

## 2. Draft Environmental Impact Report Comments and Responses to Comments

### 2.1 Introduction

As referenced in Final EIR Section 1.2 (Summary of the Proposed Project’s Environmental Review Process), the Project’s Draft EIR was available for review and comment from November 21, 2014 through January 12, 2015. During this period, two written comment letters on the Draft EIR were submitted to the County Department of Planning and Building.

As the lead agency under CEQA, and consistent with Section 15088 of the State CEQA Guidelines, the County has reviewed each of the written comments received on the Draft EIR and has prepared responses to them. These comment letters are presented in Final EIR Section 2.2, (Written Comments Received on the Draft Environmental Impact Report) and their responses are provided in Section 2.3 (Responses to Written Comments Received on the Draft Environmental Impact Report).

The focus of the County’s responses to comments received on the Draft EIR is the disposition of environmental issues that are raised in the comments, as specified by Section 15088(b) of the State CEQA Guidelines. Detailed responses are not necessarily provided, unless the comment suggests deficiencies in the Draft EIR’s analysis. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the Draft EIR (State CEQA Guidelines Section 15204(a)).

The language of the Draft EIR, as revised and contained in Final EIR Chapter 3 (Revisions to the Draft Environmental Impact Report), and the associated explanations to these revisions as contained in Final EIR Section 2.3 (Responses to Written Comments Received on the Draft Environmental Impact Report) collectively comprise the Final EIR for the Proposed Project.

### 2.2 Written Comments Received on the Draft Environmental Impact Report

Parties that provided written comments on the Draft EIR included the County of San Luis Obispo Air Pollution Control District and Hanson Heidelberg Cement Group (the Applicant’s parent company). These comment letters are summarized in Table 2-1.

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**Table 2-1. Summary of Comments Received on the Draft EIR**

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Comment Letter Designation	Commenter	Agency/Organization	Date
A	Gary Arcemont	San Luis Obispo County Air Pollution Control District,	January 9, 2015
B	Terry Marshall	Hanson Heidelberg Cement Group	January 12, 2015

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To facilitate review of specific comment letters received and the County’s responses to them, each comment letter has been given a specific letter designation (A and B), as shown in Table 2-1, and each individual comment within each letter has been assigned a number (e.g., -1, -2, etc.).

## A. Air Pollution Control District, San Luis Obispo County Comment Letter

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Air Pollution Control District  
San Luis Obispo County

January 9, 2015

Xzandrea Fowler  
San Luis Obispo County Department of Planning and Building  
County Government Center  
San Luis Obispo, CA 93401

SUBJECT: APCD Comments Regarding the Hanson Aggregates Mid-Pacific Santa Margarita Quarry Expansion (DRC2011-00098/DRC2011-00099), Draft Environmental Impact Report (Draft EIR)

Dear Ms. Fowler,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the Draft EIR for the proposed project located at 16815 El Camino Real in Santa Margarita. Hanson Aggregates is applying for a modification to an existing Conditional Use Permit (CUP) and Reclamation Plan Amendment (RPA), which would result in an extension to the existing quarry operations, known as the Santa Margarita Quarry (State Mine ID 91-40-003). The project will extend the life of the reserves at the quarry by adding approximately 41 acres to the current permitted boundary, for a total of approximately 126 acres.

*The following are APCD comments that are pertinent to this project.*

### GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. The APCD assessed this project by assuming all emissions are from the operational phase. **Please address the action items contained in this letter with special attention to items that are highlighted by bold and underlined text.**

### GENERAL COMMENT:

#### Air Quality Impact Analysis

The project proponent provided an analysis of the project greenhouse gas (GHG) impacts which included assumptions for the emission calculations (such as on and off road equipment description, usage and trip information). The CalEEMod model was used to estimate GHG. CalEEMod calculates criteria pollutants as well as GHG. In the report, CalEEMod printouts have blank spaces where the criteria pollutant values are typically located. CalEEMod calculates and tabulates both criteria and GHG emissions, so the criteria pollutant data appears to have been deleted. As stated in the APCD

A-1

**A. Air Pollution Control District, San Luis Obispo County Comment Letter, cont.**

*Hansen Santa Margarita Quarry Draft EIR  
January 9, 2015  
Page 2 of 2*

letter dated July 22, 2013, **the APCD recommends that the criteria pollutants of the expansion project be included in the EIR.** This will allow full public review and disclosure of project emissions.

**A-1,  
cont.**

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,



Gary Arcemont  
Air Quality Specialist

GJA/lmg

cc: Tim Fuhs, Enforcement Division, APCD  
Gary Willey, Engineering Division, APCD

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## B. Hanson Heidelberg Cement Group Comment Letter



January 12, 2015

Airlin Singewald  
Department of Planning and Building  
County of San Luis Obispo  
976 Osos Street, Rm. 300  
San Luis Obispo, CA 93408

Dear Mr. Singewald:

These comments are submitted by Hanson Aggregates ("Hanson"), the owner and operator of the Santa Margarita Quarry. This letter provides Hanson's comments on the Draft Environmental Impact Report ("DEIR") for Hanson's proposed modifications to the Quarry's reclamation plan and conditional use permit (the "project").

Hanson would like to first express its gratitude to the Department of Planning and Building, its staff members and consultants for their efforts. Hanson recognizes the great deal of work and attention to detail that was required to prepare the DEIR, and appreciates the County's professionalism throughout the process.

The DEIR performs admirably to describe most elements of this quarrying and reclamation project. There are, however, certain aspects of the DEIR which require clarification, which Hanson is uniquely able to provide. We are taking this opportunity to provide our formal comments on the DEIR so that this information is before the County.

We have organized our comments to follow the general order in which language and concepts are introduced in the DEIR.

### ENVIRONMENTAL SETTING

#### *Section 3.1.1 (CEQA and Case Law)*

In this section, the DEIR suggests that CEQA requires analysis of the impacts of the *existing* quarry operations to the extent those impacts are carried further into the future by project approval: "Only those impacts associated with the quarry's *extended lifetime* within the proposed expansion area and final reclamation...are evaluated." Deeper in the document, in Sections 4.11 (noise), 4.14 (transportation) and 5 (cumulative impacts), the DEIR treats the prolongation of existing traffic and noise conditions as new impacts that individually or cumulatively warrant mitigation.

These sections, and the DEIR in general, must recognize that the continuation of baseline conditions later into the future does not create a mitigable impact under CEQA. CEQA defines the baseline as the "physical environmental conditions" when the environmental analysis begins.

