

### 3. Revisions to the Draft Environmental Impact Report

The Draft EIR, as revised by this document, collectively comprise the Final EIR for the Proposed Project, in accordance with State CEQA Guidelines Section 15132. Where revisions to the language of the Draft EIR have been made the text in this chapter has been marked in strike-through (~~strike-through~~) for deletions and underline (underline) for additions. These revisions have been made per the comments received on the Draft EIR, as presented in Final EIR Section 2.2 (Written Comments Received on the Draft Environmental Impact Report), and their associated responses, as provided in Final EIR Section 2.3 (Responses to Written Comments Received on the Draft Environmental Impact Report). The alpha-numeric coding system associated with these revisions corresponds to each of the bracketed comments contained in the written comment letters and their responses. Revisions to portions of the Draft EIR were additionally undertaken for its finalization, as applicable and indicated below.

#### Draft Environmental Impact Report Executive Summary

**Revision 1.** Per Responses to Comments B-1, B-4, B-6, B-7, B-11, B-17 and B-18, as well as for the purposes of finalizing the EIR, several revisions to the language of the Draft EIR Executive Summary have been made. These revisions are presented below by page number and paragraph (Items 1(a) through 1(m)).

- a. Draft EIR Section ES.2 (environmental Review Process), page ES-2, second paragraph:

~~This Draft EIR was made available is being released for agency and public review and comment from November 21, 2014 through January 12, 2015. Two comment letters on the Draft EIR were received, and the County has evaluated and responded to these letters as part of the document's finalization process. for a period of 45 calendar days. After completion of the public review period, all comments received on the Draft EIR will be evaluated and written responses will be prepared, along with any necessary revisions to the Draft EIR for the purposes of its finalization. The County's Planning Commission will then consider approval of the Final EIR and the Proposed Project's NTP and RPA at a noticed public hearing after completion and public distribution of the Final EIR.~~

- b. Draft EIR Table ES-1, page ES-5, first row, second column:

A commenter requests clarification as to whether the allowable 294 trucks associated with the quarry's permitted operation are round trip loads or single truck trips. It is clarified that the entire project property is permitted for 294 round-trip truck trips ~~daily~~ annually. The commenter additionally requests clarification on the quarry's operational hours from 5:00am to 7:00am as stated in the NOP. It is clarified that there was a typographical error in the NOP and that facility can operate from 5:00am to 7:00pm for a certain number of days per year as specified in the quarry's permit.

- c. Draft EIR page ES-6, final paragraph:

Under the proposed expansion, mining operations would occur in four overlapping phases. Each phase would include: vegetation removal, topsoil salvaging and overburden stripping; blasting; shot rock extraction and transport; and material processing. Concurrent reclamation would occur with mining where practicable on those benches that have achieved their final contours. Final reclamation of the Proposed RPA area would be completed after mining Phase IV has been completed. It is anticipated that all four mining phases and final reclamation would all be completed

in approximately 64 years (259 years of mining plus five years of final reclamation). Table ES-2 summarizes each mining and final reclamation phase.

d. Draft EIR page ES-7, final paragraph:

Implementation of the Proposed Project would additionally result in adverse impacts that can be mitigated to a level of less than significant (Class II) related to agricultural resources, air quality, biological resources, cultural and paleontological resources, geology, soils and mineral resources, hazards and hazardous materials, recreation, transportation and circulation, and water quality and supply, as summarized in Table ES-4. All other impacts associated with the Proposed Project's implementation would be less than significant (Class III), none (No Impact), or beneficial (Class IV) as summarized in Table ES-5.

e. Draft EIR Table ES-4, page ES-13, final row, second column:

**MM BIO-1.1: Compensate for permanent excavation-phase impacts to vegetation.** To compensate for permanent impacts to vegetation in the Proposed RPA footprint, the Applicant will implement one or more of the following: (1) onsite preservation of vegetation (in Proposed RPA area but outside of the Proposed RPA footprint), (2) acquisition and preservation of offsite lands, or (3) payment to an appropriate in-lieu fee program in the region. Compensation will be required at the following ratios (acres preserved to acres removed):

- Oak woodlands: 3:1
- Riparian woodland or scrub: 3:1
- Northern mixed chaparral: 1:1
- Chamise chaparral: 1:1
- Nonnative annual grassland, disturbed, and operational water features: no mitigation required

Compensatory mitigation lands shall be private lands and contain the same quality and types of vegetation impacted by the Proposed Project. A conservation easement shall be recorded on the mitigation lands to protect the existing plant and wildlife resources in perpetuity, and the Applicant shall fund an endowment for the management of compensation lands. The conservation easement shall be recorded immediately upon the dedication or acquisition of the land.

The Applicant shall either donate conservation easements or provide funds for the acquisition of conservation easements to a "qualified easement holder" (defined below). To qualify as a "qualified easement holder" a private land trust must have:

- Substantial experience managing conservation easements that are created to meet mitigation requirements for impacts to special-status species;
- Adopted the Land Trust Alliance's Standards and Practices; and
- A stewardship endowment fund to pay for its perpetual stewardship obligations.

The County shall determine whether a proposed easement holder meets these requirements.

The Applicant shall also be responsible for providing the qualified easement holder fees sufficient to cover: (1) administrative costs incurred in the creation of the easement (appraisal, documenting baseline conditions, etc.); (2) funds to implement initial site clean-up and rehabilitation/restoration,

as necessary; and, (3) funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the easement holder in consultation with the County.

The conservation easement(s) shall:

- Be held in perpetuity by a qualified easement holder (defined above).
- Be subject to a legally binding agreement that shall: (1) be recorded with the County Recorder(s); and (2) name CDFW or other approved organization to which the easement(s) will be conveyed if the original holder is dissolved.

Prior to County issuance of a Notice to Proceed, the Applicant shall obtain County approval of the location of mitigation lands, the holder of conservation easement(s), and the restrictions contained in said easement(s) created for the permanent protection of these lands. Documentation of recorded conservation easement(s) shall be submitted to and approved by the County prior to issuance of the Notice to Proceed. Verification of having met habitat mitigation requirements shall be reviewed and approved prior to the beginning of each Project phase by the County.

