed developments be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts. As a reminder, Vehicle Miles Traveled (VMT) is the standard transportation analysis metric in CEQA for land use projects after the July 1, 2020 statewide implementation date.

You may reference The Governor's Office of Planning and Research (OPR) website for more information.

http://opr.ca.gov/ceqa/updates/guidelines/

Also, Caltrans has published the VMT-focused Transportation Impact Study Guide (TISG), dated May 20, 2020 and Caltrans Interim Land Development and Intergovernmental Review (LD-IGR) Safety Review Practitioners Guidance, prepared in July 2020.

https://dot.ca.gov/programs/transportation-planning/office-of-smart-mobility-climatechange/sb-743

Caltrans concurs that "this EIR recognizes that VMT associated with the Project would have the potential to increase as compared to the existing operation baseline conditions. However, given that the Project itself would not induce aggregate transport travel and the Project would create the potential for

reductions in regional VMT, this analysis concludes that the Project impact related to VMT is less than significant and no mitigation is required."

Response 3-2

The County appreciates Caltrans' input regarding CEQA requirements associated with transportation analysis and consideration of vehicle miles traveled (VMT). The comment notes Caltrans' concurrence with the VMT analysis and conclusion; and no further response to the comment is required.

Comment 3-3

For this project, transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from Caltrans. It is recommended that large size truck trips be limited to off-peak commute periods and idle time not to exceed 10 minutes.

Response 3-3

The Operator is required to obtain any applicable transportation permits and to comply with the applicable provisions of such permits. Caltrans' recommendation to limit large truck trips to off-peak commute periods and limiting idling time to not exceed 10 minutes is noted. The comment does not address the adequacy of the DEIR and the recommendations are not required to mitigate a significant impact identified in the DEIR. Therefore, no further response is required.

Comment 3-4

If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 897-8391 and refer to GTS # VEN-2020-00435AL-MND.

Response 3-4

Contact information for Caltrans' project coordinator is noted.

2.3.4 Comment Letter 4 - California Department of Resources Recycling and Recovery (January 12, 2021)

Comment 4-1

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments on the proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

PROJECT DESCRIPTION

The Ventura County Resources Management Agency, Planning Division acting as Lead Agency, has prepared and circulated a Draft Environmental Impact Report (Draft EIR) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

The Pacific Rock Quarry Expansion Project is located at 1000 South Howard Road, Camarillo, CA, which is approximately 1.5 miles east of Lewis Road and approximately two miles south of State Highway 101 in unincorporated Ventura County. The proposed project encompasses 204 acres of a 718 acre property which

includes the existing mining operation and areas proposed for mine expansion and reclamation. The existing quarry is located within the Tax Assessor's Parcel Number (APN) 234-0-060-220. Proposed expansion areas are within additional portions of APN 234-0-060-220 and a portion of APN 234-0-060-190. Zoning designation is Agricultural Exclusive (AE-40) and Open Space (OS-160).

The proposed project requests the following modifications to existing Conditional Use Permit (CUP) No. 3817-3:

(1) Amend the current reclamation plan and allow for the expansion of the existing mining area;

(2) Extend the life of the existing permitted operations for an additional 30 years;

(3) Extend the operational days from 6 to 7 days per week (adding Sunday for material load out) with additional material load out hours and limited extended 24 hour operations (60 days maximum per year);

(4) Allow construction and mobile mining equipment in outdoor storage areas;

(5) Operate a concrete and asphalt recycling plant;

(6) Allow for imported material to be used in reclamation fill; and

(7) Replace an existing mobile home to be used as a 24-hour security trailer.

Response 4-1

The comment summarizes the Project and does not comment on the adequacy of the Draft EIR; therefore, no further response is required. Please note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.

Comment 4-2

COMMENTS

CalRecycle staff's comments on the proposed project are listed below. Where a specific location in the document is noted for the comment, please ensure the comment is addressed throughout all sections of the Draft EIR, in addition to the specific location noted.

Page 2-12, Section 2.6.6, Proposed Recycle Operations –

The Applicant proposes the use of a portable recycling plant to crush and process recycled concrete and asphalt at the site. The recycling plant would utilize conveyors, a crusher, and screen to recycle materials. Concrete and asphalt debris would be received, crushed, and sold as base material.

Comment: Pursuant to Title 14 California Code of Regulations (14 CCR) Section 17381(e)(1)(A) and (k)(1), concrete and fully cured asphalt are defined as "construction and demolition debris" and "inert debris" (CDI). Pursuant to 14 CCR 17381.1(a), a site that receives only construction and demolition debris and inert debris and which meets the requirements of the section shall be

classified as a CDI recycling center or inert debris recycling center and not be subject to the construction and demolition/inert debris regulatory requirements. In accordance with 14 CCR Section 17381.1(h), sites which do not meet the applicable requirements of 14 CCR Section 17381.1(a), do not qualify as recycling centers and shall comply with Article 5.9 – Construction and Demolition and Inert Debris Transfer/Processing Regulatory Requirements, and all laws and regulations applicable to them. Also, per 14 CCR Section 17381.1(h), the burden of proof shall be on the owner and operator of a site to demonstrate that the activities at the site are not subject to the requirements of Article 5.9.

Response 4-2

As stated in Section 2.6.6 of the DEIR, with recycling operations under the proposed Project, no more than 30,000 cubic yards per year of inert concrete and asphalt debris would be handled at the site. Material to be recycled would be "Type A inert debris", and not comingled "construction and demolition debris" (CDI) as defined under 14 CCR Section 17381. If the Applicant/Operator handles less than 15 cubic yards per day of these inert debris, per 14 CCR § 17382(a)(2) the proposed onsite recycle operations would be considered an "excluded activity" and would not constitute an inert debris processing operation under CalRecycle regulations. However, if the Applicant/Operator were to handle more than 15 cubic yards per day of these inert debris at the facility, pursuant to 14 CCR § 17383.7, the Applicant/Operator would be required to obtain an Enforcement Agency (EA) Notification tier approval as a "Inert Debris Type A Processing Operation" through CalRecycle and the Ventura County – Environmental Health Division. The comment does not address the adequacy of the DEIR and no further response is required.

Comment 4-3

Page 2-12, Section 2.6.7, Proposed Fill Import and Export –

Clean fill material would be imported to the site and processed for sale as aggregate material or used in preparing pad areas of the site for the end use of agriculture. Fill material would consist of soil, mud, rocks, and minor amounts organic material, but would not contain construction debris.

Comment: Pursuant to 14 CCR Section 17388.2(a) and (a)(1), the following disposal activities do not constitute construction and demolition waste or inert debris operations or facilities: any use (e.g., grading) of gravel, rock, soil, sand, and similar, whether processed or not that has never been used in connection with any structure, road, parking lot, or similar use. Pursuant to 14 CCR 17852(a)(11), "compostable material" means any organic material that when accumulated becomes active compost.

Per 14 CCR 17852(a)(15)(B)(2), disposal of compostable material does not include the use of compostable material for mine reclamation in accordance with applicable law. However, the proposed use of organic material for fill may be considered disposal and subject to solid waste regulatory requirements.

Response 4-3

As stated in Section 2.6.7 of the DEIR, the proposed Project would handle no more than 100,000 cubic yards per year of clean fill material (e.g., mud, rocks, and minor amounts organic material). The material would be processed on site for sale as an aggregate material or used in preparing pad areas of the site for the proposed post-reclamation end use of agricultural. Imported fill material would not contain construction debris, nor would it be considered "compostable material" as defined under 14 CCR § 17852. Further, as

noted in the comment, generally the use of inert fill "for mine reclamation in accordance with applicable law" would not constitute a Compostable Materials Handling Operation or Facility, nor would it be subject to solid waste regulatory requirements. Although not anticipated, if in the future the onsite activities meet the definition of disposal of compostable material and/or digestate based upon the type, quantity, and storage methods associated with imported inert fill activities, pursuant to 14 CCR § 17388.3, the Applicant/Operator would be required to obtain an Enforcement Agency (EA) Notification tier approval as a "Inert Debris Engineered Fill Operations" through CalRecycle and the Ventura County – Environmental Health Division. The comment does not address the adequacy of the DEIR and no further response is required.

Comment 4-4

Solid Waste Regulatory Oversight

The Ventura County Resource Management Agency, Environmental Health Division is the Local Enforcement Agency (LEA) for Ventura County and responsible for providing regulatory oversight of solid waste handling activities, including permitting and inspections. Please contact the LEA, Sean Debley, at 805.654.2813 or Sean.Debley@ventura.org to discuss the regulatory requirements for the proposed project.

CONCLUSION

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the environmental document and hopes that this comment letter will be useful to the Lead Agency preparing the Final EIR and in carrying out their responsibilities in the CEQA process.

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this proposed project. If the environmental document is adopted during a public hearing, CalRecycle staff requests 10 days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests 10 days advance notification of the date of the adoption and proposed project approval by the decision-making body.

If you have any questions regarding these comments, please contact me at 916.341.6084 or by e-mail at Theodore.Tasiopoulos@calrecycle.ca.gov.

Response 4-4

The County notes the commenter's input regarding solid waste regulatory oversight by the County LEA. The County appreciates the commenter's review and input on the DEIR. The County will provide hearings notices as required.

2.3.5 Comment Letter 5 - City of Camarillo (January 15, 2021)

Comment 5-1

We appreciate the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Pacific Rock Quarry Expansion Project proposed for the Quarry located at 1000 South Howard Road, just outside Camarillo city limits. We understand the project proposes to modify the Quarry's existing Conditional Use Permit (CUP) No. 3817-3 to: amend the current reclamation plan and to allow for the expansion of the existing mining area; extend the life of the permit for an additional 30-year period; extend the operational days from

6 to 7 days per week; allow construction and mobile mining equipment in outdoor storage areas; operate a concrete and asphalt recycling plant; allow for imported material to be used in reclamation fill; and replace an existing mobile home to be used as a 24-hour security trailer.

Response 5-1

The comment summarizes the Project and does not comment on the adequacy of the Draft EIR; therefore, no further response is required. Please note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.

Comment 5-2

The City of Camarillo does not support the project, as proposed, and believes the DEIR is inadequate unless the revisions recommended in the City's comments below are adequately addressed.

Response 5-2

The County notes the City of Camarillo's lack of support for the Project and the City's assertion that the DEIR would be inadequate unless revisions recommended by the City are addressed. Please see responses below regarding specific comments.

Comment 5-3

AESTHETIC/VISUAL RESOURCE IMPACTS

Comment: The DEIR concludes that the Project-specific aesthetic/visual resource impacts are significant and unavoidable. The DEIR should be revised to disclose that US 101, Lewis Road, and Pleasant Valley Road are designated scenic corridors and are identified as such in the City of Camarillo Community Design Element of the General Plan. The proposed expansion of the mining area will be visible from designated scenic corridors within the City of Camarillo, which is inconsistent with Section 10.9.2 - Scenic Corridor Design Guidelines, specifically with subsections 'c' and 'm,' which call for:

> "c. Existing native vegetation should be retained and enhanced to the greatest extent possible, except to provide proper sight distance," and
>
> "m. Preserve distant views by discouraging development on ridge tops and encouraging landform grading."

The DEIR fails to acknowledge that the project will result in a significant impact related to the project's inconsistency with the above-referenced scenic corridor design guidelines.

Recommendation: Include additional mitigation requiring the retention and enhancement of existing native vegetation and/or develop and approve a project alternative that discourages development of ridge tops and encourages landform grading.

Response 5-3

The commenter requests that the DEIR acknowledge the Project's potential effects on designated scenic corridors and consistency with the City of Camarillo's Scenic Corridor Design Guidelines.

Goal SC-1.1 with the City's General Plan (Chapter 10 – Community Design Element) states the goal of the scenic corridor policies is to "*maintain the visual quality and scenic views **along** designated corridors where they contribute and become an essential part of the community's urban fabric.*" Although the Project is viewable from Highway 101, it is not located next to Highway 101 nor located within the City of Camarillo and is not subject to the City's General Plan community design policy provisions. The DEIR provides a detailed evaluation of visual impacts associated with the proposed Project.

As part of reclamation of the site, exposed surfaces would be revegetated where feasible using native species. As described in DEIR Mitigation Measure MM VIS-1, a goal of revegetation using native plantings would be to achieve plant coverage of similar types and densities of surrounding areas. Also, no Project structures or facilities are proposed for the ridgeline of the proposed expanded mine area.

The DEIR identifies that the existing mine area is visible from Highway 101 and includes a detailed evaluation of changes in visual character associated with views from Highway, including photographic simulations of the anticipated change in views of the site as viewed from Highway 101 (DEIR Figure 3.2-4). As viewed from Highway 101, the Project is not considered to be a dominant feature that would substantially degrade views from Highway 101 (Section 3.2.1.3), however, the DEIR does conclude that the Project changes in visual character would result in a significant and unavoidable impact.

The DEIR includes Mitigation Measure MM VIS-1 that would reduce the angular and benched areas of mining, promote revegetation, and implement landscape screening to minimize adverse changes to the visual character of the site to the extent feasible.

Comment 5-4

NOISE

Comment: The Camarillo Municipal Code (CMC), Chapter 10.34 – Noise Regulations, identifies that the allowable dBA for residential properties between 9:00pm and 7:00am is 45 dBA. The proposed expanded operational hours will allow for trucks to pass along Pleasant Valley Road adjacent to residential properties as early as 5:30am and as late as 10:00pm. The DEIR indicates that additional truck trips may occur in the times inside of 9:00pm and 7:00am which may subject residential properties to noise levels beyond the allowable dBA and create a nuisance and a significant adverse noise impact.

Recommendation: The City of Camarillo objects to the proposed expansion of the hours of operation and recommends the DEIR acknowledge this potentially significant noise impact and be revised to include a mitigation measure requiring that operations, including nonemergency truck trips, be restricted to 7:00am to 9:00pm, and prohibiting non-emergency operations on Sundays or holidays.

The DEIR also states that 24-hour Project operations can be authorized by the Director under special circumstances, such as emergencies. However, special circumstances are not specifically defined in the EIR. The EIR should be revised to include a definition of special circumstances, including the duration and frequency, and to analyze the potential noise impacts of operations under such special conditions.

The DEIR indicates impacts to noise will result in significant and unavoidable impacts because exceeds allowable dBA for residentially zoned properties; the DEIR should be revised to specifically identify that impact.

Response 5-4

The commenter requests that the City of Camarillo's Municipal Code noise standards be incorporated into the DEIR noise analysis, and that clarification be provided specifying under what circumstances 24-hour emergency haul truck operations could occur. The commenter also objects to the proposed expanded hours of trucking operations and recommends the DEIR acknowledge a significant noise impact associated with expanded operations and recommends mitigation that would restrict haul truck operations to 7 a.m. to 9 p.m.

With regard to specifying circumstances under which 24-hour haul truck operation would be allowed, the operational hours and parameters would be clearly defined within the Project Conditional Use Permit approved by the County decisionmakers.

With regard to the comment's reference to Camarillo noise standards and the need for additional information, the DEIR discusses the impact significance thresholds used for assessing noise impacts associated with Project transportation noise sources (i.e., haul trucks) in Section 3.8.2.1 (DEIR pgs. 3.8-13 – 3.8-16). Included in the DEIR's discussion is recognition of the City of Camarillo noise regulations and a comparison of the City's noise standards to the County's thresholds. As discussed there, Ventura County standards are considered more stringent than the City's due to the City's lack of an evening standard, but the discussion also recognizes that the City's daytime standard begins at 7 a.m. as compared to the County's 6 a.m. standard (DEIR pg. 3.8-16). As discussed in the DEIR in Section 3.8.2.1, the County's CNEL standard is appropriately utilized to determine the significance of noise impacts resulting from Project haul truck activity (i.e., transportation sources). DEIR Impact NV-2 provides an evaluation of potential noise impacts associated with offsite haul truck operations. The analysis considers sensitive residential receptors along haul truck routes and includes receptors located within the City of Camarillo (i.e., R5-A, R5-B, and R5-C).[1] Noise associated with haul truck trips occurring between the expanded hours of 5:30 a.m. and 10:00 p.m. was found to be less than significant at the affected receptors, including the residences (R5-A, R5-B, and R5-C) located within the City of Camarillo adjacent to the haul route connecting to Highway 101. Haul truck noise levels are predicted to meet the applicable Ventura County Noise Element standards. Specifically, the County's Community Noise Equivalent Level (CNEL) threshold of 45 dB(A) was appropriately used for the analysis of "*noise sensitive uses…located near highways, truck routes, heavy industrial activities and other relatively continuous noise sources*", and haul truck noise impacts were found to below the applicable Ventura County criteria at the residential properties located along Pleasant Valley Road in the City of Camarillo. Therefore, noise impacts from traffic sources were found to be less than significant with no mitigation required.

As noted by the commenter, the City of Camarillo has an exterior noise limit of 45 dBA (assume hourly equivalent) that could be applied between the hours of 9:00 p.m. and 7:00 a.m. Although Camarillo uses hourly equivalent noise standards and not CNEL, the use of the CNEL standard is considered appropriate for the County's CEQA impact analysis and is generally more conservative (i.e., tending to overpredict

[1] DEIR Figure 3.8-2, Representative Receptors for Offsite Noise Analysis, incorrectly labeled Receptors R4, R5-A, R5-B, and R5-C as R3, R4-A, R4-B, and R4-C, respectively. Figure 3.8-2 is corrected in errata included in Chapter 3 of this FEIR. The figure labels do not affect the adequacy of the DEIR noise analysis.

impacts) because evening and nighttime noise levels are weighted by +5 dBA added during evening hours (7:00 p.m. – 10:00 p.m.) and +10 dBA added during nighttime hours (10:00 p.m. – 7:00 a.m.), as presented in DEIR Table 3.8-4 (DEIR pg. 3.8-8).

As shown in DEIR Table 3.8-13 (pg. 3.8-23), with-Project outdoor noise levels at receptors in the City of Camarillo (i.e., R5-A, R5-B, and R5-C) resulting from the expanded haul truck activity hours are predicted to range from 61.1 to 61.6 dBA CNEL, with 1.1 dBA CNEL at R5-B representing the maximum predicted increase above baseline noise levels. As Project haul truck activity is estimated to increase noise levels by no more than the +3 decibel CNEL significance threshold, which is considered a "just barely perceptible" change in noise levels (Caltrans, 2013), Project haul truck trips occurring during the expanded nighttime and evening hours would not result in a significant noise impact under CEQA at the residences located within the City of Camarillo.

Comment 5-5

AIR QUALITY

Comment: The DEIR section on Air Quality discusses the Airborne Toxic Control Measure (ATCM) adopted by CARB to limit heavy-duty diesel motor vehicle idling and reduce public exposure to diesel PM and other TACs (Title 13 California Code of Regulations [CCR],Section 2485), and identifies that diesel-fueled commercial vehicles with gross vehicle weight ratings greater than 10,000 pounds that are licensed to operate on highways, regardless of where they are registered, must not to idle for more than five minutes at any given time. However, the DEIR does not contain a mitigation measure or recommended condition of approval requiring the Project to restrict vehicle idling to no more than 5 minutes to mitigate potentially significant adverse air quality impacts. The DEIR does contain mitigation for noise impact NV-1 prohibiting onsite excavation and reclamation equipment from idling for more than 30 minutes.

Recommendation: For consistency, revise the mitigation for air quality impacts to restrict vehicle idling to no more than five minutes, and further, modify proposed mitigation measure MM NV-1 to reduce the idling allowed for excavation and reclamation equipment to no more than five minutes. The DEIR should also be revised to analyze Air Quality impacts from mining operations and truck exhaust to Camarillo residents, in addition to the County aggregate.

Response 5-5

The commenter requests that CARB's five-minute idling rule be incorporated into mitigation measures within the DEIR, and that the air quality analysis accounts for truck exhaust impacts to Camarillo residents.

As discussed in the DEIR (pg. 3.4-8), CARB's idling rule, which applies to vehicles "*licensed for operation on highways*", has been in place since 2004 and the Permittee has been subject to this requirement since it went into effect. Because this is an existing regulatory requirement that the Operator would continue to comply with, it is unnecessary to include this as a new mitigation measure or condition. Furthermore, continued compliance with CCR Section 2485 would not mitigate any significant environmental impacts identified in the DEIR.

As stated above and in the DEIR, CARB's five-minute idling limit applies to the "*gross vehicle weight ratings of greater than 10,000 pounds that are or must be licensed for operation* ***on highways***" and does not apply to off-road mobile equipment that would operate on the site during excavation and reclamation. MM NV-1 applies to off-road mobile equipment operating on the Project site, and not on-road vehicles operating

offsite on public highways. Therefore, application of CARB's on-road rule idling rule would be inappropriate, and unnecessary to mitigate any Project noise impacts.

Furthermore, the DEIR air quality analysis did account for potential exhaust and toxic air contaminant (TAC) impacts at residences located in the City of Camarillo as part of the health risk assessment. Figure 5 of DEIR Appendix B-1 displays the discrete regional receptors, many of which are located within Camarillo, where Project health risk impacts were modelled. As summarized in Table 3.4-8 in the DEIR, health risk impacts at the Maximum Exposed Individual Receptor (MEIR), which accounted for both on- and off-site emissions generated by the Project, were found to be less than significant.

Comment 5-6

TRANSPORTATION

Comment: Regarding Section 3.9-Transportation and Circulation, and Appendix E-1, Transportation Impact Study, the Traffic Impact Study was completed by VRPA Technologies, Inc., and does acknowledge the City of Camarillo will tolerate brief periods of Level Of Service (LOS) "D" during the peak AM and PM traffic hours where improving to LOS "C" would be unreasonably costly. To further clarify, while the project may not be conditioned to construct mitigations, it must still pay Camarillo Traffic Impact Mitigation Fees (TIMF).

1. Adding the project to "Existing" conditions degrades the LOS on Pancho Road between Pleasant Valley Road and Calle Quetzal. The project degrades the LOS from "C" to "D" in the northbound AM peak period.

2. Adding the project to "Existing Plus Approved/Pending" conditions degrades the LOS on Pancho Road between Pleasant Valley Road and Calle Quetzal. The project degrades the LOS from "C" to "D" in the southbound PM peak period.

3. Adding the project to "Existing Plus Approved/Pending" conditions degrades the LOS on Pleasant Valley Road between Pancho Road and the US 101 Southbound Ramps. The project degrades the LOS "C" to "D" in the northbound AM peak.

In summary, while the DEIR may comply with SB 743 for the use of Vehicle Miles Traveled (VMT) as the methodology for analyzing traffic impacts; the project must nonetheless still pay the Camarillo TIMF.

Response 5-6

The "Pacific Rock Quarry Expansion Project Transportation Impact Study" (VRPA, 2020) (TIS) prepared for the Project and included as Appendix F-1 of the DEIR, discusses that study area roads are located within the City of Camarillo and, therefore, that it may be appropriate for the Project to provide funding toward both the County and the City of Camarillo's traffic mitigation fee programs. However, as also discussed in the TIS, a determination of the specific traffic mitigation fee requirements of the Project was beyond the scope of the TIS. Such a determination is also beyond the scope of the County's CEQA review and will be considered separately by County decision makers during Project approval deliberations.

Comment 5-7

If you have any questions about the comments contained within this letter, please contact Michelle Glueckert D'Anna, Community Relations Officer, at (805)

388-5370 or mdanna@cityofcamarillo.org. We look forward to continued coordination with the County of Ventura throughout the processing of this project.

Response 5-7

The County appreciates the City of Camarillo's review and input on the DEIR.

2.3.6 Comment Letter 6 - City of Thousand Oaks (January 15, 2021)

Comment 6-1

This letter is in response to the DEIR for the Pacific Rock Mine Expansion Project. The City of Thousand Oaks is interested in this project because it is located adjacent to the City boundary and has the potential to impact nearby residential properties in the City. Specifically, the proposed mining boundary extends several hundred feet upslope to the City limits of Thousand Oaks and downslope from homes in the Thousand Oaks neighborhood know as Dos Vientos Ranch.

Response 6-1

This is an introductory comment that does not address the adequacy of the DEIR and requires no further response. However, please note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.

Comment 6-2

The City of Thousand Oaks has the following comments for consideration for the Final EIR and future decision-making process:

Visual Resources: The primary concern of the City of Thousand Oaks are the unavoidable impacts to visual resources from the residential and open space view sheds, thus requiring a Statement of Overriding Consideration (SOC). In regard to making the associated findings for the SOC, the DEIR provides general project objectives, but does not present data or analysis as a basis for findings under Section 15093(a). The significant expansion of surface area being mined, increase annual production to 468,000 tons and expanded hours of operations are not clearly justified by the information presented in the DEIR, especially when considering the impacts associated with the project not only to the residents of Thousand Oaks, but to the County at large.

Response 6-2

The DEIR fully evaluates and discloses the potential visual impacts of the Project and identifies that, even with implementation of all feasible mitigation, the Project's impact on visual resources would be significant and unavoidable. CEQA Guidelines 15093(a) requires "the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project." CEQA Guidelines 15093(b) further specify, "[w]hen the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record."

Identification of such overriding consideration must be documented in a statement of overriding considerations, should County decisionmakers choose to approve the Project, decisionmakers would consider the Project's significant and unavoidable visual impact when weighing other factors that might warrant approval of the Project and would separately document any overriding considerations that may support approving the Project despite the Project's significant and unavoidable significant impact. Such overriding considerations need not be identified or included in the EIR but would be documented and considered by decisionmakers during Project approval deliberations.

Comment 6-3

Alternative B states that "The specific configuration of a reduced mine expansion area has not been developed for this EIR and is not required for a comparison of impacts of this alternative with the Project. Section 5.5.2 provides an analysis of the environmental effects of Alternative B as compared to the Project". The City of Thousand recommends that Alternative B needs further design information to effectively consider the merits of a less impactful project as part of the future evaluation and decision-making process.

Response 6-3

As presented in DEIR Chapter 5, "Alternatives," the DEIR identifies a reasonable range of alternatives to the proposed Project consisting of the No Project Alternative (Alternative A), Reduced Mine Area Expansion Alternative (Alternative B), and the Continuation of Existing Operations with Mine Expansion Alternative (Alternative C). The commenter's suggestion that Alternative B needs further design information to consider the merits of a less impactful project is noted. As discussed in the DEIR (pg. 5-5), various configurations of a reduced mine expansion area could be achieved to reduce impacts on habitat, special-status species, wildlife movement corridors, mine site visibility, and other factors, but a specific configuration of a reduced mine expansion area has not been developed for the EIR and is not required for a comparison of impacts of this alternative with the Project. DEIR Section 5.5.2 provides an analysis of the visual resources impacts Alternative B as compared to the Project (DEIR pgs. 5-7 – 5-8). As discussed there, reduced disturbance associated with Alternative B would reduce the severity of the Project Impact VIS-1 and, depending on the specific reduced mine area and design, Alternative B would have the potential to avoid the Project's significant and unavoidable visual impact. Thus, the County recognizes that it may be possible for the Reduced Mine Expansion Area alternative to be designed to reduce direct and indirect impacts of the Project. However, a specific design and assessment of the feasibility of such an alternative is not required for the EIR.

Comment 6-4

The configuration for Alternative B should include a design that reduces the amount of vertical scarring and benching on the slopes of the excavation area in order to reduce visual resource impacts and maintains more of the natural character of the hillside. The revised Alternative B would present an option the better informs the process of determining the need for a SOC and would be the preferred project from the standpoint of the City of Thousand Oaks. Specifically, this alternative plan would include grading plans, site sections and accompanying photo simulations from the identified vantage points in the visual analysis to inform further project evaluation.

Response 6-4

The commenter's Alternative B design recommendations and preference for a reduced Project are noted. Please see Response 6-3 regarding the DEIR analysis and level of detail for Alternative B.

Comment 6-5

The noise analysis states that excavation and processing will not change as a result of the proposed expanded operations consisting of a daily production of 2,400 tons/day. Provide an explanation how the significant increase in volume and area of excavation does not present an increased degree of ground born vibration as a result of blasting closer to sensitive receptors, such as the open space trails and residential areas.

Response 6-5

The commenter requests additional clarification as to why Project excavation and blasting operations would not result in a significant increase in groundborne vibration at nearby receptors.

DEIR Section 3.8.2.2 and Appendix E provide a detailed discussion and analysis of the Project's vibration impacts due to blasting within the expansion areas. Note the ground vibration impacts due to blasting are analyzed on a per blast basis, and as stated in the DEIR, the size and design of each blast occurring onsite would not change as compared to blasting conducted under baseline conditions. Additionally, while the maximum daily permitted production associated with the Project (i.e., 2,400 tons/day) would not increase, there would be a potential increase in average daily production as compared to baseline condition operations. As a result, while the average number of blasts per week may increase to account for the potential increase in annual excavation, neither the number of blasts per day nor the size and design of each blast would change as compared to baseline conditions. Specifically, blasting would continue to occur between the hours of 7:00 a.m. and 4:00 p.m., Monday through Saturday, and blasting events would continue to be occasional and last approximately 1 second per blast.

Per applicable guidance, potential vibration impacts due to blasting are evaluated on a per blasting event basis. As discussed in the DEIR and associated noise analysis, even if blasting were to occur within the expanded onsite mining location nearest to each receptor, vibration levels resulting from each blast were found to be below applicable thresholds and were therefore found to be less than significant. Because the daily number and type of blasts would not change, and because the increase in annual volume of material extracted would have no bearing on the daily blasting schedule and the size/design of each individual blast, the potential increase in average daily and annual production rates would not result in increased vibration impacts at nearby receptors.

In summary, the noise and vibration studies found that although the expanded area would cause blasts to occur closer in location to sensitive receptors, specifically the residences and the trails within open space areas to the east of the site, the vibration levels during blasting were estimated to remain well below the applicable significance thresholds for annoyance and building damage, with no mitigation measures required (DEIR Impact NV-3, pg. 3.8-23).

Comment 6-6

Note that Figures, such as ES-2, shows the project area overlapping with the City of Thousand Oaks jurisdiction.

Response 6-6

The commenter notes an illustrative error on Figure ES-2, and the Project boundary does not encroach into the City of Thousand Oaks. Figures ES-2, 2-2, 3.2-1, and 3.5-3 have been revised in the FEIR (see FEIR Chapter 3) to correct the City of Thousand Oaks boundary which was inadvertently shown as overlapping with a portion of the Project CUP boundary/property. This change in the boundary linework on the referenced figures does not affect the analysis or conclusions of the DEIR.

Comment 6-7

The City of Thousand Oaks appreciates the incorporation of information and analysis requested in our September 29, 2017 NOP response letter. Thank you for the opportunity to comment on the DEIR for this project.

Response 6-7

The County appreciates the City of Thousand Oak's input during the scope process and review and comments on the DEIR.

2.3.7 Comment Letter 7 – Mountains Recreation & Conservation Authority (February 2, 2021)

Comment 7-1

The Mountains Recreation and Conservation Authority (MRCA) offers the following comments on the Draft Environmental Impact Report (DEIR) for the Pacific Rock Mine Project (Case Number LU-10-0003) that proposes to extend the Conditional Use Permit (CUP) No. 3817-3 for an additional 30-year period, increase operational days to from six to seven days per week, operate a concrete and asphalt recycling plant, and expand the mining area to more than triple the previously approved Project Area, among other requests.

Response 7-1

The commenter summarizes general information about the Project. The comment does not address the adequacy of the DEIR, and no further response is required. Please note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.

Comment 7-2

The MRCA reiterates the comments provided to the Ventura County Planning Division by the Santa Monica Mountains Conservancy (Conservancy) on September 25, 2017. Specifically, the Conservancy requested that "DEIR alternatives include a permanently protected contiguous habitat area along the northern, eastern, and southern boundaries of the property." Upon review of the DEIR and alternatives, it appears that Mitigation Measure (MM) BIO-6(c) attempts to address the significant environmental impact to wildlife migration corridors by establishing an approximate 800-foot-wide north-south Wildlife Passage (WP) running along the easterly boundary of the proposed Project.

However, the MM BIO-6(c) proposed 800-foot-wide WP relies nearly exclusively on existing MRCA and Conejo Open Space Conservation Agency (COSCA) property. Based

on DEIR Figure 2-3, the "Proposed Mine Area Boundary" approaches within 50 feet of the "Proposed CUP Boundary" along this same eastern property line. MM BIO-6(c) continues:

> A WP shall be provided to the east of the Project mine area and shall be a minimum of 800 feet in width between the Project disturbance area and the nearest developed residential property. In these areas, all development (e.g., construction, placement, or erection of any solid material or structure, grading, paving, vegetation removal, installation of fencing or walls, and removing, dredging, or disposal of any materials) is prohibited and only restoration of native plants as a component of reclamation shall be permitted within the WP area. Outdoor lighting on the Project site shall not illuminate the WP area.

Existing MRCA and COSCA protected open spaces already comprise most of the area MM BIO-6(c) appears to be offering for mitigation of DEIR-established significant environmental impacts. Thus, MM BIO-6(c) is inadequate and must be amended to provide additional buffer of protected open space to mitigate for the Project's proposed impacts to habitat connectivity and wildlife passage.

Response 7-2

The commenter states most of the lands within the WP proposed in MM BIO-6(c) are entirely within existing MRCA and COSCA protected open spaces. The commenter states MM BIO-6(c) is inadequate and must be amended to provide an additional buffer for the protected open space and the impacts to habitat connectivity and wildlife passage.

As a note, a notice of availability of the PRDEIR was provided to the commenter and the commenter did not comment on the PRDEIR. Potential Project impacts to the wildlife movement corridor were further evaluated in the PRDEIR Biological Resources section and the findings of the PRDEIR reaffirmed and further substantiated in the supplemental technical memorandum , "Potential Impacts to Mountain Lion and Wildlife Movement Corridors for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)" (ECORP, 2024) included with this FEIR as Appendix C-5, "Mountain Lion Technical Memorandum." The Mountain Lion Technical Memorandum identifies and recommends a specific area for implementation of the wildlife passage concept of PRDEIR MM BIO-7(c) (formerly MM BIO-6(c) in the DEIR). In consideration of both the recommendation in the CDFW comment and the recommendation in the Mountain Lion Technical Memorandum, MM BIO-7(c) has been refined in this FEIR to require that a specifically identified 6.7-acre area adjacent to the southwest of the Project site be preserved as a wildlife corridor preservation area (WCPA). The revised mitigation measure MM BIO-7(c) is included in the Biological Resources Errata section included as Appendix J of this FEIR (see FEIR Chapter 3, Errata 23).

Comment 7-3

The MRCA supported Ventura County's 2019 adoption of the Habitat Connectivity and Wildlife Corridor Overlay Zone recognizing Critical Wildlife Passage Areas are necessary for the survival of several species including mountain lion (Puma concolor) in the Santa Monica Mountains. Conejo Mountain and the area between the proposed Project and the Dos Vientos neighborhood is the last remaining undeveloped connection in the western Santa Monica Mountains and the Santa Rosa Valley. The current width for WP through this choke point is approximately 980-feet with steep east-west trending slopes. Reducing this width to 720-feet (the distance from Proposed Mine Area Boundary to the fuel modification zone and light impact zone of the Dos Vientos neighborhood) results in an additional 25-

percent loss of width to an already extremely constricted WP. No easterly expansion of mining operations should be contemplated or approved. Since the California Fish and Game Commission accepted the southern and central coast mountain lion as a California Endangered Species Act (CESA) "candidate species" affording mountain lion in the Santa Monica Mountains full protection of a threatened species under CESA, MRCA recommends no loss of existing habitat east of the Existing Disturbance Area Boundary to preserve the remaining habitat in support of this protected species.

Response 7-3

The commenter states they support the Ventura County's 2019 adoption of the Habitat Connectivity and Wildlife Corridor Overlay Zone that recognizes the Critical Wildlife Passage Areas are necessary for the survival of mountain lion and other species in the Santa Monica Mountains. The commenter states the existing WP between the proposed Project and the Dos Vientos neighborhood fuel modification zone and light impact zone is 980-feet wide, and the proposed Project will reduce this width to 780 feet considering the distance between the mining area boundary and the fuel modification and light impact zones of the Dos Vientos neighborhood. The commenter recommends no easterly expansion of the mining operations, and no loss of existing habitat should occur to preserve the remaining habitat for the mountain lion.

Potential Project impacts to wildlife movement corridor were further discussed in Section 3.5.2.2 of the PRDEIR on which the commenter did not comment. The technical memorandum prepared by ECORP in Appendix C-5 explains that the parcels where the Project is located do hold the amended zoning classification of "/HCWC" indicating they are within the County of Ventura's Habitat Connectivity and Wildlife Corridors Overlay Zone, however, the parcels are not located within the County's Critical Wildlife Passage Overlay Zone. The technical memorandum also identifies that the 800-foot-wide open space between the Project and the Dos Vientos neighborhood and which is within the County's Habitat Connectivity and Wildlife Corridor Overlay boundary satisfies Beier's (1995) recommendations for a minimum corridor width for mountain lion. The analysis in the PRDEIR and as supplemented and reaffirmed with additional information in the technical memorandum and this FEIR Biological Resources Errata section (FEIR Appendix J) provides substantial evidence that avoidance of the 800-foot-wide open space within the County's Habitat Connectivity and Wildlife Corridor Overlay boundary and implementation of Mitigation Measures MM BIO-7(a), MM BIO-7(b), MM BIO-7(c), and MM NV-1 would reduce impacts to the habitat connectivity and wildlife movement corridor zone to less than significant.

Comment 7-4

MRCA is also concerned with the apparent disregard for comments offered by the California Department of Fish and Wildlife (CDFW) in its October 2, 2017 letter the Notice of Preparation for the EIR as provided on page 3.5-1 of the DEIR:

> Notwithstanding CDFW's comments, the environmental baseline for the purposes of the biological resources evaluation in this EIR is existing conditions at the site at the time the NOP was circulated. Thus, noncompliance issues that may have occurred prior to circulation of the NOP are not germane to the description of the environmental setting or the impact analysis presented in this section.

CDFW concerns regarding impacts to numerous ephemeral and intermittent streams within the Project area and habitat disturbances beyond the perimeter of the existing CUP should be of paramount concern for County staff to evaluate

baseline conditions at the time of NOP circulation. For the County to accept potentially unpermitted impacts as "not germane" because those impact would be subsumed within the currently proposed Project impacts sets a bad precedent for future applicants. Unless the County and/or Project applicant can prove the impacts identified by CDFW were authorized under the appropriate jurisdictional authority, the County must analyze the Project as if those impacts have not yet occurred and factor those impacts into appropriate compensatory mitigation requirements.

Response 7-4

Please note that Project impacts to drainages within the site were further discussed in Section 3.5 of the PRDEIR on which the commenter did not comment. The letter report, "Supplemental Technical Report Addressing Drainage Feature Width and Potential Mitigation Ratios for Impacts Resulting from the Pacific Rock Quarry Expansion Project (CUP 3817-3)" (BRC, 2024) included with this FEIR as Appendix C-4, "Drainage Calculations," and incorporated through Biological Resources Errata in this FEIR (see FEIR Chapter 3, Errata 18, and FEIR Appendix J) confirms that the acreage dimensions summarized in the PRDEIR accurately represent the drainage areas observed onsite during the 2016 survey/2017 report and reconfirmed through an aerial desktop review. Please also see Responses 21-18 and 2-19 regarding the adequacy of the PRDEIR in identifying potential impacts to jurisdictional waters, including drainages, and the adequacy of Mitigation Measure MM BIO-5 in addressing Project impacts.

Section 15125 of the CEQA guidelines generally defines the baseline as the physical conditions that exist when the Notice of Preparation (NOP) is published. Hence, the onsite conditions documented at the time the NOP for the Project was circulated in August 2017 represent the baseline conditions by which the potential Project impacts on the environment were compared, to inform the public and County decisionmakers within the DEIR and PRDEIR. Furthermore, it has been generally recognized through court decisions (i.e., *Riverwatch v. County of San Diego* (1999)), that while CEQA review must evaluate a proposed project's future ability to comply with federal, state, and local laws and regulations, CEQA is not an appropriate mechanism for retroactively addressing past compliance issue or potential violations.

Specific to the proposed Project, potential direct impacts to jurisdictional waters that would, or could, result from the Project included elimination or alternation of drainages as a result of ground disturbance. These potential impacts to jurisdictional waters were evaluated within both the DEIR and RDEIR. Because the proposed Project was found to potentially result in direct impacts (elimination) of drainages within the mine disturbance area, Mitigation Measure MM BIO-5 requires the preparation of a formal aquatic resources delineation report of jurisdictional waters on the Project site, consultation with appropriate regulatory agencies, implementation of impact avoidance and minimization measures, and habitat creation, restoration, or conservation to compensate for direct and indirect impacts to jurisdictional waters. Implementation of MM BIO-5 would require the Permittee to obtain all required state and federal regulatory agency approvals and that the Permittee provide copies of all approvals/permits to the Ventura County Planning Division prior to the Planning Division's issuance of a Zoning Clearance for Use Inauguration of new disturbance, which would reduce direct impacts to jurisdictional waters to less than significant.

Comment 7-5

The MRCA has extensive experience performing habitat mitigation and restoration projects and questions the long-term success of the proposed grassland-pasture mine reclamation plan to support cattle grazing. While this proposed reclamation plan may be the most cost-efficient for the applicant, an alternative

reclamation plan using native vegetation and natural slope contours must be required. If need be, a large bond or endowment sufficient to accrue interest in excess of inflation to ensure adequate reclamation is also recommended.

Please address any questions or future correspondence to me by phone at (310) 589-3200 ext. 128, by email at edelman@smmc.ca.gov, or at the above letterhead address.

Response 7-5

The commenter's recommendation that an alternative reclamation plan be required is noted. With regard to the recommended bond or endowment, both the County and the state Surface Mining and Reclamation Act (SMARA) require that surface mining operators maintain a financial assurance mechanism payable to the SMARA lead agency (here, Ventura County) and to the State of California sufficient to accomplish reclamation as prescribed by the surface mining operation's approved reclamation plan, including conditions of approval and mitigation measures associated with reclamation. The Operator is required to annually prepare and submit for County review and approval a financial assurance cost estimate and evidence of a financial assurance mechanism in an amount at least equal to the cost estimate. Thus, sufficient funding to ensure reclamation in accordance with the approved reclamation plan would be provided.

The County appreciates the review and input provided by MRCA.

2.4 ORGANIZATION DEIR COMMENTS AND COUNTY RESPONSES

2.4.1 Comment Letter 9 – Conejo Oak Tree Advocates (January 12, 2021)

Comment 9-1

Conejo Oak Tree Advocates is a local citizen group which advocates for the protection of California native trees, fauna and wildlife corridors located within valuable, undisturbed areas of our local community. The Pacific Rock Mine expansion project is just such an area.

Response 9-1

The comment does not address the adequacy of the DEIR, and no further response is required.

Comment 9-2

Please consider our comments regarding the EIR for the mining expansion:

1. Coast Live Oak trees and California Black Walnut removals. The massive scale of the project over 30 years does not take into consideration impacts to trees that are not yet of protected size. An alternative should include a project that encompasses a time period of 5 or 10 years so that damage to the species is assessed regularly instead of destruction in one fell swoop.

Response 9-2

The commenter requests an alternative that considers impacts to trees that are not yet of a protected size be considered and suggests regular assessments of the coast live oak and California black walnut trees that could potentially be impacted. As an initial matter, please note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR

documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.

The coast live oak trees and California black walnut trees that would be impacted by the Project are described in the Protected Trees table (PRDEIR Appendix C-1, Section 3.2, pg. 26) and are labeled as T3, T4, and T5 and T1, T2, and T6, respectively, on the Protected Trees Map (PRDEIR Appendix C-1, Section 3.2, pg. 27). The impacts of the Project on Protected Trees are described in PRDEIR Section 3.5.2.2 under Impact BIO-6 and MM BIO-6 requires submittal of a Tree Protection Plan (TPP), which describes the offset for impacts to Protected Trees. While trees that would eventually be impacted by the Project would continue to grow until such time as they are removed for Project operations, the impact analysis properly considers the size of the trees under existing/baseline conditions. The TPP would define the parameters for offsetting impacts to protected trees and may include provisions to account for tree size at the time of removal, however, speculation as to the timing or size of trees at the time of their removal is not required under CEQA.

The commenter did not provide comments on the PRDEIR and no further response to this comment is required.

Comment 9-3

2. Tree Mitigation Plan Is Inadequate: Oak and walnut tree mitigation is inadequate because it does not include Ventura County's Tree Protection Guidelines. In addition, a two year monitoring period is a very short period of time for native trees to be established and per the Public Resources Code should be extended to 7 years to ensure tree replacements survive.

Response 9-3

The commenter states the Tree Mitigation Plan does not include Ventura County's Tree Protection Guidelines and therefore, the plan is inadequate. The commenter also states the monitoring period for the trees should be seven years rather than the proposed two-year period.

PRDEIR MM BIO-6 (PRDEIR Section 3.5.2.2, pgs. 3.5-73 through 3.5-75) specifically states the Permittee shall comply with the County's Tree Protection Regulations (TPR) set forth in § 8107-25 et seq. of the Ventura County Non-Coastal Zoning Ordinance and the Tree Protection Guidelines (TPG), through implementation of the details described in mitigation measure MM BIO-6 in the PRDEIR. MM BIO-6 also requires the project arborist to verify that the replacement trees meet their final 5- or 7-year performance targets set forth in the TPP (pg. 3.5-75). With implementation of MM BIO-6, the Permittee would adhere to the requirements of the Ventura County Tree Protection Guidelines and would ensure the trees meet the meet 5- or 7-year performance standards required in the TPP. As concluded by the analysis in the PRDEIR (Section 3.5.2.2), impacts to Protected Trees would be less than significant with mitigation.

Comment 9-4

3. PC-1 Laurel Sumac Scrub Plant Community. This area encompasses the largest region where blasting and construction will occur and contains the greatest number of rare species. In addition, the EIR notes the acreage has burned in several fires. Conejo Buckwheat/Eriogonum crocatum and endangered Verity's Dudleya mitigation may not be adequately addressed in the EIR if plants have not yet reestablished. A more current survey is necessary as is the locations where plant mitigation will occur.

Response 9-4

The commenter states a more current plant survey is necessary to determine the locations of where plant mitigation will occur to address impacts to rare plants. Additional analysis and mitigation measures were included in the PRDEIR that require more current and periodic rare plant surveys prior to Project disturbance. The special-status plant species mitigation plan contents required by MM BIO-3(h) in the PRDEIR includes identification and acceptance of the location of the mitigation site. The commenter did not provide comments on the PRDEIR and no further response to this comment is required.

Comment 9-5

4. Wildlife Corridor. Ventura County has adopted an ordinance to protect habitat connectivity and wildlife movement corridors for mountain lions and other species. The EIR does not adequately address impacts to this species on the project site.

Response 9-5

The PRDEIR provides expanded analysis and mitigation requirements associated with Project impacts on the wildlife corridor and mountain lion (e.g., PDEIR pg. 3.5-60, 3.5-75 through 3.5-77). In addition, the technical memorandum prepared by ECORP (2024) and included as Appendix C-5 to this FEIR further addresses potential effects related to the Ventura County's Habitat Connectivity and Wildlife Movement Corridor Overlay zone and to mountain lion, and reaffirms the conclusions presented within the PRDEIR. The commenter did not provide comments on the PRDEIR and no further response to this comment is required.

Comment 9-6

Thank you for considering our recommendations.

Response 9-6

The County appreciates the review and input provided by Conejo Oak Tree Advocates.

2.4.2 Comment Letter 10 – Center for Biological Diversity, California Native Plant Society, California Oaks Coalition, and California Wildlife Foundation (January 15, 2021)

Comment 10-1

On behalf of the Center for Biological Diversity ("Center"), the California Native Plant Society ("CNPS") and the California Wildlife Foundation ("CWF"), we are submitting comments on the Draft Environmental Impact Report (DEIR) for the proposed Pacific Rock Mine Project ("Project"). After reviewing the DEIR, the environmental organizations are concerned about the Project's impacts to special-status animals and plants, including mountain lions (Puma concolor) and Conejo buckwheat (*Eriogonum crocatum*), wildlife connectivity, and sensitive habitats. Such a project, located within the Sierra Madre-Castaic Connection and in Ventura County's habitat connectivity overlay zone, constrains one of the last remaining natural corridors between the Santa Monica Mountains and the Sierra Madre Mountains. Increased habitat loss, degradation, and fragmentation will lead to significant impacts to mountain lions as well as many other special-status animals and plants that occur in and adjacent to the Project area. The DEIR fails to adequately assess and mitigate impacts to the area's natural resources.

Response 10-1

The comment is introductory and summarizes the commenter's concerns regarding potential impacts of the Project to special-status animals and plants. The commenter's concerns are described in more detail in comments below and the County's responses to those comments are provided.

As the commenter is aware, subsequent to the circulation of the 2020 DEIR for public review and comment, and in consideration of comments received, the County performed additional evaluation of biological resources, prepared revisions to the DEIR Biological Resources section, and circulated the revised Biological Resources section for review and comment between October 26 and December 9, 2022, as the October 2022 Partial Recirculated Draft EIR (PRDEIR). As advised in the PRDEIR, comments on the 2020 DEIR Section 3.5, "Biological Resources," do not require responses in the FEIR. The commenter provided comments on the PRDEIR and the County's responses to those comments are provided in Responses 22-1 through 22-9. The commenter's comments on the PRDEIR incorporated the commenter's comments on the DEIR by reference (see Comment/Response 22-8). Thus, the County is providing responses to the commenter's comments on the 2020 DEIR.

Please note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.

Comment 10-2

I. Background on the Environmental Organizations

The Center for Biological Diversity ("Center") is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and the United States. The Center and its members have worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Ventura County and Southern California.

The California Native Plant Society ("CNPS") is a non-profit environmental organization with over 10,000 members. CNPS' mission is to protect California's native plant heritage and preserve it for future generations through application of science, research, education, and conservation. CNPS works closely with decision-makers, scientists, and local planners to advocate for well-informed and environmentally friendly policies, regulations, and land management practices.

The California Wildlife Foundation ("CWF") is committed to conserving, restoring, and maintaining habitats and corridor linkages throughout the state in order to ensure the biological diversity of species over time. The California Oaks program of California Wildlife Foundation works to conserve oak ecosystems because of their critical role in sequestering carbon, maintaining healthy watersheds, providing habitat, and sustaining cultural values.

Response 10-2

This is an introductory comment providing background on the three environmental organizations that jointly submitted the comment letter. The comment does not address the adequacy of the EIR, and no additional response to this comment is required.

Comment 10-3

II. The DEIR fails to adequately assess and mitigate impacts to mountain lions to less than significant.

A. Inadequate assessment of impacts to mountain lions

The DEIR falsely and inappropriately concludes that mountain lions (Puma concolor), a candidate species under the California Endangered Species Act, have a "moderate" potential to occur within or adjacent to the Project site (DEIR at 3.5-18), when in fact they should be categorized as "Present." The Project site is located in high quality mountain lion habitat within one of the last remaining corridors between the Santa Monica Mountains and the Sierra Madre (Penrod et al. 2006) and there is a wealth of data from the National Park Service (NPS) that demonstrates their presence in and adjacent to the Project area. Maps of the NPS data are publicly available at www.flickr.com, and they clearly show that the area is used by mountain lions. Figure 1 shows NPS telemetry locations for lions P-1 through P-22 from 2002 to 2013 (from GPS collars on individuals), and numerous individuals were documented in and adjacent to the Project site. Similarly, Figure 2 shows the home ranges of several mountain lions encompassing the Project area. Figure 3 shows predation sites where collared mountain lions fed on mule deer, some of which are located in and adjacent to the Project area (Benson et al. 2016b). This clearly shows that the DEIR fails to adequately assess the Project's impacts to mountain lions, as they provide a false representation of the likelihood of mountain lions being present, using, and moving through habitat in and near the Project area. Mountain lions should be considered "Present" in and adjacent to the Project site.

In failing to adequately determine the presence of mountain lions in and near the Project site, the DEIR fails to adequately assess impacts to mountain lions. The Project would have insurmountable impacts on struggling local mountain lions. Local mountain lions are at risk of extinction as their genetic health deteriorates due to inbreeding caused by roads and development slicing through their habitat and isolating populations (Ernest et al. 2014; Riley et al. 2014; Vickers et al. 2015; Gustafson et al. 2018; Benson et al. 2019). Low genetic diversity combined with high human-caused mortalities (e.g., from car strikes, depredation kills, rodenticide poisoning, and poaching) threaten the long-term survival of several populations. Mountain lions in the Santa Monica Mountains are especially imperiled, as abnormalities linked with inbreeding depression was recently observed. [Footnote: News Release: NPS Biologists Report First Abnormalities Linked to Inbreeding Depression in Mountain Lions P-81, a Subadult Male, Has Reproductive and Tail Defects. Available at: https://www.nps.gov/samo/learn/news/first-abnormalities-linked-to-inbreeding-depression.htm] Should inbreeding depression occur, scientists predict there is a >99% chance of extinction, which could occur within as little as 15 years (Benson et al. 2019). Therefore, high quality habitat that is being used by mountain lions within one of the last remaining natural corridors between the Santa Monica Mountains and the Sierra Madre is critical for the population's long-term survival. The DEIR fails to adequately assess the severely low genetic diversity of the Santa Monica Mountains puma population that is driven by isolation and the significant impacts the Project will have on this population by eliminating portions of the corridor and degrading connectivity in the area.

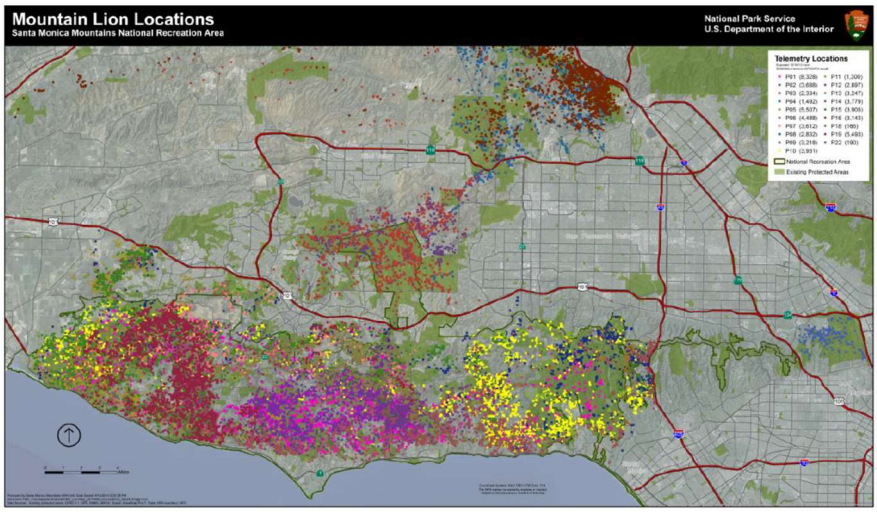


Figure 1: Mountain Lion GPS Data Points of lions P-1 through P-22 from 2002 through 2013 (NPS 2015).

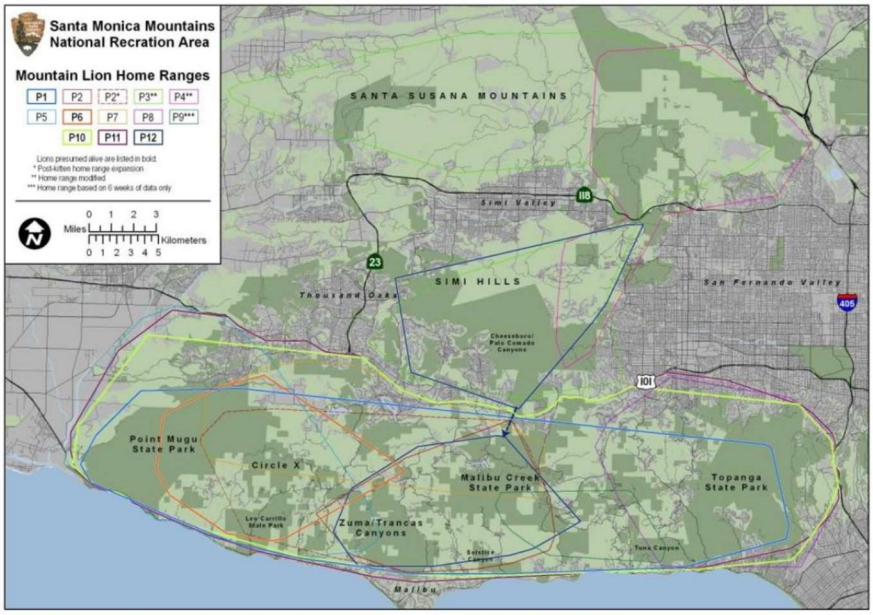


Figure 2: Home Range Map for Lions P-1 through P-12 (NPS 2013).

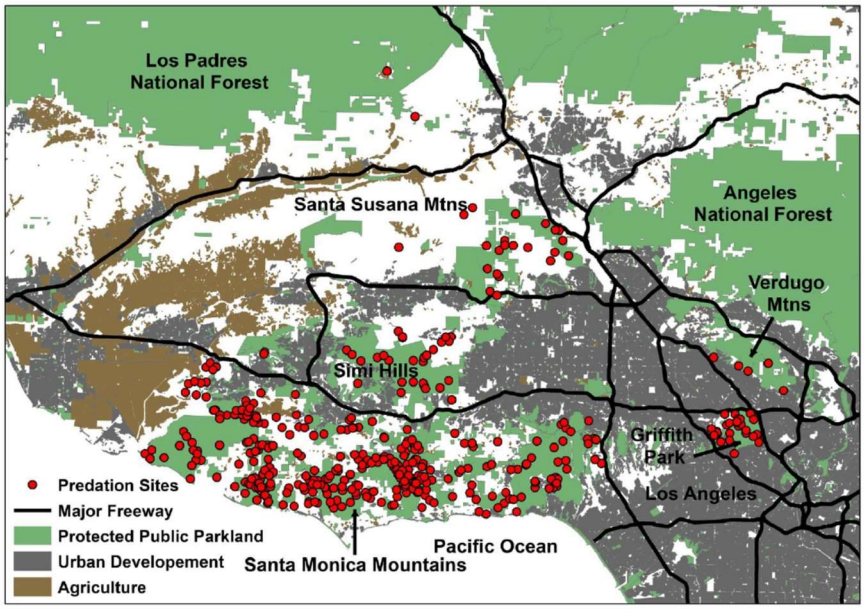


Figure 3: Predation sites where mountain lions fed on mule deer (Benson et al. 2016b).

