



To: Annette Ramirez/ClerkRec/COSLO@Wings,
Cc:
Bcc:
Subject: Fw: Item 13 ltr to Secretary Laird
From: Tommy Gong/ClerkRec/COSLO - Monday 10/26/2015 11:52 AM

----- Forwarded by Mark Hutchinson/PubWorks/COSLO on 10/26/2015 11:49 AM -----

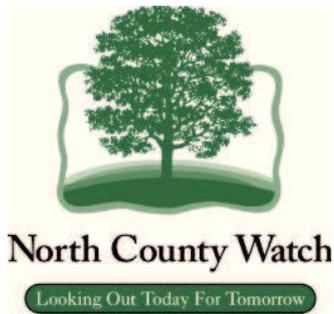
From: "Susan Harvey" <ifsusan@tcsn.net>
To: <BoardOfSupps@co.slo.ca.us>,
Cc: <mhutchinson@co.slo.ca.us>
Date: 10/22/2015 05:23 PM
Subject: Item 13 ltr to Secretary Laird

Hi Cytasha – Please distribute our letter on Item 13 to the Supervisors.

Kind regards,
Susan Harvey, President
North County Watch



NCW BOS item 13 ltr to Secretary Laird 10-22-15.pdf



Board of Supervisors
County of San Luis Obispo
San Luis Obispo, CA 93406
Via Email boardofsups@co.slo.ca.us

October 22, 2015
RE: Item 13

Dear Chairwoman Arnold and Supervisors,

We request that your board does not move forward with the draft letter to Natural Resources Secretary Laird for a number of reasons.

The case has not been made that the community would not be at risk if CDFW gave a pass to this miner. The conditions of the streambed alteration permit are not even in front of you to even attempt an informed decision as to whether the conditions of the permit are overreaching or not, compliant with CEQA or not.

Your letter to Secretary Laird is on behalf of one sand miner who voluntarily withdrew from the application process. The letter contains inaccuracies. During the permitting process for the Estrella mine, CDFW and RWQCB consistently maintained that their concerns had NOT been addressed in the permitting process and conditions of approval and that an EIR was required. Further, there is no evidence but hearsay that sand won't continue to be available locally at a market price or that air quality will be impacted. In general negative flood impacts from poorly monitored mining operations cause the most dangerous flood impacts. Please see the attached article "San Benito's Broken River".

While much is said about the burden of increased regulatory burden, the staff report does ignore the reasons for precise careful instream monitoring of mines. Instream mining raises huge public safety issues that are important to this discussion. The report and letter make many statements that appear to be based on hearsay or are not backed up with specific examples or facts. There is no discussion of the actual increased costs, how it might translate to increased costs of product, increased environmental, social, economic or public safety burden on the county or communities, or that all mines are equally subject to increased costs which all operations can pass on to the consumer. We believe that the role of other agencies in the permitting of activities actually serves to protect the County from potential liabilities.

Page 1 of 7

North County Watch P.O. Box 455 Templeton, CA 93465 Item No: 13 • Meeting Date: October 27, 2015
501(c)(3) nonprofit corporation (77-0576955) Presented By: Susan Harvey
Rec'd prior to the meeting & posted on: October 26, 2015

It is our understanding that approval of Conditional Use Permits are subject to the applicant applying for and receiving specific various permits from state and federal agencies in areas of state and federal jurisdiction. Projects are subject to showing compliance with numerous state and federal laws and regulations. Each agency is responsible for monitoring compliance with

It's no secret that instream mining, if not properly overseen and monitored, can have devastating effects downstream and upstream by creating conditions that cause bank erosion and head cutting upstream and downstream resulting in loss of life and property in flood situation. The hydrogeology of a river and the interconnected effects of riverine ecology and mining is an extremely complex field of study. Monitoring to guard against the negative devastating effects of a mining project gone wrong is part of the charter of the Department of Fish and Wildlife because of the threats to health and safety of collapsing river banks and the impacts to public trust assets which are part of our natural waterway ways.

Regarding Streambed Alteration Permits for two local mines: No permitting process has become more simple over the decades precisely because as more projects come forward, each project becomes a greater impact. As the risks become greater, monitoring protocols become more precise

Solely from an economic standpoint, the potential impacts from poor oversight by CDFW or RWQCB of instream mining aren't worth the risks. Mining is not a driver of this economy. We are not a third world economy. Instream sand mining is a negligible economic contributor or inflation factor and in most circumstances a big negative to tourism and agriculture.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink on a yellow rectangular background. The signature appears to be 'SH' followed by a cursive flourish.

