

## Exhibit 8

# Planning Division response to written public comments

Ojai Quarry Reclamation Plan Amendment  
Case No. PL18-0136

Planning Director Public Hearing May 27, 2021  
[Corrected on May 27, 2021 at 11:30am](#)

### Introduction:

The following enclosed letters and emails of public comment were received prior to the May 27, 2021 public hearing on the proposed Reclamation Plan Amendment for the Ojai Quarry:

1. May 26, 2021, Letter from the City of Ojai by Lucas Seibert, Community Development Director
2. May 26, 2021, Letter from Pat Baggerly representing the Environmental Coalition
3. May 27, 2021, Letter from Michael Shapiro representing the Ojai Stop the Trucks Coalition
4. May 26, 2021, email from James Hines representing the Sierra Club, Los Padres Chapter
5. May 26, 2021, Email from Bill Miley

The above letters and this document are included in the administrative record for the May 27, 2021 Planning Director hearing.

### Responses to comment:

Provided in the table below are staff-prepared responses to comments presented in the above correspondence.

County of Ventura Planning Director Hearing Case No. PL18-0136 Exhibit 8 - Planning Division Response to Public Comments
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#	Commenter	Comment	Response
1	City of Ojai	<i>...the staff report and supporting documentation does not provide any justification or rationale for the proposed elimination of the existing, long-standing requirement for 97,000 cubic yards of material (fill) to be placed on top of the excavated as part of the final surface reclamation.</i>	The applicant (i.e. the mine operator) did not justify or provide a rationale for the submittal of an application to amend an approved Reclamation Plan. The County's permit application does not contain this requirement. The County of Ventura, however, is obligated to review and consider this application in accordance with applicable law and regulations. In this case, the applicable regulations are the California Surface Mining and Reclamation Act (SMARA), the State Mining and Geology Board (SMGB) reclamation regulations, and Section 8107-9.6.9 of the County Non-Coastal Zoning Ordinance (NCZO). As indicated in the Planning Director staff report, staff of the County Planning Division and the California Division of Mine Reclamation have reviewed the proposed Reclamation Plan Amendment (RPA) and found that it satisfies the requirements of applicable State laws and regulations. Further, Planning Division staff has evaluated the proposal and found that it satisfies County NCZO requirements and is consistent with County land use policies.
1	City of Ojai	<i>Additionally, the Ojai Valley Area Plan Policy OV-36 identifies the County will "protect significant biological resources within the Ojai Valley in order to maintain natural ecosystems and also preserve the natural beauty of the area." Most importantly, Ojai Valley Area Plan Policy OV-38 requires the County "ensure that mineral extraction is conducted in a manner which is least impacting to the environment and the public's health, safety and welfare."</i>	The project site is located outside the boundaries of the Ojai Valley Area Plan. Nonetheless, the environmental implications of the proposed change in site reclamation are discussed in the May 17, 2021 EIR Addendum included as Exhibit 4 of the Planning Director staff report. In summary, an incremental <u>decrease</u> in offsite sedimentation from erosion of the mined lands can be anticipated to result from the elimination of 97,000 CY of fill. No substantial adverse impact has been identified that would result from the implementation of the proposed RPA.
3	City of Ojai	<i>The second concern is regarding the staff report which identifies that the County of Ventura's Geologist has reviewed the</i>	The technical reports submitted by the applicant were prepared by geologists and engineers licensed to practice by the State of California. Only individuals so licensed can

		<i>applicant's Geologist technical report and supporting information, and concurs with the report, but no rationale nor report has been provided to support the Ventura County Geologist's conclusion.</i>	practice geology or engineering before the public or provide testimony that constitutes substantial evidence in a public hearing. The subject reports were reviewed by similarly licensed County staff and found adequate and prepared in accordance with established standards of practice. This comment does not provide any substantial evidence that the referenced reports are incorrect or inadequate.
4	Pat Baggerly	<i>We question whether the Public Notice meets the legal requirements for informing the public regarding hearings, but believe at a minimum it could have notified the public that the project involved eliminating 97,000 cubic yards of fill.</i>	The public notice of the Planning Director hearing correctly states that the applicant proposes to amend the Reclamation Plan for the Ojai Quarry. As noted by Ms. Baggerly, the details of the proposed amendment are described in the Planning Director staff report posted online and available to the public a week before the hearing. The hearing was properly noticed in accordance with the Government Code (§65091) and Ventura County NCZO (§8111-3.1 et seq.) and all relevant information was provided to the public in a timely manner.
5	Pat Baggerly	<i>EC is wondering if the Addendum provided for this substantial change meets the requirements of the California Environmental Quality Act because, by reading 508 pages of the Staff Report it is impossible for an ordinary person to know what was proposed in the first place and why it is now okay to delete the requirement for 97,000 cubic yards of fill.</i>	Refer to Response to Comment No. 2 above regarding environmental issues.  As indicated in the Planning Director staff report, staff recommends that the RPA be approved (including the elimination of the 97,000 CY of fill) because it is designed in conformance with all applicable State and local laws and regulations.  Section 15164(a) of the California Environmental Quality Act (CEQA) Guidelines states that the decision-making body shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR have occurred. Findings pertaining to Section 15162 are provided in the Addendum included in Exhibit 4.