B-1

**B. Hanson Heidelberg Cement Group Comment Letter, cont.**

(Guidelines, § 15125, subd. (a).) Legally, it is well established that where an existing operation is being re-permitted, the baseline includes all of the environmental impacts (traffic, noise, etc.) that are currently generated by the operation, and prolonging such activities does not create any cognizable impact. (See, *Citizens for East Shore Parks v. California State Lands Commission* (2011) 202 Cal.App.4th 549, 561; *Fairview Neighbors v. County of Ventura* (1999) 70 Cal.App.4th 238, 242.)

Hanson’s project is a fairly straightforward case. Project approval would lengthen the Quarry’s lifespan, but would not authorize any additional traffic or traffic-related noise along El Camino Real or SR 58. These baseline conditions – the “physical environmental conditions” in the vicinity – will be unchanged as a consequence of approval. (See, Guidelines, § 15125, subd. (a).) The DEIR states accurately at several points that the project will not change the volume or intensity of quarrying operations, but it must be clearer that prolonging the existing traffic and noise does not generate new impacts that require mitigation under CEQA.

**B-1,  
cont.**

**AIR QUALITY**

*Section 4.4.5 (Dust Control Mitigation)*

The dust control mitigation proposed in this section does not appear supported by any project-related impacts. The DEIR recognizes that quarrying-related air emissions are part of the baseline, and that the project will not introduce any new stationary emission sources (p. 4.4-10.) The DEIR also states that PM-10 emissions will potentially fall with the project because Hanson will introduce a conveyor to replace off-road truck trips (p. 4.4-10). Despite recognizing that the project involves “no new operational emissions” (p. 4.4-11), the DEIR proposes dust controls to mitigate for PM-10 impacts. As the project will not increase PM-10, this mitigation cannot by definition offset any project impacts.

Rather, the dust control plan appears to be intended to address the Quarry’s existing operations. The DEIR (at p. 4.4-11, ¶ 2) identifies the current Quarry PM-10 output of 63.3 tons per year, and states: “[b]ecause these emissions exceed [APCD’s thresholds] the impact of PM10 relative to conditions existing without the Proposed Project would be significant” (p.4.4-11, ¶ 2). CEQA is not designed to mitigate the effects of existing conditions. (See, *East Shore Parks*, 202 Cal.App.4th at p. 561; see also, *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, 1278-1281; *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 142, 145; CEQA Guidelines, § 15126.4, subd. (a)(3)-(4) [requiring nexus between mitigation and project impacts].)

**B-2**

Currently, Hanson uses a range of dust controls as part of the Quarry’s existing operations, and as required by its APCD air emissions permit. These dust controls include road watering, speed limits, and many of the same requirements in the proposed mitigation measure. Hanson does not object to the County confirming, in any conditions of approval, that Hanson is and will remain subject to specified PM-10 control measures. However, new dust controls are not independently warranted by the CEQA analysis, and the EIR should be modified to reflect this.

**B. Hanson Heidelberg Cement Group Comment Letter, cont.**

**BIOLOGICAL RESOURCES**

*Section 4.6.5*

*Western Spadefoot*

The DEIR requires a clarification on page 4.6-57. The fourth paragraph lists special status species that could occur in the RPA footprint and includes the western spadefoot. Western spadefoot is limited to vernal pool habitats, which are not present in the RPA footprint; therefore this species is not likely to occur.

**B-3**

*California red-legged frog*

Mitigation measure BIO-3.6 proposes protocol-level surveys for CRLF that are unwarranted, due to the lack of suitable CRLF habitat and because protocol-level surveys are not adaptable to the non-aquatic habitats present in the project area. WRA's biologists determined, through field assessments, that the project area has no suitable CRLF habitat due to a lack of aquatic resources and steep upland terrain. (WRA, 2012c.) While a small area of critical habitat has been mapped on the ridge in the northwest RPA Area, the area is dense chamise and northern mixed chaparral habitat that is unlikely to support CRLF, and after early coordination with USFWS, the USFWS concurred that mitigation was not necessary. (WRA, 2012c, 2013b.) Also, the existing protocol guidance (August 2005) indicates that protocol-level surveys are not adaptable to upland habitat: "[f]or sites with no suitable aquatic breeding habitat, but where suitable upland dispersal habitat exists, it is difficult to support a negative finding with the results of any survey guidance. Therefore, this Guidance focuses on site assessments and surveys conducted in and around aquatic and riparian habitat." Although the DEIR refers to the presence of CRLF in the Trout Creek watershed to the southwest, that watershed consists of perennial ponds and vernal pool habitats not present in the RPA Area. Given that conditions in the RPA Area are unlikely to support CRLF, the other pre-disturbance surveys in the DEIR (BIO-3.1, 3.2, 3.3, and 3.5) are adequate to protect against the low risk of CRLF presence.

**B-4**

*Salinas River Diversions*

The DEIR proposes a mitigation measure based upon the mistaken assumption that Hanson diverts water from the Salinas River for dust control. BIO-3.2(g) (page 4.6-65) proposes to bar diversions from the river to mitigate for an approximately three acre-foot increase in water use associated with the project: "Salinas River water use would increase by three acre-feet during a maximum production year under the Proposed Project..." (p. 4.6-57). These statements conflict with Section 4.15 (Water Quality and Supply), however, where the DEIR correctly states that the water will be drawn from the existing pit impoundment, not the river:

Under the proposed expansion, at full development, dust suppression water needs would increase by 2.8 afy... The proposed increase in dust suppression water use (2 to 3 afy) for expanded quarry operation would be provided by water collected in the existing impoundment... The hydrogeologic assessment prepared for the Proposed Project indicates that the water collected in the impoundment would be adequate to supply the 2 to 3 afy increase for dust suppression water needs (Golder Associates, 2012). Since the quarry's impoundment water supply would be able to adequately accommodate increased water supply demand, no additional extraction from the Salinas River would be required and the increase

**B-5**

## B. Hanson Heidelberg Cement Group Comment Letter, cont.

in water use related to dust suppression would be less than significant.

(DEIR, p. 4.15-15.)

As such, part (g) of BIO-3.2 appears to be in error, is in conflict with Section 4.15, and is otherwise not supported by the DEIR analysis. Hanson requests that the County remove this element of the mitigation measure in the Final EIR.

### *Other Mitigation Measures*

Mitigation measure BIO-3.3, at the bottom of Page 4.6-65, states that any listed plants shall be flagged for avoidance; this should be revised to state that listed plants shall be flagged for avoidance if agency authorization for removal and relocation has not been obtained.

Mitigation measure BIO-3.6, bullet one (on p. 4.6-68), states a full-time biological monitor will monitor vegetation clearing and initial site grading within occupied CRLF habitat. Because no aquatic habitat exists, occupancy cannot be established using protocol-level surveys. This measure should be revised to state if CRLF are detected during clearance surveys and it is deemed safe to do so, then a biological monitor may be required to be present during clearing activities.