Response 10-3

The commenter states the DEIR is incorrect in concluding that the mountain lion has a moderate potential to occur in the Project site and provides justification for their conclusion. The commenter provided specific information regarding known locations of mountain lions, mountain lion kill sites, and mountain lion home ranges that encompass the Project site. The commenter also states they think the DEIR did not adequately assess the impacts to mountain lions because this species was not assumed to be present but was only determined to have a moderate potential to occur in the DEIR. The commenter provides information about the threats to mountain lions in the Santa Monica Mountains, including inbreeding, lack of genetic diversity, habitat loss, population isolation, and human-caused mortalities. The commenter states the high-quality habitat in the corridor between the Santa Monica Mountains and the Sierra Madre is critical to the mountain lion population's long-term survival. The commenter also states the DEIR did not adequately assess severely low genetic diversity of the mountain lion population in the Santa Monica Mountains, which is caused by isolation and states significant impacts will occur from eliminating portions of the corridor and degrading connectivity in the area.

The PRDEIR revised the discussion of mountain lion potential to occur within the Project site from "moderate" to "present" (e.g., PRDEIR Table 3.5-5 on pg. 3.5-21) and substantial additional analysis regarding potential Project impacts to mountain lion and the wildlife movement corridor is provided in the PRDEIR at Impacts BIO-4 and BIO-7. The comment pertains to the DEIR; and while the commenter provided additional comments on the PRDEIR, they did not specifically address the updated analysis for this issue. Please see Response 21-12 for additional discussion regarding the PRDEIR's expanded discussion of impacts to mountain lion and see Response 21-13 regarding additional discussion of the corridor width and length and the vegetation within the corridor. The supplemental technical memorandum, "Potential Impacts to Mountain Lion and Wildlife Movement Corridors for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)" (ECORP, 2024) included with this FEIR as Appendix C-5, "Mountain Lion Technical Memorandum," also provides additional discussion of the potential impacts of the Project on mountain lion, the wildlife movement corridor, and genetic diversity, and reaffirms the conclusions presented in the PRDEIR. With regard to genetic diversity, as concluded in the

PRDEIR analysis and reaffirmed in the technical memorandum in FEIR Appendix C-5, with mitigation the Project would not result in significant impacts to mountain lion or to the wildlife movement corridor; thus, the Project would not result in a significant impact to mountain lion movement and would not increase isolation or further reduce genetic diversity among mountain lion in the Santa Monica Mountains.

Comment 10-4

The DEIR fails to adequately disclose how the Project could impact mountain lion movement, behavior, and long-term survival and therefore fails to adequately assess the impacts to mountain lions in and around the Project area. There are many scientific studies that provide insights on the profound impacts human activities and infrastructure have on mountain lion survival, and they emphasize the need to adequately assess and mitigate impacts to these California Endangered Species Act (CESA) candidate species in the Project area. There is cumulating scientific evidence that mountain lions require a habitat mosaic that provides sufficient room to roam away from human-disturbed areas and connected to expansive, intact, heterogeneous habitats (Beier et al. 1995; Dickson and Beier 2002; Dickson et al. 2005; Kertson et al. 2011; Zeller et al. 2017). Expanding the mining operation in the Conejo Mountain and Mountclef Ridge connection, an area identified as highly suitable mountain lion habitat and one of the last remaining natural corridors between the Santa Monica Mountains and the Sierra Madre Range (Penrod et al. 2006), will limit the lions' ability to move through the area, further isolate pumas in the Santa Monica Mountains, and drive them closer to extinction.

Response 10-4

The commenter states the DEIR does not adequately assess impacts of expanding the mining operation and narrowing the movement corridor to mountain lions in and around the Project area and to mountain lion movement, behavior, and long-term survival.

Substantial additional analysis regarding potential Project impacts to the wildlife movement corridor associated with human presence, noise and vibration, blasting, Project vehicle trips, and air pollutants and fugitive dust emissions, and lighting was added to the Biological Resources section in the PRDEIR at Impact BIO-4. The comment pertains to the DEIR; and while the commenter provided additional comments on the PRDEIR, they did not specifically address the updated analysis for this issue. Please see Response 21-13, which provides further discussion regarding impacts to the mountain lion movement corridor and connectivity.

Comment 10-5

The DEIR only discusses blasting as a potential direct impact of the Project on mountain lions and fails to adequately assess the significance of other impacts on mountain lions due to the proposed Project. Expanding the area and operation of the mine would increase human activities in important mountain lion habitat, thereby increasing the chances of other direct impacts from things like vehicle strikes, rodenticide poisoning, increased fire ignitions, disease spread, poaching, etc. In addition, cutting the width of the existing natural corridor from 1,500 ft to 800 ft would significantly constrict mountain lion movement and connectivity, which would directly impact the mountain lion population in the Santa Monica Mountains by impeding gene flow. Edge effects of development and human activities could deter mountain lions from using a narrower corridor. The combination of low genetic diversity and added human-caused mortalities from the Project will drive the Santa Monica Mountains puma population closer to extinction.

Response 10-5

The commenter states the DEIR fails to adequately assess direct impacts in addition to blasting, that could drive the mountain lion population in the Santa Monica Mountains closer to extinction. The commenter states other direct impacts resulting from human activities, vehicle strikes, rodenticide poisoning, increased fire ignitions, disease spread, poaching, etc., and impeding gene flow as a result of narrowing the corridor were not adequately assessed.

Substantial additional analysis regarding potential Project impacts to the wildlife movement corridor associated with human presence, noise and vibration, blasting, Project vehicle trips, and air pollutants and fugitive dust emissions, and lighting was added to the Biological Resources section in the PRDEIR at Impact BIO-4 and further discussed in the supplemental technical memorandum in FEIR Appendix C-5 (ECORP, 2024). The comment pertains to the DEIR; and while the commenter provided additional comments on the PRDEIR, they did not specifically address the updated analysis for this issue. Refer to Responses 21-8 and 21-13, which provides further discussion regarding protection of lands within and adjacent to the corridor and the adequacy of the corridor for providing mountain lion movement.

As discussed in PRDEIR Impact BIO-4 at pg. 3.5-54, the existing ingress/egress to the Project site would continue to be the only route travelled by vehicles to access the Project site. DEIR Section 2.6.5 states that under the Project, no changes to truck loading or hauling practices, routing, or the maximum number of annual, daily, or peak-hour maximum haul truck trips are proposed. A proposed extension of operating hours would allow for truck loading and hauling during additional hours of the day and days of the week, but loading and hauling practices occurring within those timeframes would remain unchanged. DEIR Sections 2.6.6 and 2.6.7 describe that materials brought to the site for recycling, the import of fill material to the site and the shipping of the processed materials, all of which would be encompassed within the operation's 60 loads per day maximum truck trip limit, which would result in no change over the existing daily maximum truck trips (current operations also generate a maximum of up to 60 truckloads per day). As described in DEIR Section 3.9.2.2, impacts of the Project related to traffic are less than significant and do not require mitigation.

While the maximum daily truck activity would not change as a result of the Project, the DEIR acknowledged that the number of vehicles accessing the site during peak-hour periods could increase as compared to baseline conditions (DEIR section 3.9.2.2); however, this potential peak-hour increase would not impact wildlife moving through the open space areas adjacent to the site, which are within the County's Habitat Connectivity and Wildlife Corridor Overlay boundary, as trucks and vehicles would continue to utilize the existing ingress/egress points and public roadways located near the western boundary of the Project site/within the existing excavation pit, separated in elevation and distance from the existing open space and Habitat Connectivity and Wildlife Corridor Overlay boundary and any mountain lions that may be present therein.

The existing site access haul route along an approximately 0.4-mile segment of Howard Road is adjacent to the area north of the Project site that is designated by Ventura County as a Habitat Connectivity and Wildlife Corridor. Although the maximum daily number of haul trucks along this segment of Howard Road would not increase with the Project, the average daily and annual number of haul trucks and vehicles would increase as compared to baseline conditions. These circumstances were considered in the PRDEIR and further evaluated in the ECORP (2024) Mountain Lion Technical Memorandum included as Appendix C-5 of the FEIR, and summarized here. The hours of operation for equipment maintenance and aggregate hauling would be expanded with the Project and would be modified from between 7:00 AM and 4:00 PM

to between 5:30 AM to 10:00 PM. Mountain lions tend to be most active between dusk and dawn, therefore, extending the hauling hours could potentially increase the potential of a mountain lion being hit on Howard Road. Radio-collared mountain lions traveled through the open space area east of Howard Road, although none of them appeared to have used or crossed Howard Road. The east side of Howard Road is bordered by very dense stands of nursery trees that are either planted or stored as part of a nursery operation, which creates somewhat of a barrier between Howard Road and the areas designated as Habitat Connectivity and Wildlife Corridor to the east. In addition, Howard Road is flat and a relatively straight, two-lane private road with a posted speed limit at the junction of Pancho Road and Howard Road of 15 miles per hour (mph). The posted speed limit on the Project site is also 15 mph. The areas to the west of Howard Road and the Project site consist of agricultural fields and a memorial park, neither of which provide suitable cover for the movement of mountain lions. The tracking data (presented in Figure 8 of FEIR Appendix C-5) shows that the mountain lions generally limited their movements to the natural open space areas to the north, east, and south of the Project site and to the south of the agricultural fields and memorial park, which all support natural woody vegetation that provides cover. Even though the Project would extend permitted operating hours into the hours of dusk and dawn when mountain lions are most active, the potential for collisions between mountain lions and haul trucks would remain low because mountain lions do not appear to be crossing Howard Road or using the agricultural field on the west side of Howard Road. In addition, the radio-tracking data shows that mountain lions tracked during the NPS study did not use or cross Howard Road. (ECORP, 2024) Thus, the Project is not expected to have increased traffic impacts on wildlife or mountain lions as compared to baseline conditions. Therefore, as concluded in PRDEIR Impact BIO-4 and reaffirmed in the FEIR Appendix C-5 technical memorandum (ECORP, 2024), impacts to wildlife and mountain lions resulting from Project-related vehicle trips are expected to be less than significant and do not require mitigation.

Mitigation Measure MM BIO-4(h)(3) was added to the PRDEIR (PRDEIR section 3.5.2.2) and prohibits the use of rodenticides and second-generation anticoagulant rodenticides on the Project site. Implementation of MM BIO-4(h)(3) provides protections against take or adverse impacts to mountain lions from rodenticides and supports the PRDEIR's conclusion of less than significant after mitigation.

The DEIR specifically addresses the potential sources of fire ignition and the potential increase in the potential for wildland fires in Section 3.11.2.2 under Impact HAZ-7 (DEIR pgs. 3.11-14 and 3.11-15). The FEIR Appendix C-5 technical memorandum (ECORP, 2024) further discusses the potential impacts of wildland fire on mountain lion and mountain lion habitat and reaffirms the findings presented in the DEIR and PRDEIR. MM HAZ-7 (DEIR pgs. 3.11-14 and 3.11-15) requires the Permittee to coordinate with the Ventura County Fire Department prior to initiating the expanded operations to develop and comply with the conditions of a fire safety plan for the Project site. MM HAZ-7 also requires the Permittee to install and maintain emergency water distribution systems or other suitable fire suppression systems on the Project site in compliance with State and County fire code. In addition, MM HAZ-7 requires the Permittee to provide emergency fire suppression access to the Project site and to the open space area around the perimeter of the mine expansion area which is within the County's Habitat Connectivity and Wildlife Corridor Overlay boundary. With implementation of MM HAZ-7, the potential for fire ignition and wildland fire impacts, including related impacts to mountain lions, associated with the Project would be reduced to less than significant. The FEIR Appendix C-5 technical memorandum further substantiates and reaffirms the conclusion of less than significant with mitigation.

Comment 10-6

The DEIR fails to consider the best available science regarding the Project's potential impacts to mountain lions. In a study conducted from 2002 to 2019 in

the Santa Monica Mountains, Benson et al. (2020a) found high human-caused mortality rates in puma adults and high intraspecific mortalities among subadults. Most known causes of death among adults and subadults (14/20) were directly human-caused: vehicle strikes, rodenticide poisoning, poaching, and wildfire. The remaining six known causes of deaths were intraspecific killing (Benson et al. 2020a). And while intraspecific killings have been documented to naturally occur in mountain lion populations, they were likely exacerbated in the Santa Monica Mountains with the presence of significant movement barriers that prevent subadults from being able to adequately disperse, which likely led to increased conflicts with territorial males (Riley et al. 2014; Benson et al. 2020a).

Response 10-6

The commenter states the DEIR failed to consider the best available science regarding the Project's impacts to mountain lions and specifically mentions human-caused mortalities and intraspecific killings, which they speculate are primarily related to significant movement barriers preventing subadults to adequately disperse.

Substantial additional analysis regarding potential Project impacts to the open space areas adjacent to the Project site, which are within the County's Habitat Connectivity and Wildlife Corridor Overlay boundary, associated with human presence, noise and vibration, blasting, Project vehicle trips, and air pollutants and fugitive dust emissions, and lighting was added to the Biological Resources section in the PRDEIR at Impact BIO-4. The comment pertains to the DEIR; and while the commenter provided additional comments on the PRDEIR, they did not specifically address the updated analysis for this issue. Please see Responses 10-5 and 21-13 for additional discussion of potential human-caused mortalities and narrowing of the movement corridor.

Comment 10-7

The Santa Monica Mountains puma population is relatively small, extremely isolated, and geographically limited. Demographic and environmental stochasticity and high mortality rates increase the risk of local extinction, particularly when combined with small population size, low density, female-biased sex ratios, and skewed male reproductive success (Ernest et al. 2014; Riley et al. 2014; Vickers et al. 2015; Benson et al. 2016a; Gustafson et al. 2018; Benson et al. 2019). Increased movement barriers and human-caused mortalities of adult males could lead to occasional male extinctions, which have been documented in the Santa Ana Mountains puma population (Beier and Barrett 1993). Lack of breeding males would disrupt reproduction and could severely limit the short- and long-term viability of a population (Beier 1993; Benson et al. 2016; Benson et al. 2019; Benson et al. 2020a). This highlights the need to reduce human-caused mortalities, in part, by improving connectivity and stopping the use of anticoagulant rodenticides. The proposed Project would increase movement barriers of an already extremely isolated mountain lion population.

Numerous studies highlight the impacts of human activities on mountain lions. For example, Shilling et al. (2019) reported 299 observed roadkill mountain lions throughout the state from 2015 to 2018, but these deaths are likely underreported. CDFW biologist Justin Dellinger estimates there could be 200 puma deaths on roads every year (Price 2020). And a recent University of California (UC) Davis special report identified a 58% reduction in mountain lion road mortalities after a 71% decrease in road use due to COVID-19 pandemic

"stay-at-home" orders (Nguyen et al. 2020). This report highlights how roads and traffic are deadly barriers to puma movement and gene flow. Therefore, vehicles traveling on roads used for the operation of the mine pose a threat to mountain lions in the area.

Human activities alter these large carnivores' behavior in ways that likely further impede important movement and gene flow that is important for their long-term survival. For example, Smith et al. (2017) found that mountain lions are so fearful of humans and noise generated by humans that they will abandon the carcass of a deer and forgo the feeding opportunity just to avoid humans. [Footnote: See also Sean Greene, "How a fear of humans affects the lives of California's mountain lions," Los Angeles Times (June 27, 2017), available at https://www.latimes.com/science/sciencenow/la-sci-sn-pumas-human-noise-20170627-story.html.] The study concluded that even "non-consumptive forms of human disturbance may alter the ecological role of large carnivores by affecting the link between these top predators and their prey" (Smith et al. 2017). In addition, mountain lions have been found to respond fearfully upon hearing human vocalizations, avoiding the area and moving more cautiously when hearing humans (Smith et al. 2017; Suraci et al. 2019).

Other studies have demonstrated that mountain lion behavior is impacted when exposed to other evidence of human presence, such as noise, lighting, or vehicles/traffic (Wilmers et al. 2013; Smith et al. 2015; Wang et al. 2017). In addition, preliminary results from study by researchers at UC Davis and University of Southern California, as well as those by other researchers, suggest that the light, noise, and other aspects of roads can have negative impacts on wildlife numbers and diversity near the highways (Shilling 2020; Vickers 2020). Thus, roads, traffic, development, and other human activities have negative impacts on puma survival and behavior, which can reduce the genetic health of populations and ultimately diminish their chances of long-term survival.

Yovovich et al. (2020) documented the impacts of human activities on mountain lion communication and reproductive behaviors important for their survival. Males use scrapes to delineate territories as well as attract potential mates (Allen et al. 2015; Allen et al. 2016), and the males in the study preferred to use relatively flat areas away from human influence as scrape habitat (Yovovich et al. 2020). Similarly, when nursing females (with kittens less than 8 weeks old) shrank their home ranges to an average of 9 km2 while their young were most vulnerable, they also selected undeveloped lands away from human disturbance, opting for habitat with protective cover and sufficient water and prey availability (Yovovich et al. 2020). The loss of adequate undisturbed communication and nursery habitat could disrupt important communication and reproductive behaviors that facilitate social structure and overall survival.

Response 10-7

The commenter provides information on human-caused impacts to mountain lions, including increased movement barriers, rodenticides, roads and traffic, presence of humans and noise generated by humans, evidence of human presence (noise, lighting, vehicles and traffic), and the loss of undisturbed communication and nursery habitat.

Substantial additional analysis regarding potential Project impacts to the open space areas adjacent to the Project site, which are within the County's Habitat Connectivity and Wildlife Corridor Overlay boundary, associated with human presence, noise and vibration, blasting, Project vehicle trips, and air pollutants and fugitive dust emissions, and lighting was added to the Biological Resources section in the PRDEIR at Impact

BIO-4. The FEIR Appendix C-5 technical memorandum (ECORP, 2024) further substantiates and reaffirms the analysis and findings presented in the DEIR and PRDEIR related to human-caused impacts to mountain lion. The comment pertains to the DEIR; and while the commenter provided additional comments on the PRDEIR, they did not specifically address the updated analysis for this issue. Please see Response 21-5 for additional discussion.

Comment 10-8

The DEIR fails to adequately assess the impacts of increased wildfire ignitions due to the Project on mountain lions. Most wildfires in California are caused by human ignitions, like power lines, arson, improperly disposed cigarette butts, debris burning, fireworks, campfires, or sparks from cars or equipment (Keeley and Syphard 2018). In fact, almost all (95-97%) contemporary wildfires in California are caused by humans and human infrastructure (Syphard et al. 2007; Balch et al. 2017; Keeley and Syphard 2018; Radeloff et al. 2018; Syphard and Keeley 2019; Keeley and Syphard 2020; Syphard and Keeley 2020). In the Santa Monica Mountains, fires from 1978-2017 were often ignited near roads and other human infrastructure (Figure 4).

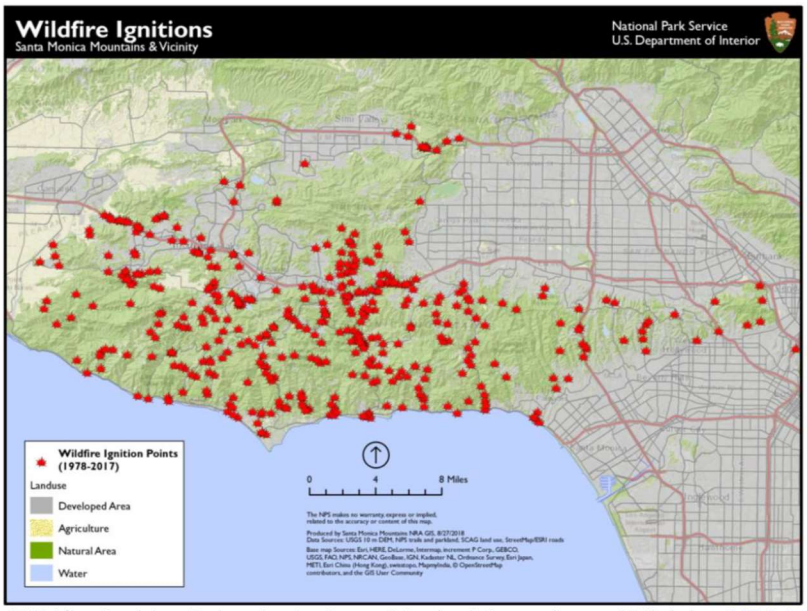


Figure 4: Wildfire Ignition Points in the Santa Monica Mountains and Vicinity (NPS 2018).

Response 10-8

The commenter states the DEIR does not adequately assess the impacts on mountain lions of increased wildlife fire ignitions due to the Project.

Please see Response 10-5. As discussed there, with implementation of MM HAZ-7, the potential for fire ignition and wildland fire impacts, including related impacts to mountain lions, associated with the Project would be reduced to less than significant.

Comment 10-9

The Project would place more people and infrastructure and more human activity in high fire-prone areas, which would increase wildfire risk and threaten humans and nearby neighborhoods as well as mountain lions. Although mountain lions are highly mobile and generally able to move away from wildfires, in severe weather conditions wind-driven fires can spread quickly. The 2018 Hill Fire in Ventura County, which occurred just north of the Project site, spread three miles in 15 minutes (County of Los Angeles 2019). If mountain lion movement is constrained by roads and development and the lions are unable to access escape routes, then their chances of surviving wildfires are greatly reduced. Two NPS-collared mountain lions, P-64 and P-74, were killed in the 2018 Woolsey Fire. Such stochastic events (e.g., wildfires, flooding) could destabilize small mountain lion populations and make them more vulnerable to extinction (Benson et al. 2016a; Benson et al. 2019). The DEIR fails to consider and assess impacts of increased wildfire ignitions to mountain lions.

Response 10-9

The commenter states the DEIR fails to consider and assess the risk for wildfire and associated impacts to mountain lions from being unable to access escape routes. The commenter also states the wildfire risk will be increased due to the presence of more people and infrastructure and more human activity in high fire-prone areas.

Please see Responses 21-5 and 10-5 and the FEIR Appendix C-5 technical memorandum (ECORP, 2024) for discussion of the ability of mountain lion to move through the open space areas adjacent to the Project site, which are within the County's Habitat Connectivity and Wildlife Corridor Overlay boundary, and potential impacts of wildfire. As discussed at Response 10-5 and in the FEIR Appendix C-5 technical memorandum, with implementation of DEIR Mitigation Measure MM HAZ-7, the potential for fire ignition and wildland fire impacts, including related impacts to mountain lions, associated with the Project would be reduced to less than significant.

Comment 10-10

Mountain lions are a key indicator species of wildlife connectivity and healthy ecosystems. As the last remaining wide-ranging large carnivore in the region, the ability to move through large swaths of interconnected habitat is vital for genetic connectivity and their long-term survival. Local extinction of mountain lions in the region could have severe ecological consequences. Many scavengers, including many raptors, foxes, and numerous insects, would lose a reliable food source (Ruth and Elbroch 2014; Elbroch et al. 2017; Barry et al. 2019). Fish, birds, amphibians, reptiles, rare native plants, and butterflies could potentially diminish if this apex predator were lost (Ripple and Beschta 2006; Ripple and Beschta 2008; Ripple et al. 2014). Loss of this ecosystem engineer and important predator-prey dynamics could have cascading effects on other plant and animal species, potentially leading to a decrease in biodiversity and diminished overall ecosystem function (Ripple et al. 2014; Elbroch et al. 2017; Barry et al. 2019; Benson et al. 2020b).

Response 10-10

The commenter states the loss of mountain lions as the apex predator could have ecological consequences on other wildlife species and there could potentially be a subsequent decrease in biodiversity and overall ecosystem function.

Substantial additional analysis regarding potential Project impacts on mountain lion was added to the Biological Resources section in the PRDEIR at Impact BIO-4 and is further expanded upon in the FEIR Appendix C-5 technical memorandum (ECORP, 2024). The comment pertains to the DEIR; and while the commenter provided additional comments on the PRDEIR, they did not specifically address the updated analysis for this issue. Please see Responses 10-6 and 21-5. As discussed there, and as concluded in the PRDEIR and reaffirmed in the FEIR Appendix C-5 technical memorandum, the open space areas adjacent to the Project site, which are within the County's Habitat Connectivity and Wildlife Corridor Overlay boundary, would not be so constrained as to limit the movement of mountain lions. The Project is not expected to result in the loss of mountain lion or the predator-prey dynamics that currently exist in the region.

Comment 10-11

B. Mitigation Measures do not minimize impacts to mountain lions to less than significant

The DEIR fails to mitigate impacts to mountain lions to less than significant. MM BIO-3(j)(2) states that a biologist will conduct mountain lion surveys prior to vegetation clearing or ground disturbance, including drilling and blasting, and "provide direction for such activities as deemed appropriate…to avoid take or other adverse effects to mountain lions" (DEIR at 3.5-48). This mitigation measure is vague and lacks any explanation or scientific-based methods of how it would actually minimize impacts to mountain lions. What would the surveys entail? How large would the survey area be? At what distance from any blasting would a mountain lion be considered unimpacted? When would the surveys be conducted in relation to the ground disturbance – that morning, a few days before, that year? How will they determine if there is a den with kittens in or near the ground disturbance zone? What will be the course of action if there is a den with kittens in or near the ground disturbance zone? If a predation site is found and it is possible the lion is nearby and still visiting the site, how will they ensure that the animal is not in the ground disturbance zone when blasting occurs? If the blast zone is within the home range of a mountain lion, what kind of "direction" would the biologist provide to make the blasting "appropriate"? The mitigation measure provided has insufficient detail with no evidence of it actually mitigating impacts from ground disturbance to mountain lions. The DEIR fails to provide the public and decisionmakers sufficient information needed to understand if/how impacts will be mitigated. As currently written, MM BIO-3(j)(2) does not mitigate impacts to mountain lions to less than significant.

Mountain lions are nocturnal, elusive creatures that are difficult to find in the wild. They are so stealthy and secretive that lion sightings are rare despite the high numbers of outdoor recreationists in mountain lion habitat. They occur in low densities and have large home ranges. In California, resident adult and total population densities have been found to be 1.1 and 3.6 per 100 km^2, respectively (Pierce and Bleich 2003). Riley et al. (2014) found that mountain lions in the Santa Monica Mountains have home ranges of 100-200 km2 for females and 300-500 km^2 for males. If one does not see a mountain lion or evidence of a mountain lion in the area, a lion could still be there using the site in some way. For example, a wildlife camera study conducted in the Northlake project area found no trace of mountain lions on the site, yet in November 2020 a mountain lion was recorded on a wildlife camera using a culvert adjacent to the site (Exhibit 1). Kitten dens are very well hidden in rocky outcrops or dense vegetation. Experts often find them because the mother has a GPS collar,

and her behavior (e.g., having a smaller home range, staying in one location frequently) can signal she has had kittens. Such dens could be easily missed during surveys, which could result in kittens being killed or orphaned if the mother is deterred by the blasting and abandons them. Simply conducting mountain lion surveys (with undisclosed protocols) is insufficient and inadequate mitigation.

Response 10-11

The commenter states the DEIR fails to mitigate the impacts to less than significant because MM BIO-3(j)2 does not provide detailed information about the survey area and methods or how mountain lions would be protected if they occur near blast zones. The commenter states conducting surveys with undisclosed protocols is insufficient and inadequate mitigation.

MM BIO-3(j)(2) in the DEIR required mountain lion surveys and adherence to biologist recommendations to avoid take of mountain lion. Mitigation Measure MM-3(j)(2)) was replaced in the PRDEIR with MM BIO-4(h), which specifies protocol requiring, among other measures, mountain lion natal den surveys in the year prior to the implementation of the Project and prior to each new vegetation or ground disturbance. The mitigation measure also requires contacting the National Park Service (NPS) prior to vegetation clearing or ground disturbance to determine if collared mountain lions are using the areas. The FEIR Appendix C-5 technical memorandum (ECORP, 2024) further substantiates the analysis of potential impacts of the Project on mountain lion natal dens presented in the PRDEIR. The PRDEIR analysis, as further substantiated in the FEIR Appendix C-5 technical memorandum, concludes that with implementation of MM BIO-4(h) Project impacts to mountain lion natal dens would be less than significant. Please refer to Response 22-3 for a discussion of avoidance measures included in MM BIO-4(h)(2).

Comment 10-12

More appropriate mitigation would be to work closely with mountain lion experts at NPS, who have been studying mountain lions in the area for almost 20 years, to determine if collared or tagged mountain lions are in the vicinity or using the area when vegetation clearing and ground disturbance is planned. Although they have not collared all mountain lions in the area, they have the most on-the-ground data, knowledge, and experience regarding this mountain lion population, they have a critical understanding of both collared and uncollared lions in the area, and they would be able to provide the best science-based guidance to minimize impacts to mountain lions.

See Section III(B) for comments regarding MM BIO-6.

Response 10-12

The commenter states appropriate mitigation for impacts to mountain lion would include working closely with NPS experts who have been studying mountain lions in the area with the purpose of minimizing impacts to mountain lions by determining mountain lion usage of the area when vegetation clearing or ground disturbance is planned.

Please see Response 10-11 for discussion of PRDEIR Mitigation Measure MM BIO-4(h) which includes provisions for coordination with NPS.

Comment 10-13

III. The DEIR fails to adequately assess and mitigate impacts to wildlife movement and habitat connectivity to less than significant.

A. Inadequate assessment of impacts to wildlife movement and habitat connectivity

Roads and development create barriers that lead to habitat loss and fragmentation, which harms native wildlife, plants, and people. As barriers to wildlife movement, poorly-planned development and roads can affect an animal's behavior, movement patterns, reproductive success, and physiological state, which can lead to significant impacts on individual wildlife, populations, communities, landscapes, and ecosystem function (Mitsch and Wilson 1996; Trombulak and Frissell 2000; van der Ree et al. 2011; Haddad et al. 2015; Marsh and Jaeger 2015; Ceia-Hasse et al. 2018). For example, habitat fragmentation from roads and development has been shown to cause mortalities and harmful genetic isolation in mountain lions in southern California (Ernest et al. 2014; Riley et al. 2014; Vickers et al. 2015), increase local extinction risk in amphibians and reptiles (Cushman 2006; Brehme et al. 2018), cause high levels of avoidance behavior and mortality in birds and insects (Benítez-López et al. 2010; Loss et al. 2014; Kantola et al. 2019), and alter pollinator behavior and degrade habitats (Trombulak and Frissell 2000; Goverde et al. 2002; Aguilar et al. 2008). Habitat fragmentation also severely impacts plant communities. An 18-year study found that reconnected landscapes had nearly 14% more plant species compared to fragmented habitats, and that number is likely to continue to rise as time passes (Damschen et al. 2019). The authors conclude that efforts to preserve and enhance connectivity will pay off over the long-term (Damschen et al. 2019). In addition, connectivity between high quality habitat areas in heterogeneous landscapes is important to allow for range shifts and species migrations as climate changes (Heller and Zavaleta 2009; Cushman et al. 2013; Krosby et al. 2018). Loss of wildlife connectivity decreases biodiversity and degrades ecosystems.

The DEIR fails to adequately describe the Project area's importance in wildlife connectivity. Although the DEIR acknowledges that the Project site is located in the Santa Monica-Sierra Madre Connection and within a Ventura County habitat connectivity and wildlife corridor overlay zone, the DEIR states that the Project is "not expected to significantly affect wildlife movement through the area compared to baseline conditions" (DEIR at 3.5-53). This is pure conjecture not based on any scientific evidence or understanding.

Response 10-13

The commenter provides input pertaining to effects of roads, development, and habitat fragmentation on the movement of wildlife species. The commenter states the DEIR fails to adequately describe the Project area's importance in wildlife connectivity. The commenter refers to the DEIR, where it states that the Project is "not expected to significantly affect wildlife movement through the area compared to baseline conditions" (DEIR at 3.5-53) and the commenter states this is pure conjecture not based on any scientific evidence or understanding.

Substantial additional analysis regarding potential Project impacts associated with wildlife movement was added to the Biological Resources section in the PRDEIR, and the PREDEIR analysis and conclusions are further substantiated and reaffirmed in the FEIR Appendix C-5 technical memorandum (ECORP, 2024). The comment pertains to the DEIR; and while the commenter provided additional comments on the PRDEIR, they did not specifically address the updated analysis for this issue. Please refer to Responses 21-5, 21-13 and 10-5 for additional discussion of the issues raised in the comment.

Comment 10-14

The proposed development will increase human activities in open space and further fragment the landscape, which could affect the diverse animals and plants in the area. For instance, field observations and controlled laboratory experiments have shown that traffic noise can significantly degrade habitat value for migrating songbirds (Ware et al. 2015). Subjects exposed to 55 and 61 dBA (simulated traffic noise) exhibited decreased feeding behavior and duration, as well as increased vigilance behavior (Ware et al. 2015). Such behavioral shifts increase the risk of starvation, thus decreasing survival rates. Another study also highlighted the detrimental impacts of siting development near areas protected for wildlife. The study noted that "Anthropogenic noise 3 and 10 dB above natural sound levels . . . has documented effects on wildlife species richness, abundance, reproductive success, behavior, and physiology" (Buxton et al. 2017). The study further noted that "there is evidence of impacts across a wide range of species [] regardless of hearing sensitivity, including direct effects on invertebrates that lack ears and indirect effects on plants and entire ecological communities (e.g., reduced seedling recruitment due to altered behavior of seed distributors)" (Buxton et al. 2017). Moreover, human transportation networks and development resulted in high noise exceedances in protected areas (Buxton et al. 2017). Blasting and other ground disturbance as well as mine operation could impact species and species movement in the area. The DEIR fails to adequately assess such impacts.

Response 10-14

The commenter states the proposed development will increase human activities in open space and will fragment the landscape, potentially affecting the diversity of animals and plants in the area. The commenter also provides information about noise impacts on wildlife and plants.

Substantial additional analysis regarding potential Project impacts associated with biological resources was added to the Biological Resources section in the PRDEIR and this analysis is further substantiated in the FEIR Appendix C-5 technical memorandum (ECORP, 2024). The comment pertains to the DEIR; and while the commenter provided additional comments on the PRDEIR, they did not specifically address the updated analysis for this issue. Please refer to Responses 21-5 and 21-13 for additional discussion of the issues raised in this comment.

Comment 10-15

In addition, preliminary results from studies underway by researchers at UC Davis and University of Southern California, as well as those by other researchers, suggest that the light, noise, and other aspects of roads can have negative impacts on wildlife numbers and diversity near the roadways (Shilling 2020; Vickers 2020). The researchers found a significant difference between species richness and species type, with lower richness and fewer species at along roadsides compared to background areas 1 km away from the roads (Shilling 2020). They also found that as traffic noises surpassed 60 dBC, the number of visits by small to large mammals decreased, and most of the species in their study avoid traffic noise (Shilling 2020). It is clear that different species have variable sensitivities to noise and light associated with development and transportation infrastructure; this can lead to changes in species distributions and population health and survival, which can have ecosystem-level impacts (e.g., Suraci et al. 2019). Again, the DEIR fails to adequately assess and mitigate impacts of edge effects on functional connectivity.

Response 10-15

The commenter provides input pertaining to the negative impacts of light, noise, and other aspects of roads on wildlife numbers and diversity near the roadways and states the DEIR does not adequately assess and mitigate impacts of edge effects on functional connectivity.

Substantial additional analysis regarding potential Project biological resources impacts was added to the Biological Resources section in the PRDEIR and this analysis is further substantiated in the FEIR Appendix C-5 technical memorandum (ECORP, 2024). Please refer Responses 21-5 and 21-13 for discussion of how the PRDEIR addresses issues pertaining to noise, roads, traffic, and other human-caused impacts associated with development.

Comment 10-16

The Project would result in shrinking the width of the corridor from 1,500 feet to 800 feet, which would result in habitat loss and degradation due to edge effects. Negative edge effects from human activity, traffic, lighting, noise, pollutants, invasive weeds, and increased fire frequency have been found to be biologically significant up to 300 meters (~1000 feet) away from development in terrestrial systems (Environmental Law Institute 2003). By reducing the corridor width to 800 feet, the Project would diminish the functionality of one of the last remaining natural corridors between the Santa Monica Mountains and the Sierra Madre.

Response 10-16

The commenter states shrinking of the corridor would result in habitat loss due to negative effects from human activity, traffic, lighting, noise, pollutants, invasive weeds, and increased fire frequency.

Substantial additional analysis regarding potential Project impacts associated with wildlife movement was added to the Biological Resources section in the PRDEIR and this analysis is further substantiated in the FEIR Appendix C-5 technical memorandum (ECORP, 2024). Please refer Responses 21-5, 21-13, 21-45, and 10-5, which address comments related to noise, roads, traffic, increased fire frequency, and other human-caused impacts associated with development.

Comment 10-17

The Project's placement will subject the limited surrounding open space to development edge effects and will likely impact key, wide-ranging predators, such as mountain lions and bobcats (Crooks 2002; Riley et al. 2006; Delaney et al. 2010; Lee et al. 2012; Vickers et al. 2015), as well as smaller species with poor dispersal abilities, such as song birds, small mammals, and herpetofauna (Cushman 2006; Benítez-López et al. 2010; Kociolek et al. 2011). Limiting movement and dispersal can affect species' ability to find food, shelter, mates, and refugia after disturbances like fires or floods. Individuals can die off, populations can become isolated, sensitive species can become locally extinct, and important ecological processes like plant pollination and nutrient cycling can be lost. In addition, linkages and corridors between major core habitat areas are important to allow for range shifts and species migrations as climate changes. Therefore, it is imperative that thorough analyses are conducted to determine if Project activities will affect species movement. The DEIR fails to provide sufficient details and analyses to warrant their conclusion that Project impacts on habitat connectivity and wildlife movement would be mitigated to less than significant.

Response 10-17

The commenter states the DEIR does not provide sufficient details and analyses to warrant the conclusion that Project impacts on habitat connectivity and wildlife movement would be mitigated to less than significant.

Substantial additional analysis regarding potential Project impacts associated with biological resources and habitat connectivity was added to the Biological Resources section in the PRDEIR and is further substantiated in the FEIR Appendix C-5 technical memorandum (ECORP, 2024). The comment pertains to the DEIR; and while the commenter provided additional comments on the PRDEIR, they did not specifically address the updated analysis for this issue. Please refer to Responses 21-5, 21-13, and 10-5, which address comments related to noise, roads, traffic, and other human-caused impacts associated with development.

Comment 10-18

The DEIR fails to consider the need for corridor redundancy (i.e. the availability of alternative pathways for movement), or in this case, a wider corridor. Wider corridors provide a level of corridor redundancy in that they help to ensure that appropriate habitat is available for numerous species. Corridor redundancy is important because it allows for improved functional connectivity and resilience. Compared to a single or narrow pathway, multiple or wider connections between habitat patches increase the probability of movement across landscapes by a wider variety of species, and they provide more habitat for low-mobility species while still allowing for their dispersal (Mcrae et al., 2012; Olson & Burnett, 2008; Pinto & Keitt, 2008). In addition, corridor redundancy provides resilience to uncertainty, impacts of climate change, and extreme events, like flooding or wildfires, by providing alternate escape routes or refugia for animals seeking safety (Cushman et al., 2013; Mcrae et al., 2008; Mcrae et al., 2012; Olson & Burnett, 2008; Pinto & Keitt, 2008).

Corridor redundancy is critical when considering the impacts of climate change on wildlife movement and habitat connectivity. Climate change is increasing stress on species and ecosystems, causing changes in distribution, phenology, physiology, vital rates, genetics, ecosystem structure and processes, and increasing species extinction risk (Warren et al. 2011). A 2016 analysis found that climate-related local extinctions are already widespread and have occurred in hundreds of species, including almost half of the 976 species surveyed (Wiens 2016). A separate study estimated that nearly half of terrestrial non-flying threatened mammals and nearly one-quarter of threatened birds may have already been negatively impacted by climate change in at least part of their distribution (Pacifici et al. 2017). A 2016 meta-analysis reported that climate change is already impacting 82 percent of key ecological processes that form the foundation of healthy ecosystems and on which humans depend for basic needs (Scheffers et al. 2016). Genes are changing, species' physiology and physical features such as body size are changing, species are moving to try to keep pace with suitable climate space, species are shifting their timing of breeding and migration, and entire ecosystems are under stress (Parmesan and Yohe 2003; Root et al. 2003; Parmesan 2006; Chen et al. 2011; Maclean and Wilson 2011; Warren et al. 2011; Cahill et al. 2012). Therefore, functional habitat connectivity is critical for many animals and plants to adapt to climate change. Again, the DEIR fails to use the best available science and adequately assess and mitigate impacts to wildlife movement and functional connectivity.

Response 10-18

The commenter provides information about corridor redundancy and in the case of the Project, the commenter suggests a wider corridor is necessary to offset the effects of climate change on species and ecosystems. The commenter states functional habitat connectivity is critical for many animals and plants to adapt to climate change and stated the DEIR fails to use the best available science and to adequately assess and mitigate impacts to wildlife movement and functional connectivity.

Habitat corridors are components of the landscape that facilitate the movement of organisms between areas of intact habitat. As discussed in the PRDEIR at Impact BIO-7 and shown on Figure 3.5-3 (presented in Chapter 3 of this FEIR, with revisions to clarify the Project and City of Thousand Oaks boundaries), the Project would reduce the width of the existing 1,500-foot-wide corridor to 800 feet at the narrowest portion of the wildlife corridor between the Project site and the residential development to the southeast. The Project site is bordered by large areas of undeveloped open space within the County's Habitat Connectivity and Wildlife Corridor Overlay boundary, with the Conejo Mountains to the north and the Santa Monica Mountains to the south, which contain contiguous, intact habitat for numerous species of plants and wildlife. The intact open space and habitat within the 800-foot-wide corridor provides functional connectivity between the open space to the north and to the south of the Project site.

The FEIR Appendix C-5 technical memorandum (ECORP, 2024) provides further confirmation of the functional connectivity of the 800-foot-wide corridor for mountain lion, as analyzed and discussed in the PRDEIR. As stated in the technical memorandum, the 800-foot-wide corridor would exceed Beier's (1995) size specifications requirements for a corridor design for use by cougars and it contains the woody vegetation Beier states should be present. With the avoidance of the habitat in the 800-foot-wide corridor, the area will functionally be available for the movement of mountain lion, and other species of wildlife and plants. The avoidance of the habitat the corridor will also provide wildlife and plants with the opportunity to move in response to changing conditions associated with climate change.

Comment 10-19

B. Mitigation Measures do not minimize impacts to wildlife movement and habitat connectivity to less than significant

MM BIO-6 is insufficient to mitigate impacts to habitat connectivity and wildlife movement to less than significant. Although the DEIR states the Project will comply with County zoning code requirements associated with development and activities in wildlife corridor areas that modifies lighting (MM BIO-6(a)) and fencing (MM BIO-6(b)) to minimize impacts to wildlife movement, such measures do not negate the impacts of the Project extending 700 feet into one of the last remaining corridors between the Santa Monica Mountains and Sierra Madre. Even with reduced lighting and wildlife-friendly fencing, increased human activities extending into an already tenuous corridor will also increase noise, vehicles/traffic, and the chances of fire ignitions, for which the DEIR does not provide sufficient mitigation.

The Project will degrade the existing corridor, inhibit wildlife movement, and directly and indirectly impact special-status species like mountain lions. As mentioned previously, local mountain lions are facing an extinction vortex largely driven by lack of connectivity and human-caused mortalities. Encroaching on this corridor will further isolate the Santa Monica Mountains puma population and drive them closer to local extinction. The DEIR fails to adequately mitigate impacts to wildlife movement and habitat connectivity to less than significant.

Response 10-19

The commenter suggests that DEIR Mitigation Measure MM BIO-6 is insufficient.

Substantial additional analysis regarding potential Project impacts associated with biological resources and habitat connectivity was added to the Biological Resources section in the PRDEIR and is further substantiated in the FEIR Appendix C-5 technical memorandum (ECORP, 2024). MM BIO-6(a) in the DEIR, which was renumbered to MM BIO-7 in the PRDEIR include provisions to minimize impacts of light and glare on wildlife corridor and wildlife habitat and provisions pertaining to County code requirements for fencing design to mitigate potential impacts to wildlife migration corridors. The FEIR Appendix C-5 technical memorandum identifies and recommends a specific area for implementation of the wildlife passage concept of PRDEIR MM BIO-7(c) (formerly MM BIO-6(c) in the DEIR). In consideration of the recommendation, Mitigation Measure MM BIO-7(c) has been refined in this FEIR to require that a specifically identified 6.7-acre area adjacent to the southwest of the Project site be preserved as a wildlife corridor preservation area (WCPA). The revised mitigation measure MM BIO-7(c) is included in the Biological Resources Errata section included as Appendix J of this FEIR (see FEIR Chapter 3, Errata 23).

With the implementation of Mitigation Measures MM BIO-7(a), MM BIO-7(b), and MM BIO-7(c), the Project's potential impact on wildlife movement within the corridor would be less than significant. Please refer to Responses 21-5, 21-13, and 10-5, which address comments related to the size of the corridor and noise, roads, traffic, increased fire frequency, and other human-caused impacts associated with development.

Comment 10-20

MM BIO-6(c) mentions the establishment and maintenance of a wildlife passage where development is prohibited, but the DEIR improperly defers mitigation by not providing acreage or a map of the wildlife passage areas being proposed. As written, it appears the wildlife passage areas they are referring to are simply outside the Project boundary. The DEIR refers to "restoration of native plants as a component of reclamation" as the only permitted activity within the wildlife passage areas, but there is no native plant restoration plan provided for the public or decisionmakers to review. This amounts to improperly deferred mitigation. Mitigation measures for the Project must be considered in the DEIR so that the proper environmental analysis can take place. (See Sundstrom v. Co. of Mendocino (1988) 202 Cal.App.3d 296.). The amount and location of the land to be set aside for wildlife passage and a restoration plan need to be included in the DEIR to enable the public and decisionmakers to evaluate the effectiveness of the mitigation measures to minimize impacts to wildlife movement and habitat connectivity. Such wildlife passage areas should also be conserved, restored, and adaptively managed with measurable success criteria in perpetuity.

Response 10-20

The commenter suggests that MM BIO-6(c) defers mitigation by not providing acreage or a map of the wildlife passage areas being proposed. In addition, the commenter asserts that the DEIR did not provide a native plant restoration plan for the public and decisionmakers to review.

Substantial additional analysis regarding potential Project impacts associated with biological resources and habitat connectivity was added to the Biological Resources section in the PRDEIR and is further substantiated in the FEIR Appendix C-5 technical memorandum (ECORP, 2024). As discussed in responses above, the FEIR Appendix C-5 technical memorandum identifies and recommends a specific area for

implementation of the wildlife passage concept of PRDEIR MM BIO-7(c) (formerly MM BIO-6(c) in the DEIR). In consideration of the recommendation, Mitigation Measure MM BIO-7(c) has been refined in this FEIR to require that a specifically identified 6.7-acre area adjacent to the southwest of the Project site be preserved as a wildlife corridor preservation area (WCPA). The revised mitigation measure MM BIO-7(c) is included in the Biological Resources Errata section included as Appendix J of this FEIR (see FEIR Chapter 3, Errata 23). The FEIR Appendix C-5 technical memorandum concludes that the 800-foot-wide corridor would exceed Beier's (1995) size specifications requirements for a corridor design for use by cougars and the technical memorandum confirms that the corridor contains the woody vegetation Beier states should be present. Therefore, with implementation of Mitigation Measures MM BIO-7(a), MM BIO-7(b), and MM BIO-7(c), impacts to wildlife movement through the corridor are considered less than significant. The discussion of Impact BIO-2 pertaining to special-status vegetation communities and MM BIO-2 were substantially expanded in the PRDEIR for discussion of potential impacts and to provide greater specificity for vegetation community mitigation requirements. The comment pertains to the DEIR; and while the commenter provided additional comments on the PRDEIR, they did not specifically address the updated analysis for this issue. Please see Responses 21-16, 21-35, and 22-6 for additional discussion of these issues.

Comment 10-21

IV. The DEIR fails to adequately assess and mitigate impacts to oaks and oak woodlands to less than significant.

A. Impacts to all oaks of 5 inches or greater in diameter must be assessed and mitigated.

California Public Resources Code §21083.4 (2004, Senate Bill 1334) requires that when a county is determining the applicability of the CEQA to a project, it must determine whether that project "may result in a conversion of oak woodlands that will have a significant effect on the environment." If such effects (either individual impacts or cumulative) are identified, the law requires that they be mitigated for the removal of oaks that are not commercial species, which are five (5) inches or more in diameter as measured at a point 4.5 feet (breast height) above natural grade level. The DEIR summarizes California Public Resources Code §21083.4, but it is not clear that that the analysis includes all oaks of 5-inches or greater that would be impacted by the project, or if the DEIR instead simply assesses project impacts to oak trees that are encompassed by Ventura County's tree protections.

California Fish and Game Code §1361, enacted with the passage of the Oak Woodland Conservation Act (2001, Assembly Bill 242), defines oak woodlands: "Oak woodlands means an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 percent canopy cover." The DEIR and its appendices designate a section of the property as Coast Live Oak Woodland and include photographs that suggest the presence of a greater number of oaks than the 13 described in the DEIR.

Response 10-21

The commenter states the DEIR is not clear about whether the analysis of impacts to oak trees included all trees with a diameter of five or more inches at 4.5 feet above the ground, as required by the California Public Resources Code §21083.4 (2004, Senate Bill 1334) or if the DEIR only assesses impacts encompassed by Ventura County's tree protections. The commenter also provides the definition of oak woodlands and

suggests that the oak woodland identified on the site supports a greater number than the 13 described in the DEIR.

The assessment of impacts to oak trees followed Ventura County's Tree Protection Ordinance, which are stricter than the California Public Resources Code §21083.4 (2004, Senate Bill 1334). In PRDEIR Section 3.5.1.9, the Ventura County Tree Protection Ordinance is described and it states, "protected trees include all oaks and sycamores 9.5 inches in circumference or larger (measured at least 4.5 feet above ground), trees of any species with a historical designation, trees of any species 90 inches in circumference or larger, and most 9.5-inch in circumference or larger native trees that are located in the Scenic Resources Protection Zone." The ordinance states protected trees include those with a circumference of 9.5 inches or more (measured at least 4.5 feet above ground), which equates to 3 inches in diameter. The oak trees and other trees assessed on the property are listed in PRDEIR Table 3.5-8 and as shown in the table, the circumferences of trees measured during the assessment ranged from less than 1 inch to 115.5 inches (0.3 to 37 inches in diameter).

The photograph in the Initial Study Biological Assessment Report in DEIR and PRDEIR Appendix C-1 shows the oak woodland located in the southwestern portion of the Study Area. The oak woodland location is shown as area PC9 on PRDEIR Figure 3.5-1, "Biological Resources Study Area and Cover Types." As shown in the figure, the oak woodland is located outside of the proposed conditional use permit expansion area and outside of the proposed expanded mine area boundary. Thus, the oak woodland would not be impacted by the Project. The oak trees located within the proposed mine area boundary shown in DEIR and PDEIR Appendix C-1, figure titled, "Protected Trees Map," are singular trees and do not meet the definition of an oak stand with a greater than 10 percent canopy cover. Additionally, based on a review of Google Earth historical aerial imagery dating back to circa 2008 the area does not appear to have historically supported greater than 10 percent canopy cover in the area. The protected tree assessment and mapping of oak woodlands conducted for the Project complied with both California Public Resources Code §21083.4 (2004, Senate Bill 1334) and Ventura County's Tree Protection Ordinance.

Please also refer to Response 22-7 for response to the commenter's comments regarding oak tree impacts pertaining to the PRDEIR.

Comment 10-22

B. Impacts on oaks proximate to the construction footprint must be assessed and mitigated.

The Protected Trees Map presented on page 27 of Appendix C-1 identifies a number of protected trees within the project impact area (T1 – T6) and others that are proximate to the impact area (T7-T16). Given the scope and scale of the proposed project, what basis is used to determine that proximate trees, especially trees T8-T10, are not subject to project impacts?

Response 10-22

The commenter is inquiring about the basis used in the DEIR to determine that protected trees located proximate to the impact area (protected trees numbered T7 – T16) and particularly the protected trees numbered T8 – T10 will not be subject to Project impacts.

The Ventura County Tree Protection Ordinance summarized in DEIR and PRDEIR Section 3.5.1.9 applies to encroachment into the protected zone (5 feet outside the canopy's edge and a minimum of 15 feet from the trunk) of protected trees in unincorporated areas of the County. As required by PRDEIR Mitigation

Measure MM BIO-6, a Tree Protection Plan (TPP) would be prepared that includes measures to protect all TPR-protected trees whose tree protection zones are within 50 feet (or less than 50 feet if deemed acceptable with appropriate sign-off from a qualified arborist) of the construction envelope (including stockpile and storage areas, access roads, and all areas to be used for construction activities) or within 10 feet of other trees proposed for felling or removal. The TPP must be approved by the Planning Division prior to the issuance of a Zoning Clearance for construction. Implementation of PRDEIR MM BIO-6 would ensure the proximate trees (T7 – T16) would not be subject to Project impacts and that impacts to oak trees would be less than significant.

Comment 10-23

Further, as noted in IV(A), above, other oak trees of five-inches in diameter or greater that subject to impacts from the construction or operation of the proposed project must be included in the DEIR's analysis and mitigation sections.

Ventura County's Arborist *Verification of Tree Protection Measures* provides guidance on steps to assess project impacts on protected trees. Specifically it requires:

> …The area within the dripline of protected trees, called the tree protection zone (TPZ), be protected from any encroachment (or intrusion) that could cause soil compaction, injury to lower limbs, grade changes, contamination of soil, or damage to the root system… If development or other disturbance will occur near a protected tree, certain measures, such as temporary protective fencing around the TPZ, must be in place first to protect the tree. Arborist Verifications of Tree Protection Measurers provide the Planning Division with confirmation that such required protective measures are in place. The final approved tree protection measures shall be shown on the final construction plans for the project. Verification that these protection measures were in place throughout the time of construction may be requested by the Planning Division. Written confirmation or photos may be requested.

Ventura County defines the tree protection zone (See Performance Standards for Ministerial Tree Permits) as: "The TPZ extends out from the trunk to 5 feet beyond the dripline, or a minimum of 15 feet from the trunk—whichever is greater." California Wildlife Foundation/California Oaks finds the TPZ area to be insufficiently protective and instead recommends no disturbance within the root protection zone for oaks. The root protection zone is the area that is half as large again as the area from the dripline—the area directly below the outer canopy—to the trunk. That area is the most critical to oaks. Many problems are initiated by disturbance within this zone. Additional information can be found at: http://californiaoaks.org/wpcontent/uploads/2016/05/CareOfCAsNativeOaks.pdf.

Response 10-23

The commenter states all oak trees of five inches in diameter or greater must be included in the DEIR's analysis and mitigation sections. The commenter also states the California Wildlife Foundation/California Oaks finds the tree protection zone area required by the Ventura County Tree Protection Ordinance to be insufficiently protective and instead recommends no disturbance within the root protection zone for oaks,

which is the area that is half as large again as the area from the dripline—the area directly below the outer canopy—to the trunk.

Please see Response 10-22. The Permittee is required to follow the tree protection zone requirements of the Ventura County Tree Ordinance and as required by PRDEIR MM BIO-6, the TPP would include measures to ensure protected oak trees located outside of the construction zone are not subject to Project impacts. Implementation of PRDEIR MM BIO-6 would ensure impacts to protected trees are less than significant.

Comment 10-24

Further, the potential mitigation areas map presented on page 49 of Appendix C-1 shows mitigation zones that are also proximate to the construction footprint. Again, it is unclear that these areas will not be subject to impacts from the construction or operation of the project. Nor is it clear that these areas have been assessed as viable oak habitat, including whether there is a sufficiency of surface and groundwater to sustain oaks after the seven-year establishment period.

Response 10-24

The commenter states the DEIR is unclear whether the potential mitigation zones located proximate to the construction footprint (see Potential Mitigation Areas Map in DEIR, Appendix C-1) will be subject to impacts from the construction or operation of the project or whether they have been assessed as viable oak habitat.

As shown on the DEIR and PRDEIR Appendix C-1 Potential Mitigation Areas Map, the potential mitigation areas are located outside of the proposed expanded mine disturbance area footprint and would not be subject to Project disturbance impacts. As required by PRDEIR MM BIO-6, the Permittee is required to submit a TPP to the Planning Division that describes the offset or mitigation provided for impacts to protected trees and the TPP must be approved by the Planning Division prior to impacting the protected trees that are approved for removal. A qualified arborist is required to prepare the TPP in conformance with the County's TPR, TPG, and "Content Requirements for Tree Protection Plans." If the mitigation implemented to offset the impacts includes replacement or transplantation of oak trees, the "Requirements for Tree Protection Plans" state that soils information should be provided if available and appropriate, including such factors as soil depth, water holding capacity, drainage, pH, and organic matter content and the TPP must recommend appropriate tree planting locations. Implementation of MM BIO-6 would ensure the TPP includes the required content regarding soils and planting locations and the TPP would be approved prior to the removal of trees associated with the Project. Implementation of MM BIO-6 would ensure impacts to protected trees are less than significant.