6	Pat Baggerly	<i>Would 97,000 cubic yards previously required of the project, but now being omitted from the project, be considered a minor permit or a major permit adjustment? 97,000 cubic yards of anything is a large amount!!</i>	A Reclamation Plan is not a permit or entitlement granted by the County. It is a State-mandated plan required for each mining facility that must be prepared in accordance with SMARA and the SMGB regulations. Through the adoption of similar requirements into the County Code (Section 8107-9 of the County Non-Coastal Zoning Ordinance), the County serves as the local Lead Agency for the implementation of SMARA. If a proposed reclamation plan satisfies the State requirements, the Lead Agency is obligated to approve it. Therefore, the scope of the County's review (and the limit of County discretion) of the proposed RPA is whether or not it is designed in conformance with the State standards.
7	Pat Baggerly	<i>If the slope is increased then it would follow that falling rocks and boulders would be traveling at a higher velocity downhill and travel further and have the potential for more safety hazards to people, and the potential to damage the endangered Southern California steelhead trout (<i>Oncorhynchus mykiss</i>) habitat in the north fork of Matilija Creek that is located adjacent to the project site. This should be considered a significant adverse impact on the environment if not fully mitigated.</i>	It is recognized that some existing steep slopes (greater than a 1:1 slope ratio) would remain after site reclamation under the proposed RPA. Accordingly, geologic and engineering reports prepared by licensed professionals are required as part of the proposed RPA. In accordance with SMARA, the stability of such slopes must be documented by such reports.  The potential for falling rocks to reach offsite areas or Matilija Creek would be lessened under the proposed RPA. This is because the over-excavated area proposed to remain would serve as a catchment for falling rocks or eroded sediment. Combined with the reduction in site grading, it is anticipated that implementation of the proposed RPA would result in a decrease in offsite sedimentation due to future erosion of the mined lands. No new effect on the aquatic life in Matilija Creek has been identified that would result from the implementation of the proposed RPA.
8	Pat Baggerly	<i>Major earth shaking could happen at the Ojai Quarry during a major earthquake and there</i>	The geologic reports (Exhibits 3c, 3d and 3e of the Staff Report) evaluate the potential shaking that the site would

		<i>should be mitigations in place to prevent falling rocks and boulders from harming people and entering the North Fork of Matilija Creek and CA State Highway 33.</i>	experience from future earthquakes and the hazards of resulting rockfalls. No substantial new effect relating to slope stability or rockfall hazards was identified
9	Pat Baggerly	<i>The County should seek to remedy the potential for a disaster by requiring the Applicant to prepare an environmental document that clearly spells out why and what is being proposed in clear and understandable English along with new major measures to mitigate the new potential safety and biological impacts from falling rock and boulders.</i>	Refer to Responses to Comment Nos. 1, 7 and 8 above.
10	Michael Shapiro	<i>It's been known for many years that the Mosler Quarry has dangerously "undercut" into the quarry's aggregate production and - in doing so - have already caused slides to sully the North Fork of the Matilija River below and increase the chances of a future collapse of the quarry's wall towering over the North Fork.</i>	Refer to Responses to Comment Nos. 1, 2, 3, 7 and 8 above.  The subject comment doesn't provide substantial evidence that reclamation of the mined lands under the proposed RPA will result in an adverse effect beyond what could occur under the existing approved Reclamation Plan. The only potential environmental effect of the proposed RPA identified in the EIR Addendum (Exhibit 4 of the Planning Director staff report) is an incremental decrease in offsite sedimentation which is an environmental beneficial impact. The Ojai Quarry is authorized to operate until the year 2046 under Conditional Use Permit (CUP) PL15-0118. The current approved Reclamation Plan does not have an expiration date. Thus, the decision before the County is limited to which Reclamation Plan will be implemented at the subject facility.
11	Michael Shapiro	<i>I recall a moment several years ago when on the way to Rose Valley I drove past the quarry</i>	This anecdotal testimony does not provide substantial evidence that the proposed RPA is inconsistent with local