Susan Harvey, President

THE PINNACLE

News for the Pinnacles

Volume 19, Number 8

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Week of November 18, 2004

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Nenette Corotto looks across the San Benito riverbed from the edge of her property off of Southside Road. Decades of instream mining have contributed to the severe erosion to her property and turned the once-shallow river into a deep channel, according to county officials.

San Benito's broken river

The county's longest-running lawsuit pits a determined gravel miner against county officials and river residents

By KATE WOODS
Pinnacle Staff Writer

In the winter of 1998, Nenette Corotto and her husband watched, horrified, as yet another row of walnut trees plummeted 30 feet into the raging San Benito River below. The 300 feet of airline cable they had stretched to hold back the trees and the eroding riverbank proved as useless as kite string.

During the last six years, Corotto and her family have lost 250 to 300 trees and two-and-a-half acres of their land on Blossom Lane, off of Southside Road, due to an ever-widening river that she, county planners and river experts say is eroding because of past gravel mining in the riverbed. Over-mining of gravel and sand has caused the river to run deeper and wider, gobbling up riverbanks as it goes.

The worst occurred during the El Niño floods, but it hasn't stopped.

"It was the most unbelievable experience watching it all fall away," said Corotto, whose family has maintained the 24-acre orchard since the 1930s. "I was in shock. I said, 'This can't be happening.' We were not river-edge property."

But they are now. Because of massive erosion the Corotto's orchard now sits on the riverbank. When the next heavy rains come, she expects more rows of trees to go.

She believes a large part of the reason her parcel becomes smaller with each passing rain is

http://www.pinnaclenews.com/sb-edition/story.php?section=stories_sbc_archive&id=120

11/30/2004

because of an in-stream gravel mining operation the county has been trying to control for 18 years.

An eight-year legal battle between Sandman Inc.—the third company to mine the same strip of riverbed since the 1950s—and the county over mining rights has cost taxpayers \$2 million in legal fees so far. The company is suing the county to reclaim its right to excavate the riverbed, citing a 1959 use-permit as proof.

In addition, county residents are facing \$9 million in immediate repairs to bridges at Union and Cienega roads, which neither the state nor federal government will cover because those officials say it was caused by mining. County Planning Director Rob Mendiola says another \$20 million in future infrastructure repairs will be needed soon – and none of the figures include the losses to property owners such as the Corottos.

The Sandman Inc. case is the longest ongoing lawsuit against the county and one that occupies almost each executive session held between supervisors and the county attorney.

After others who mined the river have moved on, Sandman, closed since 1996, is fighting to dig again under what is, by today's standard, a lax permit issued in the 1950s.

The county believes more than a half-million tons of gravels were dug from the site and hauled to San Jose between 1959 and 1989, though experts on both sides admit no one has an exact number. After Fish & Game told Sandman to leave the riverbed in 1989, the company mined the banks until it ran out of material. Now it wants back in the river.

While Corotto's orchard on Southside Road is upstream from Sandman, she and hydrology experts believe all eight in-stream gravel-mining operations that worked the riverbed in the last half of the 21st century drastically altered the flood basin.

"It puts the entire river out of balance," she said. "Sandman's refusal to comply just amazes me."

County officials and its river consultants say that taking sand and gravel from the riverbed has caused the seasonal river, which was once a small channel in the middle of a vast flood plain, to run wider and deeper. Changes first became apparent in the mid-1960s.

"Typically, in-stream mining has impacts both upstream and downstream," said John Gregg, head of the San Benito County Water District. "It used to be a broad flood plain back in the '40s and '50s. We've turned it into a rectangular deep-cut channel, and shortened the length of that stream enormously."

Think of it this way: the San Joaquin River meanders; the Colorado River rages because it is forced through a canyon.

Vested rights vs. public works

Sand and gravel keep rivers running on course and at predictable flows. When they are taken, say experts, rivers become "hungry" and pull material from the banks. The results, the county contends, are flooding and erosion, and ultimately, washed out infrastructure such as bridges and pipelines. In the case of the San Benito River, Gregg fears that the loss of gravel also compromises the cleansing effect of percolation, which could affect groundwater quality.