Comment 10-25

C. Habitat connectivity impacts of oak removals must be fully assessed in the DEIR.

The DEIR does not provide information on how habitat connectivity would be maintained during the period after oak habitat is destroyed and before restored oak habitat near the project site again provides ecosystem services. Ventura County's Oak Woodland Management Plan articulates the importance of mitigation that addresses habitat value (p. 24-25):

> ….[R]eplacing a century-old tree with 1, 3, or 10 one-year-old seedlings does not adequately replace the lost habitat value of

> large trees. It has become evident that simply focusing on mitigation planting based on a tree to seedling ratio is not a sufficient strategy to ensure the viability of oak woodlands...there is broad recognition that it is critical to conserve the inherent values that exist in mature oak forests wherever possible. [Footnote: A Planners Guide for Oak Woodlands, Second Edition, University of California, Agriculture and Natural Resources, 2005.]
>
> Additional studies have noted that many important habitat elements, such as understory, cavities, acorns, and snags, will not be mitigated through a tree planting strategy alone.

The county's oak woodland management plan provides further guidance on the analysis necessary to fully assess proposed oak ecosystem impacts (p. 24):

> …A wide range of tree densities and site characteristics can sustain functional woodlands. In addition, different oak species have different natural canopy cover densities. For example, both coastal oak and valley oak woodlands can vary from open savannahs to closed canopy forests. Density variation can also promote greater biodiversity of animal species, as some species prefer closed canopy woodlands, while others use openings within the woodlands or edges between woodlands and other habitat types.
>
> ...Given that oak size ("WHR size") data available for Ventura County indicates potential oak regeneration problems, protecting seedlings and sapling trees is crucial for maintaining future oak woodland viability. Therefore, the County should include an evaluation of oak seedlings/saplings during an Initial Study Assessment for a given project.

Given that Section 3.5.1.4 of the DEIR, Habitat Connectivity and Wildlife Corridors, notes "the entirety of the existing and proposed CUP areas are designated as a habitat connectivity and wildlife corridor area" Ventura County should consider the no project alternative.

Response 10-25

The commenter questions how habitat connectivity will be maintained between the time the oak habitat is removed and before restored oak habitat near the Project site again provides ecosystem services. The commenter also provides information from Ventura County's Oak Management Plan regarding the importance of mitigation that addresses habitat value and provides guidance on the analysis necessary to fully assess proposed oak ecosystem impacts. The commenter also suggests that the County should consider the no project alternative because they state the entirety of the existing and proposed CUP areas are designated as a habitat connectivity and wildlife corridor area.

As presented in PRDEIR Table 3.5-7, "Impacts to Protected Trees within Study Area" (PRDEIR Section 3.5.2.2), three single oak trees would be removed by the Project, but the oak woodlands located outside of the Project disturbance footprint would not be subject to impacts from the Project. The sizes of the trees potentially impacted by construction are listed in PRDEIR Table 3.5-7 and were assessed according to the requirements of the Ventura County Oak Tree Ordinance. The oak trees within the construction footprint are single trees that do not fit the definition of oak woodland. PRDEIR Mitigation Measure MM BIO-6 includes provisions to address impacts to the oak trees within the disturbance footprint. MM BIO-6 requires

that a qualified arborist prepare a TPP that includes the information required by the County's "Content Requirements for Tree Protection Plans," which includes the proposed offset or mitigation for the trees approved for felling. The offset or mitigation proposed in the TPP would be in accordance with the guidelines and would be approved by the Planning Division prior to impacts to the oak trees. Protection of the oak woodlands located outside of the Project disturbance area and approval and implementation of the approved TPP would result in appropriate offset or mitigation for impacts to the single oak trees within the Project disturbance area.

With regard to the comment's suggestion that the County consider the no project alternative, the DEIR evaluates the No Project Alternative as required by CEQA (DEIR Chapter 5, "Alternatives."). The commenter's suggestion will be included in the record to be considered by County decisionmakers.

Comment 10-26

D. The DEIR's oak mitigation plan is inadequate.

A number of Ventura County and California Public Resources Code §21083.4 oak mitigation requirements are missing from the DEIR:

> 1. The DEIR lacks language about restrictive covenants from pages 8 and 9 of Content Requirements for Tree Protection Plans, which is reproduced in Exhibit 2.
>
> 2. The DEIR's formula for mitigation plantings (from page 44 of Appendix C-1 MM4: Oak Trees) does not incorporate Ventura County's Tree Protection Guidelines specifications for replacement (p.4):
>
> Section 8107-25.10 of the Ventura County Zoning Ordinance Code (Tree Protection Regulations) states tree replacement shall be on a "Cross-sectional" basis. This basis is defined as the aggregate areas of the cross sections of the replacement trees must be equal to or greater than the cross sectional areas of the altered elements of a tree (e.g., trunks, limbs, or roots)… Use the resulting circumference, divide by pi (3.14) to get the diameter. Divide the diameter by 2 to get the radius (or use the chart on next page). The radius squared (times itself) multiplied by pi is the cross sectional area. (r2x 3.14 = Area) As long as the aggregate areas of the replacement trees equal or exceed the lost tree elements, any number of trees can be used. Trees below one inch in area cannot be used.
>
> 3. Public Resources Code requires a seven-year rather than the two-year establishment period presented in Appendix C-1 MM4: Oak Trees.

Response 10-26

The commenter states the DEIR's oak tree mitigation plan is inadequate.

PRDEIR Mitigation Measure MM BIO-6 states, "[t]he Permittee shall comply with the County's Tree Protection Regulations (TPR) set forth in § 8107-25 et seq. of the Ventura County Non-Coastal Zoning Ordinance and the Tree Protection Guidelines (TPG), through implementation of measures as specified herein." In addition, PRDEIR MM BIO-6 states, "the Permittee shall prepare and submit to the Planning Division for review and approval, a TPP pursuant to the 'Content Requirement for Tree Protection Plans'." Incorporating the TPR and the TPG by reference in MM BIO-6 provides County oversight of the Permittee's

compliance with these regulations in relation to restrictive covenants, tree replacement or payment of in-lieu fees, and monitoring replacement trees for a period of 7 years. Implementation of MM BIO-6, including adherence to the TPR and TPG as incorporated by reference in MM BIO-6, would reduce Project impacts to protected trees to less than significant.

Please also note that DEIR and PRDEIR Appendix C-1, "Initial Study Biological Assessment for Pacific Rock," provides recommended measures that were considered by the County in preparing the DEIR and PRDEIR, but those recommended measures are superseded by mitigation measures presented in the PRDEIR. Thus, the commenter's concern that Appendix C-1 MM4 provides an insufficient tree establishment period is not relevant as PRDEIR MM BIO-6 provides for a 7-year establishment period.

Comment 10-27

E. Greenhouse Gas impacts of vegetation removal must be assessed.

Section 3.4, Air Quality and Greenhouse Gases, of the DEIR does not analyze the greenhouse gas (GHG) impacts of tree or other native vegetation removal, which is in violation of California law. CEQA's sole GHG focus is "the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions." Net present value of GHG emissions forms the foundation of the state's greenhouse reduction objectives, as well as the California Forest Protocol preservation standards. Every ton of carbon dioxide (CO2) released into the atmosphere by oak woodland or forest conversion represents a measurable potential adverse environmental effect, which is covered by CEQA. Thus California requires the analysis and mitigation of greenhouse gas emissions associated with proposed oak woodland or forest conversions.

Response 10-27

The commenter requests that the DEIR discuss the potential GHG and carbon emissions implications due to the removal of onsite trees or other native vegetation as a result of the Project.

Trees and tree clusters were inventoried within the Project area, and three heritage coast live oak trees and 25 southern California black walnut trees were found. Refer to PRDEIR Section 3.5.1.8 for additional detail. Theoretically, the annual increase in mass of the tree is proportional to the amount of CO_2 sequestered and a tree's sequestration potential is dependent upon whether a tree is actively growing because the accumulation of active biomass slows with age (CAPCOA, 2021). Thus, with removal of trees and native vegetation, other than minimal quantities of GHG emissions due to decomposition of trees and vegetation once removed, the primary effect is generally a loss of future sequestration potential, rather than actual GHG emissions.

While the Governor's Office of Planning and Research (OPR) acknowledges that preserving or replacing onsite trees is a means of providing carbon storage, a widely accepted method by which to accurately quantify the change in GHG emissions due to removal and/or preservation of trees within the state has yet to be established. Project GHG emissions were quantified for both electrical consumption and industrial operations (i.e., drilling, off-site haul truck travel, off-site worker travel, recycle plant operations), as well as site reclamation. Project GHG emissions on a cumulative basis were also analyzed. As discussed in the DEIR, the Project's GHG were found to be less than significant, with no mitigation required. While removal of certain tree species would slightly reduce the site's future carbon sequestration potential and could generate minimal quantities of GHGs due to decomposition of the biomass once removed, this change would be de minimis in comparison to mobile equipment sources of GHG emissions associated with the

Project, which were analyzed in detail. For example, CalEEMod guidance notes that "mixed hardwood" tree species, such as the coast live oak and California black walnut trees found on the Project site, have a default annual CO_2 accumulation potential of approximately 0.0367 MT of CO_2 per tree per year. Therefore, by applying this default factor to all 28 total trees that would be removed from the site, the Project would result in a net sequestration loss of approximately 1.03 MT of CO_2 total. As noted in the DEIR, the Project's mobile equipment sources were estimated to generate a net increase of 3,311.3 MT of CO_2e per year, and therefore GHG impacts due to the removal of onsite trees would be de minimis and would not change the impact determinations or conclusions presented within the DEIR.

Furthermore, once mining operations are complete (estimated 60 years from Project approval as discussed further in Section 1.3 of this FEIR), the site would be fully reclaimed and revegetated using native species, which would help replace any sequestration potential lost during active mining. CalEEMod guidance notes that for every acre of grassland replanted, a default accumulation potential of approximately 4.31 MT of CO_2 per acre planted could be realized (CAPCOA, 2021). In fact, because a much larger portion of the site would be revegetated post-mining compared the trees/vegetation that exist onsite under baseline conditions, ultimately the reclaimed/revegetated Project site is expected to have a much greater GHG sequestration potential compared to baseline conditions.

Biological Resources mitigation measures identified in the PRDEIR, such as MM BIO-2(a) through MM BIO-2(c), require the Permittee to record conservation easements that would include land use restrictions and requirements, including those that would protect tree species found therein. This would further ensure special-status tree species are conserved where required and feasible. MM BIO-6 requires a qualified arborist to prepare a TPP that includes the information required by the County's "Content Requirements for Tree Protection Plans," which includes the proposed offset or mitigation for the trees approved for felling. Lastly, MM VIS-1 requires the Permittee to install and maintain "*vegetative plantings along the western perimeter of the site*", which would involve the planting on new trees to further offset any GHG sequestration potential lost elsewhere on the Project site due to removal of tree species. Other requirements described under MM BIO-3(a) through MM BIO-3(h) to conduct pre-construction surveys prior to excavation will allow the Permittee to adjust reclamation plantings to ensure that vegetation, including trees species, are adequately protected to the extent feasible.

Comment 10-28

Similarly, the removal and degradation of the Project area's chaparral- and sage scrub-dominated landscapes would also result in high amounts of carbon release. Above-ground biomass of these shrub communities were found to be as high as 3461 g/m^2, with the amount of carbon stored increasing with the age of the stand (Bohlman et al. 2018). In addition, a substantial amount of carbon may be stored belowground in their roots and in the microbial communities and symbiotic fungi that are associated with the roots (Bohlman et al. 2018; Kravchenko et al. 2019; Soudzilovskaia et al. 2019). The removal and degradation of these systems have been found to result in the loss of both above- and below-ground carbon storage (e.g., Austreng 2012). And although these systems are often overlooked in the fight against climate change, they are adapted to hot and dry weather conditions and have been found to be resilient to drought (Luo et al. 2007; Vicente-Serrano et al. 2013), which makes them an untapped opportunity to sequester more carbon as the climate crisis becomes exceedingly urgent. Therefore, the DEIR fails to adequately analyze and mitigate GHG emissions from the removal and degradation of native ecosystems.

Response 10-28

See response to Comment 10-27 above. The commenter requests that the DEIR adequately analyze and mitigate GHG emissions from the removal and degradation of native ecosystems, such as chaparral- and sage scrub-dominated landscapes.

As discussed in Response 10-27, while removal of native vegetation, such as tree species, as well as chaparral- and sage scrub-dominated landscapes, would slightly reduce the carbon sequestration potential of the Project site, and generate minimal quantities of GHG emissions due to decomposition of trees and vegetation once removed, this change would be de minimis on both a Project and cumulative level. As noted above, CalEEMod guidance notes that for every acre of "grassland" planted, which chaparral- and sage scrub-dominated landscapes would fall under, a default accumulation potential of approximately 4.31 MT of CO2 per acre could be realized (CAPCOA, 2021). The PRDEIR identifies that approximately 74.42 acres of native plant communities could be impacted by the Project (PRDEIR Section 3.5.2.2, Table 3.5-8). Assuming all 74.42 acres of native plant communities were impacted and using the CalEEMod default sequestration loss factor per acre of grassland converted, the Project would result in a net carbon sequestration loss of approximately 320.6 MT of CO_2 total, assuming that the onsite plant communities removed to accommodate mining in the expansion area are healthy and growing. While the loss of grassland and other chaparral- and sage scrub-dominated landscapes could be considered an indirect source of GHG emissions, mobile source and electrical consumption would remain the primary sources of Project GHG emissions, and these were analyzed within the DEIR and impacts were found to be less than significant with no mitigation required. Furthermore, once mining operations are complete (estimated 60 years from Project approval as discussed further in Section 1.3 of this FEIR), the site would be fully reclaimed and revegetated using native species, which would help replace any sequestration potential lost during active mining, and possibly increase the site's sequestration potential, as revegetated species would be healthy and growing. Lastly, as discussed above, the implementation of numerous biological mitigation measures described in PRDEIR Section 3.5.2.2, as well as DEIR MM VIS-1, both which involve surveying, preserving, and/or planting additional trees, would also offset any GHG sequestration potential lost elsewhere on the Project site due to removal of tree or chaparral and sage scrub species.

Comment 10-29

V. Impacts to Rare Plants

A. An Incidental Take Permit (ITP) for Conejo Buckwheat Is Required.

Surveys in 2010, 2016, and 2018 documented individuals of Conejo buckwheat (Eriogonum crocatum) on the project site. This globally rare species is endemic to Ventura County, is known only from 13 occurrences, and is restricted to volcanic rock substrates in the Conejo Grade area. As a result, any impacts to this species are likely to be significant and must be mitigated fully.

Conejo buckwheat is listed as Rare under California's Native Plant Protection Act. 14 Cal. Code Reg. § 670.2(c)(21)(C). As indicated in scoping comments submitted by the California Department of Fish and Wildlife (CDFW) in 2017 (DEIR Appendix A-2, pg. 52-60), impacts to this species may only take place following the issuance of an Incidental Take Permit (ITP) by CDFW. 14 Cal. Code Reg. § 786.9. An application for such a permit requires the applicant to analyze the impacts of the proposed taking on the species, propose measures to minimize and fully mitigate the impacts of the proposed taking, and propose a plan to monitor compliance with the minimization and mitigation measures and the effectiveness

of the measures. 14 Cal. Code Reg. § 783.2(a) (emphasis added). The ITP will only be issued if CDFW finds that the applicant will minimize and fully mitigate the impacts of the take authorized under the permit. 14 Cal. Code Reg. § 783.4(a)(2). The DEIR (Vol. 1, 2-22) makes no reference to the need to obtain an ITP for impacts to State Rare species, and the analysis and proposed mitigation plan required for the ITP pursuant to Section 783.2 of the California Code of Regulations has not been provided. This oversight must be corrected and the process of obtaining this necessary permit should be commenced.

Response 10-29

The commenter states the DEIR does not reference the need to obtain an ITP for impacts to a State Rare species and that an analysis and proposed mitigation plan required for the ITP has not been provided.

Substantial additional analysis regarding potential Project impacts special-status plant species was added to the Biological Resources section in the PRDEIR at Impact BIO-3. PRDEIR Mitigation Measure MM BIO-3(g) expressly requires that, "if take or adverse impacts to Conejo buckwheat and/or other CESA-listed species cannot be avoided, the Permittee shall obtain an Incidental Take Permit (ITP) from CDFW prior to such take or adverse impacts," and comply with all provisions of such ITP. Please refer to Response 21-4 for additional discussion pertaining to Conejo buckwheat and other special-status plant species.

Comment 10-30

B. Negative Survey Results for Federally-Listed Species of Dudleya

Surveys in 2010 located individuals of the federally-listed Conejo dudleya (Dudleya parva) and Verity's dudleya (Dudleya verityi). Yet, surveys in 2016 and 2018 failed to locate either of these species, despite the fact that the 2018 surveys were timed correctly, and botanists visited nearby reference sites to ensure that both species were detectable. Regardless of the negative results, the DEIR correctly considers both of these species to be present on the site. (DEIR Volume 1, 3.5-13-14). We concur with this assessment given that plant species, even though not detected in a given year, may be dormant or could exist solely in the soil seedbank. These species of dudleya should be treated as present and mitigated accordingly.

Response 10-30

The commenter states they concur with the assessment that the DEIR correctly considers the federally listed Conejo dudleya (*Dudleya parva*) and Verity's dudleya (*Dudleya verityi*) as present even though they were not located during the 2018 focused surveys. The County notes the commenter's concurrence with the DEIR's conclusion. Note that PRDEIR Impact BIO-3 provides expanded discussion of potential impacts to Conejo buckwheat, Blochman's dudleya, club haired mariposa-lily, Catalina mariposa-lily, Conejo dudleya, and Verity's dudleya, concluding that these species are considered present within the Project site based on the results of the surveys conducted in 2010, 2016, and 2018. PRDEIR Mitigation Measure MM BIO-3 provides specific measures to reduce Project impacts to special-status plants. MM BIO-3(a) and MM BIO-3(b) require the Permittee to conduct baseline surveys for special-status plants within the proposed mine expansion areas and on adjacent lands owned by the Permittee. MM BIO-3(c) requires pre-disturbance surveys prior to the initial vegetation removal and each subsequent vegetation clearing or ground disturbing activities in new areas. MM BIO-3(d), MM BIO-3(e), and MM BIO-3(f) provide for restrictions on the locations of staging areas, prohibitions on the use of herbicides, and the implementation of a Worker Environmental Awareness Program, respectively. MM BIO-3(g) requires the Permittee to apply for an Incidental Take Permit from CDFW if state-listed plants are impacted by the Project and MM

BIO-3(h) requires the preparation and implementation of a Special-Status Plant Mitigation and Monitoring Plan that will replace impacted species at a minimum 1:1 ratio in areas that would not be disturbed by subsequent mining or reclamation activities. As discussed in the PRDEIR, implementation of mitigation measures MM BIO-3(a) through MM BIO-3(h) would reduce potential impacts to special-status plant species to less than significant.

Comment 10-31

The county should also consider and disclose factors that may have influenced the negative results. Did botanists visit the exact locations where these species were located in 2010, possibly aided by survey maps from prior surveys? If so, had conditions on the site changed between 2010 and 2016/2018, such that the negative survey results are explainable? In short, the EIR should explain the possible reasons for the negative survey results for both Conejo dudleya and Verity's dudleya in 2016 and 2018.

Response 10-31

The commenter states the DEIR should explain the reasons for negative survey results for Conejo dudleya and Verity's dudleya in 2016 and 2018.

As stated in the October 23, 2018, memorandum entitled, "Pacific Rock Quarry Expansion Project: June 18 Rare Plant Survey and Burrowing Owl Habitat Assessment Results" (included in the DEIR and PRDEIR as Appendix C-2), the 2018 surveys were conducted during the appropriate blooming period of the Conejo Dudley and Verity's Dudleya, reference sites were visited to observe the blooming status of the target plant species, and the surveys were conducted according to accepted protocols. Speculation about why these species weren't observed is not required. Further, as discussed above at Response 10-30, these species are presumed present for the purposes of the County's CEQA review and mitigation is provided to reduce potential impacts to less than significant.

Comment 10-32

Additionally, since the project has a potential federal nexus due to its impacts to wetlands and the potential for the presence of least bell's vireo, California gnatcatcher, and dudleya in the project area, the project may require Section7 consultation with the U.S. Fish and Wildlife Service (USFWS) and the subsequent issuance of a Biological Assessment and Biological Opinion. These processes are necessary to ensure that the project does not result in jeopardy for listed species. Has the project applicant initiated consultation with the USFWS?

Response 10-32

The commenter asks if the applicant has initiated consultation with the USFWS regarding potential impacts to wildlife and plant species listed under the ESA.

To the County's knowledge, the Applicant has not yet initiated consultation with the USFWS for the Project. The County provided notifications of the opportunity to review and comments on the DEIR and PRDEIR to USFWS. Initiation of consultation with resource agencies and submittal of applications for permits would be required prior to initiation of onsite Project activities/ground disturbance but is not required prior to the County's certification of the FEIR or a decision by the County of whether to approve the Project.

It should be noted that the analysis of impacts to wildlife and plants listed under the federal ESA and the associated mitigation measures are included in PRDEIR Section 3.5.2.2 under the headings of Impact BIO-2 and Impact BIO-3. Also, please refer to Response 21-30 for additional discussion. The Permittee's consultation with the USFWS following the finalization of the EIR does not change the PRDEIR's impact conclusions or mitigation requirements. Any additional requirements that may be imposed through subsequent consultation with regulatory agencies would be in addition to the mitigation measures imposed by the County and would not alter the PRDEIR conclusion that, with implementation of mitigation, Project impacts to special-status plant species would be less than significant.

Comment 10-33

C. Inadequate Quantification of Impacts to All Rare Species

The DEIR fails to include an accounting of the level of impacts to rare species, and thus fails as an informational document for the public and decision makers. Pub. Resources Code §21061 states that, "The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." An EIR that merely states that a species is present or absent on the site does not provide enough information for the public to understand the gravity of impact to those species.

Response 10-33

The commenter states the DEIR fails to include an accounting of the level of impacts to rare species. The commenter also claims the DEIR only states that rare species are present or absent and does not provide enough information for the public to understand the gravity of the impact to those species.

Substantial additional analysis regarding potential Project biological resources impacts was added to the Biological Resources section in the PRDEIR. Note that the, "Initial Study Biological Assessment Report for Pacific Rock" (BRC, 2017) (DEIR and PRDEIR Appendix C-1) and the "Pacific Rock Quarry Expansion Project: June 18 Rare Plant Survey and Burrowing Owl Habitat Assessment Results Memorandum" (ESA, 2018) (DEIR and PRDEIR Appendix C-2) include the results of surveys conducted for common and rare species and the potential for each of the rare species to occur if the species were not observed. The potential for occurrence, which is based on the presence or absence of suitable habitat and whether or not there are records of the species occurring on or in the vicinity of the site, is presented in the PRDEIR in Table 3.5-4, "Special-Status Plant Species Observed and Potentially Occurring within the Project Site," and Table 3.5-5, "Special-Status Wildlife Species Observed and Potentially Occurring within the Project Site." Figure 3 in the June 2018 Rare Plant Survey memorandum (Appendix C-2, Attachment A) shows the locations of where rare plants were found during the 2018 survey and Table 2 of the same memorandum lists the number of each species of rare plant found within the proposed CUP boundary and in a 200-foot buffer area. PRDEIR Sections 3.5.1.5 and 3.5.1.6 describe the potential for occurrence of each of the species of rare plants and wildlife that either occur or potentially occur on the Project site.

PRDEIR Section 3.5.2.2 describes the project-specific impacts and more specifically, Impact BIO-2 describes the impacts to rare plant species and Impact BIO-3 describes the impacts to special-status wildlife species. Additionally, PRDEIR Table 3.5-8, "Vegetation Communities and Impacted Areas," lists both the acreages and the percent of total Project area of plant communities and habitats that would be impacted by the Project. Mitigations for impacts considered potentially significant are included in the subsections

Mitigation for Impact BIO-2 and Mitigation for Impact BIO-3 and the PRDEIR correctly concludes the impacts to rare species would be less than significant after mitigation.

The referenced appendices and sections of the PRDEIR Biological Resources section provide sufficient information for the public and decision makers to inform the public and County decisionmakers of the impacts of the Project.

Comment 10-34

EIRs should, at the very least, disclose the acres and/or number of individuals of each species that will be impacted directly or indirectly by the project in order to fulfill their purpose as an informational document. See Lotus v. Dep't of Transp., 223 Cal.App.4th 645, 658 (2014) (an EIR did not comply with CEQA because it failed to evaluate the significance of a project's impact on the root systems of old growth redwood trees, "preclud[ing] both identification of potential environmental consequences arising from the project and also thoughtful analysis of the sufficiency of measures to mitigate those consequences"). Not only is this level of information necessary for the EIR to satisfy its purpose as a public disclosure document, these data are also necessary to assess a project's level of impact.

Response 10-34

The commenter states the DEIR should disclose the acres and/or number of individuals of each species that will be directly or indirectly impacted by the project in order to assess the project's level of impact.

Please see Responses 10-33. As discussed, PRDEIR Table 3.5-8, "Vegetation Communities and Impacted Areas," lists both the acreages and the percent of total Project area of plant communities and habitats that would be impacted by the Project.

Comment 10-35

This information is also crucial to the development of mitigation measures and to inform CEQA findings of significance. Yet, the EIR concludes that impacts to rare plant species is less than significant with mitigation. What data and rationale did the county apply to arrive at this conclusion? At a minimum, the EIR should be revised to include an accounting of the quantitative impacts to each rare species that is present on the site. Lastly, the fact that Conejo dudleya and Verity's dudleya are listed as present on the site but were not located during surveys in recent years makes it impossible to adequately assess levels of impact to these species and to adopt appropriate mitigation measures.

Response 10-35

The commenter states the DEIR should be revised to include an accounting of quantitative impacts to each rare species present on the site. The commenter also states that adequate assessment of the level of impacts and adoption of appropriate mitigation for species not found during surveys, specifically Conejo Dudley and Verity's Dudleya, is impossible.

Please refer to Responses 21-4 and 10-33. PRDEIR Mitigation Measures MM BIO-3modifies and expands the mitigation requirements as compared to the DEIR to ensure the impacts to rare plants would be reduced to less than significant.

Comment 10-36

D. Mitigation Measures for Rare Species Are Inadequate

Mitigation measure BIO-2 refers to the possibility of conferring with CDFW for concurrence on the mitigation plan prior to project approval. Yet, this mitigation measure makes no reference to the need to obtain legally mandated permits for the loss of State Rare species (ITP issued by CDFW), and possibly also federally-listed plant species (Biological Opinion issued by the USFWS). Mitigation Measure BIO-2 requires that all impacts to rare species be mitigated at a ratio of 1:1 at a site where "no future disturbance will occur." The EIR fails to disclose the standard used to conclude that this mitigation ratio is sufficient to adequately mitigate impacts to rare plants to less than significant. The lack of information and specificity in this mitigation measure renders it vague, uninformative, and speculative. See Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners, 91 Cal.App.4th 1344, 1371 (2001) (failure to support an EIR's conclusory statements with scientific or objective data is a violation of CEQA); California Clean Energy Committee v. City of Woodland (2014) 225 Cal.App.4th 173, 205 (an EIR must "disclose the analytic route the agency traveled from evidence to action" (internal quotations omitted)). CEQA requires the lead agency to present mitigation measures that have a reasonable likelihood of adequately compensating for a project's impact. Impacts to Conejo buckwheat, for example, must be fully mitigated in order to meet the requirements for a take permit under Section 783 et seq. Yet, the EIR does not contain an analysis supporting the conclusion that a 1:1 mitigation ratio is sufficient to fully mitigate impacts to this species. The lack of information in the EIR renders it impossible for the county or the public to assess if the proposed mitigation is even feasible, not to mention sufficient to fully mitigate impacts. For example, the EIR relies solely on the securing of offsite mitigation lands, when the availability of potential mitigation lands for each impacted species has not been identified. Has the county identified land that is available for the purchase of conservation easements for each of the rare species that have been documented on the project site? The EIR should disclose whether offsite mitigation credits have been secured, and if so, identify the locations.

Response 10-36

The commenter states DEIR Mitigation Measure MM BIO-2 does not make a reference to the need to obtain legally mandated permits for impacts to State rare species and potentially for federally listed plant species. The commenter also states that DEIR MM BIO-2 requires all impacts to rare species be mitigated at a ratio of 1:1 at a site where "no future disturbance will occur" and the DEIR does not disclose the standard used to conclude that this mitigation ratio is sufficient to adequately mitigate impacts to rare plants to less than significant. The commenter also states the DEIR does not contain an analysis supporting the conclusion that a 1:1 mitigation ratio is sufficient to fully mitigate impacts to Conejo buckwheat and the lack of information in the DEIR renders it impossible for the county or the public to assess if the proposed mitigation is even feasible, not to mention sufficient to fully mitigate impacts.

Substantial revisions were made to MM BIO-2 in the PRDEIR and Mitigation Measure MM BIO-3 was added. Please refer to Responses 21-4, 21-13, 21-42, 22-3, and 10-35 for additional discussion of vegetation communities and special-status plant species impacts and mitigation.

Comment 10-37

VI. Impacts to Plant Communities

A. Documentation of Impacts to Sensitive Plant Communities

The County's "Summary of Biological Resource Regulations" states that EIRs must document impacts to plant communities that have been assigned a NatureServe rank of G/S1 thorough G/S3, in order to make "CEQA findings of significance." Remarkably, table ES-1, Summary of Project Impacts and Mitigation Measures" does not even address the need to account for impacts to sensitive plant communities. The Initial Study documents at least two plant communities, Red Willow Thicket (G3/S3) and Giant Wild Rye Grasslands (G5/S3), which meet the county's definition of sensitive plant communities. However, in contrast to the sparse analysis of impacts to rare plants, the DEIR Table 3.5-7 quantifies the acreage of impact to plant communities. This table confirms that 1.5 acres of Giant Wild Rye Grasslands (75% of the acreage on the site) will be eliminated by the project. The loss of these 1.5 acres is a significant impact and the DEIR should contain mitigation measures to address this impact.

Response 10-37

The commenter states Table ES-1 in the DEIR does not address impacts to sensitive plant communities and states the loss of the 1.5 acres of Giant Wild Rye Grassland is a significant impact that should require mitigation.

Substantial revisions were made to the discussion of Impact BIO-2 in the PRDEIR, and detail added with regard to Project impacts associated with vegetation community impacts and mitigation requirements. PRDEIR Table 3.5-8 lists the plant communities, their status, and the acres of each that may be impacted by the Project. PRDEIR MM BIO-2(c) requires the preparation and implementation of an Upland Scrub and Special-Status Plant Species Mitigation and Monitoring Plan that would reduce Project impacts to sensitive plant communities, including impacts giant wild rye grassland, to less than significant.

Comment 10-38

B. Lack of analysis and mitigation for impacts to plant communities

While the Initial Study details the distribution and abundance of plant communities on the site, it concludes that "this Biological assessment DID NOT provide adequate information to make CEQA findings regarding potentially significant impacts or to develop mitigation measures necessary to mitigate potentially significant project and cumulative impacts." (DEIR Appendix C-1, pg. 2). Subsequently, in conflict with the county's own regulations, the EIR fails to make CEQA findings of significance for impacts to sensitive plant communities. Instead, the EIR states that the following impacts to sensitive plant communities are considered potentially significant: "construction, grading, clearing, or other activities that would temporarily or permanently remove sensitive plant communities. Temporary impacts to sensitive plant communities would be considered significant unless the sensitive plant community is restored once the temporary impact is complete." (DEIR Vol. 1, 3-5-33). This vague assessment does not provide decision makers or the public with enough information to determine the extent to which these resources will be impacted by the project. Consistent with this omission is the failure to adopt mitigation measures to compensate for the loss of plant communities.

Response 10-38

The commenter states the DEIR does not provide enough information to determine the extent of the impacts to sensitive plant communities and lack of mitigation measures to compensate for the loss of plant communities.

Please refer to Responses 21-30 and 21-35 for discussion of impact analysis and mitigation measures presented in the PRDEIR.

Comment 10-39

VII. The County Should Require Stronger Air Quality Mitigation Measures.

A. Air Pollution is a Public Health Crisis.

According to a recent Stanford University study, poor air quality cost the U.S. seven hundred and ninety billion dollars in 2014. [Footnote: Ellis Robinson, How Much Does Air Pollution Cost the U.S.? Stanford Earth (Sept 19, 2019).] The study noted that air quality has improved over the last ten years but still cost the U.S. about five percent of the yearly GDP in 2014. [Footnote: Id.] The study indicated that air pollution near urban centers has a higher impact because of the proximately to people. [Footnote: Id.] Additionally, a recent study found that someone who lives for decades in a county with high levels of fine particulate pollution is 8% more likely to die from COVID-19 than someone who lives in a region with just one unit less of such pollution. [Footnote: Xiao Wu, Rachel C. Nethery, Benjamin M. Sabath, Danielle Braun, Francesca Dominici, Air pollution and COVID-19 mortality in the United States: Strengths and Limitations of an Ecological Regression Analysis, Science advances, 6(45) (2020) https://doi.org/10.1101/2020.04.05.20054502.]

Response 10-39

The commenter's general remarks regarding national air quality/air pollution concerns and COVID-19 are noted.

CEQA Guidelines Section 15088 requires that the County evaluate comments on environmental issues and provide a written response describing "the disposition of significant environmental issues raised" specific to the Project/DEIR (CEQA Guidelines § 15088(c)). As discussed in DEIR Section 3.4, "Air Quality and Greenhouse Gases," the detailed quantitative analysis of Project-related emissions found that, with implementation of mitigation identified in the DEIR, the Project would have less than significant impacts related to air pollutant emissions, including air toxics and particulate matter, and associated health risk impacts. the analysis also concludes that, with mitigation for Project-specific emissions, the Project would not result in significant cumulative air quality impacts. The comment does not provide evidence that the DEIR air quality analysis is inadequate or that the Project would have the potential to cause or substantially contribute to public health impacts, including those associated with COVID-19 or other respiratory diseases.

Comment 10-40

In addition to public health, many plants and trees, including agricultural crops, are injured by air pollutants. This damage ranges from decreases in productivity, a weakened ability to survive drought and pests to direct mortality. (VCAQR) Wildlife is also impacted by air pollution because the plants and trees that comprise their habitats are weakened or killed (yet the DEIR contains no analysis of the impacts of air pollution on crops, native plants,

or wildlife). Greenhouse gases, such as the air pollutant carbon dioxide released by fossil fuel combustion, contribute directly to human-induced climate change. [Footnote: EPA, Causes of Climate Change, Webpage https://19january2017snapshot.epa.gov/climate-change-science/causes-climatechange_.html (last update 12/26/2016)] In this feedback loop, poor air quality that contributed to climate change will, in turn, worsen the impacts of climate change and attendant air pollution problems. [Footnote: Bay Area Air Quality Management District (BAAQMD), Planning Healthy Places: a guidebook for addressing local sources of air pollutants in community planning (2016).]

Although there are many different types of air pollution, Ozone, Fine Particulate Matter, and Toxic Air Contaminants are the most significant concern in urban areas, particularly in Southern California. These three air pollutants have been linked to an increased incidence and risk of cancer, congenital disabilities, low birth weights, and premature death, in addition to a variety of cardiac and lung diseases such as asthma, COPD, stroke, and heart attack. [Footnote: American Lung Association (ALA), State of the Air 2016; Laurent, O. et al., Low birth weight and air pollution in California: which sources and components drive the risk?, Environment International 92-93:471-477 (2016).] Ozone, also commonly referred to as smog, is created by the atmospheric mixing of gases from fossil fuel combustion and other volatile organic compounds and sunlight. Although it is invisible, ozone poses one of the greatest health risks, prompting the EPA to strengthen its National Ambient Air Quality Standard for Ozone in 2015. [Footnote: American Lung Association (ALA), State of the Air 2016.] Fine Particulate Matter is generally found in urban areas due to vehicle exhaust emissions, and these microscopic particles contribute to visible air pollution. These tiny participles are dangerous because they are small enough to escape our body's natural defenses and enter the bloodstream. Fugitive dust is a term used for fine particulate matter that results from disturbance by human activity such as construction and road-building operations. Toxic Air Contaminants are released from vehicle fuels, especially diesel, which accounts for over 50% of the cancer risk from TACs. [Footnote: Bay Area Air Quality Management District (BAAQMD), Planning Healthy Places: a guidebook for addressing local sources of air pollutants in community planning (2016).] This is especially relevant for Southern California with its abundance of diesel shipping traffic. [Footnote: Betancourt, S. and Mark Vallianatos, Storing harm: the health and community impacts of goods movement warehousing and logistics, THE Impact Project (2012); Bailey, D., et al., Clean cargo: a guide to reducing diesel air pollution from the freight industry in your community, NRDC.]

The DEIR analyzes the air pollutants' health impacts and finds that only NOx needs mitigation as required by the Clean Air Act standards. Yet the DEIR states the air quality monitoring sites near the project are at times out of attainment for ozone, while PM 10 and PM 2.5 frequently exceed the Federal 24-hour standard. [Footnote: DEIR 3.4-5.] The DEIR believes that the increased diesel trucks and fugitive dust are not harmful enough to warrant mitigation despite the detrimental effects of these pollutants, as discussed above. [Footnote: DEIR 3.4-24-25.] Additionally, the majority of pollution from the project comes from diesel fumes from transporting mined materials, and the DEIR citing the California Air Resources Control Board states that seventy percent of the cancer risk the average Californian faces from breathing TACs stems from diesel exhaust particles, which is up from fifty percent in 2016. [Footnote: DEIR 3.4-4.]

Response 10-40

The commenter states that in addition to NOx emission mitigation measures, other mitigation measures to control particulate matter (i.e., PM_{10} and $PM_{2.5}$) or other toxic air contaminants should be considered. The air pollutants listed by the commenter (e.g., NOx/ozone, PM, other TACs) were analyzed in detail in the DEIR (Section 3.4) and associated technical reports (DEIR Appendix B), using appropriate methodologies and significance thresholds published by the State and County. The analysis concluded that only NOx (a precursor to ozone formation) emissions were found to exceed the applicable emissions limits in the absence of mitigation. However, through implementation of Mitigation Measure MM AQ-1, Project NOx emissions and related ozone formation impacts, would be reduced to less than significant. All other criteria pollutant and TAC emissions, including diesel particulate matter, were found to be acceptable with no additional mitigation required.

Substantial additional analysis regarding potential Project biological resources impacts, including those associated with air pollutants and fugitive dust emissions, was added to the Biological Resources section in the PRDEIR (e.g., Impact BIO-3 pertaining to air pollutant impacts on common and special-status plants; Impact BIO-4 pertaining to air pollutant impacts on special-status wildlife species; Impact BIO-6 pertaining to air pollutant impacts on protected trees). The comment pertains to the DEIR and does not address the adequacy of the PRDEIR analyses of these issues.

The nearest air quality monitoring sites are located in Thousand Oaks and El Rio communities which are 7.3 and 9.5 miles away from the Project site, respectively. DEIR Section 3.4.1.2 notes that both State and Federal ozone standards were exceeded on very rare occasions. Data from both monitoring sites demonstrate that the State and Federal standards for $PM_{2.5}$ and PM_{10} have also been exceeded during 2016-2018. These past exceedances were not solely due to the Project, and the Permittee has and will continue to comply with Ventura County Air Pollution Control District (VCAPCD) and California Air Resources Board (CARB) rules and requirements to manage and reduce sources of air emissions, including those that generate particulate matter, within the County. As stated in DEIR Section 3.4.2.2, Project related impacts on regional air quality will be reduced to be less than significant with the implementation of mitigation measures, best practices, and best available technology.

Furthermore, as stated above, while the hours of daily truck activity would expand, and the average daily truck trips may increase, there would be no change or increase in the maximum number of daily diesel truck trips as a result of the Project, which would continue to be limited to a maximum of 120 one-way truck trips (60 truckloads) during ant one day. Note, the maximum daily truck activity described above (i.e., 60 truckloads per day) was used in the DEIR air quality analysis to determine potential worst case air quality and health risk impacts associated with the Project. Additionally, while the life of the mine would be extended and the annual average production levels could increase above baseline levels, maximum truck activity levels (and associate diesel particulate air emissions) would not change or increase on a maximum basis. Even though average emissions would potentially increase as disclosed in the DEIR, the existing facility has developed and implemented Best available Control Technology (BACT) to control and minimize fugitive dust emissions as per the requirements in the VCAPCD Permit to Operate Number 00489. The permit includes numerous fugitive dust control related measures identified as conditions 8 through 17. Operations under the Project would be required to continue to comply with required fugitive dust control-related measures as specified in the existing permit as well as any additional fugitive dust control measures imposed in the future through the VCAPCD permitting requirements.

In addition to VCAPCD rules and regulations which would ensure fugitive particulate emissions are minimized, CARB has also promulgated emission standards for off-road diesel construction equipment of

greater than 25 horsepower such as bulldozers, loaders, backhoes and forklifts, as well as many other self-propelled off-road diesel vehicles. The regulation adopted by the CARB on July 26, 2007, aims to reduce emissions by requiring installation of diesel soot filters in certain equipment and encouraging the retirement, replacement, or repower of older, dirtier engines with newer emission-controlled models (13 CCR, Section 2449). The regulation compliance schedule also requires that BACT be implemented for off-road engines to control and minimize diesel particulate emissions, including future engine/fleet turnovers or Verified Diesel Emission Control Strategies (VDECS) be fully implemented by 2023 in all equipment for large and medium fleets and by 2028 for small fleets. These requirements, as implemented in equipment operated at the Project site, would reduce Project emissions over the life of the Project.

Lastly, a detailed health risk assessment (HRA) was performed for the Project, and the results are presented in DEIR Section 3.4.2.2. The HRA was performed in accordance with the revised OEHHA "Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments", and incorporated the Project's estimated toxic air contaminant (TAC) emissions, including fugitive dust and diesel particulate emissions, and dispersion modeling using the USEPA AERMOD model with meteorological data from the Camarillo Airport (Meteorological Station ID 23136). The HRA also evaluated impacts of emissions associated with Project operations assuming maximum annual production and without deducting baseline emissions, and therefore provided a conservative assessment of potential health risk. Based on the analysis, the Project would not result in emissions of TACs that would cause health risk to exceed the significance thresholds and the Project health risk impact would be less than significant. Therefore, through continued compliance with existing VCAPCD and CARB requirements meant to control and reduce fugitive dust and diesel particulate emissions from off-road equipment and on-road haul truck activity, as well as material excavation or processing, the Project would not result in significant health impacts associated with TAC emissions. SHRA results are presented in the DEIR and associated technical study in DEIR Appendix B-1.

Comment 10-41

B. The Air Pollution Mitigation is Inadequate Under CEQA

The California Environmental Quality Act (CEQA) mandates that significant environmental damage be avoided or substantially lessened where feasible. [Footnote: Pub. Res. Code § 21002; Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d).] Moreover, although "an EIR need not consider every conceivable alternative to a project . . . it must consider a reasonable range of potentially feasible alternatives that will foster informed decision decision-making and public participation." [Footnote: CEQA Guidelines § 15126.6(a).] Additionally, the "key to the selection of the range of alternatives is to identify alternatives that meet most of the project's objectives but have a reduced level of environmental impacts." [Footnote: Watsonville Pilots Assn. v. City of Watsonville (2010) 183 Cal.App.4th 1059, 1089.] Accordingly, a rigorous analysis of reasonable alternatives to the project must be provided to comply with this strict mandate.

Response 10-41

The commenter describes CEQA's requirements to avoid or substantially lessen environmental damage where feasible, and the related requirement to consider a reasonable range of potentially feasible alternatives to a Project that will foster informed decision decision-making and public participation.

Both the Project and the reasonable range of alternatives considered and analyzed in the DEIR will be presented to the County decisionmakers, who will consider the information in Project approval deliberations.

Comment 10-42

CEQA requires all feasible mitigation measures, yet the DEIR does not discuss what is feasible. Instead, it discusses what would be minimally required by the Federal and California Clean Air Acts. Ventura County should require a higher standard for the project; Table 3.4-2 shows that the El Rio Monitoring station exceeded CAAQS and NAAQS NOx standard 180 and 100 days, respectively, during 2016 and 2018. [Footnote: DEIR 3.4-17.] Thus the County must, at a minimum, require the DEIR to analyze whether further mitigation could allow the County to meet the minimum air quality standards. As this DEIR stands, the County will continue to exceed NOx emissions because this project is only maintaining the polluted status quo. The DEIR suggests mitigation that will allow NOx to double its current levels as its mitigated response. [DEIR 3.4-24.] The standard the DEIR uses requires no more than 25 additional NOx emissions by a project, but since the project currently emits 25 NOx, the NOx will double from this project site by allowing the expansion. [Footnote: DEIR 3.4-25.] CEQA does not just require the bare minimum meeting of state and federal requirements but all feasible mitigation of significant environmental impacts. Here, doubling NOx after the proposed mitigation is still significant. The DEIR should discuss further mitigation to allow knowledgeable participation by decision-makers and the public regarding this project's impacts. This project proposes moving much closer to residential areas, which will increase the health impacts residents' experience. [Footnote: DEIR 3.4-23.] Unless the project can further mitigate its increased air pollution, the County should not expand the project closer to residential areas.

Response 10-42

The commenter notes that Ventura County should hold the Project to a higher standard in terms of the potential air quality impacts and the implementation of related mitigation measures, to help the County meet regional air quality standards.

As an initial matter, the assertion that CEQA requires all feasible mitigation measures is incorrect. CEQA Section 21002 states, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen t*he significant environmental effects* of such projects." Thus, CEQA's focus is on identifying mitigation to avoid or reduce *significant* environmental effects, and CEQA does not require that all feasible mitigation to reduce even insignificant impacts be identified or implemented. As concluded in the DEIR analysis, with the feasible mitigation for air pollutant emissions identified in the DEIR, the Project's project-specific and cumulative air quality impacts would be less than significant. Thus, no additional air pollutant emission reductions are required.

Project-level mitigation alone cannot ensure the County meets its regional air quality standards, especially if the County already exceeds said standards without considering the Project. In other words, even if the Project did not occur, the County would still be in non-attainment for NOx.

The DEIR air quality analysis appropriately utilized Ventura County's criteria and threshold levels for NOx, which is 25 pounds per day (VCAPCD, October 2003). Per County guidance, this threshold should be utilized to determine if a Project's net increase in air emissions is significant pursuant to CEQA. As

shown in DEIR Table 3.4-7 (Project Daily Air Pollutant Emissions), while the Project's unmitigated NOx emissions are expected to exceed the County's 25 pounds per day significance threshold, through the implementation of Mitigation Measure (MM) AQ-1 (Options A, B, C, D, or some combination thereof), NOx emissions associated with the Project would be below the significance threshold. Therefore, Project NOx emissions are appropriately determined to be less than significant with implementation of mitigation identified in the DEIR.

Lastly, the commenter notes that health impacts due to expanded mining operations should be determined at the nearby residences. As summarized in Section 3.4 and Appendix B-1 of the DEIR, a detailed health risk assessment (HRA) was completed for the Project, and impacts were found to be less than significant at nearby sensitive receptors, including the residential areas to the east of the expanded mining area. Therefore, in accordance with CEQA and County standards, no further mitigation is required.

Comment 10-43

Additionally, ozone and PM10 and PM2.5 are not meeting attainment levels, and this project plans to increase these pollutants with no mitigation efforts. This is especially troubling since the project will expand closer to residential and agricultural zones. Thus residents will be impacted by both increased air pollution and through closer vicinity to these dangerous pollutants. Ozone is a very toxic substance that endangers public health, increases climate change impacts, and can decrease crop yields. [Footnote: DEIR 3.4-26.] By reclassifying agricultural lands to allowing nearby mining activities, the County would go against the general plan requirement to not endanger agricultural lands and hurt nearby farmers. [Footnote: Id.]

Instead of the EIR proposals, this project could decrease air pollution in this area by requiring more innovative renewable requirements. Electric trucks or solar electrical generation on the property would reduce the air pollutants this project emits. Yet, the DEIR did not consider any renewable options; instead, the EIR focuses solely on mitigation through emission reduction technology and reduction of use. As it currently stands, the DEIR does not discuss all feasible mitigation measures, instead only focusing on required mitigations under the Clean Air Act, ignoring CEQA's added mitigation requirements. CEQA and the residents near this project deserve more to protect their health and welfare.

Response 10-43

Please see Response 10-42. As discussed, the Project alone could not be responsible for the County not meeting applicable ozone and particulate matter (PM_{10} and $PM_{2.5}$) attainment levels, nor could the Project alone implement mitigations that would sufficiently reduce emissions to help the County meet its regional air quality standards, especially if the County already exceeds said standards without considering the Project.

The Project would not reclassify agricultural lands to allow for mining activity. The Project site would still be zoned for agricultural and open spaces uses and would ultimately be returned to those uses at the conclusion of mining and reclamation. As discussed at DEIR Section 3.4.2.1, standards adopted by CARB would ensure that as the Project's heavy-duty vehicles are turned over (i.e., as old model year trucks are retired and replaced with new model year trucks), future GHG emissions from these heavy-duty vehicles would decline in future years, consistent with the State's goal of reducing future year GHG emissions to meet the year 2030 target and beyond. In addition, transportation fuels used by the Project's vehicles and

equipment would be in conformance with applicable low carbon standard requirements. Furthermore, electricity used by the Project's electric-powered equipment would be obtained from the local utility providers, which would be supplied by an increasing percentage of renewable sources, consistent with California's Renewables Portfolio Standard of 33 percent by 2020, 60 percent by December 31, 2030, and 100 percent eligible renewable energy resources and zero-carbon resources by December 31, 2045.

The County has not established numerical significance thresholds for ozone; however, as discussed above, the County does have numerical standards for ROC and NOx, which are the main precursors for ozone (ozone is formed by photochemical reactions between NOx and ROC, rather than being directly emitted). While the Project would increase ROC and NOx emissions, implementation of Mitigation Measure MM AQ-1 would reduce emissions to below the threshold of significance and, thus, reduce the impact associated with ozone precursor emissions to less than significant.

Similarly, the County has not established numerical significance thresholds for fugitive dust emissions (i.e., PM_{10} and $PM_{2.5}$). Although the Project is expected to increase particulate matter (PM_{10} and $PM_{2.5}$) emissions, the Project would continue to comply with required fugitive dust control-related measures as specified in the existing permit as well as any additional fugitive dust control measures imposed by the state, VCAPCD, and other County permitting requirements as applicable. Project operations would also be required to comply with VCAPCD Rule 55, which includes controlling vehicle track-out. As per Rule 55, track-out would continue to be removed at the conclusion of each workday or evening shift subject to the same condition regarding PM_{10} efficient street sweepers and the use of blowers to remove track-out would be expressly prohibited. Rule 55 also prohibits visible dust beyond the property line such that the dust remains visible beyond the midpoint (width) of a public street or road adjacent to the property line of the emission source or beyond 50 feet from the property line if there is not an adjacent public street or road. Compliance with VCAPCD permit conditions and fugitive dust Rule 55 would ensure that nuisance impacts related to fugitive dust would be less than significant.

Comment 10-44

VIII. The DEIR Lacks GHG Mitigation Measures.

A. Climate Change Is a Catastrophic and Pressing Threat to California.

A strong, international scientific consensus has established that human-caused climate change is causing widespread harm to human society and natural systems. The threats from climate change are becoming increasingly dangerous. The Intergovernmental Panel on Climate Change ("IPCC"), the leading international scientific body for the assessment of climate change, concluded in its 2014 Fifth Assessment Report that: "[w]arming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, and sea level has risen," and further that "[r]ecent climate changes have had widespread impacts on human and natural systems." [Footnote: IPCC [Intergovernmental Panel on Climate Change]. (2014). Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, [Core Writing Team, R.K. Pachauri & L.A. Meyer (eds.)]. 2, Available at: http://www.ipcc.ch/pdf/assessmentreport/ar5/syr/SYR_AR5_FINAL_full_wcover.pdf .] These findings were echoed in the United States' own 2014 Third National Climate Assessment and 2017 Climate Science Special Report, prepared by scientific experts and reviewed by the National Academy of Sciences and multiple federal agencies. The Third National Climate Assessment concluded that "[m]ultiple lines of independent evidence confirm that human activities are the

primary cause of the global warming of the past 50 years" [Footnote: Melillo, Jerry M, Terese (T.C.) Richmond & Gary W. Yohe (eds.). (2014). Climate Change Impacts in the United States: The Third National Climate Assessment, U.S. Global Change Research Program. 7, Available at: http://nca2014.globalchange.gov/downloads.] and "[i]impacts related to climate change are already evident in many regions and are expected to become increasingly disruptive across the nation throughout this century and beyond." [Footnote: Id. At 10.] The 2017 Climate Science Special Report similarly concluded:

> [B]ased on extensive evidence,…it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence.
>
> In addition to warming, many other aspects of global climate are changing, primarily in response to human activities. Thousands of studies conducted by researchers worldwide have documented changes in surface, atmospheric, and oceanic temperatures; melting glaciers; diminishing snow cover; shrinking sea ice; rising sea levels; ocean acidification; and increasing atmospheric water vapor. [Footnote: USGCRP [U.S. Global Change Research Program]. (2017). Climate Science Special Report: Fourth National Climate Assessment, Volume I [Wuebbles, D.J. et al. (eds.)], U.S. Global Change Research Program, 10. Available at: https://science2017.globalchange.gov/.]

The U.S. National Research Council concluded that "[c]limate change is occurring, is caused largely by human activities, and poses significant risks for—and in many cases is already affecting—a broad range of human and natural systems." [Footnote: NRC [National Research Council]. (2010). Advancing the Science of Climate Change, 2.] Based on observed and expected harms from climate change, in 2009, the U.S. Environmental Protection Agency found that greenhouse gas pollution endangers the health and welfare of current and future generations. [Footnote: 74 Fed. Reg. 66496 (December 15, 2009) [U.S. EPA, Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act; Final Rule].]

These authoritative climate assessments decisively establish the dominant role of anthropogenic GHG emissions in driving climate change. As the Third National Climate Assessment explains: "observations unequivocally show that climate is changing and that the warming of the past 50 years is primarily due to human-induced emissions of heat-trapping gases." [Footnote: Melillo et al. 2014, p. 2; see also id. at 15 [Finding 1: "The global warming of the past 50 years is primarily due to human activities, predominantly the burning of fossil fuels."]] The Assessment makes clear that "reduc[ing] the risks of some of the worst impacts of climate change" will require "aggressive and sustained greenhouse gas emission reductions" over the course of this century. [Footnote: Id. at 13-14, 649; see also id. at 15 [Finding 3: "Human-induced climate change is projected to continue, and it will accelerate significantly if global emissions of heat-trapping gases continue to increase."].]

The impacts of climate change will be felt by humans and wildlife. Climate change is increasing stress on species and ecosystems—causing changes in

distribution, phenology, physiology, vital rates, genetics, ecosystem structure, and processes—in addition to increasing species extinction risk. [Footnote: Warren, Rachel et al.. (2011). Increasing impacts of climate change upon ecosystems with increasing global mean temperature rise, 106 Climatic Change 141.] Climate-change-related local extinctions are already widespread and have occurred in hundreds of species. [Footnote: Wiens, John J. (2016). Climate-related local extinctions are already widespread among plant and animal species, 14 PLoS Biology e2001104.] Catastrophic numbers of species extinctions are projected to occur during this century if climate change continues unabated. [Footnote: Thomas, Chris. D. et al. (2004). Extinction risk from climate change, 427 Nature 145; Maclean, Ilya M. D. & Robert J. Wilson. (2011). Recent ecological responses to climate change support predictions of high extinction risk, 108 PNAS 12337; Urban, Mark C. (2015). Accelerating extinction risk from climate change, 348 Science 571.] In California, climate change will transform our climate, resulting in impacts including, but not limited to, increased temperatures and wildfires and a reduction in snowpack and precipitation levels and water availability.

Therefore, immediate and aggressive greenhouse gas emissions reductions are necessary to keep warming well below 2°C above pre-industrial levels. The IPCC Fifth Assessment Report and other expert assessments have established global carbon budgets, or the total amount of carbon that can be burned while maintaining some probability of staying below a given temperature target. According to the IPCC, total cumulative anthropogenic emissions of CO2 must remain below about 1,000 GtCO2 from 2011 onward for a 66 percent probability of limiting warming to 2°C above pre-industrial levels, and to 400 GtCO2 from 2011 onward for a 66 percent probability of limiting warming to 1.5°C. [Footnote: IPCC [Intergovernmental Panel on Climate Change]. (2013) 2013: Summary for Policymakers. In: Climate Change 2013: The Physical Science Basis, Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Stocker, T.F. et al. (eds.)], Cambridge University Press, 25; IPCC [Intergovernmental Panel on Climate Change]. (2014). Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, [Core Writing Team, R.K. Pachauri & L.A. Meyer (eds.)], 63-64 Table 2.2. Available at: http://www.ipcc.ch/pdf/assessment-report/ar5/syr/SYR_AR5_FINAL_full_wcover.pdf.] These carbon budgets have been reduced to 850 GtCO2 and 240 GtCO2, respectively, from 2015 onward. [Footnote: Rogelj, Joeri et al. (2016). Differences between carbon budget estimates unraveled, 6 Nature Climate Change 245, Table 2.]