## NOISE AND VIBRATION

### *Section 4.11.5 (Traffic Noise)*

The DEIR misstates the noise impacts associated with the project. The DEIR assumes that traffic-related noise along local roadway segments will increase from implementation of the project. Specifically, the DEIR states that some road segments may experience an increase of up to three decibels, and that because these roadways already exceed general plan noise limits, the increase would be significant and unavoidable. (DEIR, p. 4.11-13.)

The DEIR's conclusion is fundamentally inconsistent with other information in the DEIR. Traffic will not increase as a result of project approval, as the DEIR recognizes in many passages. (DEIR, pp. 2-10, 4.4-11, 4.4-13, 4.5-7, 4.10-8, 4.14-2, 4.14-8, 4.14-9.) Quarry-related traffic is limited to 294 two-way truck trips daily, and fluctuates within such limit based upon the market demand for quarried material. (DEIR, pp. 2-2, 2-8.) The project would extend mining to new areas, but not change throughput or authorize any increase in the number of trucks that visit the Quarry. Because project approval would not increase the number of trucks on local roads, it would not cause an increase in traffic-related noise.

The DEIR's conclusion appears to result, at least in part, from a misinterpretation of information in a noise study by Bollard Acoustical Consultants. The Bollard report recognized that traffic noise may increase by three decibels between the average and peak traffic conditions. Bollard presented this data in Table 10 of its report. Both average and peak traffic are part of the current setting, however. Moreover, peak traffic is reflected within the average which forms the baseline. (DEIR, pp. 2-2, 3-1, 4.11-5, 4.14-8-9.) Bollard concluded that the project would not cause any significant noise impacts.

The DEIR departed from Bollard's analysis, however, by inaccurately describing the three-decibel difference in traffic noise as a consequence of the project rather than as an existing condition. Table 4.11-8 in the DEIR describes the variance as the "[m]aximum increase in noise

B-5,  
cont.

B-6

B-7

B-8

4/9

**B. Hanson Heidelberg Cement Group Comment Letter, cont.**

levels *due to proposed project.*" (DEIR, pp. 4.11-13-14, italics added.) In this manner, the DEIR conveys the mistaken impression that traffic noise will increase due to project approval, when in fact no additional Quarry traffic would be either authorized or a foreseeable consequence of the project's approval.

**B-8,  
cont.**

Hanson recommends that the County revise the DEIR discussion in order to recognize that traffic-related noise will not increase as a consequence of project approval. This change also would need to be reflected in other sections of the DEIR which incorporate the current analysis, including Section 5 (cumulative impacts) and Section 6 (alternatives).

*Section 4.11.5 (Major Domo Lot Line Adjustment Project)*

Hanson also believes the DEIR requires some clarification concerning the project's relationship with the nearby Major Domo Lot Line Adjustment project. The DEIR reasoned that Hanson's project could have a significant noise impact upon neighboring land, if noise exceeded the 50 decibel limit established by the Noise Element Policy 3.3.5(b), should the Major Domo project eventually result in new development.

**B-9**

Policy 3.3.5(b) applies, however, only where pre-existing noise sources undergo modifications that increase noise, and such an increase exceeds 50 decibels to vacant land. Here, project approval will not increase traffic noise along local roads because, as explained above, no additional traffic would be authorized by the project. Moreover, to the extent that future mining in the extension area shifts the operational noise sources, Bollard's study showed that any noise increases would be small and will remain significantly below the 50-decibel threshold set by the general plan. (See, Bollard, Table 9.) Thus, the EIR should clarify that Hanson's project does not pose any significant impacts with regard to the Major Domo project.

In addition, Hanson recently reduced the speed limit on the main access road which enters the Quarry site from El Camino Real. Hanson has reduced the speed limit along this road from 44 MPH to 35 MPH. This change can be expected to reduce road noise for any current or future receptors in proximity to this road.

**B-10**

**RECREATION**

*Section 4.13.5 (Salinas River Trail)*

The DEIR proposes mitigation in the form of a trail dedication, to address possible impacts to recreational opportunities. The DEIR does not identify a location or configuration for such a trail, leaving it to future determination.

The rationale for this mitigation is hard to follow. The DEIR correctly states that no recreational facilities exist at the project site, and that no existing resources would be affected by the project. (DEIR, p. 4.13-5.) The DEIR also states that no recreational trails are currently planned for the site, and the nearest segment of the (proposed) Salinas River Trail is 1.3 miles away. (Id.) Thus, this mitigation measure would not compensate for any loss of existing or planned recreational facilities.

**B-11**

The DEIR goes on to suggest that the project site, or adjacent lands under the same ownership, *could* be designated for a trail in the future. (DEIR, p. 4.13-5.) In addition, the DEIR states that any commuter bicyclists traveling along Highway 58 may perceive a lesser experience due to heavy truck traffic (although such traffic is baseline and not a consequence of the project).

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**B. Hanson Heidelberg Cement Group Comment Letter, cont.**

But these scenarios are speculative at best, and difficult to link to any foreseeable impacts of the project. They do not appear to meet the minimum requirements (proportionality, nexus, adopted plans) listed under Policy 3.13 of the Parks and Recreation Element, which the DEIR describes at page 4.13-2.

In sum, the DEIR does not appear to identify any impacts to recreation warranting the dedication of land as proposed in REC-1. Nonetheless, Hanson is willing to consider dedicating such a trail easement at a future date, as part of the final reclamation process for the Quarry site, if the conditions of approval make clear that no dedication or trail development may occur until all mining and reclamation activities have concluded. This avoids the public safety risks that would arise if the public was allowed in proximity with activities at the site.

**B-11,  
cont.**

**TRANSPORTATION AND CIRCULATION**

*Section 4.14.5 (Traffic Mitigations)*

Hanson believes that the DEIR accurately describes the baseline traffic conditions generated by current quarry operations, but proceeds to improperly assign impacts and mitigation measures on the basis that the project would extend quarrying operations further into the future. As explained above, prolonging the baseline conditions does not create impacts that are cognizable under CEQA.

The DEIR begins its traffic analysis by correctly recognizing that the Quarry already generates truck traffic, and that the Quarry’s baseline traffic volumes will not increase as a result of project approval:

Traffic volumes from existing quarry operations, under both normal and peak operating conditions, are part of the baseline traffic conditions discussed below for study area roadways. As discussed in EIR Section 2.0 (Project Description), the Project would not generate new traffic volumes over existing conditions, but instead extends daily baseline trip generations by continuing quarry operations.

**B-12**

(DEIR, p. 4.14-2.) The DEIR makes a nearly identical statement at page 4.14-8, and on page 4.14-9 the DEIR explains that “average and peak daily traffic from current operations represents that generated by the Proposed Project.”