		<i>and was truly surprised to see a swarm of Cal Trans personnel operating heavy earthmoving equipment and other vehicles there. After I pulled-over and queried a Cal Trans Supervisor at the site I was told that Cal Trans was attempting to remedy some of the dangerous conditions caused by the operator's "habitual undercutting" - that because of the way in which the quarry had been "mined" there was a significant danger of the headwall facing the Highway 33 and the North Fork of the Matilija River collapsing.</i>	or State regulations. The issue of slope stability is adequately addressed in the geologic/engineering reports (Exhibits 3c, 3d and 3e of the Staff Report) prepared by California-licensed professionals included in the proposed RPA. These reports conclude that the site is stable for the proposed end use. For a contrary opinion to be considered substantial evidence in the record, it would have to be provided in a report prepared and signed by a California-licensed Geologist or Engineer. No such report has been submitted for the record.
12	Michael Shapiro	<i>Shakespeare's immortal words from Hamlet that "Something is Rotten in Denmark" seems to be quite appropriate when describing the County Planning Department's outlandish behavior and performance regarding its past history and its relationship with the Ojai Mosler Quarry. And I share this with you only to illustrate that nothing has been "normal" in terms of the County's so-called oversight of the Ojai Mosler Quarry. In point of fact, it has always appeared as if the County's top planning personnel have been willing and ready to advocate for the Quarry and not in the County's and it's people's best interest.</i>	The Planning Director staff report lists the numerous enforcement actions taken by the County Planning Division against the operator of the Ojai Quarry over the last decade. The County has required the operator to abate all of the violations of County Code identified on the subject site. The application submitted in 2015 by the mine operator for a modified CUP was recommended for approval by County staff based on consistency with County policy, compliance with County ordinance, and conformance with State mining regulations. The Board of Supervisors granted the currently applicable CUP on that basis in 2017.
13	Michael Shapiro	<i>Finally - given the checkered, dangerous, unsavory and irresponsible past history of the Ojai Mosler Quarry's operations - it would seem that this current and latest attempt to side-step a significant aspect of the Reclamation Plan deserves far more scrutiny and many more questions asked and</i>	Refer to Responses to Comment Nos. 1, 2, 3, 6, 7 and 8 above.  The County of Ventura is obligated to review and consider this application in accordance with applicable law and regulations. In this case, the applicable regulations <a href="#">include</a> SMARA, SMGB reclamation regulations, and Section 8107-

		<i>answered. Frankly - it is inconceivable that the Ojai Mosler Quarry should be let off the hook from fulfilling its reclamation obligation - one that can be amply documented to be his binding legal responsibility so stipulated and agreed to in his Conditional Use Permit, and one that the operator has supposedly been prepared to finance by the surety bond he was required to acquire years earlier.</i>	9.6.9 of the NCZO. As indicated in the Planning Director staff report, staff of the County Planning Division and the California Division of Mine Reclamation have reviewed the proposed RPA and found that it satisfies the requirements of the applicable State laws and regulations, as well as NCZO requirements.  Note also that the Ojai Quarry CUP requires the operator to reclaim the site "in accordance with the approved Reclamation Plan, as may be amended in the future."
14	James Hines	<i>The Sierra Club Los Padres Chapter (Ventura and Santa Barbara counties) urges you to keep in place conditions for the Mosler Rock Quarry operation in the Upper Ventura River/North Fork Matilija Creek area.  Conditions which are designed to protect the river and the endangered steelhead which inhabit the river.</i>	Refer to Responses to Comment Nos. 2 and 7.
15	Bill Miley	<i>1. This was done because Mosler over excavated the added acres of the CUP and lowered the surface levels.</i>	Staff agrees with this comment but as noted in the staff report, the Planning Division entered into a Compliance Agreement (CA12-0007) with the operator to on February 22, 2012, to ensure the site remained in compliance during the processing of a Reclamation Plan Compliance Amendment <a href="#">for an area on the east side of the quarry.</a> - <a href="#">Note that <del>The</del> over-excavated areas <u>located in the center of the quarry</u> <del>were</del> also recognized in the 1995 Approved Reclamation Plan. <del>as disturbed areas.</del></a>
16	Bill Miley	<i>2. There is concern for sediment flow into the Matilija Creek.</i>	Refer to Responses to Comment Nos. 2 and 7.
17	Bill Miley	<i>3. Based on that the state mining board said this new level is ok... Thus no refill is necessary. But in 1995 and 2012, the legal documents allowing mining till 2046 contained</i>	The Ojai Quarry is authorized to operate until the year 2046 under Conditional Use Permit (CUP) PL15-0118. This CUP requires the mining site to be reclaimed in accordance with the approved reclamation plan, as may be amended in the