The problem is that many county mining permits were issued in the 1950s, a very different era of environmental awareness. For a \$10 permit, someone could mine as much as they wanted – forever. That's the deal Sandman's predecessor received in 1959 for its site off Nash Road, south of where Hollister's sewage ponds now sit. It's that deal Sandman is fighting to keep.

San Benito County Planning Director Rob Mendiola does not lay the entire blame for damage at Sandman's feet. Between 1959 and 1972, the county gave out eight use permits for sand and gravel quarries on the San Benito River. Add to that three more permits for quarry operations on Tres Pinos Creek between Browns Valley and Murphy roads, one still current.

Most of those mining operations have closed because materials ran out, and the planning department has not issued any in-stream mining permits since 1972. Five permits remain, including Sandman, and two are active: The Bertuccio Enz operation on Panoche Road, which mines gravel from the Tres Pinos Creek; and the Bixby quarry on the San Benito River, where digging is limited to two feet after the company "went hog wild," according to Mendiola, in the 1970s.

At the spot where the Tres Pinos Creek meets San Benito River Granite Rock no longer mines in-stream because the material became too fine after the 1998 flood. The Hillsdale quarry near Anzar High School and Highway 101 is not being worked because of a lack of material.

"Sandman is not being singled out," Mendiola said. "After Granite Rock mined at Hospital Road for a few years, they moved on. So did others. They (Sandman) didn't move on because they were still getting copious amounts of material. Maybe Sandman singled itself out."

Today, the old Sandman site is a ghost mine of rusted conveyors and heavy equipment. Owner Gerald Blatt also owns Star Concrete in San Jose, a batch plant, and a satellite plant in Gilroy.

Sandman wants to crank up the old equipment, so in 1996 the company sued the county for attempting to limit the scope of mining, invoking their "vested property rights," a belief that their mining privileges were grandfathered in.

The two sides are still in disagreement over which parts of the property Sandman can mine. But the point may be moot since the only place left to mine, according to Sandman attorney James Moose, is in the riverbed.

"Basically, (the company) ran out of material," said Moose. "All the good stuff is in the river because it gets replenished."

It's the replenishment claim that's the dividing point; the county maintains the river has been so altered that it isn't happening any more. Blatt's new application calls for removing 152,000 tons of sand and gravel from the riverbed in the first year of renewed mining, when and if it happens.

"The (state Surfacing, Mining and) Reclamation Act says we are grandfathered into the scheme," said Moose during an October planning commission meeting. "We don't need a use permit. We have vested rights. The government can't come along and change the rules on them."

Since 1986, the county has been asking Sandman to complete a reclamation plan that would compensate for the material it takes out of the river. In 1989, Sandman altered an old reclamation plan from its predecessor, claiming the river replenishes itself with natural materials every time it rains. But the county says all the plans are inadequate and outdated because no one accounted for replenishing gravel being depleted. Planners now want a full-blown environmental impact statement—something the company has never prepared. Sandman is fighting the EIR, and is hoping to get out of it by revising the latest version of their application.

"We asked them to do the reclamation plan before they bought the site in 1986, and we're still asking them," said Mendiola.

41 years of mining

Mining activities at the Sandman site began in 1955, when Hollister Sand and Gravel started a 100-acre operation on the banks of the San Benito River between Nash and Riverside roads. In 1959, Hillsdale Rock bought the site, and the county issued the new company a use-permit for the construction and operation of a sand gravel plant.

In October 1986, county officials noted the riverbed at the Nash Road site and downstream had lowered by 10 to 14 feet. That was when Hillsdale was preparing to sell to Sandman Inc.

Mendiola met with both owners to go over the outdated reclamation plan, which had focused attention on quarries Hillsdale no longer owned and which planners said barely addressed the worst problem—the in-stream mining at the Nash Road plant. The most contentious point in the meeting, said Mendiola, was that planners and miners could not agree on how deep Hillsdale had already excavated.

It was a sign of things to come.

In 1991, in an effort to end the feud with the county, Sandman altered the 1977 reclamation plan. The county requested more information about specific excavation depths in the river, and called the resulting new plan worse than the original because of the claims that a mined riverbed naturally replenishes itself. Three years later Sandman faxed some of the requested information to planners. The company offered to plant vegetation on some of the more severely eroded river banks near the quarry, but planners and their experts said that won't stop the future onslaught of fast-moving river flow from taking out downstream infrastructure, private property—and the

replanted vegetation.