The DEIR also explains that the existing traffic is currently accommodated by local roadways. All local roadways currently operate at acceptable levels of service with the existing Quarry traffic, and the project would not diminish the Level of Service (LOS) to unacceptable levels (pp. 4.14-9-10). Similarly, the DEIR states that traffic volumes approaching the Quarry access road “do not warrant...a separate left turn lane. (DEIR, p. 4.14-15.)

The DEIR nonetheless proceeds to describe three different mitigation measures (TR-1, TR-2 and TR-3) for traffic impacts. The first would require Hanson to pay for improvements to Santa Margarita-area intersections; the second would require road improvements at the Quarry’s access road intersection; and the third would require Hanson to monitor and/or pay for Highway 58 damage. The measures are in general not well defined, leaving the scope and terms for later determination. The County also appears to have no road improvement or development impact fee assessment for this area, apart from County-wide fees.

**B. Hanson Heidelberg Cement Group Comment Letter, cont.**

The premise for each mitigation measure is that the project will lengthen the Quarry’s operating life. The DEIR specifically relies upon the Quarry’s “continuing” effect on local roads as the basis for each mitigation measure. In essence, the DEIR proposes to require mitigation for continuing baseline conditions. The analysis, however, is not supported by CEQA. As explained above, CEQA is not designed to mitigate the existing, baseline conditions. (*East Shore Parks*, at 561.) Because Quarry traffic is part of the baseline and will not increase due to project approval, there are no traffic impacts that warrant mitigation. The same analysis applies with respect to the supposed Highway 58 Bicycle Level of Service (BLOS) impacts described on pages 4.14-18-19. Hanson submits that any traffic (or BLOS) impacts should be designated as Class III, and the EIR revised accordingly.

**B-12,  
cont.**

Hanson appreciates the County’s governmental interest in ensuring that local roadways are maintained. Hanson would support efforts by the County to establish an appropriate program to ensure this need is met. Hanson also is open to discussing improvements at the intersection of the Quarry’s access road and El Camino Real to address any specific concerns within the context of the conditions of approval. This issue cannot, however, be addressed as part of the CEQA review under these circumstances.

**CUMULATIVE EFFECTS**

*Section 5.3.10 (Noise and Vibration)*

The cumulative impacts discussion concerning noise should be revised to match any revisions to the project-level noise analysis in Section 4.11. The cumulative impacts discussion incorporates the same mistaken assumption that traffic-related noise will increase as a result of project approval. Both sections should be revised.

**B-13**

*Section 5.3.13 (Transportation and Circulation)*

As with noise, the cumulative impacts discussion of traffic should be revised to be consistent with any changes made to Section 4.14. The cumulative analysis adopts the identical approach taken in Section 4.14, and treats the continuation of the baseline traffic conditions as an impact that warrants mitigation. This analysis should be corrected as explained above.

**B-14**

**COMPARISON OF ALTERNATIVES**

*Section 6.1.2 (Significant Effects)*

Hanson comments that this section will need to be revised to track any changes to the main noise analysis in Section 4.11. The discussion on pages 6-2 and 6-3 incorporates the same assumptions that traffic-related noise will increase with the project, and will be significant and unavoidable. Once these assumptions are corrected, the alternatives section should be revised for consistency.

**B-15**

*Section 6.3 (Alternative 2)*

The discussion of the Enhanced Reclamation Alternative (Alternative 2) on page 6-7 proposes changes to the mine design that Hanson submits are infeasible and do not merit further consideration. Alternative 2 involves a significant redesign the quarry pit to provide for wildlife habitat. The alternative would flatten the pit slopes to give wildlife better access to the pit floor.

**B-16**

**B. Hanson Heidelberg Cement Group Comment Letter, cont.**

Alternative 2 also proposes the creation of seasonal wetland habitat on the pit floor by adding topsoil and wetland revegetation to this area.

A number of problems exist with this proposal. First, the DEIR acknowledges that Alternative 2 would not compensate for any project impacts to wildlife or habitat: "it would not reduce or eliminate any of the impacts associated with the Proposed Project." (DEIR, p. 6-8.) In this regard, CEQA limits its consideration of alternatives to those which "substantially lessen the significant environmental effects" of a project. (Pub. Resources Code, § 21002.) "[A]lternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project." (CEQA Guidelines, § 15126.6(f).) Where, as in this case, an alternative does not compensate for any project impacts, it should not be considered.

Second, Alternative 2 proposes activities that may not be technologically possible. Alternatives must be technologically feasible. (Pub. Resources Code, §§ 21002, 21061.1; CEQA Guidelines, § 15364.) Because the pit does not receive groundwater, the alternative assumes that rainfall will be sufficient to establish and sustain wetland vegetation. As described in the Golder Associates 2012 report, however, rainfall that accumulates seasonally is expected to evaporate in the dry season in average rainfall years. Wetlands vegetation such as willow trees, cottonwoods, and cattails are water-intensive and usually require either a groundwater connection or perennial water source that is not available here. As such, a sustained wetlands system does not appear to be possible. Hanson further notes that Alternative 2 calls for Hanson to track-walk bulldozers on bench faces of 60-70 degrees and to apply growth medium on the slope faces. (DEIR, p. 6-7.) In Hanson's experience it is not safe or operationally possible to track-walk a bulldozer on slopes at such angles. Hanson's experience also indicates that growth medium will not adhere to a slope of 60 degree or more due to the slick nature of the native surface.

Third, Alternative 2 functionally amounts to a redesign of Hanson's quarry operation. The alternative involves a "reduction of the northeast and east sides of the excavation pit to a slope of 45 degrees and the northwest and west slopes to 55 degrees" to improve wildlife access. (DEIR, p. 6-7.) Hanson's engineers have preliminarily considered the implications of this proposal. In short, changing the bench face angle requires either: (1) moving the crest of the pit outward (i.e. expanding the footprint of the project and affecting ridgelines) to maintain the same volume of available reserves, or (2) moving the toe of the highwall(s) in at the pit bottom, which will significantly reduce the volume of material that can be mined, and reduce the pit floor size (i.e., where the alternative creates wetland habitat). In short, the practical result of the proposal is either to increase the impacts or reduce the benefits of the project by curtailing Hanson's ability to mine the site.

Finally, the proposal to apply a stain upon reclaimed rock faces visible from SR 58 is inconsistent with the DEIR's conclusion that the project will have no visual impacts. The DEIR states in Section 4.2 (pp. 4.2-18-19) that the project would have a "beneficial effect as compared to existing conditions" because implementation will reduce the visibility of mined lands from SR 58. Thus, impacts are less than significant impact or nonexistent with respect to views and scenic vistas (p. 4.2-18-19). In the absence of visual impacts, the analysis does not warrant alternatives designed to minimize such impacts. (See, CEQA Guidelines, § 15126.6(f) ["alternatives shall be limited to ones that would avoid or substantially lessen...significant effects"].) Similarly, there is no basis for the statement on page 6-20 which assumes "impacts associated with aesthetics and visual resources." The alternatives discussion should be revised to track the impacts analysis with respect to visual impacts.