		<i>requirements for reestablishing a certain level of land surface based on “rocks removed”. A refill requirement...which established public value.</i>	future. The CUP does not establish a “level of land surface” as it regulates mining operations such as limits on truck traffic.
18	Bill Miley	<i>4. I my mind that establishes a community value which was agreed on...monetary value maybe, in a way. (cost to “buy” it, move it, lay it out, monitor it) By removing the 97,000 cubic yard refill requirement it also removes value which the public does not get...it loses. The public loses monetary value. Thus , our county government could be seen as transferring 97,000 cubic yards of fill valued at ????\$ to the private owner.</i>	Refer to Responses to Comment Nos. 1 and 13.  The County of Ventura is obligated to review and consider this application in accordance with applicable law and regulations. In this case, the applicable regulations SMARA, SMGB reclamation regulations, and Section 8107-9.6.9 of the NCZO. As indicated in the Planning Director staff report, staff of the County Planning Division and the California Division of Mine Reclamation have reviewed the proposed RPA and found that it satisfies the requirements of the applicable State laws and regulations, as well as NCZO requirements.
19	Bill Miley	<i>5. Could this be seen as value to a private person without any value received..giving away public money? I could conclude that. It seems only equitable to assign a monetary value to the 97,000 cubic yards of fill and by removing the refill requirement exchange that for dollars, (in lieu payment) which would go into a “land conservation fund for the Ojai Valley”.</i>	Refer to Response to Comment No.s 18.

**Summary:**

The public comments evaluated above do not provide substantial evidence that the proposed Reclamation Plan Amendment (RPA) would result in a potentially significant environmental effect or that the RPA does not satisfy applicable regulatory requirements. Therefore, the staff recommendation for approval in the Planning Director staff report for the May 27, 2021 hearing remains unchanged.



## CITY OF OJAI

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(805) 646-5581 · fax (805) 653-2236 · Inspection (805) 646-5581 x 127  
[www.ojai.ca.gov](http://www.ojai.ca.gov)

May 26, 2021

Ventura County Resource Management Agency – Planning Division  
Attn: Mindy Fogg  
800 S. Victoria Ave., L #1740  
Ventura, CA 93009-1740

**RE: OJAI QUARRY RECLAMATION PLAN AMENDMENT CASE NO. PL 18-0136 –  
CA MINE ID# 91-56-0025**

Dear Ms. Fogg:

The City of Ojai is in receipt of the noticed Planning Director Hearing scheduled for May 27, 2021 at 10:00 a.m. The matter for consideration by the Planning Director is the request that a Reclamation Plan Amendment be approved to authorize changes in the final reclaimed surface configuration of the Ojai Quarry. The project location is 15558 Maricopa Highway, Ojai, CA.

The City of Ojai has been in contact with the project planner regarding this matter, and has expressed concern with two matters which remain unresolved regarding the requested amendment by the applicant, Larry Mosler. The first concern is that the staff report and supporting documentation does not provide any justification or rationale for the proposed elimination of the existing, long-standing requirement for 97,000 cubic yards of material (fill) to be placed on top of the excavated area as part of the final surface reclamation. The fill material would be obtained from the existing (permitted) mined areas at the site, and is readily available.

Neither the County, nor the applicant, have so far explained or justified how the new proposed final surface plan, which would simply leave the existing excavated areas in place as permanently scarred, heavily sloped, and poorly drained areas, is compliant with applicable law and beneficial for the community, let alone compliant with the County's General Plan. The newly adopted Ojai Valley Area Plan – part of the 2040 Ventura County General Plan – states that the County will “reinforce the need to conserve local resources” and will “minimize land use incompatibilities” and “minimize aesthetic impacts” in industrial areas. (Ojai Valley Area Plan, Policies OV-13 and OV-14.) The Ojai Valley Area Plan Policy OV-14.2 adds that any discretionary review of

industrial development will, among other factors, give careful attention to aesthetics, drainage, and mitigation of nuisance factors.