"One of the fundamental issues is that Sandman's plan would rely on good rains for replenishment," said Paxton. "Things have changed. Our experts are saying the river is broken. The sediment supplies are bankrupt."

In 1995, the planning department – fed up with outdated plans and delayed responses to their requests – told Sandman that an environmental analysis would be needed, in accordance with the California Environmental Quality Act of 1970, before further digging could be considered.

"We have tried to work with them," said Mendiola. "We even tried to process their incomplete application (and reclamation plan). But at every point along the way they have put up obstructions."

Sandman sued the county. In 2001 visiting Judge Richard W. Kessell ruled that the county could set the depth to which Sandman can excavate.

Sandman's attorneys interpret the judge's ruling differently, and presently the case is waiting further court decisions. Moose maintains that the company could dig five feet below the river's lowest point. But the county says that because mining has altered the river, that point is constantly changing.

One of the county's river consultants, Michael Harvey of Fort Collins, Colo., told planning commissioners in October that Sandman had dug so far that only a hardened clay layer remains between the riverbed and the underground aquifer.

In a report Harvey prepared for the county, he wrote, "Clay outcrop appears to be present in the base of the mined pits in the right overbank area."

Attorney Moose says it's the price of progress.

"That's the price we pay for having houses, roads and buildings in California," he said.

A steep price

Infrastructure in and around the river started failing in the early 1990s, beginning at Nash Road with a box culvert and energy dissipater – a metal grate used to slow water from culverts beneath bridges. Public Works asked Sandman to pay for the damage, which the company declined.

In 1983 Tina Bertuccio and her family lost 15 acres to the river, which she said had always run shallow in the winter until the early 1980s. In the 1998 floods, the Raff family lost seven acres of land, and then nearly lost their house, which teetered on the brink of a bank and had to be moved after the river subsided. The Raffs also have declined to comment on their ordeal, saying it was "too painful" to discuss.

In March 1993 the Nash Road Bridge, a stone's throw away from the Sandman site, washed away and will cost \$3 million when the county replaces it in 2005. More recently, a Hollister sewer main near San Juan Hollister Bridge had to be lowered because of the lowered river, at a cost to the county of \$1.2 million.

In 1995, the county spent \$600,000 for repairs on four pilings for the Cienega-Union Road Bridge, which had become "scoured," according to Public Works, by high velocity water pressure in the river.

Mendiola and Gregg said they were hoping the so-called 100-year floods of 1995 and 1998 would replenish some of the sand and gravel that had been depleted by mining activities along the Tres Pinos Creek and the San Benito River. The torrents added some materials to the river, but by the end of those winters, the county was left with more ruined infrastructure.

"It wasn't enough," said Mendiola.

Gregg says that Sandman's quest to dig further and its weak reclamation plan would reduce the capacity for groundwater recharge. At least a 10-foot sand and gravel buffer between river water and the groundwater table is needed for the natural filtration process to work. But groundwater tables have risen since blue valve water was introduced in the mid-1990s, and as mining and erosion lowers the river bottom, the waters could meet, leaking groundwater out of the basin and into the river.

"Blue valve water has brought up the groundwater tables," said Gregg. "At the Highway 156 Bridge, groundwater levels are at or near the surface level."

Gregg added that sometimes it takes decades to feel the effects of in-stream mining. "If you remove a significant amount of sand and gravel from the same spot on the river, there may be no consequences for years because there is no flow in the system," said Gregg. "There's been hardly any flow for the last four years, but someday there will be."

Opposing experts, country humpkins

The Sandman saga came to a head during the October planning commission hearing, when the company appealed the EIR demand. For nearly three hours, both sides presented their own geomorphological experts – scientists who specialize in the workings of rivers, plus a gaggle of attorneys.

They couldn't have disagreed more.

The low point occurred when a river scientist for Sandman mocked the county for drawing "exaggerated" conclusions and approving what he considered poorly built infrastructure.

"The way Mr. Mendiola has portrayed this process is from another planet!" said Mitchell Swanson, as he gave a power point demonstration replete with a slide show of the flooding river at Union Road Bridge. Using a laser pointer, Swanson laughed at the county's attempts to save bridge pylons by using riprap boulders for reinforcement.