**B-16,  
cont.**

**B. Hanson Heidelberg Cement Group Comment Letter, cont.**

**OTHER MISCELLANEOUS CORRECTIONS**

On page ES-5, first commenter summary, the second sentence refers to 294 truck trips “annually,” and this should be changed to “daily.” | B-17

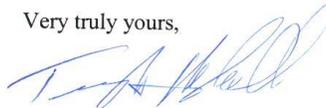
On page ES-6, last paragraph, the DEIR refers to “64 years (29 years of mining plus five years of final reclamation).” This should be corrected to “64 years (59 years of mining plus five years of final reclamation).” | B-18

On page 4.5-7, first paragraph, the DEIR states that the project would “extend” mining operations by 59 years. In fact, 59 years describes the entire projected lifespan of the mining operation within the existing and proposed RPA areas. Similar clarifications are needed at page 4.5-8, second full paragraph; on page 4.6-43, second full paragraph; and twice on page 4.14-15, in each of the last two paragraphs. | B-19

**CONCLUSION**

Hanson appreciates the County’s work in preparing the Draft Environmental Impact Report. We look forward to continuing to work with staff and its consultants to finalize the EIR and CEQA process, and we will be prepared to answer questions and concerns as needed during the Planning Commission’s hearing on the project. | B-20

Very truly yours,



Terry Marshall  
Hanson Aggregates

cc:  
Sean Hungerford, Esq. – Harrison Temblador Hungerford & Johnson  
Ryan Jacoby – VP/GM Hanson Aggregates  
Cindy Chambers – Wallace Group

## **2.3 Responses to Written Comments Received on the Draft Environmental Impact Report**

The response to each comment in each letter received on the Draft EIR uses the same alpha-numeric coding system as found in the comment letters, as presented in Final EIR Section 2.2 (Written Comments Received on the Draft Environmental Impact Report).

### **2.3.1 Responses to Written Comments: County of San Luis Obispo Air Pollution Control District (Comment Letter A)**

A-1. The Air Pollution Control District (APCD) requests that the criteria air pollutants of the Proposed Project be included in the Final EIR. The Draft EIR identifies all stationary and mobile sources associated with existing operations and the various permits issued by the APCD (see Draft EIR Table 4.4-4, page 4.4-5), and includes an inventory for greenhouse gas (GHG) emissions (see Draft EIR Table 4.5-3, page 4.5-3), thereby covering the existing operations and activities that would become part of the Proposed Project. In Response to Comment A-1, the County Department of Planning and Building has prepared a separate criteria air pollutant inventory for existing quarry operations that is included as part of this Final EIR (see Final EIR Chapter 3, Revisions to the Draft Environmental Impact Report). While the Applicant originally used the CalEEMod software to develop the GHG inventory, the County Department of Planning Building independently verified the calculations, relied on the Applicant's typical activity levels, and developed spreadsheet calculations to arrive at the separate air pollutant inventory. The supporting spreadsheet printouts showing assumptions, emission factors, and citations are included as part of the Project's administrative record to allow for full public review and disclosure of the data. The purpose of the separate air pollutant inventory is to clarify the existing levels of emissions attributable to existing quarry operations. No additional modifications to the air quality impact analysis have been deemed necessary.

### **2.3.2 Responses to Written Comments: Hanson Heidelberg Cement Group (Comment Letter B)**

B-1. Comment noted. The County understands and concurs that the Proposed Project, or Project, is an expansion of the existing quarry's operations, and that existing operations generally reflect baseline conditions. The County additionally understands that the existing quarry's operations include vested rights within some Project parcels, as acknowledged in Draft Environmental Impact Report (Draft EIR) Section 2.4.2 (Existing Entitlements and Approved Reclamation Plan).

At the time that the Draft EIR was initiated (June 2013), the Applicant verified that the quarry's 10-year average "baseline" operation between 2003 and 2012 was an appropriate gauge for analysis, which equaled a production rate of 544,877 tons of aggregate material annually (see Draft EIR Section 2.4.2 and Table 2.1-1). The County concurs that this baseline generally reflects conditions related to traffic and noise that sensitive receptors have been, currently are, and will continue to be exposed to in the future. The County notes, however, that any quarry's daily, monthly, and annual maximum production rates are highly contingent on market demand and that they can fluctuate substantially. As noted in Draft EIR Section 2.4.2 and EIR Table 2.1-1, the Project's maximum allowable production rate is 700,000 per year, and the quarry is permitted to accommodate large construction projects that demand aggregate material for continuous or nearly continuous periods of concrete pouring, including, but not limited to:

- Rock sales for a maximum of 16 hours of each 24 hours beginning and ending at 6:00 a.m. (up to 80 days per year for a public agency contract);
- Up to 294 round trip truck trips per day;
- Rock sales starting at 5:00 a.m. (70 days per year for the general public); and
- Secondary processing from 5:00 a.m. to 7:00 a.m. (June 15 to September 15).

The County appreciates and acknowledges that the Proposed Project does not involve any change to the quarry's existing maximum production rate. However, it is the County's practice, when acting as the lead agency under the California Environmental Quality Act (CEQA), to provide the public with the greatest degree of transparency and disclosure possible, consistent with CEQA Section 21005(a), State CEQA Guidelines Section 15003(i), and the County's policies for implementation of CEQA (Policies O and C). It is also the County's practice to take a conservative approach to all discretionary actions and their related environmental review documents so that all of the potential effects of a project are identified as accurately as possible. With these goals in mind, it is the County's position that although the Applicant's average baseline operations may reflect "typical" conditions, the Applicant's technical assessments and studies do not detail the effects of maximum production rates independently of the average 2003 through 2012 production rate (or any other average), and thus these reports do not explicitly estimate what could occur under peak production should it occur for a prolonged period (e.g., a "worst case" scenario for the purposes of full public disclosure). Consequently, to augment the Applicant's technical assessments, the Draft EIR includes consideration of the quarry at maximum production for decision makers and the public to consider.

It is understood that the continuation of the Project's existing and average operations are considered part of baseline and should not be considered impacts in-and-of-themselves; revisions to the text of the Final EIR have been made to clarify this point.