Additionally, the Ojai Valley Area Plan Policy OV-36 identifies the County will “protect significant biological resources within the Ojai Valley in order to maintain natural ecosystems and also preserve the natural beauty of the area.” Most importantly, Ojai Valley Area Plan Policy OV-38 requires the County “ensure that mineral extraction is conducted in a manner which is least impacting to the environment and the public's health, safety and welfare.”

The County must explain how the proposed new final surface plan is compatible with the County’s new General Plan, the Ojai Valley Area Plan, and the County’s environmental protection policies; including exactly how the proposed new final surface reclamation plan is least impactful to the environment.

The second concern is regarding the staff report which identifies that the County of Ventura’s Geologist has reviewed the applicant’s Geologist technical report and supporting information, and concurs with the report, but no rationale nor report has been provided to support the Ventura County Geologist’s conclusion.

The staff report and supporting documentation included with the report re insufficient in the justification or rationale to support the Reclamation Plan Amendment, and it is for these reasons the City of Ojai does not support the lifting of this condition/standard/mitigation placed on the subject site as part of the 1995 Reclamation Plan, and urges the Planning Director to consider these facts and the clear requirements of the County’s new General Plan and the Ojai Valley Area Plan in reviewing this matter and providing a determination.

If you have any question on the concerns and points raised in this letter you may reach me at 805-646-5581 x113 or via email at [Lucas.Seibert@ojai.ca.gov](mailto:Lucas.Seibert@ojai.ca.gov).

Sincerely,



Lucas Seibert  
Community Development Manager

Enclosures – none

May 26, 2021

Via e-mail

Dave Ward, Director of Planning  
Mindy Fogg, Manager  
County of Ventura  
Resource Management Agency  
800 South Victoria Avenue  
Ventura, CA 93009

Subject: PL18-0136 Proposed Change in the Final Configuration of Ojai Quarry

Dear Mr. Ward and Ms. Fogg,

The Environmental Coalition first became aware of the Planning Director Hearing for the Mosler Ojai Quarry upon reading a Public Notice in the Ventura County Star Newspaper on May 17, 2021. The Public Notice Project Description stated, "The applicant requests that a Reclamation Plan Amendment be approved to authorize changes in the final reclaimed configuration of the Ojai Quarry." The Staff Report on the proposed amendment was released around 2:00 p.m. on May 20, 2021. The public had to go to page 7 of the Staff Report to ferret out the information to find out that the applicant is proposing to eliminate the requirement for placement of 97,000 cubic yards of fill!

We question whether the Public Notice meets the legal requirements for informing the public regarding hearings, but believe at a minimum it could have notified the public that the project involved eliminating 97,000 cubic yards of fill.

The Mosler Ojai Quarry owners are requesting approval of a Reclamation Plan Amendment (RPA) approval that will "eliminate the requirement for the placement of 97,000 cubic yards of fill." (See May 27, 2021, Staff Report, Project Description, Page 7, 8.). The Staff Report also notes, "The proposed project does not include any other SUBSTANTIAL (emphasis added) changes in the reclamation requirements to be applied to the mined lands at the subject facility." In the County Planning Department's own words the project is a "substantial change" in reclamation requirements. EC is wondering if the Addendum provided for this substantial change meets the requirements of the California Environmental Quality Act because, by reading 508 pages of the Staff Report it is impossible for an ordinary person to know what was proposed in the first place and why it is now okay to delete the requirement for 97,000 cubic yards of fill.

Would 97,000 cubic yards previously required of the project, but now being omitted from the project, be considered a minor permit or a major permit adjustment? 97,000 cubic yards of anything is a large amount!!

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May 27, 2021

Environmental Coalition

One item the Environmental Coalition learned through phone conversations to the County is if the 97,000 cubic yards of material is removed from the Reclamation Plan through this amendment the slope will be steeper. If the slope is increased then it would follow that falling rocks and boulders would be traveling at a higher velocity downhill and travel further and have the potential for more safety hazards to people, and the potential to damage the endangered Southern California steelhead trout (*Oncorhynchus mykiss*) habitat in the north fork of Matilija Creek that is located adjacent to the project site. This should be considered a significant adverse impact on the environment if not fully mitigated.