Given that global CO2 emissions in 2016 alone totaled 36 GtCO2, [Footnote: Le Quéré, Corrine, et al. (2017). Global Carbon Budget 2017, Earth Syst. Sci. Data Discuss., https://doi.org/10.5194/essd-2017-123. Available at: http://www.globalcarbonproject.org/carbonbudget/17/data.htm.] humanity is rapidly consuming the remaining carbon budget needed to avoid the worst impacts of climate change. As of early 2018, climate policies by the world's countries would lead to an estimated 3.4°C of warming, and possibly up to 4.7°C of warming, well above the level needed to avoid the worst dangers of climate change. [Footnote: Climate Action Tracker. (November 2017). Improvement in warming outlook at India and China move ahead, but Paris Agreement gap still looms large. Available at: http://climateactiontracker.org/publications/briefing/288/Improvement-inwarming-outlook-as-India-and-China-move-ahead-but-Paris-Agreement-gap-still-looms-large.html.]

The United States has contributed more to climate change than any other country. The U.S. is the world's biggest cumulative emitter of GHGs, responsible for 27 percent of cumulative global CO2 emissions since 1850, and the U.S. is the world's second-highest emitter on an annual and per capita basis. [Footnote: World Resources Institute. (November 25, 2014). 6 Graphs Explain the World's Top 10 Emitters.] Nonetheless, U.S. climate policy is wholly inadequate to meet the international climate target to hold global average temperature rise to well below 2°C above preindustrial levels to avoid the worst dangers of climate change. Current U.S. climate policy has been ranked as "critically insufficient" by an international team of climate policy experts and climate scientists. [Footnote: Climate Action Tracker, USA (last updated November 29, 2018). Available at: http://climateactiontracker.org/countries/usa.]

In response to inadequate action on the national level, California has taken steps through legislation and regulation to fight climate change and reduce statewide GHG emissions. Enforcement of and compliance with these measures is essential to help stabilize the climate and avoid catastrophic impacts to our environment. AB 32 mandates that California reach 1990 levels of GHG emissions by the year 2020, equivalent to approximately a 15 percent reduction from a business-as-usual projection. [Footnote: Health & Saf. Code § 38550.] Based on the warning of the IPPC and leading climate scientists, Governor Brown issued an executive order in April 2015 requiring GHG emissions reductions to 40 percent below 1990 levels by 2030. [Footnote: Executive Order B-30-15 (2015).] The Executive Order is in line with a previous Executive Order mandating the state reduce emission levels to 80 percent below 1990 levels by 2050 in order to minimize significant climate change impacts. [Footnote: Executive Order S-3-05 (2005).] In enacting SB 375, the legislature has also recognized the critical role that land use planning plays in achieving greenhouse gas emission reductions in California.

The legislature has found that failure to achieve GHG emissions reductions would be "detrimental" to California's economy. [Footnote: Health & Saf. Code § 38501(b).] In 2018, Governor Brown issued Executive Order B-55-18, in which he declared it to be a statewide goal to "achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter."

Governor Newsom continued this zero-emissions mandate in September 2020, signing an executive order to require all new passenger cars and trucks be zero-emission vehicles by 2035. [Footnote: Office of Governor Gavin Newsom, Governor Newsom Announces California Will Phase Out Gasoline-Powered Cars & Drastically Reduce Demand for Fossil Fuel in California's Fight Against Climate Change, (Sept 23, 2020) Available at: https://www.gov.ca.gov/2020/09/23/governor-newsom-announces-california-will-phase-out-gasoline-powered-carsdrastically-reduce-demand-for-fossil-fuel-in-californias-fight-against-climate-change/.] The California Air Resources Control Board voted in June 2020 to "require Manufacturers who certify Class 2b-8 chassis or complete vehicles with combustion engines to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035." [Footnote: California Air Resource Control Board, Advanced Clean Trucks Fact Sheet (June 25, 2020) Available at:https://ww2.arb.ca.gov/resources/fact-sheets/advanced-clean-trucks-fact-sheet.] By 2035, zero-emission truck/chassis sales would need to be 55% of Class 2b – 3 truck sales, 75% of Class 4 – 8 straight truck sales, and 40% truck tractor sales. [Footnote: Id.] CARB states that there are seventy zero-emission buses, vans, and trucks currently commercially available. Most

major truck manufacturers plan to phase zero-emission trucks into their inventory in the future as well. [Footnote: Id.]

Although some GHG emissions sources may appear insignificant in isolation, climate change is a problem with cumulative impacts and effects. [Footnote: Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin., (9th Cir. 2008) 538 F.3d 1172, 1217 ["the impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis" that agencies must conduct].] One source or one small project may not appear to have a significant effect on climate change, but the combined impacts of many sources can drastically damage California's climate as a whole. Therefore, project-specific GHG emissions disclosure, analysis, and mitigation are vital to California meeting its climate goals and maintaining our climate.

Response 10-44

The commenter generally notes concerns about global anthropogenic climate change, and the implications of climate change specific to California.

The Project's potential greenhouse gas (GHG) emissions were analyzed in detail in the DEIR and air quality/GHG-related technical appendices (DEIR Appendix B-1 and B-2), both on a Project-specific and cumulative basis. As described in the DEIR, Project impacts associated with GHG emissions were found to be less than significant and below applicable state and County thresholds, with no mitigation required (refer to DEIR Table 3.4-9, "Summary of Project Greenhouse Gas Emissions"). Therefore, the Project would not exacerbate the effects of climate change, nor would it conflict with applicable plans, policies, and regulations for reducing emissions of GHGs, and therefore no mitigation is required.

Comment 10-45

B. The DEIR Should Include an Analysis of GHG Mitigation Alternatives.

Here, the DEIR concludes that the GHG increases from the project are not significant. The DEIR came to this conclusion by reviewing the Wayne J Sand and Gravel Re-circulated Draft EIR (March 2015), which found its GHG emission standard from the Ventura County Greenhouse Gas Thresholds of Significance Options for Land Use Development Projects in Ventura County (VCAPCD, 11/8/2011). 2011 is a very old standard in climate change terms, especially since California has added numerous GHG reduction requirements in the last ten years, as discussed above. [Footnote: See DEIR Appendix B-1 Air Quality, Health Risk, and Climate Change Impact Assessment, (Sespe 2019b).] CARB has recently approved expanding the phase-in of medium and heavy-duty truck zero-emission standards, which shows that although the VCAPOD may be the most recent standard published in Ventura County, the DEIR could and should consider further GHG emission mitigations.

Response 10-45

The commenter notes that more recent GHG significance threshold be considered in the DEIR, and that alternative CARB rules and guidance also be considered.

As discussed in the DEIR and associated air quality/GHG-related technical appendices (DEIR Appendix B-1 and B-2), the VCAPCD has not yet adopted a specific threshold of significance for GHG emissions associated with land use development projects in the County. As such, the County routinely applies a 10,000 metric tons carbon dioxide equivalent per year (MTCO2e/year) threshold of significance for industrial projects in accordance with CEQA. As stated in DEIR Section 3.4.2.1, on January 30, 2018, the

VCAPCD issued a memorandum reaffirming the recommended GHG threshold of significance of 10,000 MTCO2E per year for stationary source projects located within Ventura County (VCAPCD, 2018b). In lieu of more recent GHG thresholds that have yet to be adopted by the County, the 10,000 MTCO2E per year value was appropriately used in the DEIR to determine the significance of the Project's contribution to GHG emissions/global climate change compared to baseline levels.

Additionally, the Project has and would continue to comply with all applicable CARB and VCAPCD rules and regulations, including requirements related to the phase-in of cleaner or zero-emissions engines for medium and heavy-duty on-road haul trucks and off-road mobile equipment.

Comment 10-46

This project will raise the CO2 from approximately 155.3 tons to 3466.6 tons. [Footnote: DEIR 3.4-31 Table 3.4-9.] This increase is twenty-two times higher than the current project. The DEIR states that since the CO2 will not exceed ten thousand, then it is not significant. But climate change is too important not to discuss mitigation when a twenty-two level increase occurs; particularly when CEQA mandates feasible mitigation to environmental damage, and climate change is our most pressing environmental concern. The County should not approve a project that will increase GHG emissions without even considering GHG mitigation options.

Response 10-46

Please see Response 10-45. When analyzing GHG impacts, percent increases above the Project baseline is not an acceptable metric to determine the significance of impacts pursuant to CEQA. The significance of the Project's GHG emissions were appropriately determined using the County's recommended threshold of 10,000 MTCO2E per year.

Furthermore, as discussed in the DEIR, the Project would not conflict with applicable plans, policies, and regulations for reducing emissions of GHGs. The USEPA and NHTSA heavy-duty vehicle GHG emissions standards, as adopted by CARB, would ensure that as the Project's heavy-duty vehicles are replaced over time (i.e., as old model year trucks are retired and replaced with new model year trucks), future GHG emissions from these heavy-duty vehicles would decline in future years, consistent with the State's goal of reducing future year GHG emissions to meet the year 2030 target and beyond. In addition, transportation fuels used by the Project's vehicles and equipment would continue to conform with the Low Carbon Fuel Standard (LCFS) as fuel suppliers would be required to provide fuel that meets the applicable low carbon standard. Furthermore, electricity used by the Project's electric-powered equipment would be obtained from the local utility providers, which would be supplied by an increasing percentage of renewable sources, consistent with California's Renewables Portfolio Standard of 33 percent by 2020, 60 percent by December 31, 2030, and 100 percent eligible renewable energy resources and zero-carbon resources by December 31, 2045. The Project would also not impede the ability of electricity and transportation fuel producers and suppliers to comply with the Cap-and-Trade Program, which is the primary mechanism that the State is using the achieve the GHG reduction goals of Assembly Bill (AB) 32 and Senate Bill (SB) 32. Therefore, as discussed in the DEIR, the Project would not conflict with applicable plans for reducing emissions of GHGs and impacts would be less than significant.

Comment 10-47

There are zero-emission trucks on the market and although there is a higher upfront cost, CARB states that the fuel costs are less than traditional trucks,

which offsets the upfront costs. [Footnote: California Air Resource Control Board, Advanced Clean Trucks Fact Sheet (June 25, 2020) Available at: https://ww2.arb.ca.gov/resources/fact-sheets/advanced-clean-trucks-fact-sheet.] Additionally, on-site solar generation or even purchasing carbon offsets could all reduce the GHG impacts of this project.

Response 10-47

The commenter generally notes the cost effectiveness of zero-emissions trucks.

As stated in Response 10-45, the Project has and would continue to comply with all applicable CARB rules and regulations, including requirements related to the phase-in of cleaner or zero-emissions engines for medium and heavy-duty on-road haul trucks and off-road mobile equipment. As the Project's heavy-duty vehicles are replaced over time, future GHG emissions from these heavy-duty vehicles would decline in future years, consistent with the State's goal of reducing future year GHG emissions to meet the year 2030 target and beyond.

Comment 10-48

The DEIR claims that mitigation is not required because the state requires RPS increases from Southern California Edison, which will decrease the project's reliance on GHG electrical generation. [Footnote: DEIR 3.4-31.] Additionally, the California Low-Carbon Fuel Standard will reduce diesel fuel GHG emissions by raising the standard. [Footnote: DEIR 3.4-31.] But these statements are just riding the coattails of others and the project should also be committing to GHG reductions to further mitigate climate impacts from occurring now when the project is proposing greatly increasing its GHG emissions.

Response 10-48

The commenter requests that the Project implement additional GHG reduction measures.

As discussed at Responses 10-46 and 10-47, electricity used by the Project's electric-powered equipment would continue to be obtained from the local utility providers, which would be supplied by an increasing percentage of renewable sources, consistent with California's Renewables Portfolio Standard. In addition, transportation fuels used by the Project's vehicles and equipment would be in conformance with the LCFS as fuel suppliers would be required to provide fuels meeting the applicable low carbon standard. While continued compliance with the State's/CARB's rules and regulations related to GHG reductions apply to all operations and are not Project-specific, compliance with these measures would ensure GHG emissions are sufficiently reduced over the life of the Project. The Project's heavy-duty vehicles would also be turned over (i.e., as old model year trucks are retired and replaced with new model year trucks), future GHG emissions from these heavy-duty vehicles would decline in future years, consistent with the State's goal of reducing future year GHG emissions to meet the year 2030 target and beyond.

Comment 10-49

Lastly, the DEIR cites Berck as proof that GHG impacts from VMT will be less because otherwise, mining materials will come from farther away. [Footnote: DEIR 3.9-9.] But the DEIR does not analyze competing mine locations and whether this expansion will allow the project to expand its service area and thus its VMTs. The County states that it does not have the expertise or time to determine a different site for an alternative mine because of the numerous factors involved in mine siting. [Footnote: DEIR 5.3-1.] This determination might be

reasonable, but claiming that VMT will decrease by allowing expansion without further verification of this fact is inadequate.

Response 10-49

The commenter requests that alternative mine sites be considered in the DEIR in terms of potential transportation/vehicle miles travelled impacts, and that potential expansion of the Project's service area be considered.

As stated above, while the average daily truck trips may increase, the Project would not change or increase the maximum number of daily truck trips (remain 120 trips/day) and/or vehicle miles travelled on roadways. The analysis presented in Section 3.9 of the DEIR found that even though the Project would result in haul truck and worker trip VMT above the existing average operation baseline condition, the availability of the Project as a source of aggregate and a location for asphalt and concrete recycling and fill material reuse would provide opportunities for decreased haul distances and decreased regional VMT as compared to conditions without the Project in which case the materials could require hauling to and from more distant locations. Because the Project would create an additional, long-term supply of local aggregate reserves, which in turn can be reasonably expected to result in shorter truck trip distances by reducing the need to haul aggregate from father distances to meet demand and thereby would reduce fuel consumption, air pollutant emissions, traffic congestion, road maintenance needs, and the cost of aggregate delivery.

To ensure the State's economic future, the California Geological Survey (CGS) publishes an update to Map Sheet 52, Aggregate Sustainability in California – Fifty-Year Aggregate Demand Compared to Aggregate Reserves (MS 52), approximately every five years. According to MS 52 (2018), demand for aggregates materials in California is large and expected to increase Statewide and specifically in regions where population is forecasted to increase. MS 52 states:

> *"Land-use planners and decision makers in California are faced with balancing a wide variety of needs in planning for a sustainable future for their communities and regions. Mining is often seen as a controversial land use during the permitting process. However, there are benefits to having local sources of construction aggregate. Increasingly, as existing permitted aggregate supplies are depleted, local land-use decisions regarding aggregate resources can have regional impacts that go beyond local jurisdictional boundaries.*
>
> *These factors, universal need, increasing demand, the economic and environmental costs of transportation, and multiple land-use pressures make information about the availability and demand for aggregate valuable to land-use planners and decision makers charged with planning for a sustainable future for California's citizens (California Geological Survey, 2018)."*

The MS 52 analysis of the Ventura County (combined Western Ventura County and Simi Valley Regions) Production-Consumption (P-C) Region estimated a 50-year demand of 241 million tons of aggregates; however, MS 52 also found that only 84 million tons of aggregates reserves were permitted to be extracted at the time the analysis was prepared (2017). This substantial lack of locally available resource to meet projected demand can be reasonably anticipated to result in relatively greater air pollutant and greenhouse gas emissions, and greater energy use associated with transporting aggregate resources from more distant sources to satisfy local demand. The current MS 52 update concludes that 11 to 20 years of reserves remain in the Ventura County P-C Region.

The Project would provide up to 468,000 tons of aggregate annually over the term of the requested CUP modification, depending on market demand. In consideration of regional air pollutant, and greenhouse

gas emissions, energy consumption, haul truck miles traveled, and other factors associated with aggregate materials movement, obtaining aggregate from within the Ventura County P-C Region is beneficial as compared to obtaining aggregate from other locations situated outside of the market demand area. Specifically, local sourcing of needed aggregate materials avoids importation via on-road trucks and therefore reduces air pollutant and greenhouse gas emissions associated with long-distance trucking of material from outside the Ventura County P-C Region, which in turn would reduce the cumulative VMTs required to fulfill the local demand for high-quality aggregate products.

Comment 10-50

IX. The DEIR should have considered a wider range of alternatives, including those with a significantly smaller development footprint.

The DEIR should have analyzed a wider range of alternatives. As courts have made clear, "[a] potential alternative should not be excluded from consideration merely because it would impede to some degree the attainment of the project objectives, or would be more costly." [Footnote: Save Round Valley Alliance v. County of Inyo (2007) 157 Cal. App. 4th 1437, 1456-57 (quotations omitted).] The DEIR should have included a more extensive range of alternatives from which decision-makers could choose.

Response 10-50

Please see Response 10-41. The commenter describes CEQA's requirements to consider a reasonable range of potentially feasible alternatives to a Project that will foster informed decision decision-making.

CEQA Guidelines state that the *"EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason"* (CEQA Guidelines Section 15126.6 (a)).

The lead agency, in this case the County of Ventura, identified three (3) alternatives for evaluation in the DEIR which represent a reasonable range of alternatives. The County is not required to consider every conceivable alternative to a project. Furthermore, Section 15126.6 (c) of the Guidelines indicate that "*Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.*"

As discussed at Response 10-41, both the Project and the alternatives considered and analyzed within the DEIR will be presented to the County decisionmakers, who will consider the information in Project approval deliberations.

Comment 10-51

The DEIR does not consider any alternatives that would allow the project but take wildlife and endangered plants into account or significantly lower the project's GHG impacts besides the no project alternative or the no increased expansion alternative. These may seem adequate, but both are alternatives to bar the project and one alternative is to approve the project.

There is no middle ground with a project that needs to incorporate further mitigation, which may cost more for the applicant but still allow the project. The DEIR does not state that a middle ground alternative would be infeasible because it does not consider this option. For an informed decision to occur, the decision-makers should have an alternative that works to meet the project goals while lessening environmental impacts.

Response 10-51

As discussed in responses above, the DEIR and PRDEIR analysis conclude that, with identified mitigation, the Project would not result in significant air quality, GHG, or biological resources impacts. Thus, an alternative or additional mitigation to further reduce air pollutant emissions, GHG emissions, and/or biological resources impacts is not required for the County's compliance with CEQA. Please refer to Response 10-50 for additional discussion of alternatives.

Comment 10-52

By refusing to include any alternatives that provide for a moderately reduced project size, the DEIR sets up a false "all or nothing" decision for the County and prohibits the County from considering or approving a smaller version of the project that does not have such profound environmental impacts on California's wildlife corridors, air quality, and carbon footprint. CEQA's mandate that a reasonable range of alternatives be considered is violated by a DEIR that fails to include any alternatives with a moderately reduced footprint.

Response 10-52

The comment incorrectly suggests that the DEIR does not include an alternative that provides for a moderately reduced project size. Alternative B, Reduced Mine Expansion Area Alternative, is evaluated in the DEIR and provides an evaluation of such an alternative to inform County decisionmakers. Under Alternative B, the proposed expanded mine and reclamation area would be reduced in size. Moreover, County decision makers are not limited to the exact alternatives presented in the EIR. As discussed in the DEIR (pg. 5-5), various configurations of a reduced mine expansion area could be achieved to reduce impacts on habitat, special-status species, wildlife movement corridors, mine site visibility, and other factors, but a specific configuration of a reduced mine expansion area has not been developed for the EIR and is not required for a comparison of impacts of this alternative with the Project. Please refer to Response 10-50 for additional discussion of alternatives.

Comment 10-53

The project could be considerably down-sized or mitigated and still be considered feasible. Whether a project is economically unfeasible "is not measured by increased cost or lost profit, but upon whether the effect of the proposed mitigation is such that the project is rendered impractical." [Footnote: Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 600 (internal citation omitted).] In Citizens of Goleta Valley v. Board of Supervisors (1988) 197 Cal.App.3d 1167, 1180, the Court agreed with the trial court that the administrative record did not contain an analysis of the project alternatives in terms of comparative costs, comparative profit or losses, or comparative economic benefit to the project proponent or the community at large. Here, the EIR does not include feasibility of the project alternatives based on the projects expected costs and profits and losses, leaving it impossible to assess the viability of the alternatives. This is an inadequate under CEQA and

the EIR should be required to include additional environmentally conservative alternatives and their feasibility.

Response 10-53

The commenter requests that the DEIR consider a downsized version of the Project as a means to reduce potential environmental effects.

Please see Response 10-52 pertaining to the Reduced Mine Expansion Area Alternative and Responses 10-41 and 10-50 pertaining to the range of alternatives evaluated by the County.

Note that the comment cites *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167; however, the comment does not acknowledge the California Supreme Court's reversal of that court of appeal's decision, in which the Supreme Court found, "there is no ironclad rule governing the nature or scope of the alternatives to be discussed in an EIR, other than the rule of reason. The wisdom of approving this or any other development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced. Concurrently, we caution that rules regulating the protection of the environment must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development and advancement." (*Citizens of Goleta Valley v. Board Of Supervisors of Santa Barbara County et al*. [1990] 276 Cal. Rptr. 410, 52 Cal.App.3d 553, 801 P.2d 1161276 Cal.)

The DEIR properly identifies and evaluates a range of reasonable alternatives to the project and provides the comparative merits of the alternatives in terms of environmental effects. County decisionmakers may consider additional information in Project approval deliberations, however, including information on all such factors in the EIR is not required for CEQA compliance.

Comment 10-54

X. Conclusion.

Thank you for the opportunity to submit comments on the proposed Pacific Rock Mine Project. Please include the undersigned environmental organizations on your notice list for all future updates to the project and do not hesitate to contact us with any questions at the email listed below.

Response 10-54

The County appreciates the review and input provided by the commenter and will provide any future notices in accordance with County and state requirements.

2.4.3 Comment Letter 11 - Palermo Maintenance Corporation (January 14, 2021)

Comment 11-1

Palermo Maintenance Corporation ("Palermo") is the homeowners' association for the development known as Palermo and which comprises 71 homes on

Via Sandra

Via Olas

Via Nicola and

Via Mira Flores

in the Dos Vientos development in Newbury Park.

The Palermo Board of Directors has the following comments on the draft EIR.

Response 11-1

The commenter generally states that they represent the Palermo Maintenance Corporation, which is comprised of 71 homes located in the Dos Vientos neighborhood to the east of the Project site. The comment is introductory and does not comment on the adequacy of the Draft EIR; therefore, no further response is required.

Comment 11-2

Term

Section 2.1 says that the Project would extend the life of the existing permitted operations for an additional 30 years.

It is unclear to us how the application went to 30 years from the 25 years in the 2017 Notice of Preparation regarding Pacific Rock Quarry Mine Expansion Project. We have not seen anything recording that, so how did it occur and how and when was it publicized?

Response 11-2

The commenter is requesting clarification on the number of years the mine life would be extended as a result of the proposed Project.

The County of Ventura recognizes that an error made in the 2017 NOP stating the Project would extend the mine life by 25 years. The Applicant's request was for a 30-year conditional use permit (CUP) extension and the 30-year term was described and evaluated within both the DEIR and PRDEIR. Please note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.

While the duration of the requested CUP extension is now 60 years, the County's analysis in this FEIR and in the DEIR as incorporated by reference and modified through errata in Chapter 3 of this FEIR sufficiently evaluate the potential impacts of Project operations for that maximum operational period under CEQA. The comment does not address the adequacy of the DEIR and no further response is required.

Comment 11-3

The existing permit was due to have expired on July 17, 2010, which is now 11 ½ years ago. So the Project Proposal would effectively be in excess of a 40 year extension and would allow the quarry owner to benefit from the long delay which has occurred in getting to the point of approval and during which the quarry has been permitted to continue operating.

Whether the term is 30 years from the date of the original application or the date of approval, it is far too long considering:

The proximity of the operation to Dos Vientos, the funeral home and the surrounding community The fact that this exceeds the original application

extension and On the occasion of the last extension, March 25, 1999, the Ventura County Planning Commission approved only a 10-year permit extension (CUP 3817-2).

We therefore consider that the term of the extension should be limited to 10 years from the date of approval. That would still mean an extension of over 20 years from the expiry of the existing approval.

Response 11-3

The commenter is requesting that the life of the mine be extended 10 years rather than the 30 years described and analyzed within the DEIR and PRDEIR. As discussed under Comment 11-2 above, while the Applicant's requested permit term was 30 years as described and evaluated in the DEIR and PRDEIR and is now 60 years as discussed at Response 11-2, the final established permit term length is outside the scope of the CEQA evaluation and would be established by County decisionmakers as part of the modified CUP approval process. The commenter's request for a more limited period of operation is noted. The comment does not provide evidence that the suggested more limited period of operation is necessary address a significant environmental impact and the comment does not explain how the suggestion relates the impact analysis in the DEIR; thus, no further response is required.

Comment 11-4

Operating Hours

The Project would expand the hours of operations and operating days per week. Operational hours for equipment maintenance and aggregate hauling would be expanded to 5:30 AM to 10:00 PM. The project would also allow for 24-hour operations to accommodate special circumstances up to 60 days per year to accommodate County Public Works Agency projects, California Department of Transportation projects, Ventura County Resource Management Agency and other special projects that require nighttime deliveries. Weekly operations would be expanded to include Sundays for equipment maintenance and aggregate hauling.

Although the operating schedule for mining excavation and processing would not change, we see no justification for any equipment maintenance or aggregate hauling activity (and associated lighting) being permitted

a) 7 days a week

b) from 5:30 a.m. to 10:00 p.m. (that is, 16 1/2 hours a day)

We consider that, as in the existing CUP-3817-3, operations outside the specified hours should not be permitted without specific prior written approval from the Ventura County Planning Director, should be limited to emergency situations and should not be a matter for any of the other agencies or the quarry owner to decide for themselves.

Response 11-4

The commenter states that hours of operation outside the specified hours listed in the existing CUP should not be permitted without specific prior written approval from the Ventura County Planning Director and should be limited to emergency situations.

While truck activities could potentially occur in the morning and evening hours beyond the currently approved hours of trucking operations (i.e., 5:30 a.m. – 10:00 p.m.), these extended hours would only apply

to truck activity, which would occur in the bottom of the existing excavation pit, separated in elevation and distance from the Dos Vientos residential neighborhoods located to the east. Because of the distance between the proposed truck activity and the nearest residence, any potential effects related to noise and lighting due to these activities would be insignificant. An analysis of artificial lighting in areas adjacent to the Project is included in Section 3.2 and Section 3.5.2.2 of the DEIR. The implementation of DEIR Mitigation Measure MM VIS-2 and PRDEIR Mitigation Measure MM BIO-7(a) would individually and collectively minimize the potential impacts from light and glare on the Dos Vientos neighborhood, and would require that all lighting be hooded or be the high cut-off type that diverts lighting downward onto the property to avoid the casting of any direct light onto the adjacent habitat, which in turn would also protect the nearby Dos Vientos neighborhoods.

Additionally, while the days and hours when offsite truck trips may occur would be extended under the Project, the maximum number of daily truck trips would not exceed the existing permitted limit of 120 trips (60 loads) per day. Similarly, while the average number of daily truck trips could increase above baseline conditions (DEIR Section 3.9), as noted above the trucks and vehicles would continue to utilize the existing ingress/egress points and public roadways located near the western boundary of the Project site/within the existing excavation pit, separated in elevation and distance from the Dos Vientos residential neighborhoods located to the east. Additionally, the potential noise and visual effects of extending trucking activity up to the permitted Project of 60 loads or 120 one-way truck trips per day were considered in both the visual (DEIR Section 3.2) and noise (DEIR Section 3.8) analyses within the DEIR and technical studies, and potential impacts were found to be less than significant with appropriate mitigation measures incorporated. These include preparation of subsequent lighting plans to ensure new lighting meets appropriate standards, as well as the requirement that vehicle operation and parking provisions require headlights to be turned off when not in use. Similarly, the noise analysis evaluated the potential noise impacts of up to the maximum of 60 truckloads (or 120 one-way trips) per day, occurring between the hours of 5:30 a.m. – 10:00 p.m., and transportation noise impacts were found to be less than significant at the sensitive receptors located immediately adjacent to the haul route along Pleasant Valley Road, much closer to extending haul truck activity than those receptors located within the Dos Vientos residential neighborhoods.

Moreover, any extended 24-hour operations would be for special or emergency circumstances only (e.g., Caltrans/other special public projects that require nighttime delivery, natural disasters, etc.), which are limited to no more than an estimated 60 days/year and would only occur with special authorization from the County Planning Director (as requested by the Commenter). Operational hours/parameters, including when normal and emergency haul truck activity can occur, will be clearly defined within the Project CUP and are ultimately subject to the approval of the County decisionmakers.

The comment's request that operations outside the specified hours should not be permitted without specific prior written approval is noted. The comment does not provide evidence that the suggested written approval is necessary address a significant environmental impact and the comment does not explain how the suggestion relates the impact analysis in the DEIR; thus, no further response is required.

Comment 11-5

Recycling Plant

Section 2.6.6 says that the Applicant proposes the use of a "portable recycling plant to crush and process recycled concrete and asphalt at the site, to be

located as shown on Figure 2-5, "Existing and Proposed Structures and Equipment."

"The recycle plant would utilize conveyors, a crusher, and screen to recycle materials. The plant would be approximately 133 feet in length, 115 feet wide, and 30 feet high. Up to 30,000 cubic yards per year of concrete and asphalt debris would be received, crushed, and sold as base material. Material received and shipped would be considered in the operation's 60 loads per day truck trip limit. See site plan and attachments for details on the plant and location on the site."

We cannot see the location of the recycling plant on Fig 2.5, as suggested. That should be corrected in the final EIR. The location is shown on Figure 3.8.1 but not in a precise manner.

We are concerned that recycling plant is described as portable. The plant is very large.

We consider that, if the recycling plant is permitted (please see under Alternatives, below), its location and all associated lighting should be required to be, and to remain, out of line of sight of all yards and of all stories of the houses on all Palermo streets (and Via Pisa, which is not in Palermo but is in Dos Vientos) and that once the initial, precise, location has been approved any change should also require prior approval.

Response 11-5

The commenter is correct that DEIR Figure 2-5 does not illustrate the area within which the portable recycling plant is proposed to be located. As noted in the comment, Figure 3.8.1 of the DEIR identifies the area within which the recycling plant would be located, thus, this information was presented in the DEIR. Chapter 3 of this FEIR provides an errata updating Figure 2-5 to include the portable recycling plant operational area.

Note that because the plant would be portable and could therefore operate in various locations within the bottom of the pit, the full area within which the portable facility was considered for the analysis. As shown on DEIR Figure 3.8.1 and in FEIR Figure 2-5 as revised in Chapter 3 of FEIR to show the area of potential recycling facilities operations, it is anticipated that the recycle plant would be screened by its location in a depressed/lower elevation area of the existing mine pit, behind the existing aggregate plant.

The portable recycle plant would operate during daytime hours only (i.e., 7:00 a.m. – 4:00 p.m.), and therefore additional nighttime lighting associated with the plant would not be utilized. Additionally, Mitigation Measure MM VIS-2 requires the Permittee to prepare and submit a lighting plan to the County for review and approval prior to the installation or use of stationary or portable lighting for operations under the Project and would be required to include any proposed lighting associated with the portable recycle plant. Pursuant to MM VIS-2, the lighting plan shall be sufficient to avoid or minimize potential night-sky lighting and offsite light shine and spill to the extent feasible and in compliance with the specific requirement of this measure.

For these reasons, with mitigation incorporated, the installation and operation of the portable recycle plant within the bottom of the existing excavation pit would not result in significant visual or lighting impacts at residences located within the Dos Vientos neighborhood.

Comment 11-6

Fugitive Dust Reduction Measures

It is, in our view, essential that fugitive dust reduction measures be employed for all aspects of the operation including but not limited to use of water sprays and that all existing requirements referenced in section 3.4-24 should remain in force.

Response 11-6

The commenter is requesting that fugitive dust reduction measures be employed for all aspects of the operation including but not limited to the use of water sprays and that all existing requirements remain in force.

The impacts associated with air quality, including fugitive dust resulting from Project activities, were analyzed in DEIR Section 3.4. The existing fugitive dust reduction measures required to be implemented at the Project site are described in DEIR Section 3.4.1.7. The existing measures include watering and/or treating road and work areas to control fugitive dust. As stated on DEIR, compliance with the Project's current VCAPCD permit conditions and fugitive dust Rule 55 would ensure that impacts related to fugitive dust would be less than significant.

Comment 11-7

Visual Resources

Section 3.2.1.3 says that the assessment did not include reconnaissance of views from within private residential properties but that the analysis recognizes that portions of the Project site may be visible from yards or interior areas of residential properties nearest the southeastern site of the site. That is what we found in our enquiries of the homeowners, the results of which we supplied to the Planning Division.

Then, under Simulation of Views from Areas North, East, and South of the Site Section 3.2.2.2 says that:

"This disturbance and the uniform, angular benched and pad areas created by mining would be inconsistent with the visual character of surrounding hillside areas and would substantially modify the existing character of the viewshed. The additional mined areas would be dominant within the overall scale of the view down the slopes below this viewpoint and views toward Conejo Mountain."

" ..... the visibility of the additional mined areas and their dominance in the viewshed is considered to be a high degree of adverse visual change to the existing character of views from these areas. Revegetation of pad areas would reduce the visual effects of mining as vegetation becomes established over time. However, the disturbance and angular features created by mining and the substantially reduced vegetation density and cover as compared to existing conditions and adjacent areas would result in a permanent substantial reduction in the visual quality of the viewshed. While views from the areas represented by Viewpoint 4 vary depending on the viewer location in areas north, east, and south of the site, the general overall effect of expanded mining would be similar to that demonstrated by Viewpoint 4. The changes in the visual character of the Project site resulting from the proposed mine expansion would represent a high degree of adverse change in visual quality."

"Impact VIS-I is therefore considered significant and unavoidable for the purposes of the analysis in this EIR. (Note that Chapter 4 of this EIR evaluates alternatives to the proposed Project and that evaluation considers an alternative that would reduce the mine area as compared to the proposed Project. As discussed in Chapter 4, a reduced mine area would reduce the visual impact of the proposed Project.)"

The simulated photos, especially Fig. 3.2-7, vividly show how the expanded mining area would blight the view from Via Sandra and elsewhere, including trails. We therefore recommend an alternative project with reduced mining area. Please see below.

Response 11-7

As discussed in the comment, the DEIR provides a detailed analysis and discussion of the Project's visual impacts. The comment does not appear to dispute the impacts and conclusions of the visual impact analysis and does not provide evidence of a new or more severe visual impact than identified in the DEIR; thus, no changes to the analysis are necessary. The commenter's recommendation for a reduced mining area alternative is noted. Please note that Alternative B, Reduced Mine Expansion Area Alternative, is evaluated in the DEIR. Under Alternative B, the proposed expanded mine and reclamation area would be reduced in size. As discussed in the DEIR (pg. 5-5), various configurations of a reduced mine expansion area could be achieved to reduce impacts on habitat, special-status species, wildlife movement corridors, mine site visibility, and other factors, but a specific configuration of a reduced mine expansion area has not been developed for the EIR and is not required for a comparison of impacts of this alternative with the Project. DEIR Section 5.5.2 provides an analysis of the visual resources effects of Alternative B as compared to the Project. As discussed there, impacts associated with Alternative B would likely be less than those of the Project.

Per CEQA Guidelines Appendix G Environmental Checklist, a project's visual/aesthetic impacts should consider "public views", which are described as those views "that are experienced from [a] publicly accessible vantage point". Additionally, as described in the Ventura County Initial Study Assessment Guidelines (ISAG), a project has the potential to create a significant impact to scenic resources if it is in an area that has a scenic resource visible from a "public viewing location" (DEIR, pg. 3.2-11). Therefore, potential views of the Project site from private locations, such as residential backyards, are outside the scope of CEQA, and were not considered within the DEIR. The Project's potential effects on aesthetic resources were evaluated in detail from various public vantage points within the DEIR. Visual simulations were also prepared as part of the DEIR evaluation. Further, potential visual impacts would be mitigated to the extent feasible through the implementation of MM VIS-1 (soften final landforms, revegetate disturbed areas, install perimeter landscaping, etc.) and MM VIS-2 (prepare a County-approved lighting plan, avoid or minimize night-sky lighting and offsite light shine and spill to the extent feasible, etc.).

As stated previously, both the Project and the suite of alternatives considered and analyzed within the DEIR will be presented to the County decisionmakers, who will choose the preferred Project based upon the information described within the DEIR and PRDEIR, as well as input received during public participation.

Comment 11-8

Noise

The draft EIR suggests in Section 3.8.2.2 MM NV-1 that "the Permittee shall cause a qualified acoustician to conduct noise measurements at R1 or R2-B. If

measured noise levels exceed 55 dBA at R1 or R2-B, activities within the line-of-site of the respective receptor shall cease and shall not resume unless and until such time as the Permittee identifies additional noise control measures with analysis indicating that such measures are sufficient to avoid operational noise in excess of 55 dBA at the respective receptor and until receiving written authorization by the County that such operations may resume. The Permittee shall comply with the requirements of this measure for any subsequent resumed or newly initiated Project-related operations within line-of-sight of receptor R1 or R2-B."

We support that requirement but it is important that:

It applies to all activities, including the recycling plant

The final EIR specifies how frequently the activities are to be measured and to whom the analysis and proposed mitigation techniques are to be submitted

The acoustician is one approved by the County and

The requirement is actively enforced.

We also think it is essential that the proposed mitigation requirements, such as reducing the hours of operation and prohibiting the aggregate plant and the recycling plant from operating concurrently, are monitored and enforced.

Response 11-8

As discussed in the comment, the DEIR provides a detailed analysis and discussion of the Project's potential noise impacts and identifies mitigation to ensure potential impacts would be less than significant. The comment suggests that additional provisions are required to ensure the efficacy of Mitigation Measure MM NV-1, but does not provide evidence to show that MM NV-1 is insufficient as identified in the DEIR or evidence showing that the suggested additional provisions are required for MM NV-1 to be effective; thus, no changes to the analysis or MM NV-1 are necessary to address the comment, as MM NV-1 would apply to all onsite activities, including the recycle plant, and would be required to be implemented once mining in the expansion area commences within line-of-sight of Receptors R1 and/or R2-B. Additionally, the provisions required under MM NV-1 would be enforced by the County throughout the life of the Project, and verified by a County-approved acoustician. The specific provisions outlined in MM NV-1, including subsequent onsite noise monitoring, and prohibition of simultaneous operation of the aggregate plant and portable recycle plant, will be enforced by the County through the implementation of the Mitigation Monitoring and Reporting Program (MMRP) and enforcement of the CUP, as MM NV-1 will become a condition of approval subject to enforcement and verification by the County's Code Compliance Division. Through subsequent noise monitoring and implementation of the MMRP/CUP conditions of approval, the County would ensure that the Project's noise levels, including those resulting from the portable recycle plant, do not exceed applicable limits at the residences (i.e., Receptor R2-B) located within the Dis Vientos neighborhoods.

Comment 11-9

Blasting

Although the draft EIR concludes that "project-related groundborne vibration impacts associated with blasting would be less than significant", our own survey

of Via Sandra homeowners showed that the owners of 5 lots considered that the blasting ranged from strongly perceptible to intolerable.

Section 2.6.3 says that primary blasts are conducted approximately twice a year. Smaller blasts are performed up to twice per week and include up to about 10 holes per blast.

However, Section 2.6.2 says that the Applicant requests an increase in permitted annual production and sales from the existing 86,000 tons per year to 468,000 tons per year.

If production is expanded by a factor of 5½, blasting will presumably have to be either much more frequent or involve much bigger blasts or both. That consequence does not appear to be addressed in the draft EIR, but it should be.

Response 11-9

The commenter requests that the increase of annual production in relation to short-term blasting be analyzed in the draft EIR.

As discussed in Response 6-5 above, groundborne vibration impacts due to blasting are analyzed on a per blast basis, and as stated in the DEIR, the size and design of each blast occurring onsite would not change as a result of the Project. Additionally, while the maximum daily throughput of the facility would not change (i.e., would remain a maximum of 2,400 tons per day), the total average annual production would increase under the proposed Project as compared to baseline conditions. As a result, while the potential increase in annual volume of material extracted may increase the number of blasts per week, it would have no bearing on the current daily blasting schedule or related vibration impacts per blasting event, as no changes to the daily mining and blasting methods, processing methods, or mining and processing equipment are proposed, and because the size and design of each blast would also not change. Specifically, blasting would continue to only be permitted to occur between the hours of 7:00 a.m. and 4:00 p.m., Monday through Saturday, and the blasting events would continue to be occasional and last approximately one (1) second per blast.

Per applicable guidance, potential vibration impacts due to blasting are evaluated on a per blasting event basis. As discussed in the DEIR and associated noise analysis, even if blasting were to occur within the expanded onsite mining location nearest to each receptor, vibration impacts from each blast were found to be less than significant. Because the daily number and type of blasts would not change, and because the increase in annual volume of material extracted would have no bearing on the daily blasting schedule, therefore the potential increase in average daily and annual production rates would not result in vibration impacts at nearby receptors.

In summary, the impacts of the periodic and short-term blasting associated with mining in the proposed expansion areas were analyzed in DEIR Section 3.8.2.2. The analysis concluded that, although the vibration levels may be perceptible to sensitive receptors, vibration levels would be below the annoyance impact threshold. Therefore, the Project-related groundborne vibration impacts associated with blasting were determined to be less than significant.

Comment 11-10

Also, we previously suggested that the quarry should be required to observe the same requirements as the City of Thousand Oaks has, for residential developments, for notifying affected residents in advance each time blasting is to occur. That does not seem to be reflected in the draft EIR. It should be

made a requirement of any approval of the Project that, not less than 24 hours before any blasting, an email notification be sent to all residents on all the Palermo Streets who supply an email address for that purpose and that the notification specify the time and duration of the blasting. That is all the more important if the frequency and/or size of blasts is increased.

Response 11-10

The DEIR provides a detailed analysis and discussion of the Project's potential blasting vibration impacts and concludes that vibration impacts associated with blasting would be less than significant (DEIR Impact NV-3, pg. 3.8-23). The comment suggests that notification provisions should be required to notify residents in advance of blasting, but the comment does not provide evidence to show that such measures are necessary to address a significant impact. Thus, no changes to the analysis or mitigation are necessary.

Comment 11-11

Alternatives

Of the alternatives addressed in 5.4, we would prefer Alternative A-No Project.

Response 11-11

The commenter's preference for the No Project alternative is noted. The No Project Alternative is described and evaluated in DEIR as required by CEQA (DEIR Chapter 5). The Project and the alternatives considered and analyzed in the DEIR will be presented to the County decisionmakers for consideration during Project approval deliberations.

Comment 11-12

However, we recognize that the County is unlikely to approve that alternative as it has an interest in preserving a local source of road and other materials and there is presumably a risk that, if alternative A were to be approved, the quarry owner would seek to pursue the vested interest claim which it previously made and then, we assume, withdrew under the Compliance Agreement of October 19, 2015. As the Compliance Agreement states that it does not constitute an enforceable contract, we assume that the claim has not been abandoned in any legally binding way, although we are not in a position to assess whether the claim to a vested interest has any merit.

Response 11-12

The matter of the mining operations vested status is outside the scope of the County's CEQA review, and no further response to the comment is required for the EIR.

As discussed previously, both the Project and the alternatives considered and analyzed in the DEIR will be presented to the County decisionmakers for consideration during Project approval deliberations.

Comment 11-13

We consider that the next best alternative of those proposed would be Alternative C.

However, that alternative would allow the mining area to be increased. We consider that a further alternative should be presented; the same as alternative C (no asphalt and concrete recycling operations, no installation of a security trailer and no operations on Sundays or outside of the currently permitted hours

of 7:00 a.m. to 4:00 pm) but with mining only allowed to continue within the existing CUP area, of which a considerable part has not yet been quarried, according to Fig 2-3. The duration should, however, be limited in time as recommended above.

Response 11-13

The commenter's next best alternative of Alternative C (Continuation of Existing Operations with Mine Expansion) is noted. This alternative is identified as being within a reasonable range of alternatives for the County's consideration of alternatives as required by CEQA. Alternative C is thus described and evaluated in the DEIR (DEIR Chapter 5). The comment's additional preference of a modified Alternative C that would restrict mining to within the existing permitted area is noted. The County has properly identified a reasonable range of alternatives for evaluation in the EIR, and the comment's recommended additional alternative of a modified Alternative C need not be included and evaluated in the EIR.

As discussed previously, both the Project and the alternatives considered and analyzed in the DEIR will be presented to the County decisionmakers for consideration during Project approval deliberations.

Comment 11-14

We therefore consider that the EIR is incomplete in that respect and does not meet the CEQA standard that:

"An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences."

We imagine that the Resource Management Agency already has all the information needed to analyze and present that further alternative.

Response 11-14

Please see Response 10-50, 10-52, and Response 11-13 regarding evaluation of a reasonable range of alternatives. The comment does not provide evidence that the DEIR/PRDEIR are insufficient.

The commenter states that the EIR is incomplete and does not meet the CEQA standard that an EIR should be prepared with a sufficient degree of analysis that allows a decisionmaker to account for the environmental consequences of said action.

CEQA requires that an EIR describe a reasonable range of alternatives to a proposed project that could feasibly attain most of the basic project objectives and would avoid or substantially lessen any of the proposed project's significant effects. The range of alternatives evaluated in the DEIR and the comparison of the alternatives to the Project in the DEIR sufficiently provides the public and decision makers with information regarding the potential environmental effects and will allow for informed decision making.

Comment 11-15

Other Matters

A. We refer above to the quarry owner's claim to vested rights.

Whatever the merits or demerits of that claim, the owner should be required, as a pre-condition of any approval, to surrender in a binding and permanent manner, any such rights as it may have, in order to preclude it from reviving that claim on any future occasion.

Response 11-15

The matter of the mining operations vested status is outside the scope of the County's CEQA review, and no further response to the comment is required for the EIR.

Comment 11-16

B. Section 1.4 says that "The request includes expansion of the mining area to the east to address slope conditions at the northerly and northeasterly side of the quarry and expansion onto recently acquired adjacent land."

That is an area which is close to Via Sandra and Via Pisa and to the Powerline Trail and further mining of which would reduce the width of an already narrow wildlife corridor.

The slope conditions referred to are presumably the over-steepening of the slope which we understand was effected in breach of the existing CUP. The quarry owner (and/or its predecessor) will already have profited from that mining. It is, in our view, wrong that that breach should be further rewarded by permission for additional mining in, and revenue from, that area. We therefore consider that the owner should be required to correct the over-steepening by infill and should not be permitted to expand that mining area.

Response 11-16

The commenter's preference that the owner/operator should be required to correct steep slopes with infill is noted. As discussed in preceding responses, the DEIR identifies and evaluates a reasonable range of alternatives and evaluation of such an infill alternative is not required for compliance with CEQA.

Notwithstanding historical onsite slope conditions, the Project has been designed to ensure that both interim mining slopes as well as final reclaimed slopes are maintained in safe and stable conditions in accordance with both County and state requirements. Additionally, detailed geotechnical evaluations of Project slope configurations were prepared and considered as part of the DEIR slope stability analysis, and mitigation measures are identified to ensure sufficient slope stability. Specifically, Mitigation Measure MM GS-2 requires site-specific materials testing and geotechnical analysis prior to mining within planned mine areas, and requires quarterly inspection and verification of, or adjustments to, the mine plan based on observed conditions. Additionally, Mitigation Measure MM GS-3 would ensure proper assessment of fill material and site conditions during the time of fill placement and result in compaction and other fill placement design measures as may be needed. Through the implementation of MM GS-2 and MM GS-3, potential impact related to slope stability would be less than significant.

2.5 INDIVIDUAL DEIR COMMENTS AND COUNTY RESPONSES

2.5.1 Comment Letter 12 - Randy and Kathy Denning (January 14, 2021)

Comment 12-1

This email is intended to provide my comments to the draft EIR for Case Number LUl0-0003 regarding the expansion of the Pacific Rock Mine. I am a homeowner in Palermo Homeowners Association, and my home is one of a few on Via Sandra that sits almost directly above the quarry. We therefore have a direct view of the quarry, and I'm subject to the dust and noise that it currently generates. When my wife and I purchased the home we obviously were aware of the existence of the quarry and its issues, and we judged them to be acceptable. However, at the

time that we made the purchase we couldn't have imagined the current changes that are being considered.

Response 12-1

The location of the commenter's home in proximity to the Project and the commenter's concerns about the project are noted and will be considered by County decisionmakers. The comment does not discuss the adequacy of the DEIR analysis or conclusions. Please note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.

Comment 12-2

The increase in dust, noise, light and visual pollution that we would be subjected to is unfathomable. The expansion of the quarry as currently written would certainly diminish our enjoyment of our home and yard, and reduce our property value and our ability to sell our home when we decide to do so.

Response 12-2

The DEIR evaluates potential impacts of the Project associated with dust, noise, light, and visual quality in Section 3.4, "Air Quality," Section 3.8, "Noise and Vibration," and Section 3.2, "Visual Resources," respectively. The comment does not discuss the adequacy of the DEIR's evaluation of these topics.

With regard to the commenter's concern with potential effects on property values, it should be noted that according to CEQA statute, guidelines, and case law, economic impacts are not CEQA issues. (*Porterville Citizens for Responsible Hillside Development v. City of Porterville* (2007) 157 Cal.App.4th 885, 903 ["CEQA is not an economic protection statute"]; See also *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1120.) Therefore, assertions or evidence of economic impacts are beyond the scope of CEQA and do not pertain to the adequacy of the EIR.

Comment 12-3

I will not attempt to address the EIR in detail, I instead refer you to the letter provided by my HOA; the Palermo Maintenance Corporation, dated January 14, 2020.

Response 12-3

Please see responses to the DEIR comment letter submitted by Palermo Maintenance Corporation above at Comment Letter 11.

Comment 12-4

I will however address three of the most egregious elements of the requested expansion. The first is the requested extension of the operational days from 6 to 7 days per week. Obviously this would greatly impact the enjoyment and value of our property, and I frankly don't know how operation of the quarry on Sundays can even be considered for approval.

Response 12-4

The commenter's concern regarding operations on Sundays is noted. As relevant, the DEIR impact analysis considers the Project's proposed expanded days of operation. The comment does not address the adequacy of the DEIR.

Comment 12-5

Secondly, the additional noise and dust from the operation of a concrete and asphalt recycling plant would be an eyesore, the noise and dust would be intolerable, and I fear that it would greatly reduce our enjoyment of our property.

Response 12-5

The DEIR evaluates potential impacts of the Project associated with noise, dust, and visual quality in Section 3.8, "Noise and Vibration," Section 3.4, "Air Quality and Greenhouse Gases," and Section 3.2, "Visual Resources," respectively. The comment does not discuss the adequacy of the DEIR's evaluation of these topics.

Comment 12-6

Lastly, the requested increase of the Hours of Operation (Water Truck Use, Equipment Fueling; Arrivals and Departures of Aggregate, Recycle, and Soil Hauling) is unreasonable in a residential area, and would also contribute to diminishing our enjoyment of our home and yard, and reducing our property value.

Response 12-6

The commenter's concern regarding the Project's proposed hours of operation is noted. As relevant, the DEIR impact analysis considers the Project's proposed expanded hours of operation. The comment does not address the adequacy of the DEIR.

Comment 12-7

In closing, I refer you to the Notice of Availability: "Based on the analysis presented in the DEIR, the project would result in potentially significant but mitigable impacts to Air Quality, Greenhouse Gasses, Biological Resources, Cultural Resources, Geology and Soils, Noise, Water Resources, Hazards and Public Safety, Land Use and Planning and potentially significant but unavoidable impacts to Visual Resources. Given the issues called out in the EIR, I don't know why most of the requested items requested by the Quarry are even under consideration.

Response 12-7

The Notice of Availability information quoted in the comment correctly summarizes the information and impact determinations in the DEIR. The comment does not address the adequacy of the DEIR.

Comment 12-8

I strongly encourage that the proposed changes be limited by not allowing for the expansion of the days and hours of operation, and not allowing the operation of a concrete and asphalt recycling plant which is better suited to an industrial area and not adjacent to homes.

Response 12-8

The commenter's recommendation to not allow for expansion of days or hours of operation is noted and will be considered by County decisionmakers. The comment does not address the adequacy of the DEIR.

2.5.2 Comment Letter 13 - Dan Fish (January 14, 2021)

Comment 13-1

I am writing as a concerned citizen and resident of Palermo Neighborhood, in Dos Vientos, in objection to Pacific Rock's application to extend operating days/hours and expand operations of the Pacific Rock Quarry in Camarillo.

Response 13-1

The commenter's objections are noted and will be considered by County decisionmakers. Note that the Project is located in unincorporated Ventura County and not in the City of Camarillo. The comment does not discuss the adequacy of the DEIR. Please see below for discussion of specific issues of concern.

Please note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.

Comment 13-2

As a resident living on Via Sandra, my specific concerns include:

1.) Increased noise from incremental heavy equipment operation and use of explosives (causing shock and vibration)

Response 13-3

The DEIR evaluates potential impacts of the Project associated with noise and vibration, including that associated with equipment operation and blasting, in Section 3.8, "Noise and Vibration." The comment does not address the adequacy of the DEIR noise and vibration analysis.

Comment 13-3

2.) Increases in the generation of dust from the expansion and extension of operating hours, days, and inclusion of concrete/asphalt recycling operations

Response 13-3

The DEIR evaluates potential impacts of the Project associated with air quality, including that associated with fugitive dust, in Section 3.4, "Air Quality and Greenhouse Gases." The comment does not address the adequacy of the DEIR air quality analysis.

Comment 13-4

3.) Light pollution and nuisance caused by the operation of incremental light plants for extend period of time and days

Response 13-4

The DEIR evaluates potential visual and lighting impacts of the Project and identifies mitigation including measures to reduce potential impacts associated with Project lighting in Section 3.2, "Visual Resources."

The comment does not address the adequacy of the DEIR's visual resources analysis or proposed mitigation.

Comment 13-5

4.) Potential destabilization of the hillside caused by the expansion

Response 13-5

The DEIR evaluates potential slope stability impacts associated with the Project and identifies mitigation including measures that require geotechnical and slope stability analysis and verification of slope stability prior to and during expanded mining operations (see DEIR Section 3.7, Geology and Soils). The comment does not address the adequacy of the DEIR's geology and soils analysis or proposed mitigation.

Comment 13-6

Thank you for taking this into consideration in the permitting process, and for preserving the quality of life for residents in the surrounding area.

Response 13-6

The County appreciates the review and input provided by the commenter.

2.5.3 Comment Letter 14 - James D. Crawford (January 14, 2021)

Comment 14-1

My name is James D. Crawford Jr. and I live in the Palermo track of Dos Vientos, specifically 127 Via Sandra.

I am 100% opposed to any and all proposed expansion of the Pacific Rock Quarry that is directly below me.

Conditional use permit 3817-3

Response 14-1

The commenter's opposition to the proposed expansion of the Pacific Roack Quarry is noted and will be considered by County decisionmakers. The comment does not discuss the adequacy of the DEIR. Please note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.

2.5.4 Comment Letter 15 - Mark Cotone (January 14, 2021)

Comment 15-1

My name is Mark Cotone, and my family and I live at 139 Via Sandra, in a home in the Palermo track of Dos Vientos situated right above the Pacific Rock Quarry.

Response 15-1

The proximity of the commenter's residence to the Project site is noted.

Comment 15-2

As it stands now, in it's current state, the quarry is an unwelcome eyesore, whose noise pollution and occasional building-shaking explosions are a known nuisance and - now I'm learning - a potential health hazard as well.

Response 15-2

The commenter's opinions regarding the existing quarry are noted. The commenter does not reference information regarding potential health hazards. The DEIR evaluates potential health risk associated with hazardous materials and air pollutant emissions and concludes that with mitigation the impacts would be less than significant. The comment does not address the adequacy of the DEIR's analysis of those issues.

Comment 15-3

I am unreservedly opposed to any and all proposed expansions of operational scope at the Quarry in conjunction with their submitted modification of existing Conditional Use Permit No. 3817-3.

Response 15-3

The comment does not address the adequacy of the DEIR. The commenter's opposition to the Project is noted and will be considered by County decisionmakers in Project approval deliberations.

Comment 15-4

The fact that any company would even consider impacting the quality of life and risking the health for so many community residence in their pursuit of monetary profit is unconscionable.

Response 15-4

The commenter's opposition to the Project is noted and will be considered by County decisionmakers in Project approval deliberations. The DEIR evaluates potential health risk associated with hazardous materials and air pollutant emissions and concludes that with mitigation the impacts would be less than significant. The comment does not address the adequacy of the DEIR's analysis of those issues.

Comment 15-5

Twenty-four hour operation seven days a week for thirty years? How can this even be considered.

Response 15-5

The DEIR properly evaluated the Project as proposed by the Applicant. The comment does not address the adequacy of the DEIR. Please note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.

Comment 15-6

And when I review the corporate history of this company, the multiple citations for Clean Water Act violations and numerous fines for illegal dumping make it obvious that we're dealing with an unscrupulous entity.

Response 15-6

The comment does not address the adequacy of the DEIR. The commenter's concerns regarding the Applicant are noted and will be considered by County decisionmakers in Project approval deliberations.

Comment 15-7

Again, a hard "no" to all proposed expansions. This company should be shut down, not rewarded with the opportunity to continue their unethical practice.

Response 15-7

The comment does not address the adequacy of the DEIR. The commenter's opposition to the Project is noted and will be considered by County decisionmakers in Project approval deliberations.

2.5.5 Comment Letter 16 - Ferruh and Derya Unlu (January 14, 2021)

Comment 16-1

I am writing to you in support of my community, Dos Vientos in Newbury Park, CA which is close to the mine operated by Pacific Rock. I was concerned about this mine from the first day we have seen during our hiking adventure when we had moved to the community in 2012. We, as a family, had been very upset by the fact that there was this mine very close to our community and horrible impact on the beautiful mountain behind our house. It was extremely concerning why a company would destroy it to make financial gains despite all the facts happening around the globe. We all are responsible for what has been and will be happening to our beautiful planet and things are getting worse and worse every day, which I am sure you are also aware.