Throughout the meeting, Mendiola sat in front of a poster he had made for the benefit of the commissioners. It was an enlarged, hand-printed sign that quoted from state CEQA law, saying that if there is disagreement between experts, local decision-makers must vote for an EIR.

Swanson's presentation angered Nenetta Corotto, who was sitting in the audience.

"They talk about vested rights," she said. "What about ours? Where is our right to farm the land? How much are the rest of us going to lose? All this mining is finally coming to bear on us."

At decision time Richard Bettencourt, Supervisor Reb Monaco's appointed commissioner, said he hadn't seen anything wrong when he traveled the river on a quad-runner several days earlier.

"I think it was replenished," said Bettencourt. "Is there a hurry? They're asking us to come back in January (to consider this again). Is that a problem?"

Bettencourt immediately made a motion to give Sandman an extension on the hearing until January. It died for lack of a second.

In the end, the planning commission voted 4-1 to demand an EIR, with Bettencourt the lone dissenter. But as Blatt's attorney remarked during the proceedings, his client's fight to kill the EIR could add even more years to the protracted and expensive process.

"It's hard to walk away from your backhoe," said attorney Moose.



re: Agenda Item #13

Vicki Shelby to: Fmecham, Ahill, DArnold, lcompton, bgibson,
cr_board_clerk Clerk Recorder

10/26/2015 10:25 AM

Attached is a letter from the Davis' in opposition to this item. We've also received calls from Colleen Enk and Joe Plummer in opposition to this letter being approved.



doc20151026102308.pdf

Vicki M. (Shelby) Fogleman
Legislative Assistant for
First District Supervisor Frank R. Mecham
1055 Monterey St., D430
San Luis Obispo CA 93408
(805) 781-4491/FAX (805) 781-1350

email: vshelby@co.slo.ca.us

"Thinking a smile all the time will keep your face youthful" - Frank G. Burgess
"Wrinkles should merely indicate where smiles have been" - Mark Twain

Oct. 26, 2015

Subject: Laird letter

To: Supervisor Frank Mecham

our computer is down so we are faxing this

Dear Frank

No need to Blow all this out of proportion at this time with your busy schedule on the board - We've decided to send this to our District Area Supervisor asking you do more study on the Viborg support letter to Secretary Laird -

We are asking you not to write a letter on behalf of the Viborg projects and problems. The applicant is "unwilling to comply" with DFW regulations - He has campaigned in a negative way on T.V., radio and in Newspapers that he is singled out by DFW and that "his theory" is also that there won't be "enough sand". Ask yourself why it's only one "miner" who always asks for special treatment when he's "unwilling" to comply and that other miners continue to mine because they comply

We should be very concerned that we have knowledge that the Templeton mine is without

Imagine our new concerns with a possible EIR and the damage from weather a possibility for the county and taxpayers because of the way the Templeton site was managed.

please do not support this proposed letter to Secretary Laird until more study and thought goes into this. We've watched for 30 yrs. the Salinas River from our ranch and it "can roar" at any time ~ This is also a financial decision on letting a sand mine owner/operator "willing to comply" to have his way with special treatment.

Thank you
Gary and Patti Davis

P.S. will the operator have to start back thru the process with county (New numbers & info) if he wants to move forward on the Estrella project.... Maybe another EIR would be required. ?



Fw: Opposition to Estrella River Sand Mining Petition

Vicki Shelby to: Board of Supervisors, cr_board_clerk Clerk
Recorder

10/26/2015 01:16 PM

Vicki M. (Shelby) Fogleman
Legislative Assistant for
First District Supervisor Frank R. Mecham
1055 Monterey St., D430
San Luis Obispo CA 93408
(805) 781-4491/FAX (805) 781-1350

email: vshelby@co.slo.ca.us

"Thinking a smile all the time will keep your face youthful" - Frank G. Burgess
"Wrinkles should merely indicate where smiles have been" - Mark Twain

----- Forwarded by Vicki Shelby/BOS/COSLO on 10/26/2015 01:16 PM -----

From: "Lorraine Steele" <lorraine.steele@verizon.net>
To: <fmecham@co.slo.ca.us>, <vshelby@co.slo.ca.us>
Cc: "Lee Steele" <lee.steele@verizon.net>
Date: 10/26/2015 01:11 PM
Subject: Opposition to Estrella River Sand Mining Petition

Dear Supervisor Meecham,

It has come to our attention that the topic of permitting for the Estrella Sand Mine will be discussed at this Tuesday's session of the Board of Supervisor's Meeting.