Major liability risks and safety risks to the County of Ventura and the citizens of Ventura County may be created if this project is approved without increasing safeguards for falling rocks and boulders. Ventura County is very geologically active and earthquakes up to 7.5-8.5 have been predicted to occur in the next 30 years or sooner by scientists from Cal Tec and other institutions. (See Page 429, Staff Report Appendix, Distances and Maximum Credible Earthquake Magnitudes for Faults, Pacific Materials Laboratory, Inc.) Major earth shaking could happen at the Ojai Quarry during a major earthquake and there should be mitigations in place to prevent falling rocks and boulders from harming people and entering the North Fork of Matilija Creek and CA State Highway 33.

The County should seek to remedy the potential for a disaster by requiring the Applicant to prepare an environmental document that clearly spells out why and what is being proposed in clear and understandable English along with new major measures to mitigate the new potential safety and biological impacts from falling rock and boulders.

Sincerely yours,

Pat Baggerly

Vice-President

Environmental Coalition

P. O. Box 68

Ventura, CA 93002

c: Ventura County Board of Supervisors  
Ventura County Planning Commission  
Brian Baca

TO: Ventura County Planning Commission

FROM: Michael J. Shapiro, Chair / Ojai Stop The Trucks! Coalition

SUBJECT: Letter Submission RE: Ojai Mosler Quarry Hearing of May 27, 2021

**Some background:** It's been known for many years that the Mosler Quarry has dangerously "undercut" into the quarry's aggregate production and - in doing so - have already caused slides to sully the North Fork of the Matilija River below and increase the chances of a future collapse of the quarry's wall towering over the North Fork. I recall a moment several years ago when on the way to Rose Valley I drove past the quarry and was truly surprised to see a swarm of Cal Trans personnel operating heavy earthmoving equipment and other vehicles there. After I pulled-over and queried a Cal Trans Supervisor at the site I was told that Cal Trans was attempting to remedy some of the dangerous conditions caused by the operator's "habitual undercutting" - that because of the way in which the quarry had been "mined" there was a significant danger of the headwall facing the Highway 33 and the North Fork of the Matilija River collapsing. I didn't ask who was paying for all this remedial work involving scores of CalTrans workers operating heavy industrial equipment, but such a question needs an answer now: Did County tax-payers and/or CalTrans fund this remedial work or did the quarry's owner-operator? The bottom line is this: Our County has known about the problem associated with the quarry's dangerous undercutting for many years and yet not enough attention was paid to rectify it and then Cal Trans came to the rescue. But again - at who's expense? And what's happened at the site since all this remedial work was completed? Has the poor practices of "undercutting" and the dangers associated with same finally ceased?

Several years ago - at another Board of Supervisors Appeal Hearing regarding the Ojai Mosler Quarry - the quarry's operator (with support by the County's Kim Prilhardt and Brian Baca) attempted to challenge the very existence of a clause in the quarry's previously approved CUP that sets standards for how many trips per day and at what time of the day the quarry was permitted to send trucks to and from the quarry to collect and transport its product. Both Prilhardt and Baca challenged the very existence of a specific part of the aforementioned agreed upon clause, and "mysteriously" offered proof in the form of the County's Mosler Quarry's electronically archived CUP's where we were astonished to see that the clause in question had indeed been *electronically deleted!* Fortunately.... we immediately produced the HARD COPY and presented this as our "evidence" via a "POINT OF ORDER" in the middle of the Board of Supervisor's proceedings. Supervisor Steve Bennett (then the Chair of the Board) immediately gaveled the Board's meeting into a "closed session" and more than three-hours later the meeting resumed and immediately confirmed and reaffirmed that the condition we purported to indeed exist - was absolutely in place. No explanation for how it was electronically deleted from official County archived electronic version was ever given.

CONTINUED....