Response 16-1

The comment does not address the adequacy of the DEIR. The issues and concerns raised by the commenter will be considered by County decisionmakers in Project approval deliberations. Please note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.

Comment 16-2

Just because some company X, in this case Pacific Rock, wants to take advantage of this to make some financial gains without hesitating to destroy it doesn't mean should be allowed to participate in this irresponsible act. To them, it doesn't matter what they leave behind as long as they can dig and continue to destroy our planet piece by piece every day without feeling any guilt with it. I am hoping that you are on our side and will not let this happen. We all need to do what we should do to save our planet for our next generations to keep at least what we have for them to live, which we have been lucky for many years for this. It is still not too late to slow down the damage or even reverse it, in my opinion.

Thank your kind consideration and hoping that the permit will not be given in the name of saving our planet piece by piece instead of destroying and/or letting the other to destroy.

Response 16-2

The comment does not address the adequacy of the DEIR. The issues and concerns raised by the commenter will be considered by County decisionmakers in Project approval deliberations.

2.5.6 Comment Letter 17 - Tom and Keri Casey (January 15, 2021)

Comment 17-1

Just wanted to express my concern over the considered modification to the existing Conditional Use Permit (CUP) No. 3817-3 to expand the use of the of existing mining area. I want to take special exception to the idea of recycling concrete and asphalt and allowing imported material to be used for reclamation fill.

Response 17-1

The comment does not address the adequacy of the DEIR. The concerns raised by the commenter with regard to the proposed CUP modification, mine area expansion, and proposed recycling operations will be considered by County decisionmakers in Project approval deliberations. Please note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.

Comment 17-2

We live in the Dos Ventos neighborhood, which borders the mine, and we are very concerned about the impact to our health.

- Recycling concrete and asphalt can contain asbestos and other harmful materials, which have known deleterious effects on the health of humans, especially children.

Response 17-2

The DEIR evaluates potential health risk associated with toxic air contaminants as presented in the DEIR at Impact AQ-2 (DEIR pgs. 3.4-29 through 3.4-30). The analysis concludes that the Project would not result in increased health risk in excess of accepted thresholds of significance (see DEIR Table 3.4-8, "Summary of Maximum Project Health Risk Impact"). The comment does not address the adequacy of the DEIR health risk evaluation. The concerns raised by the commenter will be considered by County decisionmakers in Project approval deliberations.

Comment 17-3

- The prevailing winds, due to the coastal climate, travel westerly from Camarillo to Newbury Park (thus the Spanish Name of the neighborhood Dos Vientos, "Two Winds"), which brings particulate and pollutants from the mine straight into the Dos Vientos neighborhood.

Response 17-3

The DEIR evaluates potential air quality impacts of the Project as presented in the DEIR at Impact AQ-1 (DEIR pgs. 3.4-23 through 3.4-28). The analysis concludes that with implementation of NOx reduction mitigation measures (see Mitigation Measure MM AQ-1, DEIR pg. 3.4-28 through 3.4-29) the Project would

not result in air pollutant emissions in excess of accepted thresholds of significance (see DEIR Table 3.4-7, "Project Daily Air Pollutant Emissions"). The air quality impact analysis and health risk evaluation is presented in detail in the "Air Quality, Health Risk, and Climate Change Impact Assessment" (Sespe, 2019) included as Appendix B-1 of the DEIR. As discussed in that report, the analysis considers prevailing wind patterns and other factors influencing air pollutant dispersion and were considered in the emissions modeling (see DEIR Appendix B-1 pg. 13; and Figure 6, Windrose for Station 23138). The comment does not address the adequacy of the DEIR air quality evaluation. The concerns raised by the commenter will be considered by County decisionmakers in Project approval deliberations.

Comment 17-4

Please consider the health and welfare of the family oriented neighborhood and reject the expansion of the use of the mine. Thank you.

Response 17-4

The comment does not address the adequacy of the DEIR. The request by the commenter that the County reject the Project will be considered by County decisionmakers in Project approval deliberations.

2.5.7 Comment Letter 18 - Daniel M. Ritt (January 15, 2021)

Comment 18-1

In regards to the notice of changes to the Pacific Rock Quarry Terms of Operation, I would like to take this opportunity to share my comments.

I have various concerns regarding the proposed changes as detailed below:

Response 18-1

The comment is introductory and does not address the adequacy of the DEIR. Please see responses below pertaining to specific issues raised in the comment letter.

Comment 18-2

Increase in dust particles coming from the quarry expansion

Response 18-2

The DEIR evaluates potential air quality impacts of the Project as presented in the DEIR at Impact AQ-1 (DEIR pgs. 3.4-23 through 3.4-28). The analysis concludes that the Project would not result in fugitive dust or other particulate matter emissions in excess of accepted thresholds of significance (see DEIR Table 3.4-7, "Project Daily Air Pollutant Emissions"). The comment does not address the adequacy of the DEIR air quality evaluation. Notwithstanding the DEIR's conclusion that fugitive dust impacts would be less than significant, the commenter's concerns will be considered by County decisionmakers in Project approval deliberations.

Comment 18-3

Increase in noise pollution

Response 18-3

The DEIR evaluates potential noise impacts of the Project as presented in the DEIR at Impact NV-1 and Impact NV-2 pertaining to onsite noise generation and offsite vehicle noise, respectively (DEIR pgs. 3.8-18

through 3.4-23). The analysis concludes that the Project would have the potential to result in onsite noise levels that could exceed significance thresholds at adjacent receptors and identifies Mitigation Measure MM NV-1 that would reduce the impacts to less than significant. The analysis of Impact NV-2 concludes that increased noise levels associated offsite Project haul truck trips would be less than significant and no mitigation is required. The comment does not address the adequacy of the DEIR noise evaluation. Notwithstanding the DEIR's conclusion that noise impacts would be less than significant, the commenter's concerns will be considered by County decisionmakers in Project approval deliberations.

Comment 18-4

chemicals released by the asphalt recycling facility

Response 18-4

The DEIR evaluates potential health risk associated with toxic air contaminants as presented in the DEIR at Impact AQ-2 (DEIR pgs. 3.4-29 through 3.4-30). The analysis concludes that the Project would not result in increased health risk in excess of accepted thresholds of significance (see DEIR Table 3.4-8, "Summary of Maximum Project Health Risk Impact") and includes consideration of emissions associated with the proposed recycle facility component of the Project. The comment does not address the adequacy of the DEIR health risk evaluation. Notwithstanding the DEIR's conclusion that health risk impacts would be less than significant, the concerns raised by the commenter will be considered by County decisionmakers in Project approval deliberations.

Comment 18-5

prevention of toxic particles released into the environment

Response 18-5

The DEIR evaluates potential health risk associated with toxic air contaminants as presented in the DEIR at Impact AQ-2 (DEIR pgs. 3.4-29 through 3.4-30). The analysis concludes that the Project would not result in increased health risk in excess of accepted thresholds of significance (see DEIR Table 3.4-8, "Summary of Maximum Project Health Risk Impact"). The comment does not address the adequacy of the DEIR health risk evaluation. Notwithstanding the DEIR's conclusion that health risk impacts would be less than significant, the concerns raised by the commenter will be considered by County decisionmakers in Project approval deliberations.

Comment 18-6

mitigation of significant impacts

Response 18-6

The commenter's concern with regard to mitigation of significant impacts is not elaborated. The DEIR evaluations conclude that air quality and noise impacts (the issues of concern raised by the commenter in comments above) would either be less than significant or would be reduced to less than significant with mitigation identified in the DEIR. The comment does not address the adequacy of the air quality and noise mitigation measures presented in the DEIR and does not otherwise address the adequacy of the DEIR.

Comment 18-7

impact on property values

Response 18-7

According to CEQA statute, guidelines, and case law, economic impacts are not CEQA issues. (*Porterville Citizens for Responsible Hillside Development v. City of Porterville* (2007) 157 Cal.App.4th 885, 903 ["CEQA is not an economic protection statute"]; See also *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1120.) Therefore, assertions or evidence of economic impacts are beyond the scope of CEQA and do not pertain to the adequacy of the EIR.

Comment 18-8

what is the timeline for completion to full operation?

Response 18-8

The comment's question regarding the timeline for completion to full operation is unclear. However, if the Project is approved by the County, the Permittee would be required to obtain additional regulatory approvals and implement pre-disturbance mitigation requirements prior to operations under the Project. Pending the fulfillment of those obligations, the Project as currently proposed by the Applicant would extend the life of the operation by 60 years. (Please note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension changed from 30 years as presented and evaluated in the DEIR to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.) The commenter's question does not address the adequacy of the DEIR.

Comment 18-9

These are very real concerns that I would like to see addressed before any changes in operation.

Response 18-9

The comment is conclusory and does not address the adequacy of the DEIR. Please see responses above pertaining to specific issues raised in the comment letter.

Comment 18-10

Please keep me posted on any developments of this project.

Response 18-10

The County will provide public notifications for Project-related documents and hearings as required.

2.5.8 Comment Letter 19 - Sarah Epstein (January 15, 2021)

Comment 19-1

My family and I live at 122 Via Sandra, Thousand Oaks, CA 91320. Our home is less than 2000 ft from the operations of Pacific Rock Quarry and yet, our neighborhood was never considered in the notification or study on the impact it would cause expanded operating hours of the quarry.

Response 19-1

The County published a NOP notifying the public that the County would prepare an EIR for the Project and inviting public comments on the scope of the EIR in November 2017. The NOP was submitted to the State Clearinghouse and posted to the Ventura County Resource Management Agency (RMA) webpage and was mailed to property owners within 1,000 feet of the Project parcel boundaries. The NOP, distribution list, and map of the properties and 1,000-foot notice distribution area is included in DEIR Appendix A-1. The DEIR was filed with the State Clearinghouse and posted on the RMA webpage, and public notice was mailed to surrounding landowners. The commenter's address is within the 1,000-foot notice distribution area.

The commenter asserts that the neighborhood was not considered in the study. However, the DEIR impact analysis specifically considers sensitive residential receptors. As discussed in the DEIR, the noise evaluation includes sensitive receptor R2 which are "residences nearest to the expanded mining boundary located at the ends of Via Sandra and Via Pisa in the Dos Vientos Ranch community." (DEIR pg. 3.8-4) Also as discussed in the DEIR, the air quality analysis considers the "residences nearest to the expanded mining boundary are located at the ends of Via Sandra and Via Pisa in the Dos Vientos Ranch community, just over approximately 0.15 miles from the nearest portion of the existing and proposed CUP boundary" (DEIR pgs. 3.4-6 and 3.4-7). The comment does not address the adequacy of the DEIR analysis of these or other resource impact evaluations.

Comment 19-2

Our family strongly objects to the 30 year contract being signed with the quarry to expand the area of the mining, the days it is allowed to operate and for additional buildings to be built.

Response 19-2

The comment does not address the adequacy of the DEIR. The commenter's opposition to the Project will be considered by County decisionmakers in Project approval deliberations. Please note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.

Comment 19-3

First and foremost, we feel that the quality of life for the Via Sandra neighborhood, as well as the surrounding neighbors will be negatively impacted. This potential agreement will most definitely cause major disruption to the quality of life for our Via Sandra neighborhood, the property values of our homes and community, our beautiful trails, the quiet streets, and our beautiful views.

Response 19-3

The commenter's concern with regard to quality of life, property values, and views are noted. The comment does not address the adequacy of the DEIR. The commenter's opposition to the Project will be considered by County decisionmakers in Project approval deliberations.

With regard to the commenter's concern of effects on property values, according to CEQA statute, guidelines, and case law, economic impacts are not CEQA issues. (*Porterville Citizens for Responsible Hillside*

Development v. City of Porterville (2007) 157 Cal.App.4th 885, 903 ["CEQA is not an economic protection statute"]; See also *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1120.) Therefore, assertions or evidence of economic impacts are beyond the scope of CEQA and do not pertain to the adequacy of the EIR.

Comment 19-4

This is not the right thing to do, not just for our neighborhood community but for the environment and our county! We ask that you please reject the proposal from Pacific Rock Quarry!

Response 19-4

The comment does not address the adequacy of the DEIR. The commenter's opposition to the Project and request that the Project be rejected will be considered by County decisionmakers in Project approval deliberations.

2.5.9 Comment Letter 20 - Sharon Lin (January 15, 2021)

Comment 20-1

My family and I are the owners and residents of 152 Via Sandra. My home is less than 2000 feet from the operations of Pacific Rock Quarry, and yet, my neighborhood was never considered in the notification or study on the impact of the expanded operating hours of the quarry.

Response 20-1

The County published a NOP notifying the public that the County would prepare an EIR for the Project and inviting public comments on the scope of the EIR in November 2017. The NOP was submitted to the State Clearinghouse and posted to the Ventura County Resource Management Agency (RMA) webpage and was mailed to property owners within 1,000 feet of the Project parcel boundaries. The NOP, distribution list, and map of the properties and 1,000-foot notice distribution area is included in DEIR Appendix A-1. The DEIR was filed with the State Clearinghouse and posted on the RMA webpage, and public notice was mailed to surrounding landowners. The commenter's address is not within the 1,000-foot notice distribution area. However, the commenter's contact information has been saved in the County's interested parties list for all future notifications.

The commenter asserts that the neighborhood was not considered in the study. However, the DEIR impact analysis specifically considers sensitive residential receptors. As discussed in the DEIR, the noise evaluation includes sensitive receptor R2 which are "residences nearest to the expanded mining boundary located at the ends of Via Sandra and Via Pisa in the Dos Vientos Ranch community." (DEIR pg. 3.8-4) Also as discussed in the DEIR, the air quality analysis considers the "residences nearest to the expanded mining boundary are located at the ends of Via Sandra and Via Pisa in the Dos Vientos Ranch community, just over approximately 0.15 miles from the nearest portion of the existing and proposed CUP boundary." (DEIR pgs. 3.4-6 and 3.4-7) The comment does not address the adequacy of the DEIR analysis of these or other resource impact evaluations.

Comment 20-2

I strongly object to a 30 year contract being signed with the quarry to expand the area of the mining, the days it is allowed to operate and for additional buildings to be built.

Response 20-2

The comment does not address the adequacy of the DEIR. The commenter's opposition to the Project will be considered by County decisionmakers in Project approval deliberations. Please note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.

Comment 20-3

This agreement has the potential to negatively impact the quality of life for the residents of Via Sandra, Via Pisa and the surrounding neighborhoods for three decades. We face reduced property value from the loss of natural views from our homes and trails, noise every single day of the week and reduced air quality from particles generated from the activity.

Response 20-3

The commenter's concern with regard to quality of life, property values, and views are noted. The comment does not address the adequacy of the DEIR. The commenter's opposition to the Project will be considered by County decisionmakers in Project approval deliberations.

With regard to the commenter's concern of effects on property values, according to CEQA statute, guidelines, and case law, economic impacts are not CEQA issues. (*Porterville Citizens for Responsible Hillside Development v. City of Porterville* (2007) 157 Cal.App.4th 885, 903 ["CEQA is not an economic protection statute"]; See also *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1120.) Therefore, assertions or evidence of economic impacts are beyond the scope of CEQA and do not pertain to the adequacy of the EIR.

Comment 20-4

This is not the right thing for our neighborhood, not the right thing for the environment and a terrible long term decision for the county. I ask you to please reject this proposal from Pacific Rock Quarry.

Response 20-4

The comment does not address the adequacy of the DEIR. The commenter's opposition to the Project and request that the Project be rejected will be considered by County decisionmakers in Project approval deliberations.

2.6 PRDEIR COMMENTS AND COUNTY RESPONSES

Comment Letter 21 - California Department of Fish and Wildlife (December 15, 2022)

Comment 21-1

The California Department of Fish and Wildlife (CDFW) has reviewed Ventura County's (County; Lead Agency) Recirculated Draft Environmental Impact Report (RDEIR) for the Pacific Rock Quarry Expansion Project (Project).

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or

approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, [§ 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, §2050 et seq.), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Response 21-1

The commenter recommends the Project proponent obtain appropriate authorization under the Fish and Game Code in regards to a Lake and Streambed Alteration Agreement (Fish & Game Code, § 1600 et seq.) and the California Endangered Species Act (CESA) (Fish & Game Code, §2050 et seq.), or Native Plant Protection Act (NPPA; Fish & Game Code, §1900 et seq.) Mitigation Measure MM BIO-5 requires the Applicant to obtain a Section 1600 Lake or Streambed Alteration Agreement from CDFW and to provide it to the Planning Division prior to the issuance of a Zoning Clearance for Use Inauguration of new disturbance. Mitigation Measure MM BIO-3(g) requires the Project proponent to obtain an Incidental Take Permit prior to impacts to CESA-listed species or CESA-listed rare plant species. As concluded in the PRDEIR, implementation of MM BIO-5 and MM BIO-3(g) would avoid significant impacts to CESA-listed wildlife species, CESA-listed rare plant species, or streams protected by the State.

Comment 21-2

Project Description and Summary

Objective: The County and Pacific Rock, Inc. (Applicant) are proposing the Project. The original and complete version of the DEIR was circulated in early 2021 The recirculated DEIR includes additional Biological Resources data and analysis. Additions to the document include the new appendix C-3 "Bat Habitat Assessment for Pacific Rock Quarry Expansion Project" within its Biological Resources Appendices and additional mitigation measures to reduce potential impacts to biological resources.

The existing facility is an active quarry that supplies large rock for the production of riprap and various sizes of crushed rock, aggregate materials to public works and private projects in Ventura County. The Applicant is requesting the approval of a Conditional Use Permit (CUP) modification to extend the life

of the existing permitted operations for an additional 30 years. As part of the Project the CUP boundary would be extended from 115.5 acres to 204.5 acres, an increase of 89 acres. A significant expansion of the mining area is also proposed which will extend the area from 55 acres to 172.5 acres, an increase of 117.5 acres. The maximum depth of mining activities is 180 feet. The 172.5-acre excavation area will be subject to reclamation.

Operational days will be extended from six days to seven days per week. Material hauling and load out would occur between the hours of 5:30am and 10pm on the additional day, Sunday. The Applicant is also proposing a limited number of extended 24-hour operations (60 days maximum per year), which can occur on any day of the week (Sunday-Saturday). New recycling operations are also included within the proposed CUP which would involve crushing and screening of concrete debris between the hours of 7am-4pm on Monday-Saturday. The proposed modification would allow for construction and mobile mining equipment to be staged in outdoor storage areas and allow for imported material to be used in reclamation fill. Finally, the existing onsite mobile home will be replaced to be used as a 24-hour security trailer.

The Applicant is requesting that the County approve a CUP modification to extend the life of the permit and continue to operate on property zoned Open Space (OS-160) and Agricultural Exclusive (AE-40). Both parcels occur within a Habitat Connectivity and Wildlife Corridor overlay zone, pursuant to Ventura County's Zoning Ordinance. The request includes expansion of the mining area to the east and onto recently acquired adjacent land. Impacts to vegetation communities, individual rare plants, sensitive habitats, and wildlife corridors are anticipated.

Approximately 1,110 rare plants may be impacted with the extension of the Project's CUP boundary and an additional 60 rare plants were found within the 200-foot study area buffer which may still be impacted by "inadvertent disturbance". CESA-listed Conejo Buckwheat is included in the list of special status plants to be impacted by the project. This species is endemic to Ventura County. According to the RDEIR of the 166.98 acres anticipated to be impacted, 74.42 acres are ranked vegetation communities. Temporal and permanent losses of ranked- and unranked-natural communities will result in the loss of habitat to a multitude of special status and common species.

The proposed Project is expected to impact 19 of the 23 unnamed on-site drainage features. No impacts are anticipated to the detention pond. Many of the 23 unnamed drainage features are hydrologically connected to Conejo Creek and emergent wetlands downstream. In total, over 18,000 linear feet of ephemeral streams within the Project footprint will be impacted. The acreage of impacts to streams and corresponding were not provided.

The Applicant is also requesting approval of an amendment to the existing Reclamation Plan to account for the proposed expanded mine area and to amend specifications for reclaimed conditions at the site. The proposed Reclamation-Plan amendment specifies land uses as "open space" on the benched portions, and "agriculture" on the remaining areas, where grasses would be planted for cattle grazing. The proposed reclamation would also involve import and placement of fill material at the site.

Location: The Project is located within the westernmost portion of the Santa Monica Mountains and within the Santa Monica–Sierra Madre Connection (Connection). The Project is located approximately 1.5 miles east of Lewis Road and approximately two miles south of State Highway 101 off a private road

(Howard Road) in unincorporated Ventura County. The physical address for the site is 1000 South Howard Road, Camarillo, California 93012. The existing quarry is located within Assessor's Parcel Number (APN) 234-0-060-220. Proposed expansion areas are within additional portions of APN 234-0-060-220 and a portion of APN 234-0-060-190.

Response 21-2

The comment summarizes the proposed Project and does not comment on the adequacy of the EIR. No further response to the comment is required. Please note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.

Comment 21-3

Comments and Recommendations

CDFW previously commented on the proposed Project's NOP on October 2, 2017, and on the DEIR January 21, 2021. CDFW offers the comments and recommendations below to reassert our concerns and to assist the County in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

Response 21-3

CDFW's previous comments on the Project were received and considered by the County. CDFW's October 2, 2017, comment letter responding to the NOP is included in the set of scoping comments in DEIR Appendix A-2 and the comments were considered in preparing the DEIR. CDFW's January 22, 2021, letter commenting on the DEIR was considered by the County in preparing the PRDEIR. In accordance with CEQA, the PRDEIR (pg. 1-2) notified reviewers that "[c]omments on the 2020 Draft EIR Section 3.5, "Biological Resources," will not be responded to in the FEIR." Nevertheless, to supplement the County's responses to CDFW's December 15, 2022, comments on the PRDEIR provided here, the County has also provided responses to CDFW's January 22, 2021, DEIR comment letter at Comment Letter 1 comments and responses above in this Response to Comments section of the FEIR. (Note that although the comment references a January 21, 2021, comment letter; the County's records indicate a January 22, 2021, comment letter from CDFW.)

Comment 21-4

Specific Comments

Comment #1: Impacts to Conejo Buckwheat (*Eriogonum crocatum*)

Issue: The Project will impact populations of Conejo buckwheat, an endemic CESA-listed and California Rare Plant Rank (CRPR) 1B.2 species. Conejo buckwheat also has a State and Global ranking of 1 (S1/G1).

Specific impacts: The Project as proposed could potentially remove 54 to 89 individual Conejo buckwheat plants. 54 individual plants are within the proposed expanded mining boundary and 34 are within 200 feet of the boundary.

Why impacts would occur: Conejo buckwheat is a CESA-listed species and is a CRPR 1B.2 that meets the definitions of CESA of the California Fish and Game Code (CEQA Guidelines §15125; (c) and §1538) and is afforded protections under state law. Although the project has included additional focus surveys, baseline surveys, flagging, seed collection, topsoil salvage, and other mitigation measures, the Project as proposed will still remove over 50 individual plants. Within the RDEIR it states, "If take or adverse impacts to Conejo buckwheat and/or other CESA-listed species cannot be avoided, the Permittee shall obtain an Incidental Take Permit (ITP) from CDFW prior to such take or adverse impacts." In order for CDFW to issue an ITP it must be determined that adequate avoidance and minimization measures have been undertaken to fully mitigate potential impacts to the species. Conejo buckwheat is endemic to the Conejo Valley and surrounding regions in Ventura County (Calscape 2022). As an endemic species Conejo buckwheat has limited opportunities for occurrence. An S1 ranking indicates there are less than 6 occurrences of this community in existence in California (Sawyer et al. 2008). The removal of these populations may cause the local extirpation of the species from the area. As such, CDFW supports developing and selecting alternatives that reduce or completely avoid Conejo buckwheat.

Evidence impact would be significant: Impacts to special status plant species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to special status plant species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS).

Additionally, plants that have a California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380). Please see CNPS Rare Plant Ranks page for additional rank definitions (CNPS 2022).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Given the constraints of CESA permitting CDFW recommends the Applicant consider Project alternatives that avoid Conejo buckwheat given the rarity of the plant. Possible options include the adoption of Alternative B within the 2020 DEIR. Possible configurations could involve moving the proposed mining boundary back to avoid the large cluster of Conejo buckwheat on the northwest corner of the mine, closest to the entrance road.

Recommendation #1: Throughout the document Conejo buckwheat is often referred to as a rare plant, Conejo buckwheat is protected by law under CESA. As such, CDFW recommends that it is made more evident throughout the document so that readers do not minimize its value and rarity.

Response 21-4

The commenter expressed concerns that the Project will result in the loss of Conejo Buckwheat, an endemic CESA-listed rare plant species, and in order for CDFW to issue an ITP, CDFW must determine that adequate avoidance and minimization measures have been undertaken to fully mitigate the potential impacts. CDFW supports developing and selecting alternatives to reduce or completely avoid Conejo buckwheat.

Mitigation Measure MM BIO-3(a) requires a baseline survey for Conejo buckwheat and other sensitive plant species in the entire approved mine expansion area and MM BIO-3(b) requires a similar survey on adjacent Permittee-owned lands to determine the current population and locations of Conejo buckwheat. MM BIO-3(c) requires pre-disturbance surveys for special status plants prior to new vegetation clearing or new ground disturbing activities to determine if new populations or individuals of Conejo buckwheat or sensitive plant species are found. MM BIO-3(d), MM BIO-3(e), and MM BIO-3(f) address indirect impacts associated with staging area restrictions, herbicide use restrictions, and worker environmental awareness. MM BIO-3(g) requires the Project proponent to apply for and receive an ITP from CDFW prior to Project impacts. The ITP process will include a determination of impacts to Conejo buckwheat and the development of avoidance and minimization measures that will ensure the impacts are fully mitigated as required by the ITP and less than significant under CEQA. MM BIO-3(h) requires the implementation of MM BIO-2 and ensures that lands either owned by the Permittee or an appropriate offsite mitigation alternative will be implemented to offset the impacts to Conejo buckwheat. MM BIO-2(c) requires the preparation and County approval of an Upland Scrub and Special-Status Plant Species Mitigation and Monitoring Plan, which will result in mitigation lands being conserved in perpetuity to offset losses of Conejo buckwheat resulting from Project implementation.

The comment also raises concerns that other plants species that have CNPS CRPR ranks of 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing and impacts to these species and their habitats must be analyzed under CEQA. PRDEIR Table 3.5-4 includes plants species with rankings of 1A, 1B, 2A, and 2B that were included in the CEQA analysis.

The commenter also recommends alternatives to the Project be considered to avoid Conejo buckwheat; and that the Conejo buckwheat should be more evidently identified as a species protected by law under CESA instead of being referred to as a rare plant. PRDEIR Table 3.5-4 clearly identifies the Conejo buckwheat as State Rare (SR), which is how it is identified in the list of State and Federally Listed Endangered, Threatened, and Rare Plants of California (CDFW, 2023[2]).

As concluded in the PRDEIR, implementation of MM BIO-3(a) through MM BIO-3(h) and MM BIO-2 are considered sufficient to reduce potential impacts to Conejo buckwheat and other special status plant species to less than significant.

Comment 21-5

Comment #2: Impacts to Wildlife Corridors and Linkages

[2] California Natural Diversity Database (CNDDB). January 2023. State and Federally Listed Endangered, Threatened, and Rare Plants of California. California Department of Fish and Wildlife. Sacramento, CA.

Issue: Expansion of the Project boundary will narrow the width of the Santa Monica-Sierra Madre wildlife corridor such that it may affect the function of the wildlife passage.

Specific impacts: Expansion of the disturbance boundary will directly impact the wildlife corridor by physically narrowing the passage to nearly half of its current width from 1,500 feet to 800 feet. Further, due to the nature of the Project, indirect impacts such as increased noise, light, dust, and human activity may further degrade the function of the corridor.

Why impacts would occur: The Project lies completely within the Santa Monica-Sierra Madre wildlife corridor overlay zone. This overlay zone is associated with the Ventura County ordinance to regulate development within habitat connectivity and wildlife corridors (Ventura 2019). The purpose of this ordinance is to "preserve functional connectivity for wildlife and vegetation throughout the overlay zone by minimizing direct and indirect barriers, minimizing loss of vegetation and habitat fragmentation and minimizing impacts to those areas that are narrow, impacted or otherwise tenuous with respect to wildlife movement." Implementation of the Project goes against the very purpose of the ordinance and the goals of the County to maintain functional connectivity of wildlife corridors by expanding the disturbance zone, removing acres of sensitive natural communities, and physically narrowing the corridor.

The Santa Monica-Sierra Madre wildlife corridor is especially important in terms of preservation as it is one of few coastal to inland connections remaining in the South Coast Ecoregion (South Coast Wildlands 2008). As stated within the EIR, "Mining in the proposed expansion areas east of the existing mining area would narrow the [Santa Monica-Sierra Madre] Connection at this location to approximately 800 feet. Mining in other portions of the proposed expansion area would also reduce habitat quality in areas designated as habitat connectivity and wildlife corridor areas." CDFW is concerned that 800 feet is not an appropriate amount of space to maintain the function of the corridor, especially for focal species such as mountain lion (see comment 2).

Minimum corridor width varies based on the region-specific situation at minimum, given the present situation CDFW is of the opinion that the corridor should remain 1,000 feet wide to ensure continued use and to minimize edge effects (Bond 2003). As stated in CDFW's 2017 comment letter, "[t]he proposed construction footprint extends close to the edge of the parcel boundary and adjoins protected open space on parcel 234-0-080-380 managed by the Mountains Recreation and Conservation Authority (MRCA) (103 acres). The MRCA-open-space parcel and adjacent wildlife habitats lie between the existing quarry footprint and the Dos Vientos residential housing tract; the habitat is about 1,000 feet wide at its narrowest under current conditions. This location represents a functioning wildlife movement area allowing plant and animal species to reside there and move spatially between Conejo Mountain and the western Santa Monica Mountains. Proposed quarry expansion would remove habitat in this area, further reducing the width of this movement corridor by 1/3 or more. The MRCA-open space parcel would not be providing an effective buffer to neutralize adverse edge effects associated with the nearby mining." CDFW is still of the opinion that these impacts will degrade the current wildlife values in this location. It is not clear if there are currently protections on the remaining adjacent parcels.

Within the RDEIR it also states, "[t]he Project's reduction in available habitat for wildlife Santa Monica-Sierra Madre Connection is not expected to significantly affect wildlife movement through the area as compared to baseline conditions, since mining operations would be generally consistent with existing

operations." CDFW does not agree with this statement. Impacts to the corridor will only be exacerbated given the nature of the work that will be performed. Mining includes loud noises from blasting, excavating, rock crushing, loading, and hauling out materials. Additionally, these operations will be conducted at hours that will most impact wildlife (dusk and dawn) and will be done seven days a week with the proposed extension of work hours into Sunday.

The RDEIR did include a noise study to assess noise generated by the Project. Implementation of noise reducing equipment was also offered; however, CDFW is still concerned with the cumulative noise generated by daily operations. The noise study conducted onsite aimed to assess noise within the remaining corridor and the Dos Vientos residential community. However, the noise receptor (R3) and all subsequent receptors along the passage were near the far edge of the corridor near the residentials and did not span across the width of the corridor. Likewise, potential project noise was generated towards the middle of the quarry, in the location of the existing aggregate plant. The proposed mining boundary extends far beyond this point. The aggregate plant is approximately 2,000 feet away from receptor R3 while the proposed mining boundary is only 390 feet away. Heavy machinery and noise generating activities will likely be conducted much closer to the corridor. Readings performed under the aforementioned conditions already yielded a cumulative noise level of 59.6 dBA. Substantial noise may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55-60 dB (Barber et al. 2009). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cures (i.e., hearing) to hunt, and have been found to have a high likelihood of occurrence in the area. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Moreover, although lighting design and features will follow guidelines outlined within Ventura County's wildlife corridor ordinance the expansion of the mining boundary will push wildlife closer to the residential tract where ambient light will be increase. Increased ambient lighting levels can increase predation risks and disorientation and disrupt normal behaviors of wildlife in adjacent feeding, breeding, and roosting habitat (Longcore and Rich 2004).

Further, the Santa Monica-Sierra Madre connection which stretches from the Santa Monica Mountains at the coast inland to the Santa Susana Mountains and the Sierra Madre Ranges of Los Padres National Forest includes substantial public ownership. Currently 34% (43,249 of 125,613 acres) of the connection is receiving some level of conservation protection that protects natural habitats from development (South Coast Wildlands 2008). Implementation of this Project will undermine the goals of these conservational efforts by creating a chokepoint to wildlife movement. Lands protected for the purposes of maintaining resources and movement corridors for wildlife species may not be as readily accessible to a multitude of species with the implementation of this Project. Future development may occur and further truncate the corridor.

Finally, wildfires have occurred at higher frequency and severity within California. A wildfire that occurs within the corridor may burn and remove vegetation within the remaining segment, which could further hamper wildlife movement through the passage.

Response 21-5

The commenter discusses that the expansion of the Project boundary will narrow the width of the Santa Monica-Sierra Madre wildlife corridor to 800 feet, which may affect the function of the wildlife passage area; and impacts from increased noise, light, dust, and human activity may further degrade the function of the corridor. The commenter also states the corridor should remain approximately 1,000 feet wide and that the commenter is concerned the Project would degrade the current wildlife values in the corridor as a result of narrowing the corridor combined with impacts from noise, light, dust, and extended work hours/human activity.

An analysis of artificial lighting on wildlife movement in areas adjacent to the Project is included in PRDEIR Section 3.5.2.2 under Impact BIO-7. Additional consideration of potential impacts of lighting on mountain lion movement is provided in "Potential Impacts to Mountain Lion and Wildlife Movement Corridors for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)" (ECORP, 2024) included with this FEIR as Appendix C-5, "Mountain Lion Technical Memorandum." Mitigation Measure MM BIO-7(a) is designed to minimize the impacts from light and glare on wildlife movement corridors and requires that during limited periods of nighttime operations, all lighting be hooded or be the high cut-off type that diverts lighting downward onto the property to avoid the casting of any direct light onto the adjacent habitat. As concluded in the PRDEIR and in the FEIR Appendix C-5 technical memorandum (ECORP, 2024), with implementation of MM BIO-7(a), impacts to wildlife and mountain lions that may occupy or move through the adjacent natural habitat areas would be less than significant.

The impacts associated with air quality, including fugitive dust resulting from Project activities, were analyzed in DEIR Section 3.4. The existing fugitive dust reduction measures required to be implemented at the Project site are described in DEIR Section 3.4.1.7. The existing measures include watering and/or treating road and work areas to control fugitive dust in compliance with the existing operation's Permit to Operate (PTO) issued by the Ventura County Air Pollution Control District (VCAPCD). PRDEIR Impact BIO-4 evaluates the Project impacts associated with the loss of habitat and direct and indirect adverse effects to special-status wildlife species resulting from Project vegetation removal, surface disturbance, and mining and processing operations. Indirect impacts to special-status species from Project air pollutants and fugitive dust are discussed (PRDEIR pg. 3.5-54), and the analysis concludes that, with implementation of MM AQ-1, potential impacts to special-status wildlife species, including mountain lion, resulting from air quality emissions would be reduced to less than significant.

PRDEIR Impact BIO-4 includes an evaluation of potential impacts associated with human presence and activities at the Project site (PRDEIR pg. 3.5-53). As discussed in the PRDEIR, the presence of humans in the expanded mining operation areas, during additional shifts, and during longer operating hours would result in less than significant indirect impacts on special-status wildlife species and would not require mitigation, and implementation of MM BIO-4(h)(1), MM BIO-4(h)(2), and MM BIO-4(h)(4) would reduce the potentially significant impacts associated with human presence and operational schedule changes to special-status bat species to less than significant.

The commenter also states the Project is not consistent with the purpose of Ventura County's Santa Monica-Sierra Madre wildlife corridor overlay zone and asserts that if the corridor is narrowed, the MRCA-open space parcel would not be providing an effective buffer to neutralize adverse edge effects associated with the nearby mining. The commenter asserts that these impacts will degrade the current wildlife values in this location and states that it is not clear if there are currently protections on the remaining adjacent parcels.

Potential Project impacts to the wildlife corridor are analyzed in Section 3.5.2.2 in the PRDEIR under Impact BIO-7 and the PRDEIR analysis and conclusions further substantiated and reaffirmed in the supplemental technical memorandum included in the FEIR Appendix C-5 technical memorandum (ECORP, 2024).

The commenter states that the Project is located within the "Santa Monica – Sierra Madre wildlife corridor overlay zone." Although the PRDEIR discussed the Project as located within the Santa Monica - Sierra Madre Connection, FEIR Appendix C-5, "Potential Impacts to Mountain Lion and Wildlife Movement Corridors for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)," and FEIR Biological Resources Errata (Appendix J) clarify that the Project is not located within the Santa Monica – Sierra Madre Connection, and that the connection is located approximately 17 miles to the east of the Project site. The open space habitat adjacent to the Project site is within the County's Habitat Connectivity and Wildlife Corridor Overlay boundary and is used by mountain lion, as shown in the FEIR Appendix C-5 technical memorandum (ECORP, 2024), but the open space and Habitat Connectivity and Wildlife Corridor Overlay to the northeast is interrupted by the presence of the 101 freeway, which creates a hazard for mountain lion attempting to cross to the northeast of the freeway. The s FEIR Appendix C-5 technical memorandum includes a map of the National Park Service's location data from 2002 to 2013 for mountain lions wearing radio-tracking collars. The data does not show any tracked mountain lions crossing the 101 freeway to the northeast of the Project site. This appears to indicate that the open space and Habitat Connectivity and Wildlife Corridor Overlay around the Project site is used by mountain lions but it is not part of a major movement corridor where mountain lions travel from the Santa Monica Mountains or Conejo Mountain to areas northeast of the 101 freeway (ECORP, 2024). The FEIR Appendix C-5 technical memorandum also further explains that the 800-foot width of the open space between the Project site and the Dos Vientos neighborhood exceeds the minimum corridor width for use by mountain lions, as recommended by Beier (1995). The Project will not impact the MRCA open space parcel (APN 234-0-360-010), which was incorrectly identified as APN 234-0-080-380 in the comment. The existing vegetation present in the open space and Habitat Connectivity and Wildlife Corridor Overlay areas around the Project site and in the MRCA and COSCA parcels is a mixture of various shrub/scrub and grassland communities (see PRDEIR Figure 3.5-1 for vegetation communities in the biological study area). The vegetation fits within Beier's classification of "native woody vegetation" and would provide the "visual cover" mentioned by Beier to facilitate the movement of mountain lions. As discussed in the FEIR Appendix C-5 technical memorandum, the Project will retain a corridor width greater than recommended by Beier (1995) and the native woody vegetation within the retained corridor will provide "visual cover" to facilitate mountain lion movement. As recommended in FEIR Appendix C-5, "Potential Impacts to Mountain Lion and Wildlife Movement Corridors for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)," Mitigation Measure MM BIO-7(c) (formerly MM BIO-6(c) in the DEIR), has been revised through FEIR Biological Resources Errata to specify the required establishment of a specific 6.7-acre area as a wildlife corridor preservation area (WCPA) to ensure that the wildlife movement corridor to the southwest of the Project impact area has a width of no less than 1,100 feet when combined with MRCA preserved lands (see FEIR Chapter 3, Errata 23 With implementation of PRDEIR Mitigation Measures MM BIO-7(a), MM BIO-7(b), and BIO-7(c), the Project's potential impact to wildlife movement within the corridor would be less than significant.

Mitigation measure MM BIO-2(c) requires the preparation of an Upland Scrub and Special-Status Plant Species Mitigation and Monitoring Plan that would protect lands in perpetuity. Pursuant to MM BIO-2(c), protection of sensitive upland scrub vegetation communities and special-status plant species shall be at a minimum of a 1:1 ratio for the 74.23 acres of sensitive upland scrub vegetation communities that will be impacted by the Project. MM BIO-3(b) requires a survey for special-status plants on adjacent Permittee-owned lands, and if the plant species are present and the adjacent Permittee-owned lands are suitable for

mitigation, then some portion of the adjacent lands would be protected in perpetuity, which would also protect movement area for mountain lions and other wildlife. Implementation of MM BIO-3(b) would identify the suitability of adjacent Permittee-owned lands for long-term protection and implementation of MM BIO-2(c) will create the plan that would establish the long-term protection of adjacent lands, if applicable.

The commenter also notes that while the DEIR did include a noise study to assess noise generated by the Project, the commenter is concerned with the cumulative noise generated by daily operations and the effect of this noise on wildlife.

Impact BIO-4 of the PRDEIR specifically discusses the potential for Project-related noise and vibration to adversely affect special-status species and habitat, including mountain lions, and the PRDEIR analysis and discussion are further informed in the FEIR Appendix C-5 technical memorandum (ECORP, 2024). As discussed, Project noise levels were analyzed at Receptor 3 (R3) to account for potential impacts to both humans and wildlife species within the open space areas/wildlife corridor to the west of the Project site. As shown on DEIR Figure 3.8.1, R3 is located within the central portion of the wildlife corridor (between the nearest existing permit/mining boundary to the west, and the nearest residential property to the east). Project noise levels estimated for R3 accurately represent the noise levels expected to be experienced by both transient wildlife and recreational hikers in this area. Additionally, noise from the existing aggregate/recycle plant was estimated assuming the plant(s) would continue to operate within the middle of the quarry, as both the existing aggregate processing plant and proposed recycle plant would operate in this location throughout the life of the Project. While the processing plants would remain in this location away from the wildlife corridor, noise from mobile mining equipment (i.e., loaders, dozers, excavators, rock drill, water truck) was conservatively assumed to occur at the outer most boundary of the Project, in the location closest to each receptor (including R3). To determine worst case impacts at noise receptor locations, it was assumed that mobile mining equipment would operate simultaneously in the closest mining areas. For these reasons, the noise levels estimate at the nearby wildlife corridor (i.e., R3) represent a conservative overestimation of the noise levels expected to be experienced by wildlife in this area as a result of the Project. With the implementation of Mitigation Measure MM NV-1 (DEIR Section 3.8.2.2), Project noise levels within the wildlife corridor (i.e., R3) were estimated to be below the applicable Ventura County General Plan threshold of 55 decibels (dBA). This also applies to "noise-sensitive land uses" and "sensitive wildlife habitats, including the habitat of rare, threatened, or endangered species" (Ventura County, 2020). Even though the noise levels are estimated to be below the threshold of 55 decibels, (dBA), the FEIR Appendix C-5 technical memorandum (ECORP, 2024) recommends that MM NV-1 be modified to require noise level monitoring at Receptor R3 with similar requirements as specific in the DEIR MM NV-1 for Receptors R1 and R2-B to ensure potential impacts remain less than significant. With the implementation of the modified MM NV-1 (see FEIR Chapter 3, Errata 11), MM BIO-7(a), and MM BIO-7(b), the potential noise impacts on wildlife and habitat within the open space areas, which are within the County's Habitat Connectivity and Wildlife Corridor Overlay boundary, would be reduced to less than significant.

The existing aggregate plant would continue to operate in its current location within the bottom of the excavation pit and would therefore not operate within the vicinity of the wildlife corridor. Heavy machinery required for material excavation would operate closer to the wildlife corridor and, therefore, potential noise resulting from these operations was analyzed in the DEIR. Conservatively, it was assumed that a loader, dozer, excavator, rock drill and water truck would all operate simultaneously in the outer mining boundary closest to the wildlife corridor (i.e., within 390-feet of Receptor 3). See Figure 3.8.1 in the DEIR, which shows the distance between active mining equipment and Receptor 3. Receptor 3 was built

into the Draft EIR noise and vibration models. The commenter correctly notes that unmitigated Project noise levels at Receptor R3 were estimated to be approximately 59.6 dBA, as shown DEIR Table 3.8-11 (pg. 3.8-19). Mitigation Measure MM NV-1 (DEIR pgs. 3.8-21 and 3.8-22) requires implementation of onsite noise reduction measures (e.g., restricting the hours of certain onsite operations, the use of improved mufflers, limiting equipment idling, avoidance of concurrent aggregate and recycle plant operations) and noise monitoring. With implementation of MM NV-1, Project daytime noise levels within the wildlife corridor (represented by Receptor R3) were estimated to be 53.8 dBA (DEIR Table 3.8-12, pg. 3.8-21), which would be acceptable per the 2009 Barber et al. study cited in the comment and is consistent with applicable Ventura County noise standards for sensitive wildlife habitats. However, as stated in the preceding paragraph, to ensure potential impacts remain less than significant, the FEIR Appendix C-5 technical memorandum (ECORP, 2024)recommends that MM NV-1 be modified to require noise level monitoring at Receptor R3 with similar requirements as specific in the DEIR MM NV-1 for Receptors R1 and R2_B to ensure that noise levels within the open space areas would be reduced to less than significant.

The commenter states that future development may occur and further truncate the corridor; however, the commenter does not provide evidence of pending, proposed, or anticipated future development within the wildlife corridor adjacent to the Project site. CEQA does not require the County to speculate on potential future development and impacts when no evidence is provided to support the assertion.

The commenter also states that a wildfire occurring in the remaining portion of the corridor could burn and remove vegetation, which may hamper further wildlife movement through the passage.

As stated by the commenter, wildfires have occurred at higher frequency and severity within California. As discussed in Section 3.11 of the DEIR and in the FEIR Appendix C-5 technical memorandum (ECORP, 2024), the Project's potential effects related to wildfire were evaluated, and through the implementation of MM HAZ-7, the Project was found to have a less than significant impact related to wildfire. Additionally, implementation of the Project would not exacerbate wildfire impacts to the wildlife corridor that would not otherwise exist without the Project. If a wildfire were to occur in the Project vicinity, vegetation in the corridor would potentially burn with or without the Project. While loss of vegetation due to wildfire could affect wildlife movement in the area, the Project would not worsen these potential impacts, in fact the Project site could remain a viable route for wildlife to move through the area if wildfires were to make other undisturbed portions of the corridor unpassable or unstable. For these reasons, and with the implementation of MM HAZ-7, the Project is not expected to cause or exacerbate potential negative impacts to the wildlife corridor as a result of wildfires.

Comment 21-6

Evidence impact would be significant: On May 12, 2019, Ventura County established Ordnance number 4537, the non-coastal zoning ordinance to regulate development within the habitat connectivity and wildlife corridors, and the critical wildlife passage areas overlay zones.

This ordinance was established to "preserve functional connectivity for wildlife and vegetation throughout the overlay zone by minimizing direct and indirect barriers, minimizing loss of vegetation and habitat fragmentation and minimizing impacts to those areas that are narrow, impacted or otherwise tenuous with respect to wildlife movement." According to the ordinance the purpose of the ordinance is as follows:

a) Minimize the indirect impacts to wildlife created by outdoor lighting, such as disorientation of nocturnal species and the disruption of mating, feeding, migrating, and the predator-prey balance.

b) Preserve the functional connectivity and habitat quality of surface water features, due to the vital role they play in providing refuge and resources for wildlife.

c) Protect and enhance wildlife crossing structures to help facilitate safe wildlife passage.

d) Minimize the introduction of invasive plants, which can increase fire risk, reduce water availability, accelerate erosion and flooding, and diminish biodiversity within an ecosystem.

e) Minimize wildlife impermeable fencing, which can create barriers to food and water, shelter, and breeding access to unrelated members of the same species needed to maintain genetic diversity.

Response 21-6

The comment correctly lists the purposes of the Habitat Connectivity and Wildlife Corridors overlay zone, as cited in the PRDEIR (pg. 3.5-34).

Comment 21-7

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends the Project fully avoid further encroaching into the Santa Monica-Sierra Madre wildlife corridor. CDFW recommends redesigning the project to avoid impacts to the wildlife corridor. Alternatives such as pit mining should be considered to avoid further encroachment. Under alternative B of the 2020 document the Project would reduce the mine expansion area.

Response 21-7

The County acknowledges and appreciates this recommendation. This comment will be in the FEIR for review and consideration by the County decision makers, who will ultimately determine whether the proposed Project or an alternative will be approved.

Comment 21-8

Mitigation Measure #2: CDFW recommends the Applicant retain contiguous land parcels surrounding the corridor. APN numbers 234-0-080-790, 234-0-080-380, and undisturbed portions of 234-0-060-220 and 234-0-060-190 should be protected in perpetuity (if not already protected) from encroachment and development to ensure the preservation of the Santa Monica-Sierra Madre wildlife corridor. The mitigation lands should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012). Assembly Bill 1094 amended Government Code, sections 65965-65968. Under Government Code, section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A

conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.

Response 21-8

The commenter recommends the Applicant retain contiguous land parcels surrounding the wildlife corridor, that the lands should be protected in perpetuity under a conservation easement, and that a non-wasting endowment should be provided to cover the long-term management prior to the County's issuance of a grading permit.

The County agrees with this comment. MM BIO-2(c) (PRDEIR Section 3.5.2.2) requires the preparation of an Upland Scrub and Special-Status Plant Species Mitigation and Monitoring Plan, which would provide for the protection of sensitive upland scrub communities and special-status plants on lands owned or otherwise controlled by the Permittee or its designee that is located adjacent to or in close proximity to the Project site. Protection of sensitive upland scrub vegetation communities and special-status plant species shall be at a minimum of a 1:1 ratio for the 74.42 acres of sensitive upland scrub vegetation communities that would be impacted by the Project. MM BIO-2(c) requires the protected lands be secured through a conservation easement and managed as open space. MM BIO-2(c) also states the information that must be included in the Upland Scrub and Special-Status Plant Species Mitigation and Monitoring Plan and measures to ensure long-term maintenance and monitoring. MM BIO-2(c) has been revised through errata presented in Chapter 3 of this FEIR to, among other revisions, clarify that the Permittee must submit and receive County Planning Division approval of the Upland Scrub and Special-Status Plant Species Mitigation. As specified in MM BIO-2(c), the conservation easement must be recorded on the property title and approved by the Planning Division prior to additional vegetation clearing or ground disturbance on the Project site. Long-term preservation of the areas covered under the conservation easement will preserve lands within the wildlife corridor in perpetuity.

Implementation of MM BIO-2(c) and MM BIO-7(c) (as revised in the FEIR Biological Resources Errata as discussed in Response 21-5, above) would result in lands lying contiguous to the corridor being set aside in perpetuity for long-term conservation. With implementation of identified mitigation, impacts to the wildlife corridor would be less than significant.

Comment 21-9

Mitigation Measure #3: Due to the sensitive nature of the wildlife corridor, CDFW recommends the Applicant conduct an additional noise study. Receptors should be placed across the width of the corridor to assess noise more accurately throughout the corridor.

Response 21-9

The commenter recommends the applicant conduct an additional noise study to more accurately assess noise throughout the wildlife corridor. Impact BIO-4 of the PRDEIR specifically discusses the potential for Project-related noise and vibration to adversely affect special-status species and habitat. As discussed there, Project noise levels were analyzed at Receptor 3 (R3) to account for potential impacts to human and wildlife species within the open space/wildlife corridor areas to the east of the Project site which are within the County's Habitat Connectivity and Wildlife Corridor Overlay boundary. As shown on DEIR Figure 3.8-1, R3 is located within the central portion of the wildlife corridor (between the nearest existing permit/mining boundary to the west, and the nearest residential property to the east). Project noise levels

estimated at R3 accurately represent the noise levels expected to be experienced by both transient wildlife and recreational hikers in the corridor. The noise levels predicted at receptor R3 within the DEIR and noise technical study accurately quantify the noise levels that wildlife within the corridor/open space would experience as a result of the Project. However, the FEIR Appendix C-5 technical memorandum (ECORP, 2024) recommends that MM NV-1 be modified to require noise level monitoring at Receptor R3 with similar requirements as specific in the DEIR MM NV-1 for Receptors R1 and R2(B) to ensure that noise levels within the open space areas within the County's Habitat Connectivity and Wildlife Corridor Overlay boundary would be reduced to less than significant. The recommended modifications to MM NV-1 have been made through errata as presented in Chapter 3 of this FEIR. With the implementation of MM BIO-7(a) and the recommended modifications to MM NV-1, the potential noise impacts on wildlife and habitat within the corridor would remain less than significant with mitigation, as determined in the DEIR and PRDEIR.

Comment 21-10

Mitigation Measure #4: CDFW recommends the Project restrict use of equipment and lighting to hours least likely to disrupt wildlife (e.g., not at dusk or in early morning before 9 am). In addition to the implementation of mitigation measure NV-1 CDFW recommends the Applicant maintain noise receptors and a written record of noise readings from sensitive noise receptors. These readings should be retained for one year and made available to the Ventura County Planning Division to ensure that noise generated from the project are within appropriate thresholds for wildlife. Noise levels should not exceed 55 dBA at sensitive receptors. If readings do exceed these thresholds further measures should be implemented to reduce impacts from noise such as sound barriers.

Response 21-10

The commenter recommends the Project restrict use of equipment and lighting to hours least likely to disrupt wildlife and recommends the Applicant maintain noise receptors and a written record of noise readings from sensitive receptors.

In consideration of this comment, the FEIR Appendix C-5 technical memorandum (ECORP, 2024)includes a recommendation that DEIR Mitigation Measure MM NV-1 be modified through errata in Chapter 3 of this FEIR to require noise measurements at noise study Receiver R3 when Project activities are performed within the line of sight of Receiver R3 and to undertake measures to ensure Project noise levels within the wildlife corridor (represented by Receiver R3) are below the applicable Ventura County General Plan threshold of 55 decibels (dBA). This applies to "noise-sensitive land uses" and "sensitive wildlife habitats, including the habitat of rare, threatened, or endangered species" (Ventura County, 2020). As revised in the errata in Chapter 3 of this FEIR, MM NV-1 would require that a qualified acoustician conduct noise measurements at Receptors R1, R2-B, and R3 at the commencement of mining activities and reclamation equipment within the line of sight of these receptors. If measured noise levels exceed 55 dBA at any of these receptors, then activities within the line of site of the respective receptor shall cease until such time as the Permittee identifies additional noise control measures with analysis indicating that such measures are sufficient to avoid operational noise in excess of 55 dBA at the respective receptor or until receiving written authorization by the County that such operations may resume. The addition of Receptor R3 to MM NV-1 will protect sensitive noise receptors at R3, which is within the wildlife corridor.

The potential indirect impacts of equipment that use, lighting, human presence, and noise on common and special-status species of wildlife is discussed at Impact BIO-4 in the PRDEIR and in the FEIR Appendix C-5 technical memorandum (ECORP, 2024). Even though the operating hours for equipment maintenance and hauling with the expanded Project would encompass the hours around dusk and dawn, the activities

would be limited to areas within the central and lower elevations of the mining area, adjacent to the processing plant, and along haul roads, and would not be at perimeter areas within or adjacent to existing natural habitat areas. The FEIR Appendix C-5 technical memorandum further discusses potential impacts to mountain lion along the haul route along Howard Road, where vehicles would be entering and exiting the Project site, particularly at dawn and dusk when mountain lions are most active. The FEIR Appendix C-5 technical memorandum further substantiates the PRDEIR findings that mountain lions do not regularly cross Howard Road because of a barrier to movement so hauling during the dusk and dawn hours is not expected to result in a significant impact to mountain lion. Mitigation Measures MM BIO-4(i)(1) and MM BIO-4(i)(2) require baseline surveys for bats and preparation and implementation of a Bat Management Plan to avoid and minimize impacts to bats, which are active at dusk and dawn. Implementation of these mitigation measures will ensure that potential impacts of the Project on bats would be avoided or reduced to less than significant. MM BIO-4(i)(4) restricts nighttime work near bat roosts, which will further ensure impacts to bats are less than significant. Implementation of PRDEIR MM BIO-7(a) would minimize impacts of light and glare on the wildlife corridor and the habitat within the corridor by requiring that outdoor lighting within 100 feet of a structure or adjacent to a driveway be hooded to direct the light downwards and away from wildlife habitat.

With implementation of the recommended modifications to MM NV-1 and implementation of MM BIO-4(i)(1), MM BIO-4(i)(2), MM BIO4(i)(4), and MM BIO-7(a), impacts of Project noise. equipment, human presence, and lighting on common and special-status species of wildlife, including those most active at dusk and dawn, would be less than significant.

Comment 21-11

Recommendation #1: CDFW recommends that Project's hours of operation not be extended, nor should operations extend into Sunday. The proposed hours of operation will occur both at dusk and dawn when wildlife is most active and have the potential to change behavior in wildlife, including special status species. Likewise, the absence of noise one day out of the week may give wildlife an opportunity to move more freely within the wildlife corridor.

Response 21-11

The commenter recommends the hours of operation not be extended or the days of operation not be extended into Sunday to avoid impacts to wildlife when they may be most active.

As described in DEIR Section 2.6.9, "Hours of Operation," weekly operations would be expanded to include Sundays for equipment maintenance and aggregate hauling (between 5:30 AM and 10:00 PM), but the operation schedule for mining excavation and processing would not change from the existing conditions. Mining excavation and processing are currently limited to the hours between 7:00 AM and 4:00 PM from Monday through Saturday, and this would not change as a result of the Project (DEIR Table 2-2, pg. 2-18). As stated in the response to comment 21-10, implementation of Mitigation Measure MM NV-1 (DEIR Section 3.8.2.2, with enhancements to the measure discussed at Response 21-10) would reduce potential Project noise impacts to less than significant because it would ensure Project noise levels within the wildlife corridor remain below the applicable Ventura County General Plan threshold of 55 decibels (dBA), which applies to "noise-sensitive land uses" including "sensitive wildlife habitats, including the habitat of rare, threatened, or endangered species" (Ventura County, 2020).

Comment 21-12

Comment #3: Impacts to Mountain Lion (Puma concolor)

Issue: CDFW acknowledges and appreciates the Applicant's efforts in reducing impacts to mountain lion in the RDEIR. However, even with the implementation of natal den surveys and pre-disturbance surveys CDFW is still concerned that significant impacts will still occur as a result of narrowing of the wildlife corridor and removal of mountain lion habitat due to Project implementation.