We live directly across from the affected Estrella River bed and would like to go on record, again, that we are opposed to the sand mining for the following reasons:

1. The County determined that all new mines would require a full EIR. Viborg received his permit during a lame duck session of the County Board of Supervisors and managed to receive the approval without submitting the required full EIR. When the surrounding residents challenged this, we were unable to get an explanation as to why Viborg was able to sidestep this requirement.

2. In the first year of operation (last year), numerous complaints were filed with both Fish & Wildlife and Code Enforcement due to non-compliance with the Conditions of the Permit. As a result, we believe the operation was required to cease and desist. Examples of non-compliance include the following:
 - a. Activities in preparation for sand mining began prior to the date of permit approval
 - b. Multiple skimmers and heavy equipment in the river bed and staging area operated from 7:30am to 5pm or beyond. We believe the permit limited hours of operation from 8am – 5pm.
 - c. Uncontrolled and highly visible dust clouds settling on adjacent residential and ag properties

Agenda Item No: 13 • Meeting Date: October 27, 2015
Presented By: Lee and Lorraine Steele
Rec'd prior to the meeting & posted on: October 26, 2015

from May thru September. We understand the permit required significant dust control measures.

d. Extreme noise from the equipment

3. Potential longterm implications:

- The section of the Estrella River that was mined last year is approximately the length of a football field and was dropped 4-6 feet deep. Although we had a slim rainfall last winter, we observed a new phenomena. A stagnant body of water formed in the mined area and sat there for almost four months. What became clear is the river flow was impacted and the water built up into a "lake" near our home. This is clearly a negative ramification of altering the natural stream bed. With the upcoming El Nino, we could be at risk of experiencing a worse flood situation due to the streambed alteration.

Along with our neighbors, we are quite worried about the resumption of the mining and continue to oppose any future sand mining of the Estrella River.

Supervisor Meecham, we truly hope you will help the residents who live around the Estrella River by supporting the Fish & Wildlife permit and compliance requirements. **We urge you to oppose any attempt to resume sand mining in the Estrella river.**

If you need any further input, please let us know and we will do what we can to provide support.

Regards,
Lee and Lorraine Steele

San Miguel, CA 93451



Fw: Sand Mine Letter

Frank Mecham to: Fmecham, Ahill, DArnold, lcompton, bgibson,
cr_board_clerk Clerk Recorder

10/26/2015 01:23 PM

Sent by: **Vicki Shelby**

Frank R. Mecham
District 1 Supervisor
1055 Monterey St. Rm. D430
San Luis Obispo, CA 93408
(805) 781-5450

FMecham@co.slo.ca.us

----- Forwarded by Vicki Shelby/BOS/COSLO on 10/26/2015 01:22 PM -----

From: Robert Behlendorf <robert.behlendorf@gmail.com>
To: fmecham@co.slo.ca.us
Date: 10/26/2015 12:19 PM
Subject: Sand Mine Letter

Date: October 26, 2015

**To: San Luis Obispo County Supervisor
Frank Mecham**

From: Bob and Becky Behlendorf

Re: Sand Mines

Dear Frank:

We have been made aware through the grapevine – no formal notice, even though our property is definitely affected – that the San Luis County Board of Supervisors will be discussing at tomorrow’s meeting the closing of north county sand mines by Viborg Construction and the SLO Dept. of Public Works interactions thereof.

Please be aware that Mr. Viborg has continually rejected all forms of formal authority in this matter. He has resisted repeated requests for an EIR to be performed before final permits would be issued for his sand mines. Instead, he elected last year to perform mining operations in the Estrella River on Airport Road without approval. Recently, he was forced to close this operation. State of California Department of Fish and Wildlife rightfully shut down his operation since he had not received approval from

that organization.

We understand that Mr. Viborg elected to close other sand mine operations to pressure the SLO County Dept. of Public Works to revisit his case.

The Estrella mine is not located in “open country” as has been portrayed but rather in the heart of vineyard estates and small wineries which are severely impacted by the operation of a commercial sand mining enterprise.

We trust you will act in the best interests of your constituency and resist this powerplay by Mr. Viborg.