- B-2. Comment noted. As described in Response to Comment B-1, the County's practice is to disclose all of the potential effects of a project as accurately as possible. The information contained in the Draft EIR under the air quality discussion for existing quarry operations (Draft EIR pages 4.4-4 to 4.4-6), reflects the Applicant's average baseline operations and "typical" conditions, rather than the effects of maximum production rates or peak production for a prolonged period, should it occur. The air quality impact analysis (Impact AQ-1, Draft EIR page 4.4-11) shows levels of PM10 emissions that would exceed the County's significance thresholds. Because the Draft EIR includes consideration of the quarry at maximum production for decision makers and the public to consider, mitigation is recommended as a means of reducing PM10 emissions (Mitigation Measure AQ-1). As noted by the comment, existing dust control practices may be effective at implementing portions of the mitigation, and demonstrating compliance with the mitigation measure would involve implementing many of the same controls that are already used. Therefore, no modifications to the air quality impact analysis or its associated mitigation measures are deemed necessary.
- B-3. Thank you for your comment. Draft EIR Section 4.6 (Biological Resources) acknowledges that vernal pool habitat does not occur in the proposed Reclamation Plan Amendment (RPA) footprint. However, as noted on Draft EIR page 4.6-21, the western spadefoot (*Spea hammondi*) is known to occur in the region and may occur in portions of the RPA area adjacent to the Salinas River. As described in Draft EIR Table 4.6-3, this species breeds in temporary rainpools and other aquatic areas such as the Salinas River. The spadefoot forages and aestivates in

adjacent upland habitats, usually within about 1,200 feet of aquatic habitats (Semlitsch and Brodie, 2003; United States Fish and Wildlife Service, 2005). Therefore, this species could occur in portions of the RPA area and no revisions have been made to the EIR.

B-4. Thank you for your comment regarding surveys for the California red-legged frog (*Rana draytonii*). The County acknowledges that there is no aquatic habitat within the RPA footprint that could support this federally listed species; however, as described in the Draft EIR on page 4.6-58, California red-legged frogs are known to make overland movements of one mile or more. Protocol-level surveys have not been conducted in the adjacent Salinas River, and the potential for red-legged frogs to occur there is unknown. If this species occupies the adjacent Salinas River, it could move into the RPA area and the RPA footprint during the operational life of the Project and thus could be subject to take under the Federal Endangered Species Act. The surveys recommended in Mitigation Measure BIO-3.6 would document the status of this species in the adjacent Salinas River, and, if present, avoidance measures would be implemented during Project activities within 500 feet of occupied habitat(s). Mitigation Measure BIO-3.6 has been revised to clarify that surveys will be required in aquatic habitats associated with the Salinas River, and that implementation of avoidance measures are required in the RPA footprint within 500 feet of any occupied habitat.

B-5. Thank you for your comment. The additional water use from the Salinas River described in Draft EIR Section 4.6 (Biological Resources) is for aggregate processing, not dust control. As described in Draft EIR Section 4.15 (Water Quality and Supply), water for the aggregate processing is supplied from the Use Pond, which is recharged from the Source Pond. The Source Pond is fed by the Salinas River. Page 4.15-16 of the Draft EIR states:

*The maximum water use under the Proposed Project would occur during a year of maximum permitted aggregate production (i.e., 700,000 tons in one year). The Applicant estimates that an additional 33 afy would be required to process the aggregate during a maximum production year over an average year. Since 90 percent of the water is returned to the settling ponds, and most of that is returned to the underflow of the Salinas River, the Proposed Project would be expected to use (and consume) an additional three acre-feet of water during a maximum production year in comparison to the baseline average use.*

Therefore, the analysis presented in Draft EIR Section 4.6 (Biological Resources) does not conflict with the information presented in Draft EIR Section 4.15 (Water Quality and Supply). No revisions have been made to Mitigation Measure BIO-3.2 part (g), which states that no diversions from the Salinas River will occur if the diversion would result in a complete curtailment of downstream flows below the diversion.

B-6. Thank you for your comment requesting clarification of Mitigation Measure BIO-3.3. The requested revision has been made as follows: "Any listed plants shall be flagged for avoidance, unless impacts are authorized by CDFW and/or USFWS, as appropriate."

B-7. Thank you for your comment regarding Mitigation Measure BIO-3.6. The first bullet has been revised to clarify that monitoring is required within 500 feet of occupied California red-legged frog habitat. Please see Response to Comment B-4 for additional clarifications regarding Mitigation Measure BIO-3.6.

B-8. The commenter states that noise levels would not increase significantly as a result of the Project because quarry-related traffic would remain limited to 294 two-way truck trips daily. The

commenter also states that comparing existing average noise conditions to noise conditions with the Project at peak operation is a flawed approach because: (1) peak traffic is part of the current setting; and (2) peak traffic is reflected within the average which forms the baseline.

The comment also states that the approach to the analysis in the noise and vibration analysis is inconsistent with other analyses presented in the Draft EIR. It is noted that the County agreed to use Applicant prepared technical studies and analyses to the extent that their content could be validated through peer review and data verification. As related to the Draft EIR's analyses that are quantifiable in nature (such as Air Quality, Noise and Vibration, and Transportation and Circulation), the Applicant's consultants did not use the same years for the quarry's operational "average," or baseline, that was agreed upon for establishing the Draft EIR's operational "average," or baseline and thus there is an inherent difference, from one discipline to another, regarding the characterization of "existing conditions." This is considered technically acceptable, as a quarry's daily, monthly, and average production is a function of market demand and can vary widely, as noted in Draft EIR Table 2.5-3. The use of the Applicant's materials and its option to decline, on occasion, requests for further detail, causes some slight inconsistencies between baseline assumptions and time frames. This is fully documented in each technical section/resource-specific analysis of the Draft EIR under its "Existing Conditions" and "Environmental Impact Methodology" sections.

It should be noted that the commenter, in Comment B-8, acknowledges that existing average conditions are the baseline against which the potential noise impacts of the Project are to be evaluated. This is also considered the baseline in the Environmental Noise Assessment prepared by Bollard Acoustical Consultants (Bollard, April 2012, as updated), which was referenced in the Draft EIR.

The Pinnacle Traffic Engineering Traffic Impact Analysis Update, which was referenced in the Draft EIR (November 2013), indicates that peak traffic events are part of baseline noise levels and that during the three year period from 2009 to 2011, the maximum limit of 294 truckloads per day was reached only once. It is possible that noise will generally stay at baseline levels throughout the 64-year life of the Project (i.e., operating at the maximum allowable level one day every three years). However, it is also possible that, if demand warrants, the Project could result in peak operations, and therefore peak traffic noise levels along local roadways for extended periods of time (e.g., the full 80 days per year that the quarry is allowed to generate 294 truckloads per day). In this situation, sensitive receptors would be exposed to peak traffic noise levels for greater periods of time. As noted in Response to Comment B-1, it is the County's practice, when acting as the lead agency under CEQA, to provide the public with the greatest degree of transparency and disclosure possible, consistent with CEQA Section 21005(a), State CEQA Guidelines Section 15003(i), and the County's policies for implementation of the California Environmental Quality Act (Policies O and C). It is also the County's practice to take a conservative approach to all discretionary actions and their related environmental review documents so that all potential effects of a project can be predicted as accurately as possible. With these goals in mind, the County believes that although the Applicant's average baseline operations as presented in the Traffic Impact Analysis Update may reflect "typical" (or average) conditions, the analysis does not fully reflect the effects of maximum production rates independently of average operations, and thus does not explicitly estimate what could occur under peak production should it occur for a prolonged period of time (e.g., maximum truck traffic for up to 80 days per year).