Specific impacts: Narrowing of the Santa Monica-Sierra Madre wildlife corridor may affect the functionality of the passage to CESA-candidate mountain lion. The RDEIR also did not disclose the acreage of habitat potentially impacted due to Project activities. Project implementation would directly impact mountain lion habitat through vegetation removal, grading, and extension of the disturbance area. Indirect impacts include increased levels of noise, vibration, sound, and human activity in the area.

Response 21-12

The commenter states the CDFW is still concerned about significant impacts to mountain lion resulting from narrowing of the wildlife corridor and removal of habitat. The commenter states the PRDEIR did not disclose the acreage of habitat potentially directly impacted by habitat removal and indirectly by increased levels of noise, vibration, sound, and human activity.

Table 3.5-8 in the PRDEIR lists the impacts to native and nonnative vegetation communities as well as the impacts to disturbed, developed, and ponded areas. The FEIR Appendix C-5 technical memorandum (ECORP, 2024) provides additional clarification of the expected impacts to vegetation communities that could be used by mountain lion. The 74.42 acres of native vegetation communities fit the description of plant communities preferred by mountain lion for hunting, travel, and denning. The 11.50 acres of non-native grasslands and 11.74 acres of agriculture, Russian thistle fields, and ornamental areas would not be expected to be used for denning but may be used less for travel by mountain lion or avoided completely. Table 3.5-5 and the text of the PRDEIR has been modified through errata in Chapter 3 of this FEIR (see FEIR Chapter 3) to clarify that 74.42 acres of potential suitable hunting and denning habitat could be impacted by the Project.

Noise impacts resulting from the proposed Project were analyzed in DEIR Section 3.8.2 and further discussed specifically as associated with wildlife and habitat in the PRDEIR at Impact BIO-4 (PRDEIR pgs. 3.5-50 – 3.5-53) and in the FEIR Appendix C-5 technical memorandum. In accordance with the Ventura County General Plan, noise standards apply to "sensitive uses," which include sensitive wildlife habitats and the habitat of rare, threatened, or endangered species. Mitigation measure MM NV-1 (DEIR Section 3.8.2.2, with enhancements as discussed at Response 21-10) includes noise reduction measures to reduce noise impacts from mining, processing, and reclamation activities to less than significant according to the Ventura County Significance Criteria of 55 dBA. The noise reduction measures include operational modifications and noise monitoring to ensure noise levels do not exceed the 55 dBA at sensitive receptors. With implementation of the recommended revisions to MM NV-1, the noise impacts on mountain lions and the wildlife in the open space areas that are within the County's Habitat Connectivity and Wildlife Corridor Overlay boundary resulting from the Project would be less than significant.

Additionally, Project vibration levels due to blasting were also evaluated in the DEIR and related technical study, including assessment of predicted vibration levels within the wildlife corridor at Receptor R3. The analysis was further discussed specifically as associated with wildlife and habitat in the PRDEIR at Impact

BIO-4 (PRDEIR pgs. 3.5-50 – 3.5-53) and in the FEIR Appendix C-5 technical memorandum (ECORP, 2024). As discussed in Section 3.8.2.2 of the DEIR, predicted vibration levels at Receptor 3 were estimated to result in a peak particle velocity (PPV) of 0.492 inches per second. Note that this PPV level represents a conservative worst-case estimate, as it assumes the blast would occur in the permit/mining area closest to Receptor 3 (i.e., approximately 390-feet away). While the County does not have vibration thresholds specific to wildlife species, as noted in the EIR technical report, a PPV level of 0.5 inches/second is equivalent to a "door slam" (Caltrans, 2013). Furthermore, blasting would continue to occur infrequently (no more than a couple times per week), during daytime hours only, and individual blast would last approximately 1-second in duration. For these reasons and as reaffirmed in the FEIR Appendix C-5 technical memorandum, the vibration impacts on mountain lions and the wildlife in the open space areas that are within the County's Habitat Connectivity and Wildlife Corridor Overlay boundary resulting from the Project will be less than significant.

As discussed in the PRDEIR at Impact BIO-4, subsection "Human Presence" (pg. 3.5-53), the number of workers onsite during a typical operational shift with the proposed Project would not increase as a result of the Project. Additional shifts could be added on days during which operations are conducted from 5:30 AM to 10:00 PM; however, these extended hours would only apply to truck activity, which would occur in the lower elevations of the mining area within the western portion of the Project site, and substantially separate from the open space area to the east of the Project site which is within the County's Habitat Connectivity and Wildlife Corridor Overlay boundary. The hours of excavation and processing operations would not change and would continue to occur between the daytime hours of 7:00 a.m. and 4:00 p.m. only. (DEIR Table 2-2, pg. 2-18)

Potential noise and vibration impacts to wildlife in the open space area east of the site and within the County's Habitat Connectivity and Wildlife Corridor Overlay boundary were also considered within the DEIR, and impacts were found to be less than significant with mitigation incorporated. Specifically, per MM NV-1, to ensure noise, vibration, sound resulting from mining and processing activities within the expansion area do not adversely affect wildlife, the following measures will be implemented: (1) Excavation, materials processing and recycling, and reclamation activities shall be restricted to occur during daytime operation hours (7:00 a.m. to 4:00 p.m.) only; (2) Excavation and reclamation equipment (loader, dozer, excavator, rock drill, water truck) shall be fitted with an approved manufacturer's improved exhaust muffler; (3) Excavation and reclamation equipment, including the drill rig, shall not idle for more than 30 minutes at any one time; and, (4) The aggregate plant and the recycle plant shall not be operated concurrently at any time.

While the Project would expand mining activities to portions of the open space area as discussed and evaluated, the majority of onsite human activities associated with the Project would generally be within existing active work areas within the central areas of lower elevations of the mining area with more limited activities along the mine area perimeter. As concluded in the DEIR and PRDEIR, implementation of MM NV-1 with the modifications made through errata presented in Chapter 3 of this FEIR would ensure that impacts to mountain lion and other wildlife in the open space areas that are within the County's Habitat Connectivity and Wildlife Corridor Overlay boundary would be less than significant.

Comment 21-13

Why Impacts will occur: The Santa Monica-Sierra Madre wildlife corridor which connects patches of habitat blocks in the area will be narrowed. The Applicant has only provided mitigation measures that will aid in the detection and

avoidance of mountain lion dens. Other measures offered included mitigation to lessen impacts from noise and light.

Project implementation would reduce the width of the Santa Monica-Sierra Madre corridor from 1,500 feet to 800 feet. CDFW is concerned that narrowing the corridor to 800 feet will impact mountain lion movement and make blocks of surrounding habitat less accessible. Based on literature available, it is not concretely known as to how wide a corridor should be to facilitate movement and long-term gene flow between species. However, absent of this data a general rule of thumb should be applied according to Beier in a 2018 report, A rule of thumb for widths of conservation corridors. "A corridor should be at least 2 km wide, except at unavoidable bottlenecks such as freeway crossing structures (Beier 2018)." The corridor is already far narrower than the recommended 2 km (6,562 feet). The effectiveness of a corridor is further affected by the type and extent of human activities and land use practices within and adjacent to the corridor (Harrison 1992). In a more recent study, it was found that "…most species' movement in corridors less than 400 m wide will be negatively influenced by the presence of people along the edge of the corridor. Corridor widths need to be even greater if residential development, trails, or human activity are permitted within the boundaries of the designated wildlife corridor." The impacted portion of the Santa Monica-Sierra Madre corridor is flanked by the Project's mining operation and residential communities. Both contribute to increased noise, light, and human activity. Further, the Powerline trail cuts parallel through the impacted section of the corridor, increasing the likelihood of human-wildlife interactions. These elements increase levels of disturbance in the corridor, thus CDFW is of the opinion that 800 feet is not an appropriate width. These cumulative elements coupled and ecological importance of this segment of the corridor necessitate a greater minimum width to minimize potential impacts to mountain lion movement.

With the extension of the Project's CUP boundary, acres of suitable hunting and denning habitat will also be lost due to grading and vegetation removal or become less viable due to increased noise, light, and human activity. As such, replacement habitat should be provided for mountain lion to minimize impacts. Within the RDEIR is a table that discloses acreage of suitable habitat of special status species impacted within Appendix C-1. Mountain lion was not included on this table although it is a CESA-candidate with a high probability of occurrence. Conserving and restoring suitable habitat and connectivity areas and corridors is essential for mitigating impacts to mountain lions. Loss of this species from Southern California, and from the Sierra Madre-Santa Monica Mountains region in particular would run counter to extensive public investments in parks and open spaces designed to protect biodiversity for future generations Penrod 2006).

Mitigation for habitat removed is especially critical in the face of climate change driven habitat loss and increased frequency of fires (Yap 2019). Much of the chaparral habitat in southern California that provide habitat for mountain lions may be climactically highly stressed by the year 2070 (Thorne 2016).

Evidence impact would be significant: Mountain lion is a specially protected mammal in the State (Fish and Game Code, § 4800). In addition, on April 21, 2020, the California Fish and Game Commission accepted a petition to list an evolutionarily significant unit (ESU) of mountain lion in southern and central coastal California as threatened under CESA (CDFW 2020a). As a CESA-candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA.

Response 21-13

The commenter states CDFW is concerned that narrowing the corridor to 800 feet will impact mountain lion movement and make blocks of surrounding habitat less accessible and quotes research related to a general rule of thumb for the widths of conservation corridors. The commenter also suggests that the Project's mining operation and residential housing that flank the potentially impacted portion of the corridor will contribute to increased noise, light, and human activity and the existence of the powerline trail in the corridor will increase the likelihood of human-wildlife interactions. The commenter states these cumulative elements coupled with the ecological importance of the corridor necessitate a greater minimum width to minimize potential impacts to mountain lion movement.

As an initial matter, the commenter states that the Project is located within the "Santa Monica – Sierra Madre wildlife corridor." Although the PRDEIR discussed the Project as located within the Santa Monica - Sierra Madre Connection, FEIR Appendix C-5, "Potential Impacts to Mountain Lion and Wildlife Movement Corridors for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)," and FEIR Biological Resources Errata (Appendix J) clarify that the Project is not located within the Santa Monica – Sierra Madre Connection, and that the connection is located approximately 17 miles to the east of the Project site. The Project site is located within the County of Ventura Habitat Connectivity and Wildlife Corridor Overlay Zone and both the PRDEIR and the FEIR with expanded analysis address potential impacts to mountain lion associated with the Project, as discussed below.

FEIR Appendix C-5, "Potential Impacts to Mountain Lion and Wildlife Movement Corridors for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)," (ECORP, 2024) considers the Beier 2018 report, "A rule of thumb for widths of conservation corridors," referenced in the comment. As discussed in the ECORP technical memorandum, the existing 1,500-foot-wide corridor adjacent to the Project site does not meet Beier's 2-kilometer-wide rule of thumb for wildlife corridors discussed in the Beier 2018 report because the corridor is constrained by existing development on each side, and it would be impossible for it to be widened to 2 kilometers even if the Project were not implemented. Beier (2018) indicated that the 2-kilometer-wide corridor rule of thumb does not apply at unavoidable bottlenecks, and the corridor between the existing Project site and the housing development to the southeast meet the definition of an existing and therefore unavoidable bottleneck according to the Beier 2018 rule of thumb. (ECORP, 2024)

However, in consideration of Beier recommendations specific to mountain lion movement corridors, ECORP (2024) analysis concludes that reduction of the 1,500-foot corridor adjacent to the Project site to 800 feet would not represent a significant impact to mountain lion movement through the corridor. As illustrated on PRDEIR Figure 3.5-3 and as discussed in FEIR Appendix C-5 , the Project would reduce the width of the wildlife corridor between the proposed Project mine disturbance area and residential development in the City of Thousand Oaks to the south to approximately 800 feet (243 m) at its narrowest points. The distance spanned by the narrowest portions of the wildlife corridor through this area is approximately 1,500 feet (500 m). FEIR Appendix C-5 provides a comparison of the width and length of the preserved open space corridor to the recommended minimum corridor width and length suggested by Beier (1995). The 800-foot-wide open space would exceed the Beier's minimum corridor design width recommendations. (ECORP, 2024)

The existing vegetation present in the wildlife corridor is a mixture of various shrub/scrub and grassland communities (see PRDEIR Figure 3.5-1 for vegetation communities in the biological study area). The vegetation fits within Beier's classification of "native woody vegetation" and would provide the "visual cover" mentioned by Beier to facilitate the movement of mountain lions. (ECORP, 2024)

Please see responses to Comments 21-5 and 21-12, above, for responses to comments pertaining to noise.

An analysis of artificial lighting on wildlife movement in areas adjacent to the Project is included in PRDEIR Section 3.5.2.2 under Impact BIO-7, and this analysis is addressed further in the FEIR Appendix C-5 technical memorandum (ECORP, 2024). As discussed, Mitigation Measure MM BIO-7(a) would minimize Project impacts from light and glare on wildlife migration corridors and requires that all lighting be hooded or be the high cut-off type that diverts lighting downward onto the property to avoid the casting of any direct light onto the adjacent habitat. With implementation of MM BIO-7(a), impacts associated with Project lighting to wildlife, including mountain lions, that may occupy or move through the adjacent natural habitat areas would be less than significant.

The powerline trail has been in existence since at least 1980 according to historic aerials and is unrelated to the Project. The Permittee has no control over the hikers that have used the trail in the past or who will use the trail in the future. The FEIR Appendix C-5 technical memorandum addresses the presence of the powerline trail and an established trail and use of these pathways by mountain lion. In Beier's study (1995), cougars showed no aversion to hikers, bicyclists, equestrians, isolated unlit buildings, or parked vehicles and he concluded that corridors are compatible with such activities. In addition, Beier (1995) stated that mountain lions frequently use dirt roads and trails where dense woody vegetation impedes their travel. Based on the fact that mountain lions are known to use dirt roads and trails and because they do not appear to show an aversion to humans and human-related activities on dirt roads and trails, the potential for human-wildlife interactions is not expected to significantly increase as a result of the Project.

The commenter also states that replacement habitat should be provided for mountain lion hunting and denning habitat to minimize impacts due to grading and vegetation removal or that may cause the habitat to become less viable due to increased noise, light, and human activity. The commenter also states the PRDEIR did not disclose acreage of impacted suitable habitat for mountain lion in the special status species table in Appendix C-1. The commenter states mountain lion was not included on this table although it is a CESA-candidate with a high probability of occurrence.

With regard to the comment Appendix C-1 of the DEIR and RDEIR is the *Initial Study Biological Assessment Report for Pacific Rock – CUP 3817-3, Major Modification* (BRC, 2017) that was prepared and finalized in February of 2017, prior to the California Fish and Game Commission's (CFGC's) April 2020 designation of mountain lion within the Southern California evolutionary significant unit (ESU) as a candidate species under CESA. Although the Appendix C-1 report was not modified to include mountain lion, subsequent to the designation of mountain lion as a candidate species, the County performed additional analysis of the Project's potential to impact to mountain lion and documented the analysis in the 2022 PRDEIR Biological Resources section. This FEIR includes additional analysis of potential impacts to mountain lion in consideration of comments on the PRDEIR and to provide supplement information, as presented in FEIR Appendix C-5, "Potential Impacts to Mountain Lion and Wildlife Movement Corridors for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)" (ECORP, 2024). Collectively, the PRDEIR, this FEIR and Biological Resources Errata which include revisions to MM BIO-7(c) to require establishment of a wildlife corridor preservation area adjacent to the Project site (see FEIR Chapter 3, Errata 23), and supporting technical appendices provide substantial evidence of the County's consideration and documentation of potential impacts to mountain lion.

Mitigation Measure MM BIO-2(c) requires the preparation and implementation of an Upland Scrub and Special-Status Plant Species Mitigation and Monitoring Plan. The Plan requires protection of sensitive upland scrub vegetation communities on lands owned or otherwise controlled by the Permittee, if feasible,

that is located adjacent to or in close proximity to the Project site at a minimum of a 1:1 ratio for the sensitive upland scrub habitats impacted by the Project. If it is infeasible for the Permittee to provide protection of sensitive upland scrub vegetation communities on lands owned or otherwise controlled by the Permittee adjacent or in close proximity to the Project site, mitigation measure MM BIO-2(c) as clarified in the Biological Resources Errata of this FEIR (see FEIR Chapter 3, Errata 20), requires that upland scrub vegetation communities mitigation may be accomplished at another off-site location and/or at a State-approved mitigation bank, and that all such mitigation shall be sufficient to achieve no net loss of habitat values and function. Upland scrub consists of vegetation community types that represent suitable habitat for mountain lion. In addition, MM BIO-3(g) requires the Permittee obtain an Incidental Take Permit from the CDFW if any CESA-listed species cannot be avoided. As concluded in this PRDEIR, with implementation of MM BIO-2 and MM BIO-3(g), impacts to suitable habitat for mountain lion would be less than significant.

Table 3.5-5 in the PRDEIR states the mountain lion is known to be present within the Santa Monica Mountains and its range includes the open space areas adjacent to the Project site. The information provided also states the Project site is located within the home range of one of the National Park Service GPS collared mountain lions. The 74.42 acres of native vegetation communities and the 23.24 acres of non-native vegetation communities listed in Table 3.5-8 fit the typical habitats used by mountain lions that were described under Impact BIO-4 and could be impacted by the Project. Refer to Response 21-12 for additional information about changes to the PRDEIR that incorporates language referring to the acreage of impacts to mountain lion habitat.

Comment 21-14

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends the Project fully avoid further encroaching into the Santa Monica-Sierra Madre wildlife corridor (see comment 2, MM 1).

Response 21-14

The commenter recommends avoidance of further encroachment into the Santa Monica-Sierra Madre wildlife corridor. Please see Response 21-7.

Comment 21-15

Mitigation Measure #2: If avoidance is not possible CDFW recommends moving the proposed boundary such that the wildlife corridor remains at least 1,000 feet wide in areas that are most narrow. This would require the Project to move the boundary back by 200 feet in applicable segments. Maintaining a 1,000-foot minimum buffer will help deter impacts from edge effects and maintain function of the passage.

Response 21-15

The County appreciates this recommendation. Please see Response 21-7.

Comment 21-16

Mitigation Measure #3: If impacts cannot be avoided, habitat should be replaced to compensate for the temporal or permanent loss of habitat. As stated within

CDFW's 2021 comment letter to the Applicant, CDFW recommends setting aside a minimum of 110.3 acres of replacement habitat. CDFW recommends the replacement habitat be located adjacent to the County's Wildlife Linkage and Corridor in order to widen the corridor at locations where the corridor is less than one mile. There should be no net loss of suitable habitat for mountain lions.

The County should consult and collaborate with CDFW to conserve areas beneficial to the southern California mountain lion population that may improve chances of survival and reproduction of mountain lions in the face of climate change. The mitigation lands should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012). Assembly Bill 1094 amended Government Code, sections 65965-65968. Under Government Code, section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.

Response 21-16

The commenter suggests that mountain lion habitat be replaced to compensate for temporal or permanent loss of habitat if the impacts to the corridor cannot be avoided and that the County should consult and collaborate with CDFW to conserve areas beneficial to mountain lion. In addition, the commenter states the replacement habitat should be protected in perpetuity under a conservation easement prior to implementation of Project-related ground-disturbing activities and with a non-wasting endowment for long-term management.

Mitigation Measure MM BIO-2(c) requires the preparation and implementation of an Upland Scrub and Special-Status Plant Species Mitigation and Monitoring Plan. (Note that MM BIO-2(c) is revised to amplify and clarify its requirements through errata discussed in Chapter 3 of this FEIR.) MM BIO-2(c) requires that the Plan provide for protection of sensitive upland scrub vegetation communities at a minimum of a 1:1 ratio for the sensitive upland scrub habitats impacted by the Project. MM BIO-2(c) also requires the lands to be protected in perpetuity through a conservation easement and that the plan includes provisions for long-term maintenance and monitoring. The mitigation measure also requires that the Plan be submitted to the Planning Division who has the discretion to coordinate with CDFW for concurrence on the Plan. MM BIO-2(c) also requires that the conservation easement be recorded prior to the Planning Division's issuance of a Zoning Clearance for Use Inauguration of new disturbance and the conservation easement to be recorded on the property title prior to additional vegetation clearing or ground disturbance on the Project site. In addition, MM BIO-3(g) requires the Permittee to obtain an Incidental Take Permit from the CDFW if any CESA-listed species cannot be avoided (PRDEIR pg. 3.5-50). Through the Incidental Take Permit process, impacts to mountain lion habitat will have to be fully mitigated if the mountain lion is still a CESA Candidate for listing or if it has been elevated to threatened or endangered under CESA. With implementation of MM BIO-2(c) and MM BIO-3(g), impacts to suitable habitat for mountain lion would be mitigated to less than significant as concluded in the PRDEIR analysis.

Comment 21-17

Mitigation Measure #4: If impacts to movement corridors occur the Project may also include plans to implement or help fund wildlife crossing structures or passages with directional wildlife fencing to mitigate impacts to mountain lion. The Applicant should provide minimum criterion for design features, dimensions, and locations of potential crossings and associated fencing.

Recommendation #1: CDFW recommends providing habitat impact acreage for mountain lion within the Observed and Potentially Occurring Special-Status Species table (Appendix C-1 Pages 29-36) as it is a species with high probability of occurrence and affords protections under CESA as a CESA-candidate (see Comment 5).

Response 21-17

The commenter suggests the Applicant include plans to implement or help fund wildlife crossing structures or passages to mitigate impacts to mountain lion and should provide designs and locations of potential crossing and associated fencing. The County notes the recommended mitigation; however, with implementation of mitigation identified in the PRDEIR, Project impacts associated with Project disturbance within the Habitat Connectivity and Wildlife Corridor overlay zone would be less than significant. Therefore, the mitigation recommended in the comment is not required to address a significant impact.

The commenter also recommends including the habitat impact acreage for mountain lion in the Observed and Potentially Occurring Special-Status Species table on pages 29-36 of PRDEIR Appendix C-1. Please see Response 21-12 for an explanation of the County's approach to incorporating the habitat impact acreage to the FEIR.

Comment 21-18

Comment #4: Lake and Streambed Alteration Agreement (LSAA), impacts to streams and associated habitat

Issue: The Project would impact 18,686 linear feet of streams protected by the State.

Specific impacts: The Project includes the modification of 19 unnamed ephemeral streams.

Although a Stream delineation surveys were recommended as part of CDFW's January 2021 comment letter a formal delineation was not included in the RDEIR to quantify acreage of impacts to streams and associated habitat. The PDEIR did not include a plan to mitigate for loss of streambed and associated riparian habitats as a result of the Project.

Response 21-18

The commenter stated the PRDEIR did not quantify the acreage of impacts to streams and associated habitat or include a plan to mitigate for the loss of streambed and associated riparian habitats.

In consideration of this comment, BioResource Consultants prepared a letter report, "Supplemental Technical Report Addressing Drainage Feature Width and Potential Mitigation Ratios for Impacts Resulting from the Pacific Rock Quarry Expansion Project (CUP 3817-3)" (BRC, 2024), that was submitted to the County by the Applicant and is included as Appendix C-4 of the FEIR. Among other information, the BRC letter provides supplemental information related to the drainages that may be affected by the

Project. BRC determined that the average width of the onsite drainages is conservatively expected to be approximately two feet, noting that portions of the drainages likely exhibit widths less than two feet and some may be slightly wider in places, but that an average width of two feet is considered a conservative estimate. Table 1 of the BRC letter (FEIR Appendix C-4) summarizes the approximate size of each of the drainage features observed onsite and is also presented below as Table 2-2. Based on BRC's evaluation, the observed drainage features encompass an area of approximately 0.91 acres within the proposed CUP boundary and approximately 0.68 acres of these drainage features are within the proposed mine disturbance area. This information has been added to the EIR in the Biological Resources Errata section discussed further in Chapter 3 (see Errata 18) and included as Appendix J of this FEIR. The additional information clarifies and amplifies information presented in the PRDEIR Biological Resources section and does not identify a new significant impact or an increase in the severity of a previously identified significant impact.

Table 2-2. Drainage Feature Lengths, Approximate Widths, and Estimated Acreages

ID #	Length within Proposed CUP Boundary (feet) (per BRC's 2017 ISBA)	Estimated Average Width (feet)	Estimated Area within Proposed CUP Boundary (acres)	Length within Proposed Disturbance Area (feet)	Estimated Area within Proposed Disturbance Area (acres)
W1	842	2	0.0387	505	0.0232
W2	1,226	2	0.0563	981	0.0450
W3	1,062	2	0.0488	956	0.0439
W4	552	2	0.0253	552	0.0253
W5	829	2	0.0381	663	0.0304
W6	308	2	0.0141	0	0.0000
W7	980	2	0.0450	637	0.0292
W8	988	2	0.0454	988	0.0454
W9	714	2	0.0328	714	0.0328
W10	910	2	0.0418	683	0.0313
W11	322	2	0.0148	0	0.0000
W12	981	2	0.0450	638	0.0293
W13	894	2	0.0410	581	0.0267
W14	212	2	0.0097	212	0.0097
W15	946	2	0.0434	899	0.0413
W16	555	2	0.0255	444	0.0204
W17	2,046	2	0.0939	1841	0.0845
W18	154	2	0.0071	0	0.0000
W19	292	2	0.0134	15	0.0007
W20	1,070	2	0.0491	963	0.0442
W21	796	2	0.0365	796	0.0365
W22	678	2	0.0311	678	0.0311
W23	2,405	2	0.1104	962	0.0442
Total	**19,762**	**NA**	**0.91**	**14,707**	**0.68**

Source: BRC, 2024.

PRDEIR Table 3.5-6, "Waters of Wetlands Summary," identifies multiple ephemeral drainages within the Project site that flow into onsite detention basins or into the pond located west of the Project site and lists a total of 19,762 linear feet of ephemeral drainages within the site. As discussed at PRDEIR Impact BIO-5 (PRDEIR pg. 3.5-71), although a formal aquatic resources delineation was not conducted to define the specific physical and jurisdictional attributes of drainages and other waters and wetland features at the site, site surveys and data collection provide information regarding the locations and size (i.e., length of ephemeral drainages and area of the one detention pond in the study area) of features within and adjacent to the site sufficient to inform the impact analysis for the EIR. As discussed above, BRC estimated that potential drainage features cover approximately 0.91 acre within the Project's proposed CUP boundary, of which approximately 0.68 acre are within the Proposed mine disturbance footprint and have the potential to be disturbed by mining activities.

The PRDEIR also discusses that until such time as a formal aquatic resources delineation of jurisdictional waters is prepared and all required reviews and approvals are obtained from regulatory agencies, all such features are considered to have the potential to be waters of the U.S. and/or waters of the State.

Mitigation Measure MM BIO-5 requires the Applicant to conduct a formal aquatic resources delineation to determine the extent to which the Project footprint affects jurisdictional resources and to obtain a Section 1600 Lake or Streambed Alteration Agreement from CDFW. In addition, MM BIO-5 requires the Applicant to prepare a compensatory mitigation plan addressing temporary and permanent impacts to both federal and state jurisdiction and to develop the plan in consultation with the USACE, RWQCB, and CDFW during the permitting process. That plan is required to provide protection of mitigation lands in perpetuity with funding for long-term management. MM BIO-5 requires the Applicant to obtain all required state and federal regulatory agency approvals and to provide copies of all approvals/permits to the Planning Division prior to the issuance of a Zoning Clearance for Use Inauguration of new disturbance.

The PRDEIR provides sufficient information for the evaluation and identification of Project impacts to drainages for the purposes of the EIR. Supplemental information regarding estimated areas of drainage features that would be impacted by the Project as presented in this response and FEIR Appendix C-5 provides additional information, but does not alter the findings of the PRDEIR. MM BIO-5 would ensure that a complete delineation and determination of specific impact acreages is performed and that the impacts are sufficiently mitigated. Please see Response 21-26 for discussion of revisions made to MM BIO-5 for the FEIR to clarify and expand the mitigation requirements in response to CDFW recommendations.

Comment 21-19

Why Impacts will occur: As previously stated in CDFW's 2017 and 2021 comment letters, CDFW is still concerned about impacts to streams. The only mitigation proposed for streams within the RDEIR is a future delineation associated with an LSA notification (BIO-5) and measures that would reduce impacts to water quality (BIO-2(h), WR-2(a), WR-2(b), and WR-2(c)). Within the RDEIR, the Project anticipates impacts to 19 of the 24 on-site water features (W1-W24) that are subject to Fish and Game Code, section 1600 et seq. Water features W6, W11, W18, and W24 (detention pond) are not expected to be impacted. However, this would still result in impacts to approximately 18,686 linear feet of streambed and an undisclosed acreage of associated riparian habitat. Modification of these features may result in the loss of streams, associated watershed function, and biological diversity. Replacement of streambed acreage and riparian habitat will be necessary to reduce impacts to less than significant. Within CDFW's January 2021 comment letter staff provided this statement, "Please provide CDFW

with the updated information, including any information regarding jurisdictional delineations of State waters, for review. Upon review, CDFW may provide additional comments, as necessary." The Applicant has still not provided this updated information. Thus, CDFW is not able to provide the most appropriate mitigation for the Project nor adequately assess the feasibility of proposed mitigation. Collectively, this would result in the potential loss of several acres of natural drainage patterns, soils, and associated vegetation.

Additionally, within the recirculated biological section of the EIR it states, "[h]owever, surface water flows from the Project site converge with Conejo Creek via an off-site swale only during high flow events when runoff into the detention pond overtop the pond's outflow elevation." Therefore, altering these drainage features will also alter natural hydrologic and geomorphic processes and likely diminish on-site and downstream water quality in Conejo Creek and emergent wetlands. It is also unclear whether the detention pond will be able to store a higher volume of water, the modification of these water features may cause more frequent overflow events into Conejo Creek.

Response 21-19

The commenter states the Applicant has not provided information regarding the jurisdictional delineation and without that information, the commenter is not able to provide the most appropriate mitigation for the Project nor adequately assess the feasibility of proposed mitigation. The commenter also states altering the drainage features will alter natural hydrologic and geomorphic processes and may affect on-site water quality and the water quality in Conejo Creek, which is located downstream of the detention pond.

Please see Response 21-18 regarding the adequacy of the PRDEIR in identifying potential impacts to jurisdictional waters, including drainages, and the adequacy of Mitigation Measure MM BIO-5 in addressing Project impacts. With implementation of MM BIO-5, the Project impacts to jurisdictional waters would be reduced to less than significant. Alternative or additional mitigation may be required by CDFW through the regulatory Lake and Streambed Alteration Agreement process. Please see Response 21-26 for discussion of revisions made to MM BIO-5 for the FEIR to clarify and expand the mitigation requirements in response to CDFW recommendations.

As discussed under Response 21-18, Table 2-2 above provides the lengths of each of the drainages within the proposed CUP boundary and provides the estimated area (acreages) of drainage features within the CUP boundary and within the proposed mine disturbance areas, conservatively assuming an average width of 2 feet. As shown in Table 2-2 at Response 21-18, BRC (2024) is estimated that drainage features compose an area of approximately 0.91 acre of the proposed CUP boundary and that approximately 0.68 acre of these drainage features are within the proposed mine disturbance area. The methodology and calculations supporting the Table 2-2 data are presented in a letter report, "Supplemental Technical Report Addressing Drainage Feature Width and Potential Mitigation Ratios for Impacts Resulting from the Pacific Rock Quarry Expansion Project (CUP 3817-3)" (BRC, 2024), that was submitted to the County by the Applicant and is included as Appendix C-4 of the FEIR with the information incorporated to the FEIR Biological Resources Errata (see FEIR Chapter 3, Errata 18). To ensure the Project impacts to these drainage features are accurately determined and mitigated, Mitigation Measure MM BIO-5 requires a formal jurisdictional delineation and acquisition of all applicable state and federal permits prior to the initiation of disturbance in the mine expansion areas (see FEIR Chapter 3, Errata 22, for discussion of revisions made to MM BIO-5). With the implementation of MM BIO-5, direct and indirect impacts to jurisdictional waters and wetlands would be reduced to less than significant.

The Operator also currently has, and is required to maintain, a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shows how (1) surface/stormwater runoff from the site will be contained to the extent feasible, (2) how best management practices will be implemented, and (3) how any stormwater that discharges from the site, including from the rendition pond, will be appropriately sampled to ensure applicable water quality standards are met. Additionally, MM WR-3 in the DEIR requires the Permittee to prepare and submit to the County an engineering grading and drainage plan prior to disturbance in any new mine expansion areas. The drainage study shall identify the size, capacity, and location of all existing and proposed stormwater retention basins and provide evidence that the basins are designed with sufficient capacity to retain all stormwater runoff from the site and upgradient areas for the maximum storm event, with at least two feet of freeboard, and capable of retaining the annual runoff from a 100-yr rainfall year. Through the continued implementation of the SWPPP and stormwater Best Management Practices (BMPs), and subsequent drainage analysis and control measures as needed, the detention pond will continue to be able to store the majority of stormwater runoff. Stormwater collected in retention basins will continue to either evaporate or infiltrate, or when in excess of the basins' capacity, flow to the offsite pond west of the Project site.

Through the continued implementation of site-specific stormwater plans and BMPs and continued maintenance of the stormwater retention basis, as well as the implementation of MM BIO-5 summarized above, the Project would not adversely impact nearby Conejo Creek.

Comment 21-20

Evidence impact would be significant: The Project may impact streams and associated riparian habitats. CDFW exercises its regulatory authority (Fish and Game Code, section 1600 et seq.) to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. Fish and Game Code, section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or,
- Deposit or dispose of material into any river, stream, or lake.

CDFW requires a Lake and Streambed Alteration Agreement (LSA) Agreement when a project activity may substantially adversely affect fish and wildlife resources.

For reasons discussed above, the Project continues to have a substantial adverse effect on streams and associated riparian habitat through direct removal, filling, hydrological interruption, or other means.

Response 21-20

The commenter states the Project will have an adverse effect on streams and associated riparian habitat and that the CDFW requires a Lake and Streambed Alteration Agreement when a project activity may substantially adversely affect fish and wildlife resources.

Please see Responses 21-18 and 2-19 regarding the adequacy of the PRDEIR in identifying potential impacts to jurisdictional waters, including drainages, and the adequacy of Mitigation Measure MM BIO-5 in

addressing Project impacts. Please also see Response 21-26 for discussion of revisions made to MM BIO-5 for the FEIR to clarify and expand the mitigation requirements in response to CDFW recommendations.

Comment 21-21

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: The Project applicant (or "entity") should provide written notification to CDFW pursuant to Fish and Game Code, section 1600 et seq. The Project should notify CDFW prior to any Project construction or activities. Based on this notification and other information, CDFW determines whether a LSA with the applicant is required prior to conducting the proposed activities. Please visit the Lake and Streambed Alteration Program webpage to obtain a notification package for an LSA (CDFW 2021b).

CDFW's issuance of an LSA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the Lead Agency for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 1600 et seq. and/or under CEQA, the CEQA document should fully identify the potential impacts to the streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA.

Response 21-21

The commenter states the Applicant should provide a written notification to CDFW pursuant to Fish and Game Code, section 1600 et seq.

The County agrees with this comment. Adherence to the Fish and Game Code requirements will be a condition of approval of the Project. Please see Responses 21-18 and 2-19 regarding the adequacy of the PRDEIR in identifying potential impacts to jurisdictional waters, including drainages, and the adequacy of Mitigation Measure MM BIO-5 in addressing Project impacts. Please see Response 21-26 for discussion of revisions made to MM BIO-5 for the FEIR to clarify and expand the mitigation requirements in response to CDFW recommendations. As discussed, with implementation of MM BIO-5 as presented in the PRDEIR and modified in the errata in Chapter 3 of this FEIR, the Project impacts to jurisdictional waters would be reduced to less than significant. Alternative or additional mitigation may be required by CDFW through the regulatory Lake and Streambed Alteration Agreement process.

Comment 21-22

Mitigation Measure #2: Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project such as additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: avoidance of resources, on-site or off-site creation, enhancement, or restoration, and/or protection and management of mitigation lands in perpetuity.

Response 21-22

The commenter states the LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project.

The County acknowledges and agrees with this comment. Please see Responses 21-18, 21-19 and 21-21 above.

Comment 21-23

Mitigation Measure #3: CDFW recommends fully avoiding impacts to waters and riparian/wetland vegetation communities. If feasible, CDFW recommends redesigning the Project to avoid impacts to the existing drainage features that support sensitive vegetation communities. CDFW also recommends the County consider Project alternatives that could incorporate the unnamed streams into the planned development. Design alternatives should attempt to retain as much surface flow and natural hydrologic processes as possible. CDFW recommends taking an inter-disciplinary approach to involve landscape architects, engineers, and wildlife biologists, and hydrologists to develop design alternatives that could fully avoid or lessen impacts to waters and riparian/wetland vegetation communities.

Response 21-23

The commenter recommends that the Project be redesigned to avoid impacts to waters and riparian/wetland vegetation communities. The County acknowledges and appreciates this recommendation. County staff is considering all potential feasible alternatives and will include this recommendation in the FEIR for consideration by the decision makers.

Comment 21-24

Mitigation Measure #4: If impacts to streams are unavoidable, CDFW recommends that mitigation occur at a CDFW-approved bank. Mitigation bank credits should be purchased, approved, or otherwise fully executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.

Response 21-24

The commenter recommends that impacts to streams be mitigated at a CDFW-approved mitigation bank if the impacts cannot be avoided.

Mitigation measure MM BIO-5 requires that the Permittee obtain all required state and federal regulatory agency approvals and shall provide copies of all approvals/permits to the Planning Division prior to the issuance of a Zoning Clearance for Use Inauguration of new disturbance. Thus, the approvals would be obtained prior to ground disturbance associated with the Project. Please see Response 21-26 for discussion of revisions made to MM BIO-5 for the FEIR to clarify and expand the mitigation requirements in response to CDFW recommendations. Mitigation for impacts to drainages would require compensatory mitigation developed in consultation with regulatory agencies, including the CDFW during the permitting process. Compensation requirements and the location of any required mitigation bank credits would be determined through coordination with agencies during that process.

Comment 21-25

Mitigation Measure #5: If credits at a CDFW-approved mitigation bank are not available, CDFW recommends setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. Mitigation lands should be in the same watershed as the Project site and

support in-kind vegetation. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities prior to the County's issuance of grading permits.

Response 21-25

The commenter recommends that if CDFW-approved mitigation bank credits are not available, the replacement habitat for impacts to streams be set aside and protected in perpetuity with a conservation easement and non-wasting endowment for long-term management prior to the issuance of a grading permit by the County.

As also discussed at Response 21-24, mitigation for impacts to drainages as specified in mitigation measure MM BIO-5 would require compensatory mitigation developed in consultation with regulatory agencies, including the CDFW during the permitting process. Compensation requirements and any conservation easement or other permanent preservation mechanism would be determined through coordination with agencies during that process and, as specified in MM BIO-5 (see FEIR Chapter 3, Errata 22, for discussion of revisions to amplify and clarify MM BIO-5), would be required prior to the County's issuance of a Zoning Clearance for Use Inauguration of new disturbance. As the Permittee would be required to comply with County-imposed mitigation as well as all conditions imposed by regulatory agencies through the permitting process, a permit condition further specifying the sequence and timing for establishing a mitigation endowment and initiating new disturbance at the site. Additionally, although compensatory mitigation on lands within the same watershed as the Project site may be considered a priority through consultation with regulatory agencies, including CDFW; specifying such a requirement in MM BIO-5 is not necessary to ensure the efficacy of the mitigation measure as mitigation lands outside of the watershed may also be deemed suitable for mitigation.

Comment 21-26

Mitigation Measure #6: The Applicant has not disclosed the acreage of associated habitat through a formal delineation. As previously stated within CDFW's 2021 comment letter to the Applicant, the LSA should be conditioned such that potential impacts to riparian habitat, such as arroyo willow thicket, mulefat thicket, and cattail marshes be mitigated at no less than 3:1 if avoidance is not feasible. Mitigation ratios should increase if on-site mitigation is not possible. CDFW recommends that an on-site Habitat Mitigation and Monitoring Plan (HMMP) be developed. An HMMP should provide specific, detailed, and enforceable measures.

Response 21-26

The commenter recommends that a mitigation ratio of 3:1 for impacts to riparian habitat and cattail marsh if avoidance is not feasible and recommends that an on-site Habitat Mitigation and Monitoring Plan (HMMP) be developed that provides specific, detailed, and enforceable measures.

The County agrees with the commenter's recommendation for a Habitat Mitigation and Monitoring Plan (HMMP). Although PRDEIR Mitigation Measure BIO-5 is sufficient to reduce potential impacts to less than significant, the County has incorporated this recommendation to MM BIO-5 as revised in errata discussed in Chapter 3 of the FEIR (see Errata 22). The revisions incorporate a specification that an HMMP be prepared and implemented for the Project.

MM BIO-5 requires the Permittee to develop an HMMP that provides for compensatory mitigation in consultation with USACE, RWQCB, and CDFW. The location of the mitigation lands and the final mitigation ratio(s) for impacts to riparian/wetland plant communities would be determined through consultation with the agencies through that process. Agencies, including CDFW, would have the opportunity to review and comment on the measures included in the HMMP.

The County has considered the commenter's recommendation potential impacts to riparian habitat, such as arroyo willow thicket, mulefat thicket, and cattail marshes be mitigated at no less than 3:1 if avoidance is not feasible. In consideration of the comment, mitigation measure MM BIO-5 is revised in the FEIR Biological Resources Errata section to specify a minimum mitigation ratio of 1:1 while also identifying a performance standard requiring that the final ratio be determined through consultation with regulatory agencies and that the ratio be deemed sufficient to compensate for direct and indirect permanent impacts of the Project to jurisdictional waters, wetlands, and riparian areas. Thus, pursuant to MM BIO-5, the amount of compensatory mitigation and associated mitigation ratio required to offset the impacts of the Project will be a minimum of 1:1 or as otherwise determined by the USACE, RWQCB, and CDFW and may vary based on the factors listed below and others that the agencies may also consider:

- types of impacts (e.g., direct or indirect and temporary or permanent),
- amounts of jurisdictional wetlands or Waters of the U.S. affected,
- types of habitats affected,
- methods of compensatory mitigation proposed (e.g., creation, restoration, rehabilitation, enhancement, or preservation), and
- location of the compensatory mitigation (e.g., onsite, offsite and adjacent to the impact area, offsite location, or approved mitigation bank).

When regulatory agencies determine an overall mitigation ratio, they may assign different ratios to the types of impacts. Thus, mitigation measure MM BIO-5 is considered to provide a minimum ratio and a sufficient and appropriate performance standard for mitigation of potential impacts to riparian habitats.

Comment 21-27

Mitigation Measure #7: CDFW recommends that all on-site mitigation sites for impacts to waters and riparian/wetland vegetation communities be protected in perpetuity from public encroachment and structural intrusion. This should include all water features on site, including ephemeral and perennial bodies.

As stated within CDFW's 2021 comment letter, CDFW recommends the County fund a minimum of 10 years of initial restoration and maintenance. If applicable, mitigation lands (unnamed creeks, surrounding natural areas) should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.

Response 21-27

The commenter recommends on-site mitigation sites for impacts to waters and riparian/wetland vegetation communities and all water features on site be protected in perpetuity from public encroachment and

structural intrusion. In addition, the commenter is recommending the County fund a minimum of 10 years of initial restoration and maintenance and if applicable, the mitigation lands should be protected in perpetuity under a conservation easement with adequate long-term funding prior to Project-related ground disturbance or the issuance of a grading permit.

The County agrees with the commenter's recommendations regarding minimum funding and endowment establishment, and has incorporated the recommendations into MM BIO-5 through errata presented in Chapter 3 of this FEIR.

Comment 21-28

Recommendation #1: As part of the LSAA Notification process, CDFW requests a map showing features potentially subject to CDFW's broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.

Response 21-28

The commenter's recommendations concerning the Lake and Streambed Alteration Agreement process and submittal requirements do not pertain to the adequacy of the EIR. Upon conditional approval of the Project by the County, the Permittee would need to achieve all CDFW LSAA application submittal requirements at the time of such application.

DEIR and PRDEIR Figure 3.5-4, "Waters and Wetlands," shows the locations of the features potentially subject to CDFW's regulatory authority over streams. Mitigation Measure MM BIO-5 requires the Permittee to prepare and submit a formal delineation of federal and state jurisdictional waters on the Project site. The waters and wetlands features would be mapped for the purposes of the delineation and the map showing the locations would be included in the jurisdictional delineation report. Furthermore, DEIR MM WR-3 requires the Permittee to prepare and submit to the County an engineering grading and drainage plan prior to disturbance in any new mine expansion areas. The drainage study shall identify the size, capacity, and location of all existing and proposed stormwater retention basins and provide evidence that the basins are designed with sufficient capacity to retain all stormwater runoff from the site and upgradient areas for the maximum storm event, with at least two feet of freeboard, and capable of retaining the annual runoff from a 100-year rainfall year. With implementation of MM BIO-5 and MM WR-3 Project impacts to waters and wetlands to less than significant.

Comment 21-29

Comment #5: Habitat loss for Special Status Wildlife Species Issue: CDFW acknowledges the efforts of the Applicant in including additional surveys and measures to reduce impact to special status species, however a significant amount of habitat will be lost or inaccessible to wildlife as part of the Project.

Specific impacts: The Project as proposed may impact a multitude of species and their habitats including but not limited to:

Table 1. Acreage of habitat potentially impacted for wildlife species as noted by the Project.

Wildlife Species	Protection Status	Suitable Habitat Acreage Impacted
Burrowing owl	SSC	72.53
Coastal California gnatcatcher	ESA-Listed; SSC	72.25
Coastal whiptail	SSC	85.5
Crotch bumblebee	CESA-candidate	85.26
San Diego desert woodrat	SSC	84
Loggerheaded shrike	SSC	72.25
Santa Monica grasshopper	G1/S1	85.5
Golden eagle	FP, WL	71.02
Sharp-shinned hawk	WL	71.02
Burrowing owl	SSC	72.53
Bat Species (Combined)	SSC	69.52

**Table composed based on information provided on "Observed and Potentially Occurring Special-Status Species table (Appendix C-1 Pages 29-36) and Bat Habitat Types and Acreages within study area table (Appendix C-3) within the RDEIR. Key: Endangered Species Act (ESA) listed, California Endangered Species Act (CESA) listed, Species of Special Concern (SSC), Fully Protected (FP), Watch List (WL).

Response 21-29

The comment presents a summary table based on the "Observed and Potentially Occurring Special-Status Species" table in PRDEIR Appendix C-1 (pages 29-36) and Table 3, "Bat Habitat Types and Acreages within Study Area, in PRDEIR Appendix C-3. This information is presented, and Project impacts associated with the species and habitat loss are evaluated in the PRDEIR. No additional response to the comment is necessary.

Comment 21-30

Why impacts would occur: Although the Applicant has provided new information and mitigation measures regarding biological resources the document lacked measures to replace habitat temporarily or permanently lost due to Project implementation. Although extension of the disturbance area will be done incrementally, undisturbed habitat within the proposed mining boundary may be less accessible to wildlife. Likewise, restoration and reclamation activities performed in areas no longer utilized will take time to restore resources and function. Replacement habitat should be provided to reduce impacts to special status species to less than significant.

Response 21-30

The commenter states replacement habitat should be provided to reduce impacts to special-status species to less than significant.

Potential direct impacts to special-status wildlife species that have been observed or that have a high or moderate potential to occur on or adjacent to the site are analyzed in PRDEIR Section 3.5.2.2 under Impact BIO-4. As discussed in the PRDEIR at Impact BIO-4, some of the special-status wildlife species that could potentially occur on the Project site utilize multiple habitat types, including upland scrub, non-native grasslands, open areas, and bare hillsides. Mitigation Measures MM BIO-4(a) through (i) are specifically designed to determine if special-status wildlife species or wildlife species protected under CESA are present within and in some cases present in areas adjacent to the mine expansion. The mitigation measures are also designed to protect those species through avoidance and minimization of impacts as well as moving non-listed species out of harm's way and into adjacent suitable habitat. If CESA-or ESA-listed wildlife species (e.g., coastal California gnatcatcher, Crotch bumble bee, and mountain lion), are found in

areas where impacts could potentially occur, MM BIO-3(g) requires an Incidental Take Permit to be obtained for CESA-listed species and MM BIO-4(e)requires either a Section 7 Consultation or Incidental Take Permit, pursuant to § 10(a)(1)(B) of the ESA, be obtained prior to impacts to habitat occupied by these species. In addition, MM BIO-2(c) requires the preparation and implementation of an Upland Scrub and Special-Status Plant Species Mitigation and Monitoring Plan that would conserve suitable habitat for the vegetation communities utilized by these species at a minimum of a 1:1 ratio for the 74.23 acres of upland scrub that may be impacted by the Project. Incremental mining would be conducted so all suitable habitat for special-status wildlife species would not be removed at the same time. Reclamation of mined areas concurrent with mining in other areas of the site is neither proposed as a reclamation commitment by the Applicant nor is concurrent reclamation required to conclude that the Project would not have a significant impact to these plant communities. After the reclamation is completed, the Project site is expected to support 166.98 acres of upland scrub, grasslands, and agricultural land. As discussed in the PRDEIR, implementation of mitigation measures MM BIO-2(a) and MM BIO-2(b) would ensure that common and sensitive vegetation communities located outside of the Project boundary would not be impacted by the Project, and implementation of mitigation measure MM BIO-2(c) requires the Permittee to permanently preserve lands that support the same vegetation communities as those that would be impacted by the Project (see FEIR Biological Resources Errata section (FEIR Appendix J) for revisions to MM BIO-2(c) which further enhance the measure's efficacy). With revegetation of the Project site in accordance with the proposed amended Reclamation Plan and with implementation of MM BIO-2(a), MM BIO-2(b), and MM BIO-2(c), Project impacts to sensitive upland scrub vegetation communities would be less than significant. Collectively, with mitigation measures MM BIO-4(a) through MM BIO-4(i) which would mitigate potential impacts to special-status wildlife species (Impact BIO-4 at PRDEIR pgs. 3.5-50 – 3.5-62) and mitigation measures MM BIO-3(a) through MM BIO-3(h) which would mitigate impacts to special-status plant species to less than significant, these mitigation measures are considered sufficient to reduce the Project impacts to special-status plant and wildlife species and their habitat to less than significant.

Comment 21-31

Evidence impact would be significant: CEQA provides protection not only for Endangered Species Act (ESA-) and CESA-listed species, but for any species including but not limited to Species of Special Concern (SSC) which can be shown to meet the criteria for State listing. SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, §15380). Take of CESA protected species could require a mandatory finding of significance (CEQA Guidelines, § 15065).

Take under the ESA is more broadly defined than CESA. Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated, through appropriate disclosure of the proposed mitigation measures, below a level of significance. The RDEIR has yet to provide mitigation for the Project's potential impact on habitat of special status species. Accordingly, the Project continues to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or U.S. Fish and Wildlife Service (USFWS).

Response 21-31

The commenter suggests the Project has yet to provide mitigation for the Project's potential impact on habitat of special-status species and the commenter states the Project continues to have a substantial adverse effect, either directly or through habitat modifications, on species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or U.S. Fish and Wildlife Service.

The County does not agree with this assertion. Please see Response 21-30 for discussion of the sufficiency of mitigation measures in the PRDEIR at avoiding or fully mitigating impacts to special-status species.

Comment 21-32

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends first avoiding any potential impacts to habitat utilized by special status species. If avoidance is not possible the Applicant should replace habitat at a ratio appropriate to maintain a no net loss of habitat values, acreage, and function. CDFW recommends setting aside replacement habitat to be protected in perpetuity under a conservation easement. CDFW highly recommends protecting the adjacent land parcels held under ownership of the Applicant. By protecting the adjacent parcels similar habitat lost due to project implementation would be preserved and the Santa Monica-Sierra Madre corridor would not be further truncated. Conservation easements should be dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A mitigation land should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that should be addressed include, but are not limited to, restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and increased human intrusion. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project related ground disturbing activities.

Response 21-32

The commenter recommends avoidance of potential impacts to habitat utilized by special-status species and if avoidance is not possible, then the Applicant should replace the habitat at a ratio appropriate to maintain a no net loss of habitat values, acreage, and function. The commenter recommends protecting the adjacent land parcels held under ownership of the Applicant.

The County and operator would prefer to avoid special-status species and their habitats; however, that is not likely to be feasible for this mining operation to continue/expand. The County is applying appropriate compensatory mitigation to ensure that habitat functions and values for the identified species are not lost. Please see Response 21-30 for discussion of the sufficiency of mitigation measures in the PRDEIR at avoiding or fully mitigating impacts to special-status species.

Comment 21-33

Mitigation Measure #2: If protecting the adjacent parcels is not feasible, CDFW recommends participation in a mitigation bank. Off-site mitigation should increase replacement ratios to achieve a no net loss of habitat values and function. CDFW recommends that mitigation occur at a state-approved bank. Mitigation bank credits should be purchased, approved, or otherwise fully executed prior to implementing Project related ground disturbing activities. Mitigation credits purchased must be appropriate for the above impacts.

Response 21-33

The commenter recommends participation in a mitigation bank if protecting the adjacent parcels is not feasible.

Please see Response 21-30 for discussion of mitigation requirements. MM BIO-2(c) includes a stipulation for mitigating at an appropriate off-site alternative location requiring protection of sensitive upland scrub vegetation communities and special-status plant species shall be at a minimum of a 1:1 ratio for the 74.23 acres of sensitive upland scrub vegetation communities that would be impacted by the Project. Compensation requirements for impacts to sensitive upland scrub vegetation could potentially be conducted at an off-site location or state-approved mitigation bank. However, in response to this comment, MM BIO-2(c) is modified through errata in this FEIR to provide that, if accomplished at an off-site location not in proximity to the Project site or if accomplished at a state-approved mitigation bank, the minimum mitigation ratio shall be increased above 1:1, to specify a requirement for no net loss of habitat values and function. MM BIO-2(c) provides for potential for participation in a state-approved mitigation bank if protecting adjacent parcels is not feasible because the adjacent lands do not support the species or suitable habitat or provide sufficient restoration opportunities.

Comment 21-34

Comment #6: Alliance Characterization of Sensitive Natural Communities

Issue: Characterization of vegetation communities within the RDEIR were not identified according to alliances outlined within the Manual of California Vegetation Communities (MCV).

Specific Impact: Within the RDEIR natural communities identified include laurel sumac scrub, California sage brush scrub, giant wild rye grasslands, mountain mahogany scrub, and disturbed chamise/ceanothus chapparal. These communities are not characterized to the alliance level. To characterize vegetation to the alliance level the community must adhere to criteria included within the MCV. Thus, current community characterizations do not provide the level of detail necessary to assess mitigation measures provided.

Response 21-34

The commenter states the vegetation communities in the PRDEIR were not characterized according to alliances outlined within the Manual of California Vegetation Communities (MCV).

Notwithstanding the assertion in the comment, the PRDEIR does include the MCV alliance designations and descriptions for the vegetation communities. PRDEIR Table 3.5-3 includes alliance identifications in the left column under the common name reference for each of the vegetation communities. Please see Responses 21-35 for additional discussion.

Comment 21-35

Why impacts would occur: The vegetation communities within the RDEIR do not categorize vegetation communities consistent with the MCV. Plant communities present should be identified and described based on their alliances and association as described in the MCV to accurately identify the biological resources onsite and potential impacts from the Project. Without accurate characterization of a plant community to the alliance level CDFW is unable to clearly determine the effectiveness of proposed mitigation including revegetation and reclamation activities. Plant community alliances have specific membership rules for identification, either a community meets this criterion or doesn't. Vegetation alliances differ in canopy, shrub layer, and understory layer composition. To properly replace alliance communities lost due to Project implementation revegetation Plans should adhere to the specific membership rules of the alliance. Within the RDEIR it states, "All areas currently vegetated with native and non-native plant communities (97.66 acres) and the unvegetated disturbed and developed areas (69.32 acres) would be revegetated with the upland scrub/grassland and agricultural grassland seed mixes, resulting in 166.98 acres of reclaimed and revegetated land." The seed mix proposed within Table 3.5-9 is not appropriate for blanket use, as previously stated revegetation of plant alliance should adhere to membership rules to replicate composition and function. It is also unclear where these mixes will be sourced from. If seed mixes must be used, seeds should be from the same geographical area and be genetically similar to the surrounding vegetation.

Response 21-35

The commenter states the PRDEIR does not categorize the vegetation communities according to the MCV and because the communities are not identified and described based on the alliances, the potential impacts of the Project cannot be identified. The commenter also states the seed mix proposed in Table 3.5-9 is not appropriate for blanket use as the plant alliances impacted by the Project should be replaced in composition and function. The commenter also states it is unclear where the seed mixes will be sourced from for the revegetation.