- f. Draft EIR Table ES-4, page ES-13, second full row, second column:

**MM BIO-3.3: Implement biological monitoring during all Project phases.** Prior to any Project excavation and reclamation activities, the Project Applicant shall retain a County qualified biologist(s) with demonstrated expertise with special-status plants and wildlife that could occur on site to monitor, on a daily basis, all vegetation removal and initial ground disturbance in previously undisturbed areas. Any listed plants shall be flagged for avoidance, unless impacts are authorized by CDFW and/or USFWS, as appropriate. Any special-status reptiles, amphibians, or terrestrial mammals (excluding listed species such as the California red-legged frog) found within a Project impact area shall be relocated to suitable habitat outside the impact area by the biological monitor(s). Clearance surveys for special-status species shall be conducted by the biological monitor(s) prior to the initiation of vegetation removal each day. The biological monitor(s) will have the authority to temporarily halt work to avoid impacts to special-status species or other protected biological resources. Once initial ground disturbance and vegetation removal is complete, daily monitoring may cease at that location.

If the biological monitor observes a dead or injured listed or other special-status wildlife species on the Project site, a written report shall be sent to the County, CDFW, and USFWS (as applicable) within five calendar days. The report will include the date, time of the finding or incident (if known), and location of the carcass and circumstances of its death (if known). The biological monitor shall, immediately upon finding the remains, coordinate with the onsite foreman to document the events that caused the mortality, if known, and implement measures to prevent future incidents. Details of these measures shall be included with the report. Species remains shall be collected and frozen as soon as possible, and CDFW and/or USFWS shall be contacted regarding ultimate disposal of the remains.

- g. Draft EIR Table ES-4, page ES-20, final row, second column:

**MM BIO-3.6: Conduct protocol surveys for California red-legged frogs and implement avoidance measures during all Project phases.** The Applicant shall retain a qualified biologist approved by the County to conduct surveys for California red-legged frogs in accordance with the most current USFWS protocol. Surveys will be conducted in all aquatic habitats associated with the Salinas River

~~within 500 feet of the RPA footprint. riparian areas in the RPA footprint and 500 feet of surrounding vegetated uplands.~~ Survey results are valid for two years; surveys must be repeated if more than two years passes between the initial survey and site disturbance. Surveys are required prior to initial ground disturbance in riparian and surrounding upland habitats at each new excavation area within 500 feet of aquatic habitat, and in ~~all riparian areas~~ aquatic habitats and surrounding 500-foot buffer areas that would be affected by reclamation activities.

If California red-legged frogs are identified during surveys, measures to avoid impacts shall be implemented. These include, but are not limited to:

- A full-time biological monitor will monitor all vegetation clearing and initial site grading ~~in~~within 500 feet of occupied California red-legged frog habitat during Project excavation and reclamation phases.
  - Where initial site disturbance can occur in presently undisturbed habitat where red-legged frogs are widely distributed, work areas will be fenced in a manner that prevents equipment and vehicles from straying from the designated work area into adjacent habitat. The authorized biologist will assist in determining the boundaries of the area to be fenced in consultation with the USFWS, CDFW, and the County. All workers will be advised that equipment and vehicles must remain within the fenced work areas. Fencing to exclude red-legged frogs will be at least 24 inches in height.
  - The authorized biologist will direct the installation of the fence and conduct a minimum of three nocturnal surveys to identify any red-legged frogs within the fenced area. If red-legged frogs are observed at any time in fenced areas, no activity will occur in the fenced area and the authorized biologist will consult with the USFWS and the County. No handling of red-legged frogs is authorized without take authorization from the USFWS.
  - If red-legged frogs are found in a work area where fencing was deemed unnecessary, work will cease and the authorized biologist will notify the USFWS and the County. The authorized biologist in consultation with USFWS, CDFW, and the County will then determine whether additional surveys or fencing are needed.
  - Vegetation clearing and initial site grading activities for all Project phases that may occur immediately adjacent to breeding pools or other areas where large numbers of red-legged frogs may congregate will be conducted during times of the year (winter) when individuals have dispersed from these areas or the species is dormant, unless otherwise authorized by the County, CDFW, and USFWS. The authorized biologist will assist the Project Applicant in scheduling its work activities accordingly.
  - No handling of red-legged frogs will occur unless take authorization is obtained from USFWS.
  - The authorized biologist will have the authority to stop all activities until appropriate corrective measures have been completed.
  - The Project Applicant shall restrict work to daylight hours, except during an emergency, in order to avoid nighttime activities when red-legged frogs may be present.
  - No stockpiles of materials will occur in areas occupied by California red-legged frogs.
- h. Draft EIR Table ES-4, page ES-20, second row, first sub-row, second column:

~~**MM REC 1: Access to Future Salinas River Trail.** Prior to issuance of a Notice to Proceed, the property owner shall offer a trail easement for dedication to the County, along the Salinas River Trail~~

corridor, subject to conditions and County policies to coordinate trail development and to protect public safety and property owner rights. The offer of dedication shall be a minimum of 25 feet in width and be located adjacent to the Salinas River (outside of the creek corridor). The final location of the offer of dedication shall be determined in consultation with the San Luis Obispo County Parks Department.

- i. Draft EIR Table ES-4, page ES-25, second full row, first column:

Impact BIO-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances

- j. Draft EIR Table ES-4, page ES-25, second full row, second column:

MM BIO-1.1: Compensate for permanent excavation-phase impacts to vegetation.

MM BIO-1.2: Prepare and implement a Weed Control Plan during all Project phases.

MM BIO-2.1: Implement Best Management Practices to Minimize Impacts to Jurisdictional Areas during all Project phases.

MM BIO-3.1: Implement a Worker Environmental Education Program (Biological Resources) during all Project phases.

MM BIO-3.2: Implement Best Management Practices to minimize impacts to plants and wildlife during all Project phases.

MM BIO-3.3: Implement biological monitoring during all Project phases.