The commenter also states that the Environmental Noise Assessment prepared by Bollard concluded that the Project would not cause a significant noise impact because, in that assessment, peak traffic-related noise was considered to be part of existing Project conditions. However, the Bollard assessment states that the 3 dB difference between baseline and peak noise levels is not significant because it is below 5 dB standard of significance used in that study, and not because peak conditions were considered as part of the existing condition (Bollard, 2012, page 26). Furthermore, an EIR noise analysis cannot consider only the difference between baseline and peak noise levels. CEQA requires noise analyses to consider whether a project would increase noise levels above standards established in local General Plans and noise ordinances. Under the San Luis Obispo County General Plan Noise Element, which is referenced in the Draft EIR, the maximum allowable exposure of sensitive receptors to transportation noise sources is 65 dB Ldn/CNEL. Under peak operations, the Project would generate noise levels of up to 66 db Ldn along El Camino Real south of Santa Barbara Road and along SR 58 from Murphy Avenue and Pinal Avenue. Furthermore, and as discussed above, it was assumed that these peak noise levels could occur for extended periods of time (up to 80 days per year, for each of the quarry's remaining years of mining operation). It is because peak noise levels could exceed the 65 dB Ldn threshold for extended periods of time, and not because of the 3 dB difference between baseline and peak noise levels, that the noise analysis in the Draft EIR concluded that the potential Project-specific and cumulative traffic noise impacts are significant and unavoidable.

Based upon the above, the noise analysis contained in the Draft EIR was done correctly, and no text changes to the Project-specific, cumulative, or alternatives analyses for noise and vibration in the Final EIR are considered warranted in comparison to the Draft EIR.

- B-9. Policy 3.3.5(b) of the County's General Plan Noise Element applies to existing stationary noise sources which undergo modifications that may increase noise levels. The commenter acknowledges that future mining in the proposed expansion area would shift the location of operational noise sources, but states that the Bollard Environmental Noise Assessment showed that any noise increases would be small and would remain significantly below the 50 dB Leq threshold set by the above-referenced policy. Although Table 9 of the Bollard Environmental Noise Assessment does indicate that noise level increases at the selected sensitive receptor locations would be small and below the 50 dB Leq threshold, Appendices G-2 and G-3 of the Bollard assessment show that a small portion of the area associated with the Major Domo Lot Line Adjustment would be exposed to noise levels at or above 50 dB Leq. This area does not currently contain sensitive receptors and therefore is not represented in Table 9 of the Bollard assessment. Land use on the two parcels that would be created as a result of Major Domo Lot Line Adjustment would be restricted to agriculture, and up to two rural residences could be built on each parcel. Consequently, the probability of a residence or other noise sensitive land use being developed within the area that is subject to noise levels at or above 50 dB Leq is relatively low. However, as outlined in Response to Comments B-1 and B-8, the County has made the conservative determination that this unlikely, but still possible, scenario conflicts with Policy 3.3.5(b) of the Noise Element and is therefore a significant and unavoidable impact. The conclusions and text of the Final EIR, therefore, have not changed in comparison to the content of the Draft EIR.
- B-10. The commenter states that Hanson (the Applicant) recently reduced the vehicle speed limit on the main access road from which trucks enter and exit the Quarry site from El Camino Real. This information was not made available at the time that the Notice of Preparation of the Draft EIR

was published and existing conditions were established. Furthermore, traffic noise along the quarry road was not discussed in the Draft EIR noise analysis because (1) there are no sensitive receptors located near the access road, and (2) the County does not have any codes governing impacts to vacant land from transportation noise sources. The County codes regarding noise levels at vacant lands only apply to stationary noise sources. Therefore, no changes to the text or analysis of the Final EIR have been in comparison to the Draft EIR.

B-11. Thank you for your comments. Applicant Proposed Measure (APM) REC-1 has been incorporated into the Proposed Project, and Draft EIR Section 4.13 (Recreation) and the Executive Summary and Project Description (Chapter 2) have been revised accordingly. Revisions to the recreation analysis were also added to clarify that an easement is necessary to ensure compliance with Policy 3.12.3.c of the County's Parks and Recreation Element, which states an easement may be obtained for a discretionary action in order to ensure that land will be available for the development of a public trail.

B-12. Please refer to Responses to Comments B-1 and B-8. Final EIR Section 4.14 (Transportation and Circulation) has been revised to clarify that the Project-level traffic analysis evaluates a "worst-case" scenario, under which the Proposed Project would continue quarry-related traffic beyond the existing land use permit (59 additional years through Phase IV) where the frequency of peak quarry operations significantly exceeds that of the existing quarry's "average" operations between 2003 through 2012.

In Response to Comment B-12, it is noted that Mitigation Measures TR-1 and TR-3 have been revised to reflect that the Applicant's fair share contribution to (1) traffic volumes in the community of Santa Margarita (MM TR-1), and (2) the deterioration of State Route 58's structural conditions (MM TR-3) will be determined based on any incremental increase to the quarry's operational baseline conditions, and not baseline conditions themselves.

B-13. The commenter states that the discussion concerning cumulative noise impacts in the Draft EIR should be revised in the Final EIR to match any revisions to the Project-level noise analysis. As indicated in Responses to Comments B-8, B-9 and B-10 no revisions to the Project-level noise analysis are deemed necessary and therefore no revisions to the cumulative noise impacts discussion have been made in the Final EIR.

B-14. Comment noted. As addressed in Response to Comment B-12, the impact conclusions of Draft EIR Section 4.14 (Transportation and Circulation) have not changed as a function of preparation of this Final EIR. Therefore, no revisions to Draft EIR Section 5.3.13 (Cumulative Effects, Transportation and Circulation) have been made.

B-15. Comment noted. As indicated in Responses to Comments B-8 through B-10, B-12 and B-13, the impact conclusions, at both Project-specific and cumulative projects levels of analysis have not changed. Therefore, no revisions to Draft EIR Chapter 12 (Comparison of Alternatives) for these two issue areas have been made.