The composition of the vegetation communities identified on the Project site are described in PRDEIR Appendix C-1 (see Appendix C-1, Section 3, "The Biological Inventory."). The vegetation communities are named and described according to the MCV and the descriptions include the special-status designations as well as the dominant and associated species and locations where the vegetation communities were found. The acreage of potential impacts to each of the vegetation communities is listed in the rightmost column of PRDEIR Table 3.5-8. The Upland Scrub/Grassland Seed Mix includes plant species characteristic of the upland scrub and grassland vegetation alliances present on the Project site. As stated in the PRDEIR, "Native topsoil would be salvaged and spread on the benches prior to seeding." (PRDEIR pg. 3.5-41) The PRDEIR also states, "Initially following revegetation, the plant diversity on the revegetated benches is expected to be less than what currently exists in undisturbed areas of the site, but recruitment of other native plant species is expected to occur naturally over time." (PRDEIR pg. 3.5-42) In addition, the PRDEIR states, "Monitoring of the plant cover, species diversity, and species richness in the revegetated areas would be conducted according to the requirements of the reclamation plan." (PRDEIR, pg. 3.5-42)

The County concurs with the comment's recommendation that seeds for a seed mix should be from the same geographical area and be genetically similar to the surrounding vegetation, and is adding language to mitigation measure BIO-2(c) through errata in Chapter 3 of this FEIR to require that upland

scrub/grassland seed mix be sourced from a reputable native plant seed supplier and collected from the same general geographic region in which the Project is located. The PRDEIR includes the vegetation community alliance categories and descriptions and therefore, the PRDEIR provided the necessary information necessary to identify impacts to the vegetation communities. Specifying the reclamation revegetation seed mix source will ensure the seed materials are provided by a reputable native plant species seed supplier and within the same general geographic region.

Furthermore, reclamation of the site would be monitored by the County, to ensure the site is successfully revegetated in accordance with the Project Reclamation Plan and its accompanying Revegetation Plan, which must comply with the California Surface Mining and Reclamation Act (SMARA) and its implanting regulations which require that "vegetative cover or density, and species-richness shall be, where appropriate, sufficient to stabilize the surface against effects of long-term erosion and shall be similar to naturally occurring habitats in the surrounding area" (14 CCR 3705(a)).

Comment 21-36

Evidence impact will be significant: Collectively, Upland Scrub and Grassland habitats currently support or provide suitable habitat for plants and wildlife, including rare plants and wildlife. Pursuant under CEQA Guidelines, section 15125(c), CDFW considers southern California coastal sage scrub habitats as locally significant. The absence of mitigation for many of the habitats listed above will result in significant loss of viable and valuable habitat. As a result, the Project may continue to have a significant change on the environment absent appropriate mitigation for the unavoidable direct and indirect, permanent or temporal losses, of native and undisturbed vegetation and habitat (CEQA Guidelines, § 15382). Inadequate avoidance, minimization, and mitigation measures for impacts will result in a Project(s) continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.

Response 21-36

The commenter states the CDFW considers southern California coastal sage scrub habitats as locally significant and the absence of mitigation for unavoidable direct and indirect, permanent or temporal losses of native and undisturbed habitat will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect on species identifies as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by CDFW or USFWS.

MM BIO-2(c) requires the preparation and implementation of an Upland Scrub and Special-Status Plant Species Mitigation and Monitoring Plan that would conserve suitable habitat for the vegetation communities utilized by these species at least a minimum of a 1:1 ratio for the 74.23 acres that may be impacted by the Project. Incremental mining would be conducted so all suitable habitat for special-status wildlife species would not be removed at the same time. Reclamation activities would restore the vegetation communities and resource function in areas where mining has been completed. Implementation of Mitigation Measure MM BIO-2(c) is considered sufficient to reduce the Project impact to less than significant.

Comment 21-37

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To determine the rarity ranking of vegetation communities on a specific Project site(s), CDFW utilizes vegetation descriptions found in the MCV. The MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system (found online at http://vegetation.cnps.org/).

Response 21-37

The commenter provides a source to determine rarity ranking of vegetation communities and the MCV alliance/association community names.

Please see Response 21-34 clarifying that the PRDEIR provides the vegetation community alliances pursuant to CNPS rankings in Table 3.5-3.

Comment 21-38

Mitigation Measure #2: The Applicant should develop alliance-specific revegetation plans for alliances impacted. Plans should be based on membership criteria of each specific alliance. Revegetation Plans should include each species layer and include at least 70% of diversity by layer. Each alliance-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum:

1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted);

2) location of on-site mitigation and adequacy of the location(s) to serve as mitigation;

3) assessment of appropriate reference sites;

4) scientific [genus and species (subspecies/variety if applicable)] of plants being used for restoration;

5) location(s) of propagule source;

6) species-specific planting methods (i.e., container or seed);

7) measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover);

8) long-term monitoring, and;

9) adaptive management techniques.

Response 21-38

The commenter states the Applicant should develop an alliance-specific revegetation plan for alliances impacted by the Project and provides guidance for the contents of a revegetation plan.

MM BIO-2(c) requires the preparation and implementation of an Upland Scrub and Special-Status Plant Species Mitigation and Monitoring Plan that would conserve suitable habitat for the vegetation communities identified in the PRDEIR. The description of the content requirements of the Plan in MM BIO-2(c) includes the topics identified by the commenter. The PRDEIR analysis concludes that, with

implementation of MM BIO-2(c), Project impacts to upland scrub communities would be less than significant.

Comment 21-39

Mitigation Measure #3: Success criteria should be based on the specific composition of the vegetation communities being impacted. Success should not be determined until the site has been irrigation-free for at least 5 years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/nonnative cover for each vegetation layer) for at least 5 years. In the revegetation plan, the success criteria should be compared against an appropriate reference site, with the same vegetation alliance, with as good or better-quality habitat. The success criteria should include percent cover (both basal and vegetative), species diversity, density, abundance, and any other measures of success deemed appropriate by CDFW. Success criteria should be separated into vegetative layers (tree, shrub, grass, and forb) for each alliance being mitigated, and each layer should be compared to the success criteria of the reference site, as well as the alliance criteria in the MCV ensuring one species or layer does not disproportionally dominate a site but conditions mimic the reference site and meets the alliance membership requirements.

Response 21-39

The commenter provides specifications for the success criteria, including irrigation requirements, comparison to reference sites, and variables used to measure success.

MM BIO-2(c) requires the preparation and implementation of an Upland Scrub and Special-Status Plant Species Mitigation and Monitoring Plan that would conserve suitable habitat for the vegetation communities identified in the PRDEIR. MM BIO-2(c) requires that the Plan include an irrigation and maintenance schedule, identification of success criteria and performance standards, and identification of appropriate reference sites in addition to other topics that would ensure the revegetated upland scrub includes the compositions of the vegetation communities potentially impacted by the Project. MM BIO-2(c) requires that the Plan be prepared and approved by the County prior to new vegetation removal or new ground disturbing activities on the Project site for expansion of mining within the approved mine area boundary. The PRDEIR analysis concludes that, with implementation of MM BIO-2(c), Project impacts to upland scrub communities would be less than significant.

Furthermore, reclamation of the site would be monitored by the County, to ensure the site is successfully revegetated in accordance with the Project Reclamation Plan and its accompanying Revegetation Plan, which must comply with the California Surface Mining and Reclamation Act (SMARA) and its implementing regulations which require that "vegetative cover suitable for the proposed end use and capable of self-regeneration without continued dependence on irrigation, soil amendments or fertilizer" and that is "similar to the naturally occurring habitats in the surrounding area" (14 CCR Section 3705(a)). Onsite reclamation and revegetation efforts would continue until the revegetation standards in the Project Reclamation Plan have been met to the satisfaction of the County.

Comment 21-40

Recommendation #1: CDFW highly encourages the collection of on-site seed over the use of nursery sourced seed mix. Seed collection should include each species layer.

Response 21-40

The commenter encourages the use of on-site seed collection for each of the revegetated vegetation community layers.

The description of the contents in the Upland Scrub and Special-Status Plant Species Mitigation and Monitoring Plan required by MM BIO-2(c) requires that the Plan include methods for harvesting seeds or salvaging and transplantation of individual plants to be impacted. The County concurs with the comment's recommendation that seeds for a seed mix should be from the same geographical area (preferably collected directly from the Project site) and be genetically similar to the surrounding vegetation. As such, Mitigation Measure MM BIO-2(c) is modified in this FEIR in Chapter 3 of this FEIR to require that upland scrub/grassland seed mix would be sourced from a reputable native plant seed supplier and collected from the same general geographic region in which the Project is located.

Comment 21-41

Comment #7: Impacts to Sensitive Natural Communities and Rare Plants

Issue: CDFW is concerned that replacement ratios provided within the RDEIR are insufficient to reduce impacts to less than significant for sensitive natural communities and rare plants.

Specific Impact: Direct impacts to rare plants that occur onsite or within the immediate vicinity of the Project are likely to occur. This may result in mortality, reduced reproductive capacity, population declines, or local extirpation of a sensitive or special status plants. Within the RDEIR minimum replacement ratios were offered at 1:1 for sensitive natural communities and individual rare plants. CDFW is concerned that ratios provided are not sufficient for the rarity and ecological value of these resources.

Response 21-41

The commenter states they are concerned the replacement ratios provided in the PRDEIR are insufficient to reduce impacts to less than significant for sensitive natural communities and rare plants considering the rarity and ecological value of these resources.

MM BIO-2(c) does state the protection of sensitive upland scrub vegetation communities and special-status plant species shall be at a *minimum* of a 1:1 ratio. The results of the baseline survey for special-status plants, which is required by MM BIO-3(a) will be used to document the species of plants present and the level of impacts to sensitive natural communities and special-status plants resulting from the Project. The Upland Scrub and Special-Status Plant Species Mitigation and Monitoring Plan will include a description of the impacts to acres of habitat and level of impact to individual plants. The associated acres of mitigation, or mitigation ratio, will be determined in consultation with the resources agencies and will take into account the location of the mitigation lands (e.g., onsite, offsite, or mitigation bank). MM BIO-2(c) requires the Plan to be reviewed by the Planning Division and at its discretion, the Planning Division may coordinate with the CDFW for CDFW concurrence with the plant prior to Planning Division approval. Written approval from the Planning Division is required prior to disturbance occurring on the Project site. Implementation of MM BIO-2(c) and MM BIO-3(a) and written approval of the Upland Scrub and Special-Status Species Mitigation and Monitoring Plan will support the conclusion in the PRDEIR that impacts to sensitive natural communities and rare plants will be less than significant with mitigation.

Comment 21-42

Why impacts would occur: The proposed 1:1 ratio may not be sufficient in replacing the acreage, value, or function of communities and individual rare plants removed by the Project. Within the RDEIR it states, "The biological functions and values of the revegetated areas are expected to be less than those that currently exist in the Project site until the revegetated communities mature." Although the characterization of the plant communities identified within the RDEIR is in question the following communities will be impacted through Project implementation:

- 71.02 acres of laurel sumac scrub (S4/G4; Locally important)
- 0.14 acres California sage brush scrub (S5/G5; Locally important)
- 1.50 acres giant wild rye grasslands (S3/G3; Locally important)
- 0.19 acres cattail marsh (S5/G5)
- 0.23 acres mountain mahogany scrub (S4/G5; Locally important)
- 1.34 acres disturbed chamise/ceanothus chapparal (S5/G5; Locally important)

Replacement ratios were not provided for cattail marsh. Within the RDEIR it states, "Protection of sensitive upland scrub vegetation communities and special-status plant species should be at a minimum of a 1:1 ratio for the 74.23 acres of sensitive upland scrub vegetation communities that will be impacted by the Project." Although this is a tentative minimum replacement ratio pending the composition of the Upland scrub and Special Status Plant Species Monitoring Plan, CDFW recommends increasing minimum replacement ratios within the future Monitoring Plan to reflect the ecological value and rarity of each community and/or rare plant population. The majority of the alliances are S4/S5 are of local importance and should necessitate a higher replacement ratio. Additionally, if mitigation is performed offsite then proposed replacement ratios should be increased. Within the RDEIR it states, "If the adjacent Permittee-owned lands do not support the upland scrub communities or special-status plant species that would be impacted by the Project and if the adjacent Permittee-owned lands do not provide sufficient restoration opportunities for the special-status plants, then the mitigation and monitoring plan should include an appropriate offsite alternative for mitigation." The Applicant should provide potential replacement ratios for offsite mitigation. Likewise, replacement ratios should have been provided for cattail marsh at it is a riparian vegetation community. Only five to 10 percent of California's original riparian habitat (which includes cattail marsh) exists today and much of the remaining habitat is in a degraded condition.

According to the October 23, 2018, memorandum within the RDEIR approximately 1,110 rare plants may be impacted with the extension of the Project's CUP boundary. An additional 60 rare plants were found within the 200-foot study area buffer and may be affected by edge effect or "inadvertent disturbance". Within the RDEIR it states, "Additionally, inadvertent disturbance outside of the Project's planned disturbance area would have the potential to adversely affect common and sensitive vegetation communities in those adjacent areas..." The Project also provided a 1:1 replacement ratio for these rare plants. CDFW is of the opinion that this ratio is insufficient to reduce Project impacts. Rare plants are habitat specialists that require specific conditions to persist such as vegetation composition (species abundance, diversity, cover), soils, substrate, slope, hydrology, and pollinators. Accordingly, mitigation for impacts to rare plants should also include habitat.

Table 2. Number of individual special status plants within the proposed CUP boundary and study area provided within the RDEIR.

Scientific Name	Common Names	Number of Plants within Proposed CUP Boundary	Number of Plants within 200-foot Buffer Area
Calochortus catalinae	Catalina mariposa-lily	180	4
Calochortus clavatus var. clavatus	Club haired mariposa lily	13	
Dudleya blochmaniae ssp. blochmaniae	Blochman's dudleya	857	21
Eriogonum crocatum	Conejo buckwheat	54	35
Juglans californica	Southern California black walnut	6	

Response 21-42

The commenter states the proposed 1:1 ratio may not be sufficient in replacing the acreage, value, or function of communities and individual rare plants removed by the Project and they recommend increasing the mitigation ratio over 1:1. The commenter also states a replacement ratio was not provided for impacts to cattail marsh and that the Applicant should provide replacement ratios for offsite mitigation if the adjacent Permittee-owned lands would not provide appropriate mitigation for the Project.

Refer to Response 21-41. In addition, the PRDEIR identifies that the Project would impact approximately 0.19 acre of cattail marsh (PRDEIR Table 3.5-8). The specific impact acreage and any required replacement ratio would be established during the aquatic resources delineation and acquisition of permits from the U.S. Army Corps of Engineers, CDFW, and RWQCB as stated in MM BIO-5. As discussed at Response 21-26, MM BIO-5 provides a sufficient and appropriate performance standard for mitigation of potential Project impacts to jurisdictional waters, wetlands, and riparian habitat without specifying a minimum mitigation ratio. Mitigation ratios for offsite mitigation of non-aquatic special-status vegetation communities and plant species would be a minimum ratio of 1:1 and identified as required in MM BIO-2(c) and that measure's prescribed Upland Scrub and Special-Status Plant Species Mitigation and Monitoring Plan and as approved by the Ventura County Planning Division. Implementation of MM BIO-2(c) and MM BIO-5, both as revised in errata in Chapter 3 of this FEIR, would ensure that Project impacts would be less than significant.

Comment 21-43

Evidence impact will be significant: Impacts to special status plant species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3, and S4 as sensitive and declining at the local and regional level (Sawyer 2009). Additionally, plants that have a California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, §15380). Please see CNPS Rare Plant Ranks (CNPS 2022) page for additional rank definitions.

Table 3. Acreage of suitable habitat impacted by Project implementation.

Species	Status	Suitable Habitat Acreage Impacted
Catalina mariposa-lily	CRPR 4.2	72.15
Plummer's mariposa-lily	LIS, CRPR 4.2	72.5
Blochman's dudleya	CRPR 1B.1, G3, S2	72.36
Conejo dudleya	FT, LIS, CRPR 1B.2, GT, S1	71.02
Verity's dudleya	FT, LIS, CRPR 1B.1, G1, S1	71.02
Conejo buckwheat	SR, LIS, CRPR 1B.2, G1, S1	83.86
Ojai navarretia	CRPR 1B.1, G2, S2	72.36
Lyon's petachaeta	FE, SE, CRPR, 1B.1, G1, S1	72.52
Woven-spored lichen	CRPR 3, G3, S1	1.34
Southern California black walnut	CPR 4.2, G3, S3	11.69

**Table generated from information provided within the RDEIR on "Observed and Potentially Occurring Special-Status Species table (Appendix C-1 Pages 29-36).

Inadequate avoidance, minimization, and mitigation measures for impacts to these CEQA locally sensitive vegetation communities will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS. Thus, the Project will continue to have impacts on rare plants and natural communities for the above reasons.

Response 21-43

The commenter states the impacts to special-status plant species should be considered significant under CEQA unless they are clearly mitigated below the level of significance.

Please see Response 21-4 for further discussions of potential impacts and mitigation measures related to special status plant species. As discussed above, Mitigation Measure MM BIO-3(a) requires a baseline survey for Conejo buckwheat and other sensitive plant species in the entire approved mine expansion area and MM BIO-3(b) requires a similar survey on adjacent Permittee-owned lands to determine the current population and locations of Conejo buckwheat. MM BIO-3(c) requires pre-disturbance surveys for special status plants prior to new vegetation clearing or new ground disturbing activities to determine if new populations or individuals of Conejo buckwheat or sensitive plant species are found. MM BIO-3(d), MM BIO-3(e), and MM BIO-3(f) address indirect impacts associated with staging area restrictions, herbicide use restrictions, and worker environmental awareness. MM BIO-3(g) requires the Project proponent to apply for and receive an ITP from CDFW prior to Project impacts. The ITP process will include a determination of impacts to Conejo buckwheat and the development of avoidance and minimization measures that will ensure the impacts are fully mitigated as required by the ITP and less than significant under CEQA. MM BIO-3(h) requires the implementation of MM BIO-2 and ensures that lands either owned by the Permittee or an appropriate offsite mitigation alternative will be implemented to offset the impacts to Conejo buckwheat. MM BIO-2(c) requires the preparation and approval of an Upland Scrub and Special-Status Plant Species Mitigation and Monitoring Plan, which will result in mitigation lands being conserved in perpetuity to offset losses of Conejo buckwheat resulting from Project implementation.

Therefore, the implementation of MM BIO-3(a) through MM BIO-3(h) and MM BIO-2 would ensure the Project impact to Conejo buckwheat and other special status plant species would be less than significant.

Comment 21-44

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends the environmental document provide measures to fully mitigate the loss of individual ESA- and CESA-listed plants and habitat. In addition to the mitigation measures provided for sensitive natural communities and rare plants within the RDEIR CDFW recommends the project raise minimum replacement ratios for communities and rare plants when developing revegetation Plans. The Applicant should mitigate at a ratio sufficient to achieve a no-net loss for impacts to special status plant species and their associated habitat. This should be for the number of plants replaced to number impacted, including acres of habitat created to acres of habitat impacted.

Response 21-44

The commenter recommends the environmental document provide measures to fully mitigate the loss of individual ESA- and CESA-listed plants and habitat and the Applicant should mitigate at a ratio sufficient to achieve a no net loss for impacts to special status plant species and their associated habitat.

The results of the baseline survey for special-status plants, which is required by MM BIO-3(a), will be used to document the number and species of plants present and the level of impacts to sensitive natural communities and special-status plants resulting from the Project. The Upland Scrub and Special-Status Plant Species Mitigation and Monitoring Plan, which is required by MM BIO-2(c), will include a description of the impacts to acres of habitat and level of impact to individual special-status plants. The associated mitigation ratio or acres of mitigation lands required will be determined in consultation with the resources agencies and will account for the location of the mitigation lands (e.g., onsite, offsite, or mitigation bank) and the mitigation methods (e.g., creation, restoration, enhancement, and preservation) proposed in the Upland Scrub and Special-Status Mitigation and Monitoring Plan. If CESA-listed plants are found during the baseline surveys required by MM BIO-3(a), then MM BIO-3(g) requires the Project proponent to apply for and receive an ITP from CDFW prior to Project impacts. The ITP process will include a determination of impacts to CESA-listed plant species and the development of avoidance and minimization measures that will ensure the impacts are fully mitigated as required by the ITP and less than significant under CEQA. The types of mitigation for environmental impacts that are listed in CEQA (Section 15370) are: (a) avoiding the impact altogether by not taking a certain action; (b) minimizing impacts by limiting the degree or magnitude of the action; (c) rectifying the impact by repairing, rehabilitating or restoring the impacted environment; (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the project; and (e) compensating for the impact by replacing or providing substitute resources or environments. CEQA allows for various types of mitigation to offset impacts, but it does not require mitigation that would result in a no-net-loss of habitat or special-status plant species; rather, it requires mitigation sufficient to reduce impacts to a level of less than significant. Implementation of MM BIO-3(a), MM BIO-2(c), and MM BIO-3(g) (if CESA-listed species are present) will ensure that Project impacts to special-status plant species and their habitat would be less than significant.

Comment 21-45

Additional Recommendations

Long Term Weed Management Plan. Non-native plants, including noxious weeds (as listed by the California Invasive Plant Council) (CALIPC 2022), should be prevented from establishing in disturbed areas, either by hand-weeding or selective application of herbicide. The Plan should include a weed monitoring program with regular inspection (weekly/monthly) of any area that was cleared of vegetation until it is reclaimed/revegetated and vegetation meets success

criteria. CDFW also recommends that any irrigation proposed by the Project monitor for the introduction of invasive Argentine ants.

Response 21-45

The commenter suggests that a Long Term Weed Management Plan be prepared to provide guidance on controlling non-native plants and noxious weeds in areas where vegetation is cleared and in areas where irrigation occurs, monitoring for the introduction of invasive Argentine ants should be included.

The Project's proposed Reclamation Plan states that, "Weeds (i.e., invasive, non-native species) would be eradicated in the reclamation area during mine operation and as part of interim and final reclamation of the site, consistent with established agricultural practices. Invasive weeds shall be eradicated." No onsite irrigation is proposed. With the exception of water that would be applied for dust control, no other water would be deposited on the site that would be expected to exacerbate weed growth, increase/modify the availability of fuel on or adjacent to the Project site or contribute to the introduction of invasive Argentine ants. In accordance with the proposed Reclamation Plan, weeds would be monitored and abated post-mining until the Project site is sufficiently reclaimed/revegetated to the satisfaction of the County.

Comment 21-46

Mitigation and Monitoring Reporting Plan. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the County with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Response 21-46

In accordance with CEQA Guidelines section 15097, the County will prepare and adopt a mitigation monitoring plan for the Project that includes all mitigation measures to be imposed by County decision-makers on reviewing and certifying the FEIR. This comment does not address the adequacy of the EIR, and no further response is required.

Comment 21-47

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the County and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

Response 21-47

Upon the County's certification of the FEIR and if and when the Project is approved the County would file a Notice of Determination (NOD) and pay the required CDFW filing fee. This comment does not address the adequacy of the EIR, and no further response is required.

Comment 21-48

Conclusion

We appreciate the opportunity to comment on the Project to assist the County in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, §15073(e)]. If you have any questions or comments regarding this letter, please contact Angela Castanon, Environmental Scientist, at Angela.castanon@wildlife.ca.gov or at 626-513-6308.

Response 21-48

The County appreciates the review and input provided by CDFW and will provide responses to comments and all required hearing notices in accordance with CEQA.

Comment Letter 22 - Center for Biological Diversity (December 9, 2022)

Comment 22-1

On behalf of the Center for Biological Diversity ("Center"), we are submitting comments on the Partial Recirculated Draft Environmental Impact Report ("RDEIR") for the proposed Pacific Rock Mine Project ("Project"). We along with California Native Plant Society and California Wildlife Foundation submitted comments on the Draft EIR on January 15, 2021 which described our concerns with the Project and the lack of adequate mitigation to limit its impacts (the "January 2021 Letter"). The January 2021 Letter is attached hereto as Exhibit 1. After reviewing the RDEIR, we remain concerned about the Project's impacts to special-status animals and plants, including mountain lions (*Puma concolor*) and Conejo buckwheat (*Eriogonum crocatum*), wildlife connectivity, and sensitive habitats. Such a project located within the Sierra Madre-Castaic Connection and in Ventura County's habitat connectivity overlay zone further constrain one of the last remaining natural corridors between the Santa Monica Mountains and the Sierra Madre Mountains. Increased habitat loss, degradation, and fragmentation will lead to significant impacts to mountain lions as well as many other special-status animals and plants that occur in and adjacent to the Project area. The RDEIR does not adequately assess and mitigate impacts to the area's natural resources.

Response 22-1

The commenter's concerns are noted. Please see responses below for discussion of specific comments pertaining to the Project. Please note that for reasons explained in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. Section 1.6 of this FEIR documents the County's review of potential changes in impact evaluations and conclusions resulting from the change in CUP duration to 60 years.

Comment 22-2

I. Background on the Center for Biological Diversity

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and the United States. The Center and its members have worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Ventura County and Southern California.

Response 10-2

The commenter's background information and initiatives expressed in the comment are noted. The comment does not address the adequacy of the PRDEIR, and no further response is required.

Comment 22-3

II. The RDEIR still fails to adequately assess and mitigate impacts to mountain lions to less than significant.

The January 2021 Letter documented in detail how the Project fails to assess or mitigate impacts to mountain lions (See Exhibit 1 at 2-9). Those comments are incorporated herein by reference. As explained in the January 2021 Letter as well as in comments submitted by the Mountains Recreation & Conservation Authority ("MRCA") on February 2, 2021, the Project would reduce an existing 980-foot-wide corridor to 720-feet wide, representing a 25-percent loss of width in an already extremely constrained corridor. Any further reduction in width of this already-constrained corridor is unacceptable. This is particularly problematic given that the mine will now operate throughout the night when nocturnal species like mountain lions are most active. California Department of Fish and Wildlife ("CDFW") concurred in their January 22, 2021 comments that the "[t]he Project as proposed would also impair a wildlife corridor. The Project would permanently impact the County's Wildlife Linkage and [habitat] Corridor." CDFW concluded that the proposed mitigation would not result in adequate or successful mitigation. CDFW also proposed five mitigation measures, which do not appear to have been fully integrated into the RDEIR. CDFW has proposed additional mitigation measures for other proposed projects that have the potential to impact mountain lions such as sections of the California High Speed Rail. (See Exhibit 2 at 32-4 – 32-5.) The County should consider and implement the measures in both these letters consistent with their obligations under CEQA and the California Endangered Species Act ("CESA").

The RDEIR does not address these inadequacies. The RDEIR generally states that the Project would result in impacts to mountain lions. (RDEIR at 3.5-60.) This fails to inform decisions makers and the public of the true impacts of the Project. As outlined in the January 2021 Letter and letters by CDFW and MRCA, the Project has the potential to cause severe and permanent impacts to the Santa Monica Mountains puma population and drive them closer to local extinction. The RDIER does not adequately disclose or discuss these impacts as required by CEQA. (See Citizens to Pres. the Ojai v. County of Ventura (1985) 176 Cal.App.3d 421, 430-432 [EIR may not understate information concerning severity of impacts and skew decisionmakers perspective or ignore information in an applicable plan to downplay seriousness of impact]; Mountain Lion Coalition v. Fish & Game Com. (1989) 214 Cal.App.3d 1043, 1050-1051 [EIR may not avoid well-known important environmental considerations and sweep "serious criticisms [] under the rug"].)

The RDEIR likewise still fails to properly mitigate impacts to mountain lions, as outlined in the January 2021 letter. (See Exhibit 1 at 8-9.) The pre-disturbance surveys (MM Bio-4(h)) in the RDEIR suffer from similar flaws as the original measure in the DEIR. MM Bio-4(h) simply states that if mountain lions or dens are found, a report will be prepared and include "measures sufficient to avoid 'take' or other adverse impacts to mountain lions and mountain lion dens and cubs, if found." (RDEIR at 3.5-68.) Absent from the RDEIR is detail on what these measures might entail, or how they might actually limit adverse impacts. If a mountain lion den is found, nothing in the RDEIR requires that the Project not move forward or the project design be changed. Likewise, relocating mountain lions is generally not a solution as they often return to

their former homes and/or are killed by another mountain lions when they are placed in another lion's home range. In addition, mountain lion dens are extremely difficult to find. Experts who have studied mountain lions for many years often have to rely on GPS data from radio collars to locate dens, and even then, locating dens can be challenging. Therefore, the likelihood of pre-disturbance surveys identifying occupied dens, even when they are present, is very low. Increased human activity near a mountain lion den can put both humans and the mountain lions in danger, as mountain lion mothers are protective of their vulnerable kittens.

Not all mountain lions in the area are collared; however, the National Park Service has extensive data and knowledge regarding local mountain lions. The DEIR should require the Project proponent to consult with the National Park Service and CDFW on mountain lion movement and behavior during Project construction, operation, and maintenance.

Response 22-3

Please see Response 21-12 responding to CDFW comments pertaining to identifying potential impacts to mountain lion habitat. In addition, PRDEIR Mitigation Measure MM BIO-3(g) requires the Project proponent to apply for and receive an ITP from CDFW prior to Project impacts to a CESA-listed species. CESA-listed species would include mountain lion as long as it remains a CESA Candidate species or if it is elevated to threatened or endangered. The ITP process would include a determination of potential impacts to mountain lion and other CESA-listed species and would include the development of specific avoidance and minimization measures that would ensure the impacts are fully mitigated as required by the ITP and would ensure that impacts remain less than significant under CEQA. Thus, implementation of MM BIO-3(g) would ensure the impacts to mountain lion are less than significant with mitigation as stated in the PRDEIR.

PRDEIR mitigation measures MM BIO-2(c), MM BIO-3(g), and MM BIO-4(h)(1) through MM BIO-4(h)(3) provide mitigation to address mitigation recommendations provided by CDFW in their January 2021 comment letter on the DEIR. More specifically, MM BIO-4(h) includes avoidance measures, including setbacks, if a mountain lion natal den is found and limits vegetation clearing or ground disturbance within the setback areas until the mountain lion cubs have been successfully reared and the mountain lion has left the area as determined in consultation with CDFW, and prohibits the use of rodenticide. Many of the aspects of MM BIO-4(h) are consistent with the suggested mountain lion mitigation measures referenced by the commenter, such as additional pre-disturbance surveys, avoidance buffers, controls related to nighttime lighting, and avoidance of rodenticide use. Mitigation Measure MM BIO-2 requires the preparation and implementation of an Upland Scrub and Special-Status Plant Species Mitigation and Monitoring Plan. The Plan requires protection of sensitive upland scrub vegetation communities on lands owned or otherwise controlled by the Permittee, if feasible, that is located adjacent to or in close proximity to the Project site at a minimum of a 1:1 ratio for the sensitive upland scrub habitats impacted by the Project. If it is infeasible for the Permittee to provide protection of sensitive upland scrub vegetation communities on lands owned or otherwise controlled by the Permittee adjacent or in close proximity to the Project site, mitigation measure MM BIO-2(c) as clarified in errata in Chapter 3 of this FEIR, requires that upland scrub vegetation communities mitigation may be accomplished at another off-site location and/or at a State-approved mitigation bank, and that all such mitigation shall be sufficient to achieve no net loss of habitat values and function. Upland scrub consists of vegetation community types that represent suitable habitat for mountain lion. In addition, MM BIO-3(g) requires the Permittee obtain an ITP from the CDFW if any CESA-listed species cannot be avoided. With implementation of MM BIO-2, MM BIO-3(g), and MM BIO-

4(h)(1) through MM BIO-4(h)(3), including any conditions that may be imposed by CDFW through the ITP process, impacts to mountain lion would be less than significant as concluded in the PRDEIR analysis. The County has specifically considered and addressed CDFW's mitigation recommendations for the proposed Project.

The commenter refers to mitigation measures recommended by CDFW for the California High-Speed Rail project, however, the commenter does not explain how such measures for another project relate to the proposed Project. The County concludes that addressing CDFW recommendations for the proposed Project is sufficient, and that mitigation recommendations for other projects do not warrant further consideration.

Comment 22-4

III. The RDEIR still fails to adequately assess and mitigate impacts to wildlife movement and habitat connectivity to less than significant.

The January 2021 Letter documented in detail how the Project fails to assess or mitigate impacts to wildlife connectivity (See Exhibit 1 at 9-12). Those comments are incorporated herein by reference. The RDIER continues to wrongly state that "The Project's reduction in available habitat for wildlife Santa Monica-Sierra Madre Connection is not expected to significantly affect wildlife movement through the area as compared to baseline conditions . . . ." (RDEIR at 3.5-75.) This conclusion is at odds with the numerous scientific studies and analysis included in the January 2021 Letter, as well as the conclusions of two expert agencies—SMMC and CDFW. There is no question that eliminating 25 percent of an already severely-constrained linkage is by-definition significant, particularly when light- and noise-creating mining operations will be conducted throughout the night. As explained in detail in the January 2021 Letter, the proposed mitigation measures (e.g., a lighting plan and fencing plan in MM-Bio 7) do not address the fundamental problem that the linkage will lose functionality because it is too narrow to accommodate the target species.

Response 22-4

The commenter states the PRDEIR still fails to adequately assess and mitigate impacts to wildlife movement and habitat connectivity to less than significant and incorporates the commenter's January 2021 letter by reference.

Please see the supplemental technical memorandum, "Potential Impacts to Mountain Lion and Wildlife Movement Corridors for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)" (ECORP, 2024) included with this FEIR as Appendix C-5, "Mountain Lion Technical Memorandum," which provides additional discussion of the potential impacts of the Project on mountain lion and the wildlife movement corridor and habitat connectivity, and reaffirms the conclusions presented in the PRDEIR. Please also see responses to comments 10-18,21-5, and 21-13 for additional discussion of the implications for corridor design for mountain lions. In addition, see Response 22-3 for discussion of mitigation recommendations. According to Beier (1995), the 800-foot-wide open space exceeds the minimum corridor width requirements and vegetation characteristics for use by mountain lions. Based on the fact that the corridor width will exceed Beier's (1995) recommendations, the 800-foot-wide open space corridor will continue to provide unimpeded movement opportunities for mountain lions. Additionally, the Mountain Lion Technical Memorandum identifies and recommends a specific area for implementation of the wildlife passage concept of PRDEIR MM BIO-7(c). Mitigation Measure MM BIO-7(c) has been refined in this FEIR to require that a specifically identified 6.7-acre area adjacent to the southwest of the Project site be preserved

as a wildlife corridor preservation area (WCPA). The revised mitigation measure MM BIO-7(c) is included in the Biological Resources Errata section included as Appendix J of this FEIR (see FEIR Chapter 3, Errata 23). With the implementation of MM BIO-7(a), MM BIO-7(b), MM BIO-7(c), and MM NV-1, indirect impacts to the open space corridor from lighting, fencing, and noise will be less than significant.

With regard to the commenter's incorporation of the commenter's January 2021 comment letter by reference, please see Comments/Responses 10-1 through 10-53 of this FEIR.

Comment 22-5

MM-Bio 7(c) asserts it will mitigate impacts through establishment of wildlife passage areas. While in theory this is a good idea, the problem is that the proposed project sits in what is likely the last available linkage in the area to ensure wildlife movement. Development and other human uses have already degraded other available areas, precluding significant wildlife movement. MM-Bio 7(c) does not identify where these wildlife passage areas will be, and thus amounts to deferred mitigation, which is impermissible under CEQA. It simply kicks the can down the round instead of addressing the fundamental problem with the project: it is sited in a critical area for wildlife connectivity and will have irreversible and permanent impacts on connectivity, and on listed species like the mountain lion.

Response 22-5

The commenter states MM BIO-7(c) does not identify where the wildlife passage area will be located. "Potential Impacts to Mountain Lion and Wildlife Movement Corridors for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)" (ECORP, 2024) included with this FEIR as Appendix C-5 identifies and recommends a specific area for implementation of the wildlife passage concept of PRDEIR MM BIO-7(c) (formerly MM BIO-6(c) in the DEIR). MM BIO-7(c) has been refined in this FEIR to require that a specifically identified 6.7-acre area adjacent to the southwest of the Project site be preserved as a wildlife corridor preservation area (WCPA). The revised mitigation measure MM BIO-7(c) is included in the Biological Resources Errata section included as Appendix J of this FEIR (see FEIR Chapter 3, Errata 23). The FEIR Appendix C-5 technical memorandum further substantiates and reaffirms the 800-foot-wide corridor would exceed Beier's (1995) size specifications requirements for a corridor design for use by cougars and it contains the woody vegetation Beier states should be present. Therefore, with implementation of identified mitigation measures, the impacts to wildlife movement through the corridor are considered less than significant.

Comment 22-6

Moreover, all projects approved by the County must be consistent with the general plan and other county ordinances and policies and further the objectives of the general plan. (See *Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1562-163; *Ideal Boat & Camper Storage v. County of Alameda* (2012) 208 Cal.App.4th 301, 311.) As noted in the RDEIR, the County's Habitat Connectivity and Wildlife Corridor Overlay Zone ("Connectivity Ordinance") is intended to preserve functional connectivity for wildlife and vegetation throughout the overlay zone by minimizing direct and indirect barriers, minimizing loss of vegetation and habitat fragmentation and minimizing impacts to those areas that are narrow, impacted or otherwise tenuous with respect to wildlife movement. Here, the Project will either degrade or render non-functional a key designated corridor within the Connectivity Ordinance. This is inconsistent with both the requirements and intent of the Connectivity

Ordinance, and is thus inconsistent with the County's general plan, and with the County's obligations under the State Planning and Zoning Law.

Response 22-6

The commenter asserts that the Project would be inconsistent with the intent of the County's Wildlife Corridor Overlay Zone. As described in the PRDEIR, the FEIR Appendix C-5 technical memorandum, and responses to comments in this FEIR, the County's analysis concludes that, with mitigation, the Project would not result in significant impacts associated with wildlife movement and, thus, the Project as mitigated would preserve the functional connectivity for wildlife and vegetation within the overlay zone. A final determination of the Project consistency with the General Plan will be made by County decision makers in deliberations of Project approval.

Comment 22-7

IV. The RDEIR still fails to adequately assess and mitigate impacts to oaks and oak woodlands to less than significant.

The January 2021 Letter documented in detail how the Project fails to assess or mitigate impacts to oak trees and oak woodlands. (See Exhibit 1 at 13-15). Those comments are incorporated herein by reference. The "tree protection plan" set forth in MM-Bio 6 amounts to deferred mitigation and fails to provide any concrete or enforceable standards for how mitigation will occur. The EIR must explain how impacts to oaks and oak woodlands will be mitigated, including in terms of avoiding oak woodlands and identifying unprotected lands for mitigation, and including the mitigation ratios. None of this information is in the RDEIR, leaving it undetermined how much mitigation (if any) will actually occur. This violates CEQA.

Response 22-7

The commenter states the PRDEIR still fails to adequately assess and mitigate impacts to oaks and oak woodlands to less than significant.

Impacts to oak trees are evaluated and disclosed under Impact BIO-6 in Section 3.5.2.2 of the PRDEIR. There, Table 3.5-11 lists the oak trees or tree clusters that would potentially be impacted by the Project through direct removal of the trees. As shown on PRDEIR Figure 3.5-1, the area mapped as oak woodland is located outside of the proposed mine area boundary and, therefore, this oak woodland area would not be directly impacted by the Project. Within the proposed mine area boundary, PRDEIR Mitigation Measure MM BIO-6 requires the Permittee to comply with the County's Tree Protection Regulations set forth in the Ventura County Non-Coastal Zoning Ordinance and the Tree Protection Guidelines which would require avoiding impacts to protected trees to the extent feasible, or through appropriate offsets and mitigations to protect tress from damage. A Tree Protection Plan (TPP) will also be prepared and submitted to the County for approval, and the TPP will have clear and enforceable standards that will ensure onsite trees are sufficiently protected. Compliance with the County-approved TPP and mitigations for any indirect impacts to oak woodlands would be determined through compliance with the County's Tree Protection Regulations set forth in the Ventura County Non-Coastal Zoning Ordinance and the Tree Protection Guidelines. Therefore, with implementation of MM BIO-6, the Project impact to oak trees and oak woodlands would be less than significant.

Comment 22-8

V. The Final EIR should address other comments in the January 2021 Letter.

We note that the RDEIR states it will not be responding to other comments on biological resources (section 3.5 of the RDEIR) that were previously submitted. The January 2021 Letter contained comments on a range of other topics, including the greenhouse gas impacts of vegetation removal (Exhibit 1 at 15-16), impacts and mitigation for rare plants including Conejo buckwheat, Conejo dudleya, and other plant communities (Exhibit 1 at 16-19), as well as other comments on air pollution, greenhouse gas emissions, and alternatives. These comments are incorporated herein by reference.

Response 22-8

With regard to issues raised in the commenter's January 2021 letter and the commenter's incorporation of that letter by reference, please see Comments/Responses 10-1 through 10-53 of this FEIR.

Comment 22-9

VI. Conclusion

Thank you for the opportunity to submit comments on the RDEIR for the Project. While these comments are not comprehensive, the Center presents some key environmental issues that the RDEIR still fails to adequately describe, assess, and mitigate, and requests the County to review and consider the issues raised in the January 2021 Letter. Please add the Center to your notice list for all future updates to the Project and do not hesitate to contact the Center with any questions at the number or email listed below.

Response 22-9

The County appreciates the review and input provided by the commenter and will provide responses to comments and all required hearing notices in accordance with CEQA.

CHAPTER 3
REVISIONS TO DEIR AND PRDEIR

CHAPTER 3–REVISIONS TO DEIR AND PRDEIR

3.1 INTRODUCTION

In considering and responding to comments on the DEIR and PRDEIR, the County determined that certain revisions to the DEIR and PRDEIR are necessary to clarify and amplify information presented in the DEIR and PRDEIR. The errata also include revisions to the DEIR and PRDEIR to modify the description of the Project and analysis where needed to adjust the proposed CUP extension duration from 30 years to 60 years, for reasons explained in Section 1.3 of this FEIR.

This chapter provides errata to revise the text of the DEIR and PRDEIR as shown in underline (<u>added</u>) and strikethrough (~~deleted~~) text as shown and explained below. The errata include revisions to PRDEIR Section 3.5, Biological Resources, discussed in Section 3.3, below, but presented in FEIR Appendix J, "Section 3.5 - Biological Resources Errata," which is a reproduction of the Biological Resources section in its entirety with underline/strikethrough showing the changes made to the PRDEIR Biological Resources section. Appendix J, "Section 3.5 - Biological Resources Errata," is accompanied by three additional appendices which are referenced in the Biological Resources Errata, consisting of Appendix C-4, "Supplemental Technical Report Addressing Drainage Feature Width and Potential Mitigation Ratios for Impacts Resulting from the Pacific Rock Quarry Expansion Project (CUP 3817-3)," prepared by BRC (BRC, 2024), Appendix C-5, "Potential Impacts to Mountain Lion and Wildlife Movement Corridors for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)," technical memorandum prepared by ECORP Consulting, Inc. (ECORP, 2024), and Appendix C-6, "Potential Impacts to Biological Resources Associated with Extending the Permit Duration from 30 to 60 Years for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)" (ECORP, 2025).

The County has considered each of the errata, including the revisions in the Biological Resources Errata three new appendices, and has determined that none of the errata result in the identification of a new significant impact or identification of a substantial increase in the severity of a previously identified significant impact. The errata clarify and amplify analysis of impacts presented in the DEIR and PRDEIR, provide minor corrections, update the discussion of the duration of the requested CUP extension, and enhance mitigation measures to further address and reduce impacts identified in the DEIR and PRDEIR. The errata are appropriately included in this FEIR and do not implicate a need to recirculate the changes for additional public review and comment prior to the County's certification of the FEIR.

3.2 REVISIONS TO DEIR

Errata 1. Update Requested Duration of CUP Extension in DEIR Executive Summary and Introduction

As discussed in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. The third paragraph of DEIR page ES-2 and the last paragraph on DEIR page 1-1 are revised through the following errata.

> The Project proponent, Pacific Rock, Inc. (referenced herein as the "Applicant" or "Operator") is requesting the approval of a CUP modification to extend the life of the existing permitted operations for an additional ~~30~~ <u>60</u> years, expand the mining area, extend the operational days from 6 to 7 days per week (adding Sunday for material load out) with additional material load out hours and limited extended 24 hour operations (60 days maximum per year), allow construction and mobile mining equipment in outdoor storage

areas, operate a concrete and asphalt recycling plant, allow for imported material to be used in reclamation fill, and replace an existing mobile home to be used as a 24-hour security trailer.

Errata 2. Update Requested Duration of CUP Extension in DEIR Project Description

As discussed in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. The first paragraph of DEIR page 2-1 is revised through the following errata.

> Pacific Rock, Inc. (Applicant or Operator) has requested a modification to the existing conditional use permit (CUP) and an amendment to the reclamation plan for the Pacific Rock Quarry. The proposed CUP modification and reclamation plan amendment are the "Project" subject to evaluation in this Draft Environmental Impact Report (EIR). The Project would extend the life of the existing permitted operations for an additional ~~30~~ 60 years, expand the mining area, extend the operational days from 6 to 7 days per week (adding Sunday for material load out) with additional material load out hours and limited extended 24 hour operations (60 days maximum per year), allow construction and mobile mining equipment in outdoor storage areas, operate a concrete and asphalt recycling plant, allow for imported material to be used in reclamation fill, and replace an existing mobile home to be used as a 24-hour security trailer. This chapter of the EIR describes the proposed Project and discusses the existing operations and site conditions to define the baseline against which impacts of the Project will be compared. The Project is described as proposed in the April 1, 2019, "Project Description Pacific Rock Quarry Conditional Use Permit Modification Application LU10-0003" (Sespe, 2019a), with ~~and~~ clarifications provided by the Applicant in response to County data requests subsequent to the April 1, 2019 submittal, and with corrections to the tonnage estimates and a change in the requested duration of the CUP extension as requested by the Applicant in January 2025.

Errata 3. Update Duration of CUP Extension in DEIR Impact VIS-1

As discussed in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. The first sentence of DEIR Impact VIS-1 (DEIR pages 3.2-11 – 3.2-12) is revised through the following errata. As discussed in Section 1.6.1 of this FEIR, the modification does not alter the analysis or conclusions of Impact VIS-1.

> The Project would result in expansion of the existing mine and mine-related facilities disturbance area from approximately 62.5 acres to a total of up to 172.8, resulting in approximately 110.3 acres of additional disturbance over an approximately ~~30-year~~ 60-year period.

Errata 4. Correction of References to Mitigation Measure MM HM-3

In preparing the DEIR, a mitigation measure MM HM-3 was contemplated to provide specific requirements for septic system design and review. Prior to completion of the DEIR, it was determined that the mitigation measure was unnecessary, as the Project's septic system design would be required to comply with County design requirements as a matter of local regulations. In three instances, the DEIR retained erroneous references to MM HM-3, and those references are corrected through the following errata.

The last sentence of the first paragraph of DEIR Impact GS-5 (DEIR pg. 3.7-11) is revised as follows:

> …The County process would ensure that the soils utilized for the septic system would be capable to support use of the septic system ~~. Mitigation measure MM HM-3 provides specific~~ through standard requirements for design and review of the proposed septic system and would ensure that potential impacts associated with soils capability for use of the septic system would be less than significant.

The entry in DEIR Table ES-3 at Impact GS-5 (DEIR pg. ES-14) and the statement under the heading "Mitigation for Impact GS-5" on DEIR pg. 3.7-12 are revised as follows:

> ~~*Implement mitigation measure MM HM-3.*~~ *No mitigation required.*

Errata 5. Revisions to Figures ES-2, 2-2, 3.2-1, and 3.5-3

DEIR Figures ES-2, 2-2, 3.2-1, and 3.5-3 inadvertently showed a boundary for the City of Thousand Oaks as overlying a portion of the Project site. The City of Thousand Oaks boundary is adjacent to a portion of the eastern boundary of the Project site, but the Project properties are not within the City of Thousand Oaks. Figures ES-2, 2-2, 3.2-1, and 3.5-3 have been revised for this FEIR to correctly show the City of Thousand Oaks boundary as adjacent to the Project site. The revised figures are included at the end of this chapter. The analysis and conclusions of the DEIR and PRDEIR properly considered the Project as located entirely within unincorporated Ventura County and adjacent to, but not within, the City of Thousand Oaks. The figure revisions do not affect the analysis or conclusions of the DEIR or PRDEIR. Additionally, Figure 3.5-3 has been modified to identify a wildlife corridor preservation area as part of the Biological Resources Errata, as discussed further in Section 3.3, Errata 18, below.

Errata 6. Location of Portable Recycle Plant on DEIR Figure 2-5

As discussed on page 2-12 of the DEIR, the Project includes the operation of a portable recycling plant. The proposed area within which the portable plant would operate was illustrated on DEIR Figure 3.8-1, but was not illustrated on DEIR Figure 2-5 in DEIR Chapter 2, "Project Description." To clarify the proposed operational area of the recycle plant, Figure 2-5 has been revised for this FEIR to label and delineate the recycle plant operational area. The revised Figure 2-5 is included at the end of this chapter.

Errata 7. Revisions to Figure 3.8-2

DEIR Figure 3.8-2, "Representative Receptors for Offsite Noise Analysis," incorrectly labeled Receptors R-4, R5-A, R5-B, and R5-C as R3, R4-A, R4-B, and R4-C, respectively. Figure 3.8-2 has been revised for this FEIR to correctly label these receptor locations. The revised figure is included at the end of this chapter. The figure labels do not affect the adequacy of the noise analysis or conclusions of the DEIR.

Errata 8. Clarification of Discussion of Ambient Noise Levels at Haul Route Receptors

As discussed in the DEIR, baseline haul truck noise levels were characterized in two ways – actual measurements at receptor locations (presented in DEIR Table 3.8-4) and modelling measured traffic data using computer software (presented in Table 3.8-5). As explained in the Draft EIR, because the modelled baseline noise levels at Receptors 4 and 5 were lower than the measured data, the analysis presented in the DEIR conservatively used the modelled baseline, as explained in the DEIR in the paragraph below Table 3.8-5 on DEIR pg. 3.8-15. The referenced discussion notes that modeled ambient noise levels exceed the outdoor threshold; however, although one of the two locations exceeded the threshold, the second location

was slightly below the threshold. To clarify the discussion of ambient noise levels, the sentence below Table 3.8-7 (DEIR pg. 3.8-15) is revised as follows:

> For the Project haul route receptors R5-A, R5-B, and R5-C, modeled ambient noise levels shown in Table 3.8-4 either exceeds (R5) or is slightly below (i.e., within 3 decibels) (R4) the outdoor "fixed threshold" of 60 dBA CNEL. Therefore, per Ventura County guidance, the ambient noise levels "+3 dBA" is used to determine the significance of the Project's outdoor noise impacts at haul route receptors R5-A, R5-B, and R5-C. …

Errata 9. Correction of Groundwater Extraction Amount in DEIR Impact WR-1

DEIR Impact WR-1 (pg. 3.10-13) discusses that the Project's annual groundwater extraction would be up to 18,000 gallons and references that amount as being less than *0.6* acre feet. The text of the DEIR is revised to clarify that 18,000 gallons is less than 0.06 acre feet, as follows.

> The proposed use of up to 1,500 gallons of groundwater per month from the well would result in annual groundwater extraction of up to 18,000 gallons which is less than ~~0.6~~ 0.06 acre feet. Thus, based on the ISAG screening threshold of 1.0 acre-foot, impacts to groundwater quantity associated with the Project's groundwater consumption would be less than significant.

Errata 10. Correction of Water Use for Security Trailer in DEIR Impact WR-5

DEIR Impact WR-5 (pg. 3.10-19) discusses that the Project's annual groundwater use associated with the proposed 24-hour security trailer would be approximately *0.56* acre-feet per year. The 0.56 acre-feet was a typographical error that should have read *0.06* acre feet. The text of the DEIR is revised to correct the typographical error, as follows.

> As discussed in Chapter 3 and above in this section, the Applicant proposes to obtain approximately ~~0.56~~ 0.06 acre-feet per year of potable water for the proposed 24-hour security trailer from the onsite well or other approved water source, and to obtain up to 55.6 acre-feet per year of additional recycled water for the Project from the CSD.

Errata 11. Enhancement of Mitigation Measure MM NV-1

DEIR Mitigation Measure MM NV-1 is revised as shown below to add receptor R3 as a required monitoring location subject to the requirements as specified in item 6 of the measure. This revision is intended to provide additional assurance that Project noise would not adversely affect wildlife within the open space area east of the Project site.

> ***MM NV-1:*** *The Permittee shall comply with the following onsite noise reduction measures:*
>
> 1. *Excavation, materials processing and recycling, and reclamation activities shall be restricted to occur during daytime operation hours (7:00 a.m. to 4:00 p.m.) only.*
> 2. *Excavation and reclamation equipment (loader, dozer, excavator, rock drill, water truck) shall be fitted with an approved manufacturer's improved exhaust muffler.*
> 3. *Excavation and reclamation equipment, including the drill rig, shall not idle for more than 30 minutes at any one time.*
> 4. *The aggregate plant and the recycle plant shall not be operated concurrently at any time.*

5. *Neither the aggregate plant nor the recycle plant shall operate when excavation activities are occurring within 1,600 feet of receptor R1 (i.e., the Conejo Mountain Funeral Home).*

6. *The predicted noise impacts associated with on-site excavation and reclamation equipment shall be verified with noise level measurements upon commencement of mining activities within line-of-sight of receptors R1, ~~and~~ R2-B, and R3. Concurrent with initiation of Project-related activities within the line-of-sight of one or any combination of receptors R1, ~~and or~~ R2-B, and R3 the Permittee shall cause a qualified acoustician to conduct noise measurements at the receptor location(s)~~R1 or R2-B~~. If measured noise levels exceed 55 dBA at the receptor location(s)~~R1 or R2-B~~, activities within the line-of-site of the respective receptor shall cease and shall not resume unless and until such time as the Permittee identifies additional noise control measures with analysis indicating that such measures are sufficient to avoid operational noise in excess of 55 dBA at the respective receptor and until receiving written authorization by the County that such operations may resume. The Permittee shall comply with the requirements of this measure for any subsequent resumed or newly initiated Project-related operations within line-of-sight of the respective receptor ~~R1 or R2-B~~.*

Errata 12. Revisions to DEIR Page 5-6

As discussed in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR. The discussion of Air Quality and Greenhouse Gases on DEIR page 5-6 (as pertains to assessing the No Project Alternative) is revised through the following errata. As discussed in Section 1.6.15 of this FEIR, the modification does not alter the analysis or conclusions of the alternatives evaluation.

Air Quality and Greenhouse Gases

The No Project Alternative would generate air pollutant and GHG emissions associated with equipment operation for final site reclamation, but would not generate emissions associated with offsite transport of material. Emissions under the No Project Alternative would occur only for the limited period of time required to complete reclamation, which is expected to require no more than five years to complete as opposed to the proposed ~~35~~ 60 years of additional mining and reclamation that would occur under the Project. Because the Project, with mitigation, would not result in significant air quality or GHG impacts, the No Project Alternative would not serve to avoid a significant air quality or GHG impact.

3.3 REVISIONS TO PRDEIR

The Biological Resources section of the EIR was initially circulated with the November 2020 DEIR for public review and comment. In consideration of comments received, the County made revisions with additional information and analysis to the DEIR Biological Resources section, and circulated the revised section for public review and comment in the October 2022 PRDEIR. In consideration of comments on the 2022 PRDEIR, additional analysis and information has been assembled and is incorporated into this FEIR as Appendix J, "Biological Resources Errata." Appendix J is a full reproduction of the Biological Resources section showing revisions made to the text of the PRDEIR Biological Resources section using underline format for added text and strikethrough format for deleted text and also includes three additional appendices (Appendix C-4, C-5, and C-6 each included with this FEIR). The following sections summarize the revisions made to the PRDEIR Biological Resources section included as FEIR Appendix J.

Errata 13. Biological Resources Introduction

The introduction section has been modified to provide an explanation of the version history of the Biological Resources section and to add reference to three additional appendices consisting of Appendix C-4, "Supplemental Technical Report Addressing Drainage Feature Width and Potential Mitigation Ratios for Impacts Resulting from the Pacific Rock Quarry Expansion Project (CUP 3817-3)," prepared by BRC (BRC, 2024), Appendix C-5, "Potential Impacts to Mountain Lion and Wildlife Movement Corridors for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)," technical memorandum prepared by ECORP Consulting, Inc. (ECORP, 2024) and Appendix C-6, "Potential Impacts to Biological Resources Associated with Extending the Permit Duration from 30 to 60 Years for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)" (ECORP, 2025).

Errata 14. Biological Resources Section Revisions for 60-Year CUP Duration

As discussed in Section 1.3 of this FEIR, the Applicant's requested duration for the CUP extension has changed from 30 years to 60 years, with all other operational aspects of the Project remaining as described in the DEIR Project Description and as presented and evaluated in the PDEIR Biological Resources section. The Biological Resources Errata in Appendix J of this FEIR includes revisions to reflect the change to a requested 60-year CUP extension. As concluded in the "Potential Impacts to Biological Resources Associated with Extending the Permit Duration from 30 to 60 Years for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)" (ECORP, 2025) added as Appendix C-6 of the Biological Resources section, the to a requested 60-year CUP extension does not affect the impact analysis, mitigation efficacy, or conclusions for biological resources. Thus, the errata revisions to accommodate the 60-year CUP extension are limited to modifying references to operational duration to reflect the proposed 60-year period.

Errata 15. Section 3.5.1.4 - Habitat Connectivity and Wildlife Corridors

Section 3.5.1.4, "Habitat Connectivity and Wildlife Corridors," of the PRDEIR referred to the Santa Monica - Sierra Madre Connection as being located adjacent to the Project site. Although the Project is located within the County of Ventura Habitat Connectivity and Wildlife Corridor Overlay Zone (as also discussed in the section), the Project is not located within or adjacent to the Santa Monica – Sierra Madre Connection, which is located approximately 17 miles to the east of the Project site. Section 3.5.1.4 is revised to clarify the location of the Santa Monica - Sierra Madre Connection and the discussion of the County-designated Habitat Connectivity and Wildlife Corridors Overlay Zone and its habitat attributes within the vicinity of the Project site.

Errata 16. Table 3.5-3 - Special-Status Vegetation Communities Observed within the Project Site

The first column of Table 3.5-3, "Special-Status Vegetation Communities Observed within the Project Site," of the PRDEIR identifies the common name and alliance of special-status vegetation communities within the study area, however, the column heading read, "Common Name." The column heading is revised to clarify that the column also identifies the vegetation community alliance.