MM BIO-3.4: Conduct surveys for special-status plants and mitigate impacts during the excavation phase.

MM BIO-3.5: Complete focused surveys for special-status reptiles and amphibians and implement avoidance measures during all Project phases.

MM BIO-3.6: Conduct protocol surveys for California red-legged frogs and implement avoidance measures during all Project phases.

MM BIO-3.7: Nesting Bird Management Plan, nest surveys, and impact avoidance measures for migratory and nesting birds during all Project phases.

MM BIO-3.8: Bald and golden eagle surveys and impact avoidance during all Project phases.

MM BIO-3.9: Conduct maternity colony or hibernaculum surveys for sensitive bats and avoid impacts during all Project phases.

MM BIO-3.10: Conduct focused surveys for ringtail cat and avoid active maternity dens during all Project phases.

MM BIO-3.11: Complete focused surveys for American badger and implement avoidance measures during all Project phases.

- k. Draft EIR Table ES-5, rows 14 and 15:

***Biological Resources***

~~Impact BIO-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances (Class III)~~

I. Draft EIR page ES-32, first full paragraph:

~~Draft EIR Section-Chapter 6 provides the analysis of alternatives to the Proposed Project that have been identified. In total, three alternatives to the Proposed Project have been evaluated, including the Reduced Acreage Alternative (Alternative 1), Enhanced Reclamation Alternative (Alternative 2) and No Project Alternative (Alternative 3). None of the alternatives identified would reduce or eliminate the Proposed Project's one significant and unavoidable impact related to noise. Of the four alternatives evaluated (e.g., the Proposed Project and Alternatives 1 through 3), the Enhanced Reclamation Alternative (Alternative 2) has been identified as the environmentally preferred alternative because it would allow the Proposed Project's full operational and production parameters to be achieved while also minimizing post-reclamation impacts associated~~ meet most of the Proposed Project's objectives and also lessen some post-reclamation impacts associated with aesthetics and visual resources and biological resources.

m. Draft EIR page ES-33, first paragraph:

As indicated in Section ES.2 (Environmental Review Process), the Proposed Project's evaluation under CEQA was initiated on June 20, 2013. As of the time that ~~the~~this Draft EIR was published, no areas of controversy or issues in need of resolution hadve been communicated to the County Department of Planning and Building. Similarly, as of the time that the Final EIR was published, no areas of controversy or issues in need of resolution have been communicated to the County Department of Planning and Building.

## Draft Environmental Impact Report Chapter 2 (Project Description)

**Revision 2.** Per Response to Comment B-19, the following revision has been made to Draft EIR page 2-10, first paragraph:

As noted in EIR Section 2.1 (Project Summary), the existing quarry is 160.1 acres in size and the proposed expansion area is 33 acres in size, thereby creating a total quarry area of 193.1 acres. No changes to existing operations are proposed. The Proposed Project would involve extend the mining of crushed aggregate and granite within both the existing quarry footprint and the proposed expansion area over a period of ~~by~~ 59 years, with mining completed by the end of calendar year 2070 and reclamation completed by the end of calendar year 2076. The Proposed Project would add approximately 21.5 million tons of aggregate reserves to the quarry's operation, thereby creating a total production volume of 33.2 million tons of aggregate reserves by the end of its operational lifetime. The quarry is currently permitted to produce up to 700,000 tons of aggregate reserves annually, and no change to this maximum production rate is proposed. The Proposed Project is primarily made up of two components: on-going operation of the existing quarry into the proposed expansion area; and, reclamation of the entire Proposed RPA area.

**Revision 3.** Per Response to Comment B-11, the following language has been added to the end of the Draft EIR's Project Description:

### 2.7 Applicant Proposed Mitigation Measures

The Applicant proposes to implement a specific measure following completion of the Proposed Project's final mining phase (Phase IV) to reduce its environmental effects as related to recreational

resources and ensure consistency with the County's applicable plans and policies and regarding discretionary actions. This measure is referred to as Applicant Proposed Measure (APM) REC-1, as follows:

**APM REC-1** Consistent with Objective C, Policy 3.12.3.c of the Parks and Recreation Element, the Applicant has agreed to and shall offer an easement for dedication to the County of San Luis Obispo (County) along the Salinas River corridor subject to the County's conditions and policies for trail development and the protection of public safety and property owner rights. The offer of dedication shall be a minimum of 25 feet in width and will be adjacent to the Salinas River outside of its established flow corridor. The final offer of dedication shall be determined by the County Planning and Building Department in consultation with the County Parks Department, and shall be finalized prior to issuance of a Notice to Proceed for the Proposed Project's Final Reclamation Phase (Phase IV). Development of this segment of the Salinas River Trail shall not commence until either all activities associated with Phase IV of the Project are complete, or otherwise when all Project-related mining activities have ceased, with whichever scenario occurs first.

In addition to the above APM, the APMs that are referenced in Draft EIR Section 4.6.4 (Biological Resources, Assessment Methodology) were coded as "APM" followed by a numbering system that was used in the Applicant's Biological Resources Assessment Report. These APMs are included herein, and have been re-coded to distinguish them from APM REC-1 by adding "BIO" to each of them. These APMs include:

**APM BIO-1.1** Prior to proposed removal of jurisdictional waters, regulatory permits may need to be obtained, subject to consultation and coordination with the appropriate agencies. Any mitigation required will be determined in coordination with the agencies.

**APM BIO-1.2** A minimum setback of approximately 130 feet from the Salinas River and associated riparian woodland habitat will be put in place during all quarry extension grading.

**APM BIO-1.3** A detailed SWPPP to avoid increased sediment loads within the downslope portions of the RPA Area and Salinas River will be prepared and implemented.

**APM BIO-2.1** Removal of oak woodland will occur incrementally within each phase to reduce impacts in both space and time.

**APM BIO-2.2** The proposed quarry extension will temporarily impact approximately 11.2 acres of oak woodland, in four phases over an approximately 38-year period. Public Resources Code section 21083.4 requires the County to determine whether these impacts constitute a significant effect on oak woodlands, and if so, to require mitigation using conservation easements, replanting oaks, contributing to an oak woodland conservation fund, or other methods developed by the County. Appropriate mitigation for these impacts will be determined in consultation with the County during the application review process. There is opportunity for onsite oak woodland preservation and enhancement on adjacent parcels in the event that mitigation is called for.