Thank You

Becky and Bob Behlendorf

Paso Robles, CA 93446

bob@behlendorf.com



Fw: Oct. 27, 2015 BoS Meeting - Margarita Proud Comments attached for Agenda Item 13

Board of Supervisors to: Annette Ramirez

10/26/2015 03:36 PM

Sent by: **Juliane Hendricks**

Here it is

----- Forwarded by Juliane Hendricks/BOS/COSLO on 10/26/2015 03:35 PM -----

From: Margarita Proud <margaritaproud@gmail.com>
To: SLO county Board of Supervisors <boardofsups@co.slo.ca.us>
Date: 10/26/2015 01:29 PM
Subject: Re: Oct. 27, 2015 BoS Meeting - Margarita Proud Comments attached for Agenda Item 13

Please distribute our attached comments regarding Item 13 to all Supervisors.



MP10.26.15AI13.pdf



October 26, 2015

San Luis Obispo County Board of Supervisors
County Government Center Room D-430
San Luis Obispo, CA 93408

RE: Agenda Item 13 - Proposed letter to California Secretary of Natural Resources John Laird.

Margarita Proud is a Santa Margarita based community non-profit organization that represents a diverse group of San Luis Obispo county residents. We support responsible planning principles and thoughtful leadership that takes a long range approach to the prosperity of all community members. The purpose of this letter is to express our concerns regarding the letter proposed in Agenda Item 13 and to urge your board to DENY the request presented. The letter presents a view based on numerous factually inaccurate claims and comments. This should be of concern to your board, if only from a perspective of professional credibility.

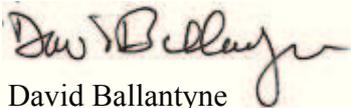
Substantial evidence has NOT been presented to suggest:

1. That the choice of one miner to cease operation rather than comply with applicable permit conditions informs the presence of excessive regulatory burden by any specific state agency.
2. That the well documented risks and harmful impacts associated with mining activity should be ignored in favor of relaxing state law.
3. That *“the local CEQA process, which is designed to, among other goals, ferret out the specific direct and cumulative effects of a project, was set aside in favor of a set of conditions that effectively deny the project”*.
4. That the destructive impacts of mining are less significant when created by small business. Impacts are a direct result of the operational details of specific projects and sites, not the identity of today’s operator. Businesses that *“epitomize small business”* would appear to be a rather subjective definition to begin with, but particularly so when you consider that a conditional use permit transfers with the land, not with individuals.
5. That *“the secondary economic and environmental effects of these regulatory actions are substantial”*.

6. That claims of material shortages are anything more than industry propoganda. From Public Works Staff Report; *"The Board also directed staff to define any impacts to the County's ability to continue with construction work that is dependent on sand and gravel. At this point in time we have not been able to establish a measurable link between the loss of sand mines in the County and a shortage or cost increase in the construction materials (asphalt and concrete) derived from the raw sand and gravel. **However, representatives of the sand mining industry caution that the inevitable closure of mines that cannot contend with the level of regulation imposed on the Templeton and Estrella mines will lead to higher costs for public construction projects.**"*
7. That air pollution would increase as a result of the cited operator's closures.
8. That *"downstream interests no longer have the benefits provided by the now closed existing mine, or the potential benefits that could have accrued from the new mine"* - or flooding hazard would increase as a result of this operator's closures.
9. That the viewpoint presented by an applicant at Aug.18 public comment is anything more than that.¹

The Salinas River is designated by the California State Water Resources Control Board as one of the most critical watersheds in California due to degrading habitats, exportation, over-use and non point pollution impacts on water quality. It would seem prudent to proactively defend the potentially devastating effects of over-use of this critically important public resource. In San Luis Obispo County, mining requires a Conditional Use Permit (CUP) in all land use categories² precisely because the impacts of mining have been determined to be potentially deleterious. The fundamental purpose of a CUP is to determine the suitability of specific sites on a project by project basis. This core purpose becomes more, not less, important as population and density increase. Please exercise wise long-term vision and thoughtful leadership by refraining from sending a letter from your board that is riddled with embarrassing factual deficiencies.

Respectfully Submitted,



David Ballantyne
Vice-President Margarita Proud

¹ Paul Viborg, SLO County BoS Public Comment, Aug. 18, 2015

² San Luis Obispo County Land Use Ordinance (LUO), Table 2-2