Errata 17. Table 3.5-5 - Special-Status Wildlife Species Observed and Potentially Occurring within the Project Site

The entry in Table 3.5-5, "Special-Status Wildlife Species Observed and Potentially Occurring within the Project Site," for mountain lion (*Puma concolor*) is revised to clarify that 74.42 acres of potential suitable hunting and denning habitat could be impacted by the Project.

Errata 18. Section 3.5.1.7 - Waters and Wetlands

Section 3.5.1.7, "Waters and Wetlands," is revised to include a discussion of a technical report estimating the size (length, width, and area) of drainage features within the Project site, including adding a reference to a letter report, "Supplemental Technical Report Addressing Drainage Feature Width and Potential Mitigation Ratios for Impacts Resulting from the Pacific Rock Quarry Expansion Project (CUP 3817-3)" (BRC, 2024), that was submitted to the County by the Applicant and is included as Appendix C-4 and to add new table, Table 3.5-6b, "Drainage Feature Lengths, Approximate Widths, and Estimated Acreages," detailing the estimated areas for each drainage.

Errata 19. Section 3.5.2.1 - Significance Thresholds

Section 3.5.2.1, "Significance Thresholds," is revised to add references to the specific biological resources impact(s) for which various significance thresholds are evaluated and applied.

Errata 20. Impact BIO-2 and Mitigation Measure MM BIO-2

The discussion of Impact BIO-2 is revised to correct a reference to the estimated area of removal of native vegetation community removal, changing the referenced acreage from 74.23 acres to 74.42 acres. In response to a comment on the PRDEIR by CDFW, as discussed in Response 21-33 in Chapter 2 of this FEIR, the text of the PRDEIR mitigation measure MM BIO-2(c) is modified to provide that, if mitigation is accomplished at an off-site location not in proximity to the Project site the minimum mitigation ratio may be increased above 1:1, and to specify a requirement for no net loss of habitat values and function. Additionally, in response to a comment on the PRDEIR by CDFW, as discussed in Response 21-35 in Chapter 2, MM BIO-2(c) is modified to specify that upland scrub/grassland seed mix shall be sourced from a reputable native plant seed supplier and collected from the same general geographic region as the Project site.

Errata 21. Impact BIO-4 and Mitigation Measure MM BIO-4(h)

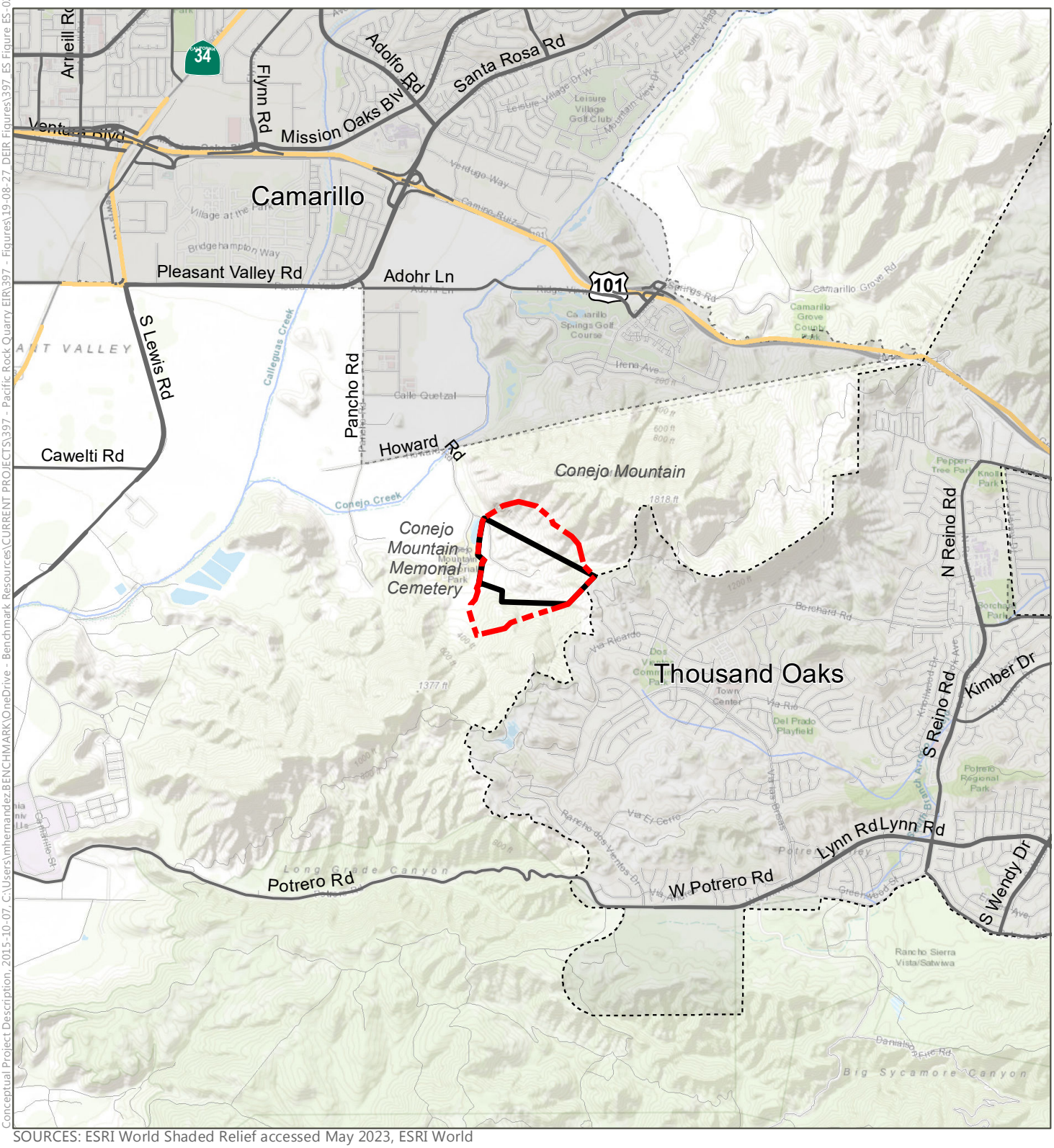
The discussion of Impact BIO-2 regarding mountain lion is expanded to include a reference to the "Potential Impacts to Mountain Lion and Wildlife Movement Corridors for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3)" technical memorandum (ECORP, 2024) included as Appendix C-5 of this FEIR and to summarize additional analysis amplifying the analysis of potential impacts to mountain lion. Additional minor textual revisions are also made to clarify the information presented in the impact discussion. Mitigation measure MM BIO-4(h), pertaining to mountain lion, is revised to include reference to other mitigation measures identified in the EIR that would serve to aid in avoiding or minimizing potential impacts to mountain lion.

Errata 22. Mitigation Measure MM BIO-5

In response to a comment on the PRDEIR by CDFW, as discussed in Response 21-26 in Chapter 2 of this FEIR, PRDEIR mitigation measure MM BIO-5 is modified to specify that a Habitat Mitigation and Monitoring Plan (HMMP) be prepared and implemented for the Project and that the HMMP shall provide for protection of the mitigation lands at a minimum ratio of 1:1 (preserved:impacted) for direct and indirect permanent impacts of the Project to jurisdictional waters, wetlands, and riparian areas and as deemed sufficient to achieve no net loss of waters, wetlands, or riparian area habitat values. Additional revisions are also provided in the measure to clarify and amplify implementation methods and timing.

Errata 23. Impact BIO-7 and Mitigation Measure MM BIO-7(c)

PRDEIR Impact BIO-7 is revised to clarify the discussion of the Santa Monica – Sierra Madre Connection and the County-designated Habitat Connectivity and Wildlife Corridor Overlay Zone (as discussed at Errata 10, above) and to modify the discussion of mitigation measure MM BIO-7(c) to account for revisions to the measure. Mitigation measure MM BIO-7 is revised to specify the required establishment of a specific 6.7-acre area as a wildlife corridor preservation area (WCPA) to ensure that the wildlife movement corridor to the southwest of the Project impact area has a width of no less than 1,100 feet when combined with MRCA preserved lands. As compared to PRDEIR mitigation measure MM BIO-7(c) which required establishment and maintenance of wildlife passage area(s) without identifying the location or size of such areas, the modified mitigation measure provides specificity regarding the location and area to be preserved for wildlife movement and ensuring its efficacy.



Conceptual Project Description, 2015-10-07, C:\Users\mhernandez.BENCHMARK\OneDrive - Benchmark Resources\CURRENT PROJECTS\397 - Pacific Rock Quarry EIR\397 - Figures\19-08-27 DEIR Figures\397_ES Figure ES-02 - Site

SOURCES: ESRI World Shaded Relief accessed May 2023, ESRI World Topographic Map accessed May 2023; ESRI World Streetmap, 2009; Adapted by Benchmark Resources in 2023

NOTES: This figure was prepared for land use planning and informational purposes only. The info shown and its accuracy are refelctive of the date the data was accessed or produced.

- Proposed CUP Boundary
- Existing CUP Boundary
- City Boundary
- Water Body
- Highway
- Major Road
- Street

BENCHMARK RESOURCES

N

0 2,000 4,000 8,000 Feet

Site Location

PACIFIC ROCK QUARRY EXPANSION PROJECT

Figure ES-2

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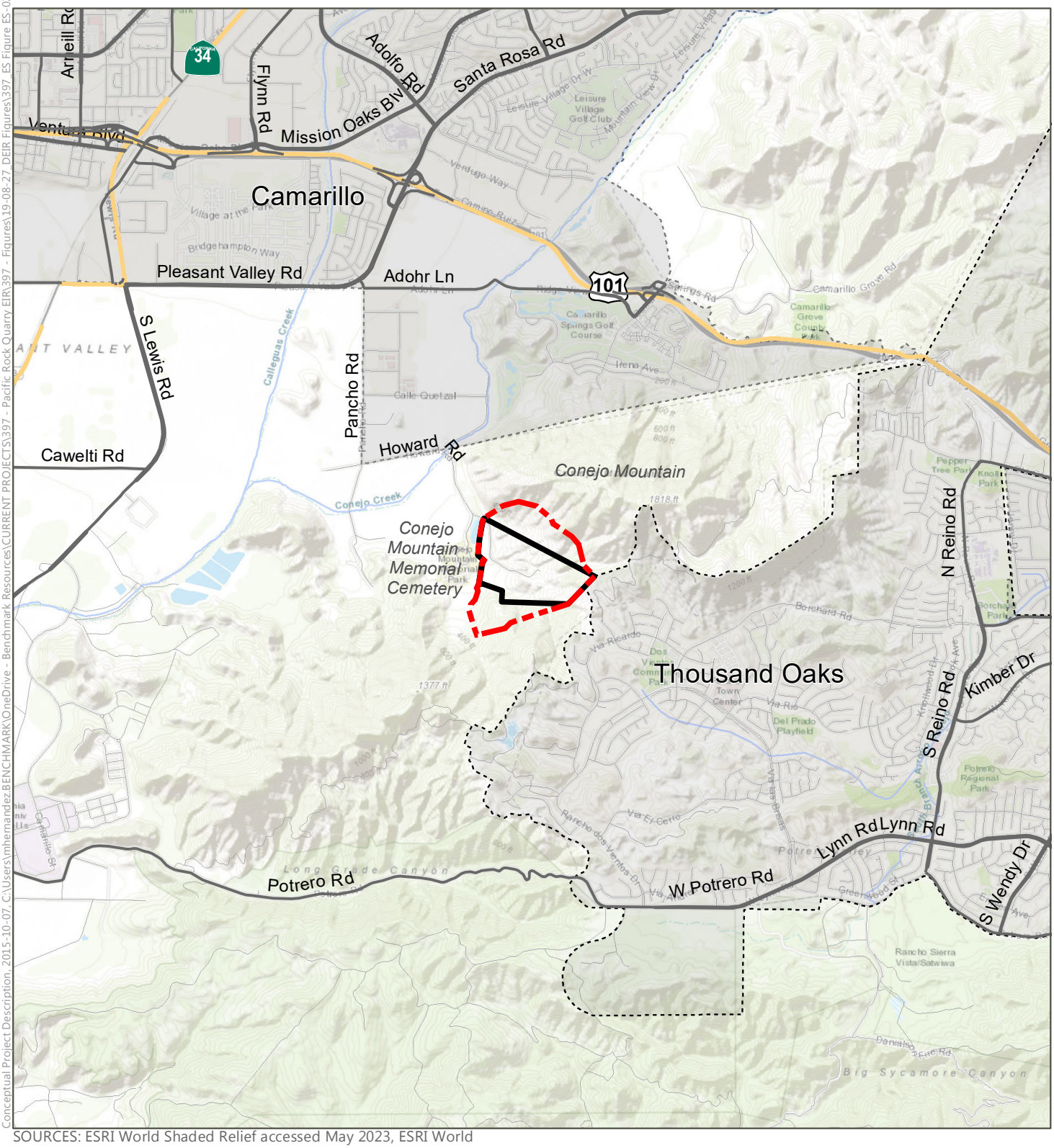

SOURCES: ESRI World Shaded Relief accessed May 2023, ESRI World Topographic Map accessed May 2023; ESRI World Streetmap, 2009; Adapted by Benchmark Resources in 2023

NOTES: This figure was prepared for land use planning and informational purposes only. The info shown and its accuracy are refelctive of the date the data was accessed or produced.

- Proposed CUP Boundary
- Existing CUP Boundary
- City Boundary
- Water Body
- Highway
- Major Road
- Street

BENCHMARK RESOURCES

N

0 2,000 4,000 8,000 Feet

Site Location

PACIFIC ROCK QUARRY EXPANSION PROJECT

Figure 2-2

Conceptual Project Description, 2015-10-07, C:\Users\mhernandez.BENCHMARK\OneDrive - Benchmark Resources\CURRENT PROJECTS\397 - Pacific Rock Quarry EIR\397 - Figures\19-08-27 DEIR Figures\397_ES Figure ES-02 - Site

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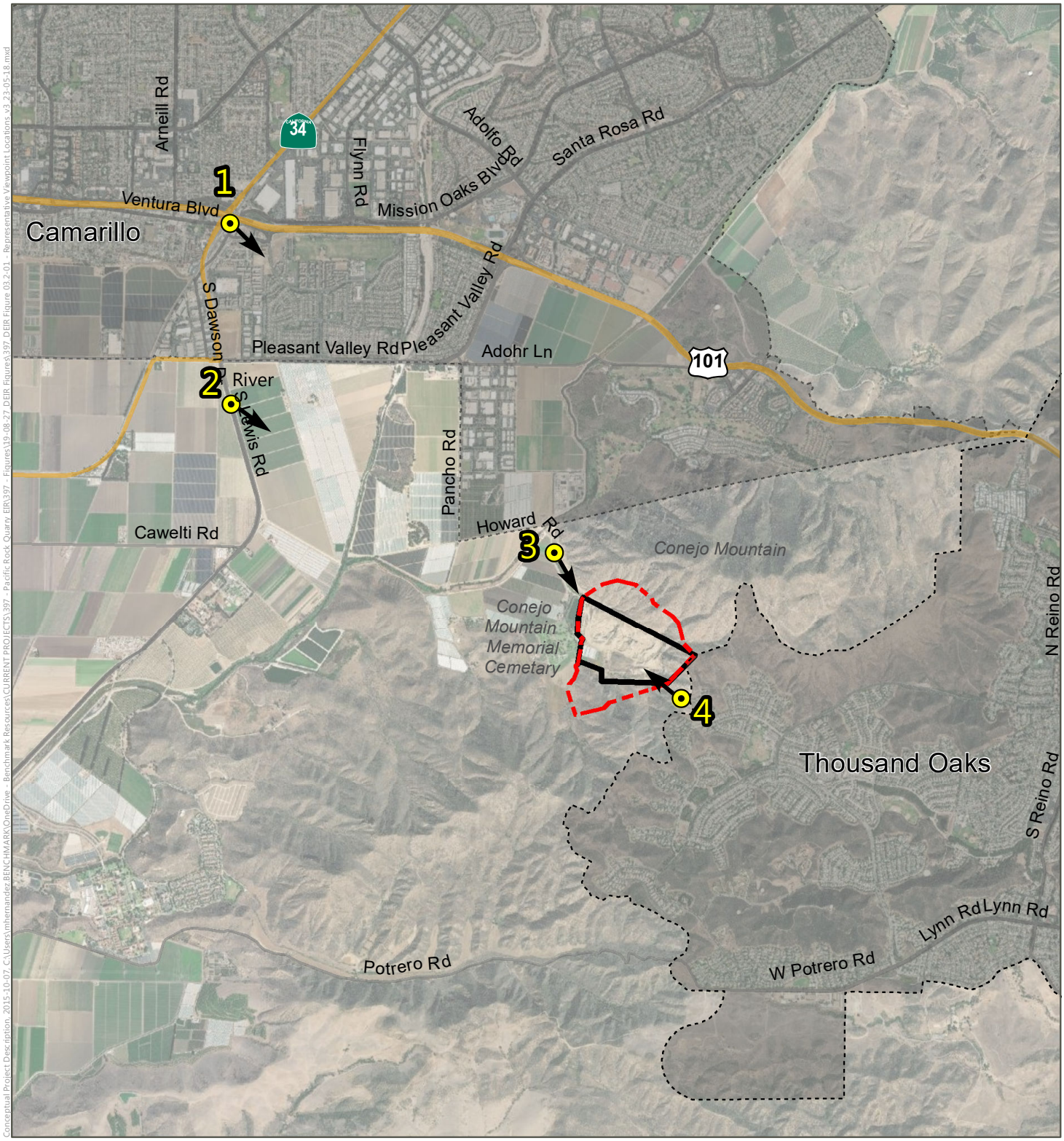

SOURCES: ESRI World Shaded Relief accessed May 2023, ESRI World Topographic Map accessed May 2023; ESRI World Streetmap, 2009; Adapted by Benchmark Resources in 2023

NOTES: This figure was prepared for land use planning and informational purposes only. The info shown and its accuracy are refelctive of the date the data was accessed or produced.

Proposed CUP Boundary
Existing CUP Boundary
1 Viewpoint Location and Direction
Highway
Major Road
City Boundary

BENCHMARK RESOURCES

N

0 2,000 4,000 8,000 Feet

Representative Viewpoint Locations
PACIFIC ROCK QUARRY EXPANSION PROJECT
Figure 3.2-1

Conceptual Project Description_2015-10-07_C:\Users\mhernandez.BENCHMARK\OneDrive - Benchmark Resources\CURRENT PROJECTS\397 - Pacific Rock Quarry EIR\397 - Figures\19-08-27 DEIR Figures\397 DEIR Figure 03.2-01 - Representative Viewpoint Locations v3 23-05-18.mxd

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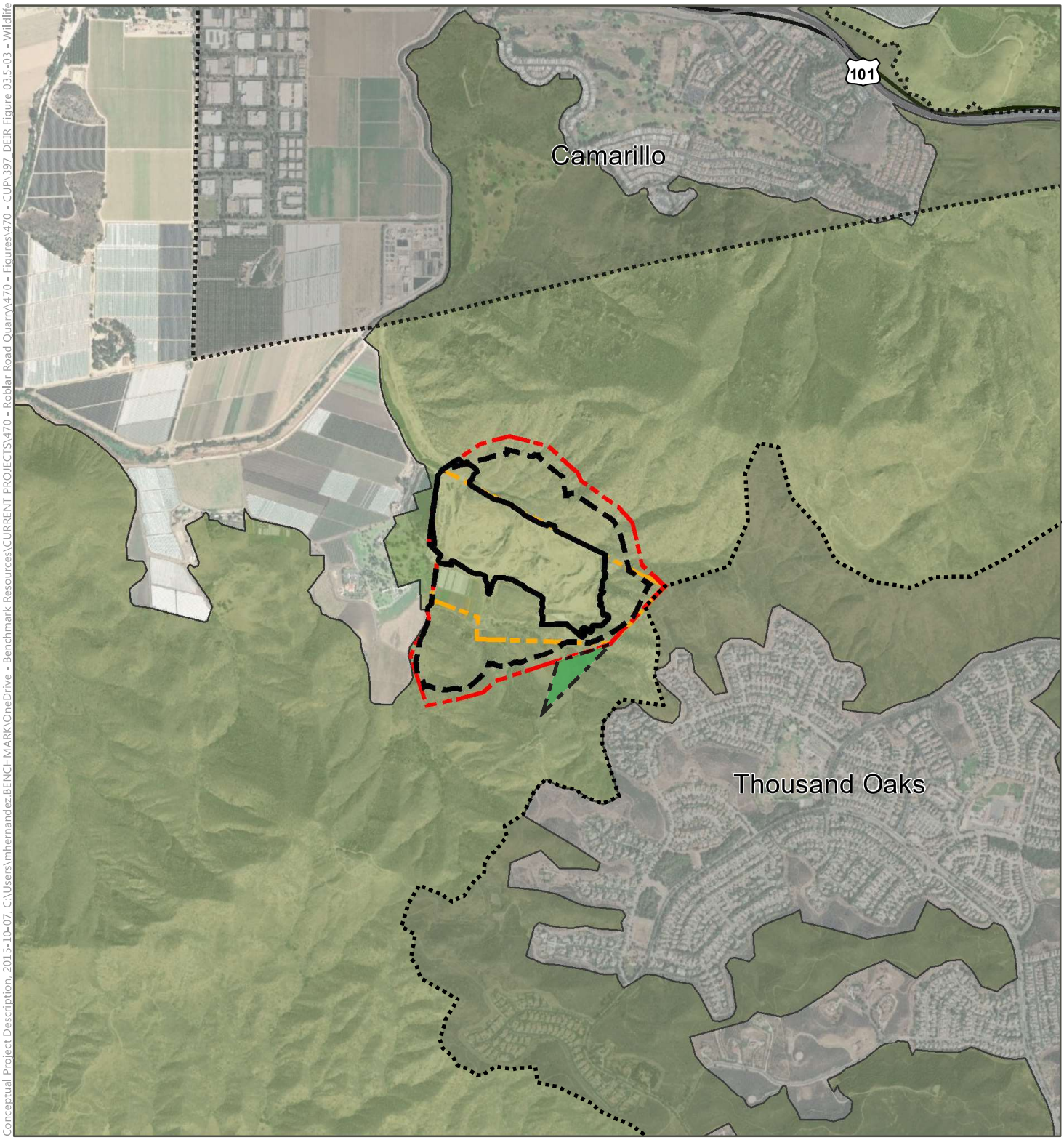
Conceptual Project Description, 2015-10-07, C:\Users\vhernandez.BENCHMARK\OneDrive - Benchmark Resources\CURRENT PROJECTS\470 - Roblar Road Quarry\470 - Figures\470 - CUP\397_DEIR Figure 03.5-03 - Wildlife Corridors



SOURCES: ESRI World Shaded Relief accessed May 2023, ESRI World Topographic Map accessed May 2023; ESRI World Streetmap, 2009; compiled by Benchmark Resources in 2023

- Existing Disturbance Area Boundary
- Proposed Mine Area Boundary
- Existing CUP Boundary
- Proposed CUP Boundary
- MM BIO-7(c) Wildlife Corridor Preservation Area
- County Designated Habitat Connectivity and Wildlife Corridors
- City Boundary
- Highway
- Major Road

BENCHMARK RESOURCES

N

0 500 1,000 2,000 Feet

Wildlife Corridors in the Project Vicinity
PACIFIC ROCK QUARRY EXPANSION PROJECT
Figure 3.5-3

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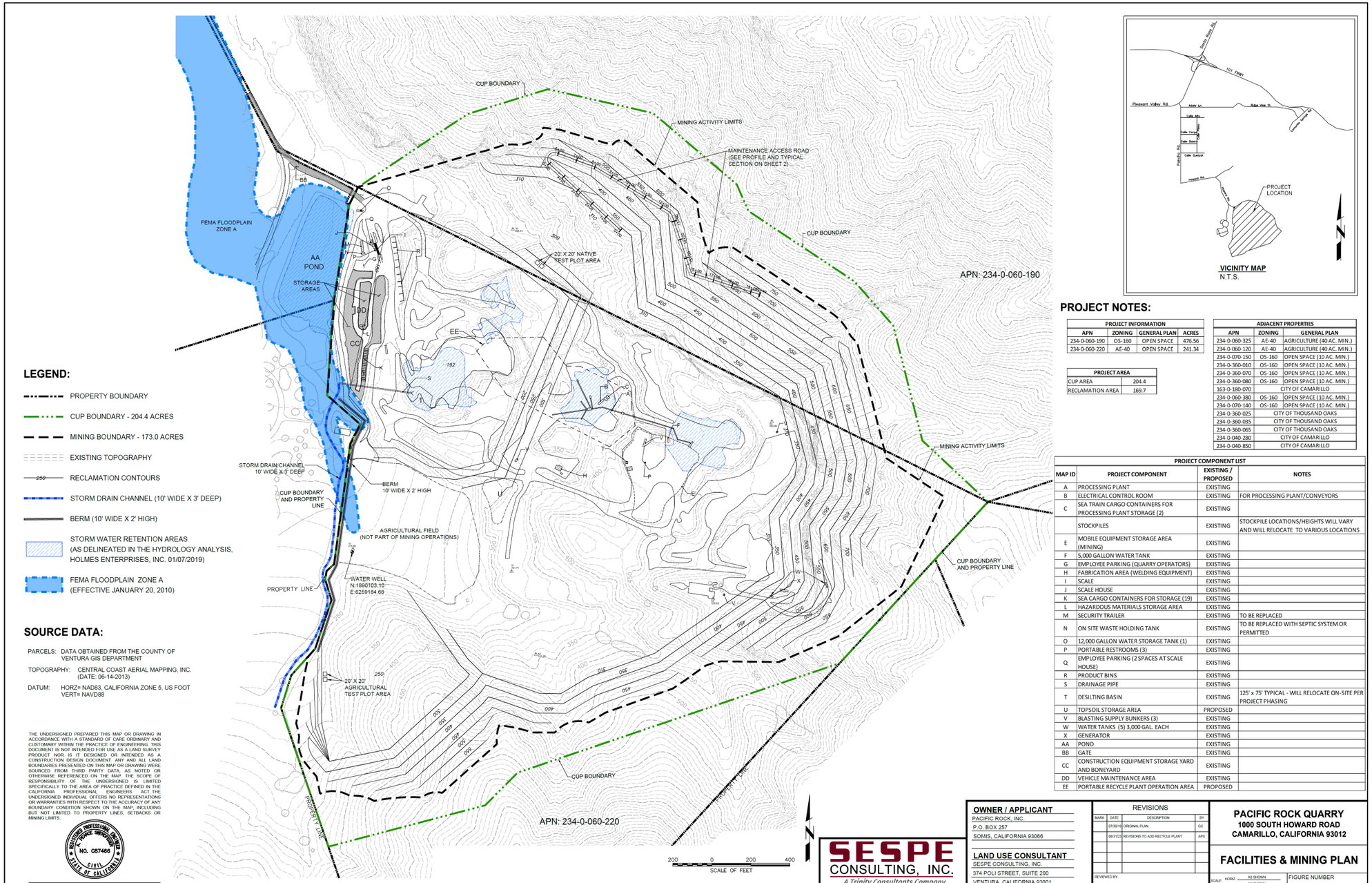

VICINITY MAP
N.T.S.

LEGEND:

- PROPERTY BOUNDARY
- CUP BOUNDARY - 204.4 ACRES
- MINING BOUNDARY - 173.0 ACRES
- EXISTING TOPOGRAPHY
- 250 RECLAMATION CONTOURS
- STORM DRAIN CHANNEL (10' WIDE X 3' DEEP)
- BERM (10' WIDE X 2' HIGH)
- STORM WATER RETENTION AREAS (AS DELINEATED IN THE HYDROLOGY ANALYSIS, HOLMES ENTERPRISES, INC. 01/07/2019)
- FEMA FLOODPLAIN ZONE A (EFFECTIVE JANUARY 20, 2010)

SOURCE DATA:

PARCELS: DATA OBTAINED FROM THE COUNTY OF VENTURA GIS DEPARTMENT

TOPOGRAPHY: CENTRAL COAST AERIAL MAPPING, INC. (DATE: 06-14-2013)

DATUM: HORZ= NAD83, CALIFORNIA ZONE 5, US FOOT VERT= NAVD88

THE UNDERSIGNED PREPARED THIS MAP OR DRAWING IN ACCORDANCE WITH A STANDARD OF CARE ORDINARY AND CUSTOMARY WITHIN THE PRACTICE OF ENGINEERING. THIS DOCUMENT IS NOT INTENDED FOR USE AS A LAND SURVEY PRODUCT NOR IS IT DESIGNED OR INTENDED AS A CONSTRUCTION DESIGN DOCUMENT. ANY AND ALL LAND BOUNDARIES PRESENTED ON THIS MAP OR DRAWING WERE SOURCED FROM THIRD PARTY DATA. AS NOTED OR OTHERWISE REFERENCED ON THE MAP. THE SCOPE OF RESPONSIBILITY OF THE UNDERSIGNED IS LIMITED SPECIFICALLY TO THE AREA OF PRACTICE DEFINED IN THE CALIFORNIA PROFESSIONAL ENGINEERS ACT. THE UNDERSIGNED INDIVIDUAL OFFERS NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE ACCURACY OF ANY BOUNDARY CONDITION SHOWN ON THE MAP, INCLUDING BUT NOT LIMITED TO PROPERTY LINES, SETBACKS OR MINING LIMITS.

REGISTERED PROFESSIONAL ENGINEER A. PEARCE SWERDFEGER NO. C87466 CIVIL STATE OF CALIFORNIA

A. PEARCE SWERDFEGER R.C.E. 87466 EXP: 09-30-2025

PROJECT NOTES:

PROJECT INFORMATION			
APN	ZONING	GENERAL PLAN	ACRES
234-0-060-190	OS-160	OPEN SPACE	476.56
234-0-060-220	AE-40	OPEN SPACE	241.34

PROJECT AREA	
CUP AREA	204.4
RECLAMATION AREA	169.7

ADJACENT PROPERTIES		
APN	ZONING	GENERAL PLAN
234-0-060-325	AE-40	AGRICULTURE (40 AC. MIN.)
234-0-060-120	AE-40	AGRICULTURE (40 AC. MIN.)
234-0-070-150	OS-160	OPEN SPACE (10 AC. MIN.)
234-0-360-010	OS-160	OPEN SPACE (10 AC. MIN.)
234-0-360-070	OS-160	OPEN SPACE (10 AC. MIN.)
234-0-360-080	OS-160	OPEN SPACE (10 AC. MIN.)
163-0-180-070	CITY OF CAMARILLO	
234-0-060-380	OS-160	OPEN SPACE (10 AC. MIN.)
234-0-070-140	OS-160	OPEN SPACE (10 AC. MIN.)
234-0-360-025	CITY OF THOUSAND OAKS	
234-0-360-035	CITY OF THOUSAND OAKS	
234-0-360-065	CITY OF THOUSAND OAKS	
234-0-040-280	CITY OF CAMARILLO	
234-0-040-850	CITY OF CAMARILLO	

PROJECT COMPONENT LIST

MAP ID	PROJECT COMPONENT	EXISTING / PROPOSED	NOTES
A	PROCESSING PLANT	EXISTING	
B	ELECTRICAL CONTROL ROOM	EXISTING	FOR PROCESSING PLANT/CONVEYORS
C	SEA TRAIN CARGO CONTAINERS FOR PROCESSING PLANT STORAGE (2)	EXISTING	
	STOCKPILES	EXISTING	STOCKPILE LOCATIONS/HEIGHTS WILL VARY AND WILL RELOCATE TO VARIOUS LOCATIONS
E	MOBILE EQUIPMENT STORAGE AREA (MINING)	EXISTING	
F	5,000 GALLON WATER TANK	EXISTING	
G	EMPLOYEE PARKING (QUARRY OPERATORS)	EXISTING	
H	FABRICATION AREA (WELDING EQUIPMENT)	EXISTING	
I	SCALE	EXISTING	
J	SCALE HOUSE	EXISTING	
K	SEA CARGO CONTAINERS FOR STORAGE (19)	EXISTING	
L	HAZARDOUS MATERIALS STORAGE AREA	EXISTING	
M	SECURITY TRAILER	EXISTING	TO BE REPLACED
N	ON SITE WASTE HOLDING TANK	EXISTING	TO BE REPLACED WITH SEPTIC SYSTEM OR PERMITTED
O	12,000 GALLON WATER STORAGE TANK (1)	EXISTING	
P	PORTABLE RESTROOMS (3)	EXISTING	
Q	EMPLOYEE PARKING (2 SPACES AT SCALE HOUSE)	EXISTING	
R	PRODUCT BINS	EXISTING	
S	DRAINAGE PIPE	EXISTING	
T	DESILTING BASIN	EXISTING	125' x 75' TYPICAL - WILL RELOCATE ON-SITE PER PROJECT PHASING
U	TOPSOIL STORAGE AREA	PROPOSED	
V	BLASTING SUPPLY BUNKERS (3)	EXISTING	
W	WATER TANKS (5) 3,000 GAL. EACH	EXISTING	
X	GENERATOR	EXISTING	
AA	POND	EXISTING	
BB	GATE	EXISTING	
CC	CONSTRUCTION EQUIPMENT STORAGE YARD AND BONEYARD	EXISTING	
DD	VEHICLE MAINTENANCE AREA	EXISTING	
EE	PORTABLE RECYCLE PLANT OPERATION AREA	PROPOSED	

OWNER / APPLICANT
PACIFIC ROCK, INC.
P.O. BOX 257
SOMIS, CALIFORNIA 93066

LAND USE CONSULTANT
SESPE CONSULTING, INC.
374 POLI STREET, SUITE 200
VENTURA, CALIFORNIA 93001
(805) 275-1515

SESPE CONSULTING, INC.
A Trinity Consultants Company
374 Poli Street, Suite 200 • Ventura, CA 93001
(805) 275-1515 • www.sespeconsulting.com

REVISIONS

MARK	DATE	DESCRIPTION	BY
	07/30/19	ORIGINAL PLAN	GC
	09/13/23	REVISIONS TO ADD RECYCLE PLANT	APS

REVIEWED BY: DATE: DATE:

PACIFIC ROCK QUARRY
1000 SOUTH HOWARD ROAD
CAMARILLO, CALIFORNIA 93012

FACILITIES & MINING PLAN

SCALE: HORZ AS SHOWN VERT AS SHOWN
DRAWN BY: G.CAMUS
CHECKED BY: APS

FIGURE NUMBER
1A OF 3

SOURCE: Sespe Consulting, April 2, 2024.
NOTES:
1. Figure not to scale.
2. Revised for Final EIR to include proposed portable recycle plant operation area (EE).

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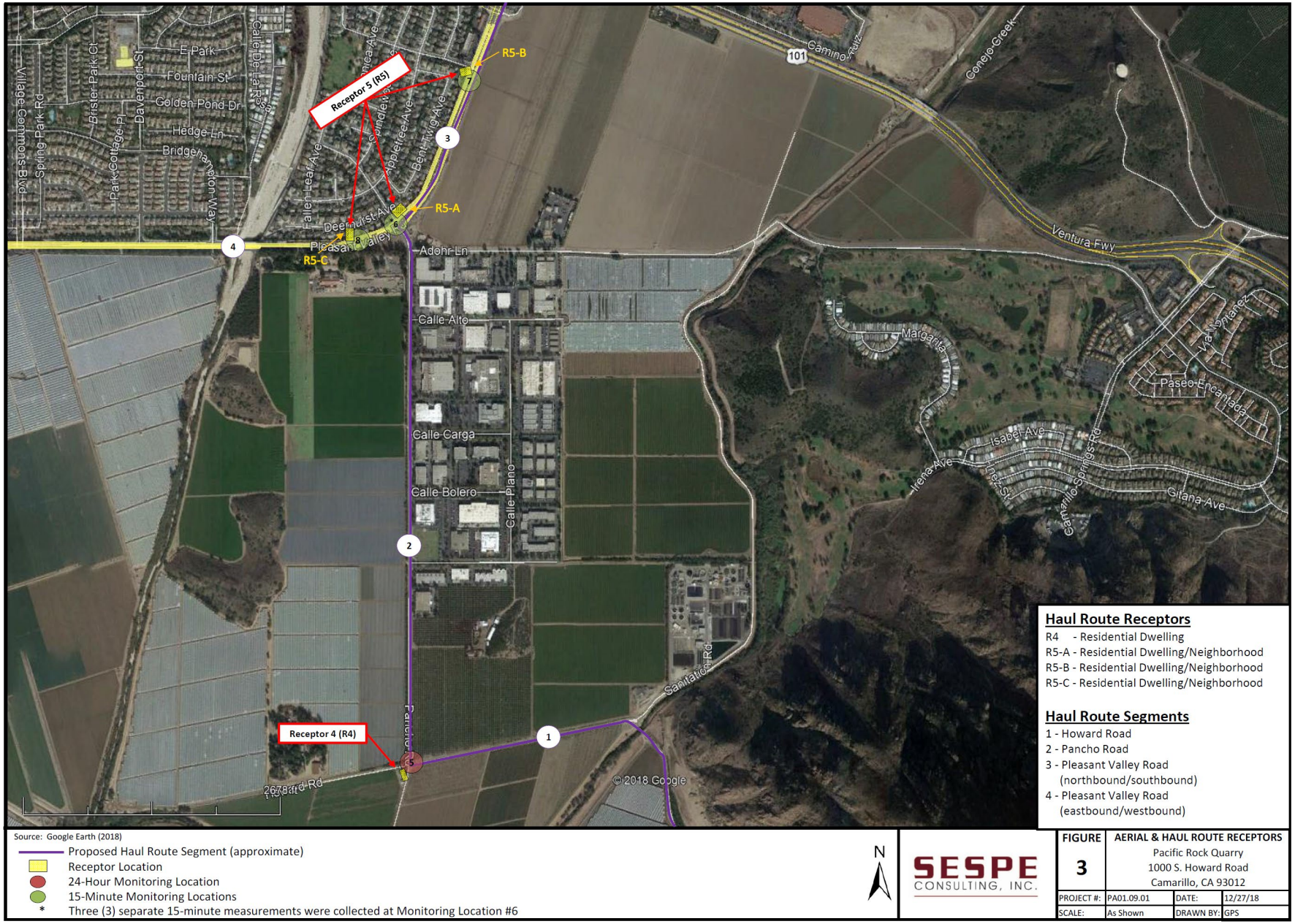

SOURCE: Sespe, 2020

Representative Receptors for Offsite Noise Analysis
PACIFIC ROCK QUARRY EXPANSION PROJECT
Figure 3.8-2

BENCHMARK RESOURCES

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CHAPTER 4
REFERENCES

CHAPTER 4–REFERENCES

Arnold, 1987. Arnold, J. 1987. Craft Specialization in the Prehistoric Channel Islands. In California, University of California Publications in Anthropology 18, University of California Press, Berkeley and Los Angeles.

Bean, 1968. Bean, W. 1968. California: An Interpretive History. McGraw Hill Book Company, New York. SBRA, 2014.

Bean, 1974. Bean, L. J. 1974. Social Organization in Native California. In Antap: California Indian Political and Economic Organization. Anthropological Papers 2:93-110. Ballena Press, Ramona.

Beier, P. and Barrett, R.H. 1993. *The Cougar in the Santa Ana Mountain Range, California*. Orange County Cooperative Mountain Lion Study, Department of Forestry and Resource Management, University of California, Berkeley.

Beier, P. 1995. Dispersal of juvenile cougars in fragmented habitat. *Journal of Wildlife Management*, 5:228-237.

Benson, J.F., Sikich, J.A., and Riley S.P.D. 2016. Individual and Population Level Resource Selection Patterns of Mountain Lions Preying on Mule Deer along an Urban-Wildland Gradient. PLoS ONE 11(7): e0158006. Doi:10.1371/journal.pone.0158006

Benson, J. F., Mahoney, P. J., Vickers, T.W., Sikich, J.A., Beier, P., S. Riley, P.D., Ernest, H.B., and W. M. Boyce. 2019. Extinction vortex dynamics of top predators isolated by urbanization. Ecological Applications 00(00):e01868. 10.1002/eap.1868.

Berck, 2005. "A Note on the Environmental Costs of Aggregate." University of California at Berkeley, Division of Agriculture and Natural Resources, Department of Agricultural and Natural Resource Economics and Policy. California Agricultural Experiment Station, Giannini Foundations of Agricultural Economics. Berck, Peter. January 10, 2005.

Bolton, 1926. Bolton, H. E. 1926. Captain Portola in San Luis Obispo County 1769. Tabula Rasa Press, Morro Bay, California.

Browning, 1992. Browning, P. (Editor) 1992. The Discovery of San Francisco Bay - The Portolá Expedition of 1769 – 1770: The Diary of Miguel Costansó. Great West Books, Lafayette, California.

Caltrans, 2008. A Historical Context and Archaeological Research Design for Mining Properties in California.

Caltrans, 2013. Technical Noise Supplement to the Traffic Noise Analysis Protocol, Section 2.2.1.1, 2013.

California Department of Transportation, 2013. Caltrans Transportation and Construction Vibration Guidance Manual.

CAPCOA, 2008. CEQA & Climate change: Evaluating and Addressing Greenhous Gas Emissions from Projects Subject to the California Environmental Quality Act. http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf. Accessed July 5, 2019.

CAPCOA, 2016. California Emissions Estimator Model Appendix: Appendix D: Default Data Tables, September 2016.

CARB, 2017a. California's 2017 Climate Change Scoping Plan. November 2017. https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed July 5, 2019.

CARB, 2017b. CA Phase 2 GHG. Available: https://www.arb.ca.gov/msprog/onroad/caphase2ghg/caphase2ghg.htm. Accessed July 5, 2019.

CATE, 2000. Center for Advanced Technology in Education (CATE). 2000. The Web de Anza Project. Center for Advanced Technology in Education, College of Education, University of Oregon. Electronic Document, http://anza.uoregon.edu/default.html, accessed August 1, 2014.

Camarillo Sanitary District, 2019. City of Camarillo Internet website, "Sanitary" webpage. https://www.ci.camarillo.ca.us/departments/public_works/sanitary.php. Accessed August 13, 2019.

CDFW, 2020. Evaluation of a Petition from the Center for Biological Diversity and the Mountain Lion Foundation to List the Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lions as Threatened Under the California Endangered Species Act. Report to the Fish and Game Commission. Final Review Draft. California Department of Fish and Wildlife. January 31, 2020.

Chartkoff and Chartkoff, 1984. Chartkoff, J. L. and Chartkoff, K. K. 1984. The Archaeology of California. Stanford University Press, Stanford, California.

City of Thousand Oaks, 2000.City of Thousand Oaks General Plan Noise Element.

City of Camarillo, 2015. City of Camarillo General Plan Noise Element.

Cogstone, 2010. Cultural Resources Survey and Assessment for the Pacific Rock Quarry Project, Ventura County, California.

Cogstone, 2017. Supplemental Cultural Resources Assessment for the Pacific Rock Quarry Project, Ventura County, California.

Degnan, J. R., Bohlke, J. K., Pelham, K., Langlais, D. M., and Walsh, G. J., 2016. Identification of groundwater nitrate contamination from explosives used in road construction: isotopic, chemical and hydrologic evidence, Environmental Science and Technology, pp. 593-603. Department of Water Resources (DWR), 1979, Evaporation from Water Surfaces in California, Bulletin 73-79.

Department of Water Resources (DWR), 2003, California's Groundwater, Bulletin 118, Pleasant Valley Groundwater Basin (4-006), https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-B118-Basin-Descriptions/B118-Basin-Boundary-Description-2003---4_006.pdf, accessed August 13, 2019.

Dickson, B.G. and Beier, P. 2002. Home-Range and Habitat Selection by Adult Cougars in Southern California. *Journal of Wildlife Management*, Vol. 66, No. 4 (Oct. 2002), pp 1235-1245.

Dickson, B.G., Jenness, J.S., and Beier, P. 2004. Influence of vegetation, roads, and topography on cougar movement in Southern California. *Journal of Wildlife Management*, 69(1):264-276.

DOC, 2015. Ventura County Williamson Act FY 2015/2016. California Department of Conservation, Division of Land Resource Protection, 2015.

DOC, 2017. Ventura County Important Farmland 2016. California Department of Conservation, Division of Land Resource Protection. Map published July 2017.

DWR, 2016. Bulletin 118, Interim Update 2016. California's Groundwater, Working Toward Sustainability. State of California, Department of Water Resources. December 22, 2016.

ECORP, 2024. Potential Impacts to Mountain Lion and Wildlife Movement Corridors for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3) technical memorandum. Mari Quillman to John Hecht. ECORP Consulting, Inc. August 26, 2024.

ECORP, 2025. Potential Impacts to Biological Resources Associated with Extending the Permit Duration from 30 to 60 Years for the Pacific Rock Quarry Expansion Project – LU10-0003 (CUP 3817-3) memorandum. Mari Quillman to Jane Farkas. ECORP Consulting, Inc. February 11, 2025.

ESA, 2020. Supplemental Air Quality and Greenhouse Gas Emissions Evaluation and Health Risk Screening for the Pacific Rock Quarry Conditional Use Permit Modification Application. October 16, 2020.

FCGMA, 2019. "Groundwater Sustainability Plan for the Pleasant Valley Basin." Fox Canyon Groundwater Management Agency. December 2019.

Federal Interagency Committee on Noise, 1992.

Federal Transit Administration, 2018. Transit Noise and Vibration Impact Assessment Manual.

Glassow et al., 1985. Glassow, M. A., Wilcoxon, L. R., and Erlandson, J. 1985. Cultural and Environmental Change During the Early Period of Santa Barbara Prehistory. Manuscript on file, Department of Anthropology, University of Santa Barbara.

Glassow and Wilcoxon, 1988. Glassow, M. A. and Wilcoxon, L. R. 1988. Coastal Adaptations Near Point Conception, California with Particular Record to Shellfish Exploitation. In American Antiquity 53:36-51.

Golla, 2007. Golla, V. 2007. Linguistic Prehistory. California Prehistory. T. L. Jones and K. A. Klar, eds., AltaMira Press, Lantham, Maryland.

Greenwood, 1978. Greenwood, R.S. 1978. Obispeño and Purisimeño Chumash. In Volume 8, California, Handbook of North American Indians. Edited by Robert F. Heizer. Smithsonian Institution, Washington.

Hanson, R.T., Martin, P., and Koczot, K.M., 2003, Simulation of Ground-water/surface-water flow in the Santa Clara Calleguas ground-water basin, Ventura County, California. U.S. Geological Survey Water Resources-Investigations Report WRIR02-4136.Hopkins Groundwater Consultants, Inc., 2004, Summary of Operations Report, Water Supply Well Construction Project, Conejo Mountain Memorial Park, Ventura County, California.

Holmes Enterprises, Inc., 2010, Hydrology Analysis, Pacific Rock Quarry CUP 3817-4, Poncho Road, Camarillo, CA, April 10, 2010.

Holmes Enterprises, Inc., 2016, Hydrology Analysis, Pacific Rock Quarry CUP 3817-4, Poncho Road, Camarillo, CA, November 21, 2016.

Holmes Enterprises, Inc., 2019, Hydrology Analysis, Pacific Rock Quarry CUP 3817-4, Poncho Road, Camarillo, CA, January 7, 2019.

Hoover, 1990. Hoover, R. 1990. Archaeological Resources of the Nipomo Dunes Preserve. Prepared for the Nature Conservancy, San Luis Obispo, California. Contract No. CAFO-0005.

Hoover, 1986. Hoover, R. 1986. Archaeological Survey Report for the Proposed Shell-Union Oil Pipeline Connection, Price Canyon Facility. On file, Central Coast Information Center, Department of Anthropology, University of California, Santa Barbara.

JCR Consulting [JCR], 2016. Updated Geologic and Geotechnical Review Report, Modification to Conditional Use Permit (CUP) for Pacific Rock Quarry, as Related to California Mine ID No. 91-56-0011, 100 South Howard Road, Camarillo Area, County of Ventura. JCR, Consulting. December 3, 2016.

JCR, 2019. Updated Percolation Test Results and Septic System Design for Proposed Modular Restroom, dated 3/13/2019. Includes as attachment: JCR - Percolation Test Results and Septic System Design for Proposed Warehouse/Office, dated 5/23/10.

Jennings & Hayes, 1994. Amphibian and Reptile Species of Special Concern in California. Mark R. Jennings, Department of Herpetology, California Academy of Sciences, San Francisco, California; Marc P. Hayes, Department of Biology, Portland State University, Portland, Oregon. November 1, 1994.

Kroeber, 1925. Kroeber, A. L. 1925. Handbook of the Indians of California. Bulletin 78 of the Bureau of American Ethnology of the Smithsonian Institution, Government Printing Office, Washington. Republished in 1976 by Dover Publications, Inc., New York.

Landberg, 1965. Landberg, L. C. W. 1965. The Chumash Indians of Southern California. Southwest Museum Papers No. 19. Southwest Museum, Los Angeles.

Logan, K.A. and Sweanor, L.L. 2001. *Desert Puma: Evolutionary Ecology and Conservation of an Enduring Carnivore*. Island Press, Washington DC.

Lopez, 2019. California Department of Parks and Recreation Building, Structure, and Object Record for Pacific Rock Quarry Bunker (P-56-00136), Update. Lopez, Shannon. August 15, 2019.

Lustig, 2019. Ventura County Environmental Health Division, June 17, 2019, memorandum from Rebecca Lustig to Brian McCarthy, subject: "LU10-0003 (Major Modification to CUP 3817-3; Pacific Rock)"Parsons Engineering Science, 1999, Camarillo Sanitary District Wastewater System Master Plan Update.

Moratto, 1984. Moratto, M. 1984. California Archaeology. Academic Press, San Diego, California.

Moriarty, J.G., Riley, S.P.D, Serieys, L.E., Sikich, J.A., Schoonmaker, C.M., Poppenga, R.H., 2012. Exposure of wildlife to anticoagulant rodenticides at Santa Monica Mountains National Recreation Area: from mountain lions to rodents. Proc. 25th Vertebr. Pest Conf. Pp 144-148.

Moyle et al., 1989. Fish Species of Special Concern in California, Second Edition. Peter B. Moyle, Ronald M. Yoshiyama, Jack E. Williams, and Eric D. Wikramanayake. Department of Wildlife and Fisheries Biology, University of California, Davis. Davis, California. June 1995.

Murphy, 1979. Murphy, A. L. 1979. A Comprehensive Story of Ventura County, California. M&N Printing, Oxnard.

NRCS, 2019. Custom Soil Resource Report for Ventura Area, California- Pacific Rock Quarry Proposed CUP 2019. Custom Soil Resource Report Soil Map. U.S. Department of Agriculture Natural Resources Conservation Service. Generated by Benchmark Resources, August 12, 2019.

OEHHA, 2015. Air Toxics Hot Spots Program, Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments. https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf. Accessed July 5, 2019.

Office of the Governor, 2008. Executive Order S-14-08.

Penrod, K., Cabanero, C., Beier, P., Luke, C., Spencer, W., Rubin, E., Sauvajot, R., Riley, S., and Kamradt, D. 2006. *South Coast Missing Linkages Project: A Linkage Design for the Santa Monica-Sierra Madre Connection*. Produced by South Coast Wildlands, Idyllwild, CA. http://www.scwildlands.org, in cooperation with National Park Service, Santa Monica Mountains Conservancy, California State Parks, and The Nature Conservancy.

Priestley, 1937. Priestley, H. I. 1937. A Historical, Political, and Natural Description of California by Pedro Fages, Written for the Viceroy in 1775. Translated by Herbert Ingram Priestley. University of California Press, Berkeley.

Sampson, 2013. Sampson, M. 2013. Humaliwo: An Ethnographic Overview of the Chumash in Malibu. California Department of Parks and Recreation. Electronic Document, http://www.parks.ca.gov/?page_id=24435, accessed July 31, 2014.

Sespe Consulting, Inc., 2011, Updated and Revised Hydrologic Analysis, letter to Mr. Jim Myers (Ventura County Public Works, Development & Inspection Services), November 18, 2011.

Sespe, 2019a. Project Description Pacific Rock Quarry Conditional Use Permit Modification Application LU10-0003. Sespe Consulting, Inc. April 1, 2019.

Sespe, 2019b. Air Quality, Health Risk, and Climate Change Impact Assessment, Pacific Rock Quarry Expansion Project. Sespe Consulting. March 29, 2019.

Sespe, 2019c. Response to Benchmark Resources Hydrology and Water Quality Comments Memorandum dated November 16, 2018, Pacific Rock Quarry Expansion Project, Ventura County, CA, letter to Mr. Brian McCarthy (Ventura County Resource Management Agency). Sespe Consulting, Inc. March 8, 2019,

Sespe, 2019d. "Response to Pacific Rock Quarry: LU10-0003 Updated Status of Outstanding Invoices and Environmental Impact Report Information Delays dated March 12, 2019, Pacific Rock Quarry Expansion". John Hecht, Sespe Consulting, letter to Brian McCarthy, Ventura County Resource Management Agency. April 1, 2019.

Sespe, 2020. Noise and Groundborne Vibration Impact Assessment, Pacific Rock Quarry, Conditional Use Permit Modification Application, LU10-0003. Sespe Consulting, Inc. November 2020.

Sespe, 2025. Effect of Extending Project Duration from 30 to 60 Years on EIR Health Risk Analysis. Sespe Consulting, Inc. May 12, 2025.

Shuford & Gardali, 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds No. 1. Shuford, W. D., and Gardali, T., editors. 2008. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.

Triem, 1985. Triem, J. 1985. Ventura County, Land of Good Fortune. Windsor Publications, Chatsworth, California.

US EPA, 1971. Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances. Office of Noise Abatement and Control. Washington, DC: U.S. Environmental Protection Agency.

VCAPCD, 2003. Ventura County Air Quality Assessment Guidelines. http://www.vcapcd.org/pubs/Planning/VCAQGuidelines.pdf. Accessed July 5, 2019.

VCAPCD, 2017. Final 2016 Ventura County Air Quality Management Plan. Ventura County Air Pollution Control District. Adopted February 14, 2017. http://www.vcapcd.org/pubs/Planning/AQMP/2016/Final/Final-2016-Ventura-County-AQMP.pdf. Accessed July 5, 2019.

VCAPCD, 2018. Draft 2018 Ventura County Triennial Assessment and Plan Update 2015 – 2017. Ventura County APCD, October 2018. http://www.vcapcd.org/pubs/Planning/Draft-2018-Ventura-County-Triennial-Assessment.pdf. Accessed July 5, 2019.

VCAPCD, 2018b. Memorandum, Recommended Greenhouse Gas (GHG) Threshold of Significance for Stationary Source Projects, January 30, 2018.

VCAPCD, 2019. VCAPCD Data for Pacific Rock Quarry EXTEC Usage 2015 – 2016. Ventura County Air Pollution Control District. File data. Provided August 22, 2019.

Ventura County RMA, 2005. Ventura County Resource Management Agency. 2005. Final Subsequent Environmental Impact Report for Focused General Plan Update.

Ventura County, 2010. Ventura County Construction Noise Threshold Criteria and Control Plan.

Ventura County, 2011. Ventura County Initial Study Assessment Guidelines. April 26, 2011.

Ventura County, 2019. Ventura County 2019 Land Conservation Contracts. Ventura County Resource Management Agency.

Ventura County Watershed Protection District, 2017, Design Hydrology Manual, Updated July 2017.

Ventura County Watershed Protection District, 2019, vcwatershed.net/publicMaps/data/, accessed August 12, 2019

Ventura County, 2020. Ventura County 2040 General Plan Policy Document. September 2020. .

VRPA, 2020. "Pacific Rock Quarry Expansion Project Transportation Impact Assessment." VRPA Technologies, Inc. May 2020.

W&S Consultants, 1997. W&S Consultants. 1997. Phase I Archaeological Survey and Cultural Resources Assessment for the Northwest Golf Course Community Specific Plan Study Area, Oxnard, Ventura County, California. Prepared for Impact Sciences, Inc. VN-1583.

Western Regional Climate Center, 2019, Period of Record Monthly Climate Summary, Newbury Park 4 SW, COOP ID: 046149 https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca6149, accessed August 13, 2019.

Whitley and Beaudry, 1991. Whitley, D. S. and Beaudry, M. P. 1991. Chiefs on the Cost: Developing Chiefdoms in the Tiquisate Region in Ethnographic Perspective. In Development of Complex Societies in Southeastern Mesoamerica, edited by W. Fowler. CRC Press, Boca Raton, Florida.

Whitley and Clewlow, 1979. Whitley, D. S. and Clewlow, Jr., C. W. 1979. The Organizational Structure of the Lulapin and Humaliwo. In The Archaeology of Oak Park, Ventura County, California. Volume 3, edited by C. W. Clewlow and D. S. Whitley. Institute of Archaeology, Monograph 11. University of California, Los Angeles.

Williams, 1986. Mammalian Species of Special Concern in California. Daniel F. Williams. Department of Biological Sciences, California State University, Stanislaus. Turlock, California. February 23, 1986.

Wilmers, C.C., Wang, Y., Nickel, B., Houghtaling, P., Shakeri, Y., et al. 2013. Scale Dependent Behavioral Responses to Human Development by a Large Predator, the Puma. *PLoS ONE* 8(4): e60590. Doi:10.1371/journal.pone.0060590.

Wlodarski, 1988. Wlodarski, R. J. 1988. An Archaeological Reconnaissance Report for Portions of Land Located within the Northeast Industrial Assessment District, City of Oxnard, Ventura County, California. Prepared by Historical, Environmental, Archaeological, Research, Team. Prepared for the City of Oxnard. VN-733.

Yerkes and Campbell, 1997.

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