- APM BIO-2.3** To reduce the potential for spread of sudden oak death and other pests, all grubbed woody material will be chipped, spread out to dry, and disposed of on-site or otherwise responsibly disposed of.
- APM BIO-3.1** Riparian vegetation located within the RPA Footprint will be avoided during reclamation. If avoidance is not possible, any riparian woodland removed will be replaced during reclamation activities through replanting activities.
- APM BIO-3.2** Riparian vegetation is generally regulated by the CDFG under Section 1602 of Fish and Game Code and due to its association with steelhead Critical Habitat it is within NMFS jurisdiction. If this vegetation cannot be avoided during reclamation activities, consultation with appropriate agencies may be needed.
- APM BIO-4.1** If special status plant species are observed within the RPA Area during 2012 surveys, proposed mitigation should include avoidance of the population.
- APM BIO-4.2** If avoidance is not feasible, additional mitigation can include conservation of populations on adjacent lands through use of a conservation easement or similar instrument or buying credits in a mitigation bank, if available.
- APM BIO-5.1** The removal of potential bat roost habitat (i.e., large trees, snags, vertical rock faces or rockpiles with interstitial crevices) will take place from September 1 to October 31 when possible to avoid potential impacts to bat maternity or hibernation roosts.
- APM BIO-5.2** If the September 1 to October 31 work window is not feasible, prior to removal of potential bat roost habitat, pre-construction bat roost surveys will be conducted in the RPA Area within 100 feet of the proposed disturbance area, to determine if bats are occupying roosts; work should be completely avoided November 1 to March 31 when bats are hibernating.
- APM BIO-5.3** If bats are present, a suitable buffer around each occupied roost site will be instated, or bats will be excluded from the roost using methods recommended by a qualified biologist.
- APM BIO-6.1** The removal of potential breeding bird habitat (i.e., vegetation) or initial ground disturbance will take place from September 1 to January 31 to avoid potential impacts to nesting birds.
- APM BIO-6.2** If the September 1 to January 31 work window is not feasible, prior to removal of potential breeding bird habitat or initial ground disturbance, preconstruction breeding bird surveys will be conducted covering the impacted area(s) and surrounding areas within 200 feet. If work occurs from February 1 to June 15, pre-construction surveys will be performed within 14 days prior to such activities; if work occurs from June 16 to August 31, pre-construction surveys will be performed within 30 days prior to such activities.
- APM BIO-6.3** If nesting birds are found during pre-construction surveys, a suitable exclusion buffer will be instated around each active nest and maintained until the nest is inactive. Buffer sizes will be determined by a qualified biologist and will vary between species and disturbance contexts surrounding nests; buffers will be larger for special status species.

- APM BIO-7.1** The removal of vegetation or initial ground disturbance will take place from September 1 to January 31 to avoid potential impacts to golden eagle.
- APM BIO-7.2** If the September 1 to January 31 work window is not feasible, prior to removal of vegetation or initial ground disturbance, pre-construction golden eagle nest surveys will be conducted covering the impacted area(s) and surrounding areas within 0.25 mile. If work occurs from February 1 to June 15, preconstruction surveys will be performed within 14 days prior to such activities; if work occurs from June 16 to August 31, pre-construction surveys will be performed within 30 days prior to such activities.
- APM BIO-7.3** If nesting golden eagles are found during pre-construction surveys, an exclusion buffer of 0.25 mile will be instated around each active nest and maintained until the nest is inactive. Buffers may be reduced in size if a qualified biologist determines that a reduced buffer will not result in adverse impacts and there is concurrence by CDFG.
- APM BIO-8.1** Prior to the removal of vegetation or initial ground disturbance, preconstruction surveys for coast horned lizard and silvery legless lizard will be conducted by a qualified biologist within each phased area of the quarry extension. Survey effort will be focused on microhabitats most suitable for each species. All individuals of both species captured will be relocated to suitable habitat outside of the RPA Area.
- APM BIO-8.2** During all vegetation removal and grubbing activities, a qualified biological monitor (or monitors) will be present to supervise the work, and capture and relocate as many individuals of both special status reptile species as is feasible. The biological monitor(s) will have the authority to temporarily halt work to avoid impacts to special status reptiles or other protected biological resources.
- APM BIO-8.3** A minimum setback of 130 feet from the Salinas River and associated riparian woodland habitat will be put in place during all quarry extension grading.
- APM BIO-8.4** A detailed SWPPP to avoid increased sediment loads within the downslope portions of the RPA Area and Salinas River will be prepared and implemented.
- APM BIO-9.1** A minimum setback of 130 feet from the Salinas River and associated riparian woodland habitat will be put in place during all quarry extension grading.
- APM BIO-9.2** A detailed SWPPP to avoid increased sediment loads within the downslope portions of the RPA Area and Salinas River will be prepared and implemented. Best management practices will prevent debris and increased sediment loads from entering the river and obstructing or degrading the migration corridor.
- APM BIO-9.3** Consultation with NMFS may be required for potential indirect impacts to steelhead.
- APM BIO-10.1** The temporarily-impacted Critical Habitat is within Phase Three of the quarry extension, where pit excavation and resource extraction are estimated to occur from approximately 2056 to 2076.

**APM BIO-10.2** The 0.18 acre of CRLF Critical Habitat will be reclaimed and revegetated by approximately 2081, after resources are extracted, and should resemble its pre-impact state under future conditions.

**PM BIO-10.3** Informal consultation with USFWS will be required; however, no mitigation for removal of Critical Habitat is required given that PCEs are not present, and CRLF is not likely to be present.

**APM BIO-11.1** A minimum setback of 130 feet from the Salinas River and associated riparian woodland habitat will be put in place during all quarry extension grading.

**APM BIO-11.2** A detailed SWPPP to avoid increased sediment loads within the downslope portions of the RPA Area and Salinas River will be prepared and implemented.