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Shakespeare's immortal words from Hamlet that "Something is Rotten in Denmark" seems to be quite appropriate when describing the County Planning Department's outlandish behavior and performance regarding its past history and its relationship with the Ojai Mosler Quarry. And I share this with you only to illustrate that nothing has been "normal" in terms of the County's so-called oversight of the Ojai Mosler Quarry. In point of fact, it has always appeared as if the County's top planning personnel have been willing and ready to *advocate* for the Quarry and *not* in the County's and it's people's best interest. And today - gifting the Ojai Mosler Quarry a FREE PASS to not have to abide by, and fulfill its agreed upon RECLAMATION PLAN is yet another example of this fact. Did not the quarry's operator fulfill his obligated requirement under the reclamation plan (and CUP) to secure a "surety bond" to fund his reclamation of the quarry site? Why — at this date in time - is the Mosler Ojai Quarry attempting to abrogate its agreed upon obligations with regard to the Reclamation Plan? Why? Has the danger from its chronic undercutting of the quarry's face suddenly disappeared? It has not. The dangers presented by the quarry's operator's negligent undercutting - a practice that even CalTrans was called upon to try and remedy - remains with us today. The quarry continues to endanger the spawning grounds of the certifiably endangered Steelhead Trout's habitat in the North Fork of the Matilija River directly below. And it's a colossal eye sore as well.

Finally - given the checkered, dangerous, unsavory and irresponsible past history of the Ojai Mosler Quarry's operations - it would seem that this current and latest attempt to side-step a significant aspect of the Reclamation Plan deserves far more scrutiny and many more questions asked *and* answered. Frankly - it is inconceivable that the Ojai Mosler Quarry should be let off the hook from fulfilling its reclamation obligation - one that can be amply documented to be his binding legal responsibility so stipulated and agreed to in his Conditional Use Permit, and one that the operator has supposedly been prepared to finance by the surety bond he was required to acquire years earlier.

Michael J. Shapiro  
Chair/Ojai Stop the Trucks! Coalition  
1231 Fairview Court, Ojai, CA 93023  
805-889-7105

## **Fogg, Mindy**

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**From:** James Hines <jhcasitas@gmail.com>  
**Sent:** Wednesday, May 26, 2021 10:47 AM  
**To:** Fogg, Mindy  
**Subject:** Ventura River Rock Quarry

Hello Mindy:

MOSLER ROCK QUARRY MEETING MAY 27 2021:

The Sierra Club Los Padres Chapter (Ventura and Santa Barbara counties) urges you to keep in place conditions for the Mosler Rock Quarry operation in the Upper Ventura River/North Fork Matilija Creek area.

Conditions which are designed to protect the river and the endangered steelhead which inhabit the river.

Thank you,

Jim Hines, Conservation Chair  
Sierra Club Los Padres Chapter



**From:** [Bill](#)  
**To:** [Fogg, Mindy](#)  
**Cc:** [CountyExecutiveOffice](#); [LaVere, Matt](#); [vega@ojaicity.org](mailto:vega@ojaicity.org); [Betsy Stix](#); [William Weirick](#)  
**Subject:** Mosler Rock Quarry PL18-0136  
**Date:** Wednesday, May 26, 2021 4:40:12 PM

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To: Ventura County Planning Commission  
cc: county planner, county planning director, county ceo, first district supervisor  
ojai city manager, ojai mayor, ojai mayor pro tem.

From: Bill Miley, 919 No Signal street, Ojai 93023

Subject. 5/26/21 Planning Commission meeting. Item PL18-0136 Ojai Quarry. A need for value lost "in lieu" payment.

Hello. I have read enough of this revised Reclamation Plan (RP) to come to this conclusion for my letter.

Since in the current RP there is the 97,000 cubic yard requirement for fill and the revised one removes that requirement, i conclude this:

1. This was done because Mosler over excavated the added acres of the CUP and lowered the surface levels.
2. There is concern for sediment flow into the Matilija Creek.
3. Based on that the state mining board said this new level is ok...Thus no refill is necessary. But in 1995 and 2012, the legal documents allowing mining till 2046 contained requirements for reestablishing a certain level of land surface based on "rocks removed". A refill requirement...which established public value.
4. I my mind that establishes a community value which was agreed on...monetary value maybe, in a way. (cost to "buy" it, move it, lay it out, monitor it) By removing the 97,000 cubic yard refill requirement it also removes value which the public does not get...it loses. The public loses monetary value. Thus , our county government could be seen as transferring 97,000 cubic yards of fill valued at ????\$ to the private owner.
5. Could this be seen as value to a private person with out any value received..giving away public money? I could conclude that. **It seems only equitable to assign a monetary value to the 97,000 cubic yards of fill and by removing the refill requirement exchange that for dollars, (in lieu payment) which would go into a "land conservation fund for the Ojai Valley".**

Thank you for considering my thoughts and ideas.

Bill Miley, MPH  
OJAI, since 1968