B-16. The commenter is correct in that implementation of Alternative 2 (the Enhanced Reclamation Alternative) would require that the quarry's Final Reclamation be redesigned to allow for: (1) reduced final bench slope angles for enhanced wildlife movement; (2) an excavation pit that mirrors the approved (1981) plan for habitat enhancement; and, (3) the staining of exposed rock faces to reduce visual contrast with the surrounding area. This alternative was considered feasible because it would meet the objectives of the Project, would not change the Project's expansion and operational attributes during Mining Phases I through IV, and would lessen

impacts associated with the Project's effects on biological resources and aesthetics. It would also have the potential to improve site drainage and reduce onsite erosion, which would benefit surface water quality. As outlined in Draft EIR Section 6.3, the economic feasibility of Alternative 2 was determined to be, and remains, unknown. As a consequence, the alternative was considered appropriate for further consideration.

The commenter is also correct in noting that the Draft EIR states that Alternative 2 would not "reduce or eliminate any of the impacts [to biological resources] associated with the Proposed Project" (Draft EIR page 6-8, first full paragraph, last sentence); however, the commenter has omitted the first part of the sentence cited, which states that Alternative 2 would "be anticipated to result in enhanced long-term benefits [to biological resources] in comparison to the Proposed Project." Similarly, the commenter has omitted the first sentence of the first full paragraph of Draft EIR page 6-7, which states that "In addition to enhancing the wetland habitat, the Enhanced Reclamation Alternative would improve wildlife access to this habitat." For the purposes of the Draft EIR's discussion of Alternative 2, "enhance" and "improve" are considered to be synonymous with "lessen."<sup>1</sup> In other words, Alternative 2 would be expected to appreciably lessen, or minimize, a long-term impact of the Project through enhancement. This interpretation is consistent with State CEQA Guidelines Section 15126(b), which states that "...an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or *substantially lessening* [emphasis added] any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." The language of the Draft EIR has been modified for the purposes of this Final EIR to clarify this point (e.g., lessening the overall, long-term effects of the Project related to Impact BIO-1 (Impact native vegetation, including sensitive species) and Impact BIO-4 (Impact wildlife movement, migration, and nursery sites)).

For the purposes of the Draft EIR, Alternative 2 was developed at a conceptual level only, and is intended to increase habitat value by introducing seasonal wetland habitat through design and improved seed mixes. Although the description of Alternative 2 (Draft EIR Section 6.3) suggests that seasonal wetland habitat could include the incorporation of species such as cattails (*Typha sp.*) within the shallows of the excavation pit and willows (*Salix sp.*) or cottonwood (*Populus sp.*) around the edge of seasonal water, at no point in the description is it implied that a perennial water source would be necessary or mandatory. At a site-specific level of design, should the afore-mentioned species not be considered strong candidates for self-sustaining establishment, alternative native species could be recommended for seeding, the majority of which would be expected to attract similarly valued wildlife species. As presented in the Draft EIR, Alternative 2, at a conceptual level, is considered to be entirely feasible from a technological perspective. Numerous examples of such types of self-sustaining habitat in similar settings can be found throughout the County, and include riparian habitats supported by seasonal inundation (such as riparian scrub and woodlands) to perennially inundated habitats (such as freshwater marsh). Regardless of the specific composition of native and regionally appropriate plant species, Alternative 2 would provide enhanced wildlife values compared to the Proposed Project.

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<sup>1</sup> Merriam-Webster Online Thesaurus, [Online]: <http://www.merriam-webster.com/thesaurus/improve>; <http://www.merriam-webster.com/thesaurus/enhance>. Accessed March 10, 2015.

The commenter's concern regarding the safety of track-walking bulldozers on bench face slopes of 60 to 70 degrees is noted. As proposed, the Project would have final bench face slopes of 60 degrees along the quarry's north, northeast and east sides, and 70 degrees along its northwest sides. Under Alternative 2 these slopes would be set at 45 degrees along its northeast and east sides and 55 degrees along its northwest and west sides. As proposed, the Project specifies that completed benches would receive 24 inches of uncompacted growth medium, as stated in Draft EIR Section 2.5.3 (Proposed Quarry Phasing). Within the description of Alternative 2, as presented in Draft EIR Section 6.3, the track-walking treatment of the finished slopes to roughen their surface is specific to the bench face slopes recommended by Alternative 2 and not those proposed under the Project (e.g., slopes of 45 to 55 degrees, not 60 to 70 degrees). Additionally, the growth medium applied would also be on finished slopes of 45 to 55 degrees, not 60 to 70 degrees.

It is acknowledged that implementation of Alternative 2 would require redesign of the Proposed Project to accommodate the reduction in finished bench face slope angles (45 to 55 degrees, as opposed to 60 to 70 degrees). Although not specifically calculated, this redesign would be expected to reduce the final gross volume of aggregate material that could be mined, and could shorten the duration of Phase IV, which would, in fact, result in benefits related to the short-term impacts caused by the quarry's routine operations, such as on- and off-site air quality emissions and traffic and circulation. Regardless, the text of the Draft EIR describing Alternative 2 (Section 6.3) has been revised under "Project Objectives" to document the fact that it would not fully achieve the objectives of the Proposed Project because less aggregate material would be recovered (it is noted, however, that as presented in the Draft EIR, the description of Alternative 2 (Section 6.3) notes that Alternative 2 would only meet "basic" project objectives).

Draft EIR Figures 6-1 and 6-2 present simulations of the Proposed Project from State Route 58 immediately following the completion of mining (Figure 6-1) and after horizontal bench surfaces have been revegetated. Draft EIR Figures 6-3 and 6-4 provide "before and after" examples of how rock staining can reduce the visual contrast of exposed rock slopes with their surrounding areas. It is acknowledge that, as proposed, the Project would reclaim the RPA area during and following mining operations, and thus the impacts to aesthetics and visual resources analyzed in the Draft EIR are found to be less than significant (Class III). It is also fully recognized that CEQA does not require that alternatives to a project be identified for impacts that are less than significant (e.g., impacts that require no mitigation "as is" or have been mitigated "by design"). However, similar to the discussion provided in the second paragraph of this response (Response to Comment B-16), the rock staining proposed under Alternative 2 would serve to lessen the Proposed Project's residual effects related to aesthetics and visual resources. As such, and consistent with the County's Conservation and Open Space Element Goals VR 1, VR 2 and VR 4, as outlined in Draft EIR Section 4.2 (Aesthetics and Visual Resources), the rock staining element associated with Alternative 2 has not been deleted.

- B-17. Comment noted. The text of the Final EIR has been revised to reflect the noted correction.
- B-18. Comment noted. The text of the Final EIR has been revised to reflect the noted correction.
- B-19. Comment noted. The text of the Final EIR has been revised to reflect the noted correction.
- B-20. Comment noted. Thank you for your participation in the Project's environmental review and decision making process.