**APM BIO-11.3** Consultation with NMFS may be required for potential indirect impacts to steelhead Critical Habitat.

## Draft Environmental Impact Report Chapter 4 (Environmental Analysis), Section 4.4 (Air Quality)

**Revision 4.** Per Response to Comment A-1, the following language has been added to follow Draft EIR Table 4.4-4, on Draft EIR page 4.4-5, within the discussion of “Air Quality and Existing Quarry Operations”:

Table 4.4-4b provides a typical annual emissions inventory for existing material processing activities, including the mobile sources used on site and for travel to and from the site. The existing mobile sources include off-road equipment, material haul trucks, and employee vehicles. The HMA plants and recycling plant are not included in this inventory because they are not considered to be part of the Proposed Project, which is specific to the proposed quarry expansion area and implementation of the Proposed RPA.

**Table 4.4-4b. Existing Quarry Operations Air Pollutant Emissions Inventory**

Sources	ROG (ton/yr)	NOx (ton/yr)	PM10 (ton/yr)	PM2.5 (ton/yr)	CO (ton/yr)	SO <sub>2</sub> (ton/yr)
Material processing (dust)	---	---	63.57	12.71	---	---
Material processing (diesel use)	0.27	4.94	0.22	0.22	0.66	0.08
Material processing (propane use)	0.01	0.13	0.007	0.007	0.075	0.0002
Off-road equipment used on-site	0.55	16.48	0.55	0.53	3.58	0.27
Material hauling trips	0.29	6.74	0.20	0.14	1.37	0.01
Miscellaneous on-road vehicle trips	0.03	0.05	0.00	0.00	0.34	0.00
Employee commute trips	0.05	0.06	0.01	0.00	0.46	0.00
<b>Total Emissions</b>	<b>1.21</b>	<b>28.41</b>	<b>64.56</b>	<b>13.62</b>	<b>6.48</b>	<b>0.37</b>

Source: Aspen Environmental Group, 2015; typical activity levels provided by Ambient Consulting, 2012 and Wallace Group, 2013.

## Draft Environmental Impact Report Chapter 4 (Environmental Analysis), Section 4.5 (Greenhouse Gas Emissions)

**Revision 5.** Per Response to Comment B-19, the following revision has been made to Draft EIR page 4.5-7, first paragraph:

The Proposed Project would involve ~~extend~~ the mining of crushed aggregate and granite within both the existing quarry footprint and the proposed expansion area over a period of 59 years, with final reclamation being completed by the end of 2076 (see EIR Section 2.5, Proposed Project), and this would continue and extend the emissions of GHG that annually occur due to existing quarry operations. The GHG emissions would continue to be influenced by variations in stationary source operation, fuel use, electricity use, and water use that occur with the existing quarry operations. The trends that would affect the future potential emissions are described in more detail below. The Proposed Project would extend the mining of crushed aggregate and granite by 59 years, with reclamation being completed by the end of 2076 (see EIR Section 2.5, Proposed Project), and this would continue and extend the emissions of GHG that annually occur due to existing quarry operations. The GHG emissions would continue to be influenced by variations in stationary source operation, fuel use, electricity use, and water use that occur with the existing quarry operations. The trends that would affect the future potential emissions are described in more detail below.

## **Draft Environmental Impact Report, Chapter 4 (Environmental Analysis), Section 4.6 (Biological Resources)**

**Revision 6.** To distinguish between the APM added to the Final EIR for recreational resources (see Response to Comment B-11) and those presented and analyzed in Draft EIR Section 4.6.5 (Biological Resources, Project Impacts and Mitigation Measures), the coding system used for the APMs noted throughout the text of Section 4.6.5 has been revised to include “BIO-.” These revisions to the language of the Draft EIR are presented below by page number and paragraph (Items 6(a) through 6(i)).

a. Draft EIR page 4.6-43, final paragraph, through Draft EIR page 4.6-45, eighth paragraph:

- **APM BIO-1.1.** Prior to proposed removal of jurisdictional waters, regulatory permits may need to be obtained, subject to consultation and coordination with the appropriate agencies. Any mitigation required will be determined in coordination with the agencies.
- **APM BIO-1.2.** A minimum setback of approximately 130 feet from the Salinas River and associated riparian woodland habitat will be put in place during all quarry extension grading.
- **APMs BIO-1.3 and BIO-9.2.** A detailed Storm Water Pollution Prevention Plan (SWPPP) to avoid increased sediment loads within the downslope portions of the Proposed RPA area and Salinas River will be prepared and implemented. Best management practices (BMPs) will prevent debris and increased sediment loads from entering the river and obstructing or degrading the migration corridor.
- **APM BIO-2.1.** Removal of oak woodland will occur incrementally within each [quarry] phase to reduce impacts in both space and time.
- **APM BIO-2.2.** The proposed quarry extension will temporarily impact approximately 11.2 acres of oak woodland, in four phases over an approximately 38 year period. Public Resources Code Section 21083.4 requires the County to determine whether these impacts constitute a significant effect on oak woodlands, and if so, to require mitigation using conservation easements, replanting oaks, contributing to an oak woodland conservation fund, or other methods developed by the County. Appropriate mitigation for these impacts will be determined in consultation with the County during the application review process. There is opportunity for onsite oak woodland preservation and enhancement on adjacent parcels in the event that mitigation is called for.

- **APM BIO-2.3.** To reduce the potential for spread of sudden oak death and other pests, all grubbed woody material will be chipped, spread out to dry, and disposed of on-site or otherwise responsibly disposed of.
- **APM BIO-3.1.** Riparian vegetation located within the Proposed RPA area will be avoided during reclamation. If avoidance is not possible, any riparian woodland removed will be replaced during reclamation activities through replanting activities.
- **APM BIO-3.2.** Riparian vegetation is generally regulated by the CDFW under Section 1602 of Fish and Game Code and, due to its association with steelhead trout Critical Habitat, it is also within the jurisdiction of the National Marine Fisheries Service (NMFS). If this vegetation cannot be avoided during reclamation activities, consultation with appropriate agencies may be needed.
- **APMs BIO-4.1 and BIO-4.2.** If special status plant species are observed within the Proposed RPA area during the Proposed Project's 2012 biological surveys (WRA, 2012a and 2012d), proposed mitigation should include avoidance of the population. If avoidance is not feasible, additional mitigation can include conservation of populations on adjacent lands through use of a conservation easement or similar instrument or buying credits in a mitigation bank, if available.
- **APMs BIO-5.1 and BIO-5.2.** The removal of potential bat roost habitat (i.e., large trees, snags, vertical rock faces or rockpiles with interstitial crevices) will take place from September 1 to October 31 when possible to avoid potential impacts to bat maternity or hibernation roosts. If the September 1 to October 31 work window is not feasible, prior to removal of potential bat roost habitat, pre-construction bat roost surveys will be conducted in the Proposed RPA area within 100 feet of the proposed disturbance area, to determine if bats are occupying roosts; work should be completely avoided November 1 to March 31 when bats are hibernating.
- **APM BIO-5.3.** If bats are present, a suitable buffer around each occupied roost site will be instated, or bats will be excluded from the roost using methods recommended by a qualified biologist.
- **APMs BIO-6.1 and BIO-6.2.** The removal of potential breeding bird habitat (i.e., vegetation) or initial ground disturbance will take place from September 1 to January 31 to avoid potential impacts to nesting birds. If the September 1 to January 31 work window is not feasible, prior to removal of potential breeding bird habitat or initial ground disturbance, preconstruction breeding bird surveys will be conducted covering the impacted area(s) and surrounding areas within 200 feet. If work occurs from February 1 to June 15, pre-construction surveys will be performed within 14 days prior to such activities; if work occurs from June 16 to August 31, pre-construction surveys will be performed within 30 days prior to such activities.
- **APM BIO-6.3.** If nesting birds are found during pre-construction surveys, a suitable exclusion buffer will be instated around each active nest and maintained until the nest is inactive. Buffer sizes will be determined by a qualified biologist and will vary between species and disturbance contexts surrounding nests; buffers will be larger for special status species.
- **APMs BIO-7.1 and BIO-7.2.** The removal of vegetation or initial ground disturbance will take place from September 1 to January 31 to avoid potential impacts to golden eagle. If the September 1 to January 31 work window is not feasible, prior to removal of vegetation or initial ground disturbance, pre-construction golden eagle nest surveys will be conducted covering the impacted area(s) and surrounding areas within 0.25 mile. If work occurs from February 1 to June 15, preconstruction surveys will be performed within 14 days prior to such activities; if work occurs

from June 16 to August 31, pre-construction surveys will be performed within 30 days prior to such activities.

- **APM BIO-7.3.** If nesting golden eagles are found during pre-construction surveys, an exclusion buffer of 0.25 mile will be instated around each active nest and maintained until the nest is inactive. Buffers may be reduced in size if a qualified biologist determines that a reduced buffer will not result in adverse impacts and there is concurrence by CDFG.
- **APM BIO-8.1.** Prior to the removal of vegetation or initial ground disturbance, preconstruction surveys for coast horned lizard and silvery legless lizard will be conducted by a qualified biologist within each phased area of the quarry extension. Survey effort will be focused on microhabitats most suitable for each species. All individuals of both species captured will be relocated to suitable habitat outside of the Proposed RPA area.
- **APM BIO-8.2.** During all vegetation removal and grubbing activities, a qualified biological monitor (or monitors) will be present to supervise the work, and capture and relocate as many individuals of both special status reptile species as is feasible. The biological monitor(s) will have the authority to temporarily halt work to avoid impacts to special status reptiles or other protected biological resources.
- **APMs BIO-9.3 and BIO-11.3.** Consultation with NMFS may be required for potential indirect impacts to steelhead and steelhead Critical Habitat.
- **APM BIO-10.2.** The 0.18 acre of California red legged frog Critical Habitat will be reclaimed and revegetated by approximately 2081, after resources are extracted, and should resemble its pre-impact state under future conditions.

b. Draft EIR page 4.6-49, third full paragraph:

The functional loss of 33.2 acres of vegetation over the 59 year excavation phase is considered a permanent impact because of the substantial temporal loss of habitat. This would be a significant and adverse impact. To mitigate this impact, Mitigation Measure BIO-1.1 requires compensatory mitigation for native vegetation at a 1:1 ratio for non-sensitive communities, and 3:1 ratio for sensitive riparian and oak woodland communities. Mitigation would not be required for impacts to areas already disturbed by current quarry operations, operational water features, and nonnative annual grassland because most of the areas are mapped as vested rights associated with the Quarry's existing operations. Estimated direct impacts and associated mitigation for vegetation types in the Proposed RPA area are shown in Table 4.6-6. Only impacts to native vegetation in the proposed expansion area require mitigation, which can include onsite preservation, offsite acquisition and preservation, payment to an appropriate in-lieu fee program, or a combination these actions. Although APMs BIO-2.2, BIO-3.1, and BIO-3.2 address sensitive vegetation, these APMs lack specificity and performance standards. The intent of these APMS has been incorporated into Mitigation Measure BIO-1.1 along with greater specificity to ensure enforceability. Implementation of these measures would reduce impacts from the loss of vegetation to a level of less than significant (Class II).

c. Draft EIR page 4.6-53, final paragraph:

A number of additional ephemeral drainages and swales were identified in the Proposed RPA area, including the Proposed RPA footprint, but were determined not to be under federal jurisdiction. These areas did not support riparian vegetation however they provide increased habitat values for many species and are direct tributaries to the Salinas River. These features may be considered

jurisdictional under Fish and Game Code Section 1602. As required by law and recognized in APM BIO-1.1, the Applicant would comply with the regulations regarding potential impacts to water bodies under the jurisdiction of the State and federal government. As such the Applicant would be required to obtain required permits pursuant to Section 401 and 404 of the CWA, the State Porter-Cologne Act, and Fish and Game Code 1600 *et seq.*

d. Draft EIR page 4.6-54, first full paragraph:

Direct impacts to wetland habitats would include the removal of native riparian vegetation, the discharge of fill, degradation of water quality, and increased erosion and sediment transport. Indirect impacts would include alterations to the existing topographical and hydrological conditions and may result in the introduction of non-native, invasive plant species. Indirect impacts to the Salinas River could occur if sediment laden waters flow off the site. However, the Proposed Project has been designed such that drainage and runoff from the expanded quarry operation would be directed to the quarry pit and prevented from flowing directly into the Salinas River. Indirect impacts to jurisdictional resources would be further reduced through implementation of Mitigation Measure BIO-2.1, which requires implementation of BMPs to minimize impacts to juridical areas, and Mitigation Measure HYD-1.1 and APMs BIO-1.3 and BIO-9.2, which require preparation of a site-specific SWPPP. APM BIO-1.2 requires a minimum setback of 130 feet from the Salinas River and associated riparian habitat; this has been incorporated into Mitigation Measure BIO-2.1.

e. Draft EIR page 4.6-56, final two paragraphs:

Oak trees are not ranked in the CRPR system but are considered sensitive by the County. Impacts to oak trees are generally mitigated at the community level, as described under Impact BIO-1. However, oak trees in California are susceptible to several diseases, including sudden oak death. Several pests can also cause damage or death to oak trees. To minimize the potential for spread of disease or pests, APM BIO-2.3 requires all grubbed woody material to be chipped, spread out to dry, and disposed of on site or at an appropriate facility. This requirement has been incorporated into Mitigation Measure BIO-3.2, which lists BMPs to minimize impacts to plants and wildlife.

Although APMs BIO-4.1 and BIO-4.2 address special-status plants, the measures lack specificity and rely on the results on 2012 botanical surveys which would be outdated prior to most Project excavation work. Therefore, Mitigation Measure BIO-3.4 has been developed and requires the Applicant to conduct appropriately timed protocol surveys for rare plants in each disturbance area prior to vegetation removal. Surveys will be valid for three years provided they are conducted during a period of adequate rainfall. If federally or state-listed plants are found in the proposed disturbance areas, the Applicant must avoid impacts to these species and consult with the USFWS and CDFW, as appropriate, for take authorization. Implementation of Mitigation Measure BIO-3.4 would reduce direct impacts to special-status plants (CRPR 1, 2, or 3) by requiring the Applicant to either: (1) salvage individual plants from the site prior to excavation (for appropriate species such as mariposa lilies); (2) avoid impacts to populations on site; or (3) to provide compensation lands with extant populations of the affected species. The Project's impacts to CRPR 4 species, while adverse, does not warrant further mitigation. As described above, compliance with local air quality regulations would ensure indirect impacts from dust are minimized. Mitigation Measure BIO-1.1 requires compensatory mitigation habitat loss. Mitigation Measure BIO-1.2 requires weed management, and Mitigation Measure HYD-1.1 (see EIR Section 4.15, Water Quality and Supply) requires the Applicant to implement BMPs to control sedimentation and erosion. Implementation of these measures would reduce impacts to special-status plants to a level of less than significant (Class II).

f. Draft EIR page 4.6-57, third paragraph:

Large-scale earth moving and redirection of flows into the quarry pit would result in a reduction of runoff to the Salinas River. However, the relative small size of the watershed from the Project site is not expected to substantially affect downstream flows. The quarry currently diverts some water from the Salinas River for use in its operational water features. However, the primary source of water for site operations is, and will continue to be, internal impoundments fed by rainfall and runoff. Salinas River water use would increase by three acre-feet during a maximum production year under the Proposed Project (see EIR Section 4.16, Water Quality and Supply, for more information on Project water use and sources). The annual flow in the Salinas River ranges from a low of 808 afy to over 80,000 afy, with a median value of 8,660 afy (URS, 2013). The maximum increase over baseline water use from the Salinas River is less than one percent of the lowest recorded annual flow, and this maximum would only occur during the highest production years. Generally, this would be an insignificant effect. However, if water is diverted from the Salinas River during an extreme drought year, downstream flows could be affected and could result in stranding of steelhead or the creation of barriers to movement. Mitigation Measure BIO-3.2 prohibits diversion from the Salinas River if it would completely curtail flows just downstream of the diversion. Mitigation Measures HYD-1.1 (see EIR Section 4.15, Water Quality and Supply), BIO-2.1, and BIO-3.2 would minimize indirect effects to water quality and avoid potential curtailment of flow to downstream areas. Implementation of these measures would reduce impacts to steelhead and its critical habitat to a level of less than significant (Class II). The Applicant has not determined whether consultation with NMFS for indirect impacts to steelhead and its critical habitat is required (WRA, 2012c) (see APMs BIO-9.3 and BIO-11.3).

g. Draft EIR page 4.6-59, first and final paragraphs:

*First paragraph (starting on Draft EIR page 4.6-58):* Mitigation Measure BIO-3.1 requires a Worker Environmental Education Program to educate site personnel on the species that could occur on site, their legal protections, mitigation requirements, and reporting procedures in the event a special-status species is killed or injured. Mitigation Measure BIO-3.2 requires BMPs to minimize impacts to special-status species, including the prohibition of water diversion from the Salinas River in extreme drought conditions if it would result in curtailment of downstream flows. Mitigation Measure BIO-3.3 requires biological monitoring during activities that could directly impact special-status species. Mitigation Measure BIO-3.5 requires surveys for special-status species and relocation of non-listed species out of the work areas. APMs BIO-8.1 and BIO-8.2 are superseded by Mitigation Measure BIO-3.5, which covers all special-status reptiles and amphibians that could occur, not just coast horned lizard and silvery legless lizard. Implementation of these measures would reduce impacts to special-status reptiles and amphibians to a level of less than significant (Class II).

*Final paragraph:* Project impacts to nesting birds can be reduced or offset through implementation of Mitigation Measures BIO-1.1, BIO-3.1, and BIO-3.3. These measures would require biological monitoring during vegetation removal and initial ground disturbance, worker environmental awareness training, and compensation for directly impacted habitat at a minimum 1:1 ratio. In addition, Mitigation Measure BIO-3.7 requires surveys, implementation of buffers, and other requirements to avoid bird mortality during the Proposed Project. This measure would supersede APMs BIO-6.1, BIO-6.2, and BIO-6.3, as it includes greater detail to ensure that the measure is effective and enforceable. These measures are expected to effectively minimize adverse impacts to nesting birds on the site and to offset habitat loss through the acquisition and management of

compensation lands. Implementation of these measures would reduce impacts to native birds to a level of less than significant (Class II).

- h. Draft EIR page 4.6-61, first paragraph (starting on page 4.6-60):

Although eagles likely do not nest in proximity to current quarry operations, Project excavation activities in undisturbed areas could cause substantial direct disturbance (e.g., noise, vibration, lighting, visual disturbance) to any golden eagle nest sites within one mile direct line of site of the disturbance. However, implementation of Mitigation Measure BIO-3.8 requires annual surveys during nesting season and establishment of disturbance-free buffers around nests. This measure supersedes APMs BIO-7.1, BIO-7.2, and BIO-7.3, as it includes greater specificity and reporting standards. Mitigation Measure BIO-1.1 would offset loss of for-aging habitat through compensatory mitigation requirements. Implementation of these measures would reduce impacts to golden eagles to a level of less than significant (Class II).

- i. Draft EIR page 4.6-62, third full paragraph:

Special-status bats in the Proposed RPA area likely avoid areas in and immediately adjacent to the existing quarry operations due to noise and ongoing disturbance. However, the Proposed Project could significantly impact special-status bats in undisturbed areas of the Proposed RPA through the elimination of foraging and potential roosting habitat. Noise, vibration, and human activity could disrupt maternity roosts during the breeding season. Other direct and indirect impacts are as described above under "General Excavation Phase Impacts to Biological Resources," above. Mitigation Measures BIO-1.1, BIO-3.1, and BIO-3.2 would require worker training to minimize disturbances, biological monitoring and reporting of Project disturbances, and compensate for habitat loss. Mitigation Measure BIO-3.9 requires the Applicant to conduct surveys for maternity and hibernation roosts and establish disturbance-free buffers. It also outlines methods and timing for eviction of bats from roost sites that are scheduled to be removed. This measure supersedes APMs BIO-5.1, BIO-5.2, and BIO-5.3, as it includes details regarding surveyor qualifications, more protective buffers for specific Project activities, and details on roost eviction methodology. Implementation of these measures would reduce impacts to special-status bats to a level of less than significant level (Class II).

**Revision 7.** Per Response to Comment B-6, the following revision to the language of Mitigation Measure BIO-3.3 has been made. This revision applies to Draft EIR Section 4.6.5, page 4.6-65, final paragraph, as well as its Executive Summary, Table ES-4, as indicated above.

**BIO-3.3 Implement biological monitoring during all Project phases.** Prior to any Project excavation and reclamation activities, the Project Applicant shall retain a County qualified biologist(s) with demonstrated expertise with special-status plants and wildlife that could occur on site to monitor, on a daily basis, all vegetation removal and initial ground disturbance in previously undisturbed areas. Any listed plants shall be flagged for avoidance, unless impacts are authorized by CDFW and/or USFWS, as appropriate. Any special-status reptiles, amphibians, or terrestrial mammals (excluding listed species such as the California red-legged frog) found within a Project impact area shall be relocated to suitable habitat outside the impact area by the biological monitor(s). Clearance surveys for special-status species shall be conducted by the biological monitor(s) prior to the initiation of vegetation removal each day. The biological monitor(s) will have the authority to temporarily halt work to avoid impacts to special-

status species or other protected biological resources. Once initial ground disturbance and vegetation removal is complete, daily monitoring may cease at that location.

**Revision 8.** Per Responses to Comments B-4 and B-7, the following revision to the language of Mitigation Measure BIO-3.6 has been made. This revision applies to Draft EIR Section 4.6.5, page 4.6-68, the first paragraph and first bullet item of the measure, as well as Draft EIR Executive Summary, Table ES-4, as indicated above.

**BIO-3.6 Conduct protocol surveys for California red-legged frogs and implement avoidance measures during all Project phases.** The Applicant shall retain a qualified biologist approved by the County to conduct surveys for California red-legged frogs in accordance with the most current USFWS protocol. Surveys will be conducted in all aquatic habitats associated with the Salinas River within 500 feet of the RPA footprint. ~~riparian areas in the RPA footprint, and 500 feet of surrounding vegetated uplands around each riparian area.~~ Survey results are valid for two years; surveys must be repeated if more than two years passes between the initial survey and site disturbance. Surveys are required prior to initial ground disturbance in riparian and surrounding upland habitats at each new excavation area within 500 feet of aquatic habitat, and in all ~~riparian areas~~ aquatic habitats and surrounding 500-foot buffer areas that would be affected by reclamation activities.

If California red-legged frogs are identified during surveys, measures to avoid impacts shall be implemented. These include, but are not limited to:

- A full-time biological monitor will monitor all vegetation clearing and initial site grading ~~in~~ within 500 feet of occupied California red-legged frog habitat during Project excavation and reclamation phases.

**Revision 9.** Per Response to Comment B-19, the following revision to the language of Draft EIR page 4.6-63, second full paragraph:

Permanent Project-related impacts include the conversion of land to a new use, such as the construction of new roads or the removal of topsoil and vegetation for excavation. Although the Proposed Project's excavated areas would ultimately be reclaimed, for the purposes of this analysis excavation is considered to result in a permanent loss of habitat because of the extended time frame of the Proposed Project (59 years of mining within both the existing quarry footprint and the proposed expansion area and ~~5~~ five years for reclamation; resulting in a degradation of habitat for 64 years). Vegetation established on reclaimed areas would take several years to re-establish and may never replace the full functional habitat values that were present prior to excavation. The duration of time that functioning habitat would be absent from the Proposed Project's footprint effectively precludes multiple generations of most wildlife from effectively residing or foraging in the Proposed RPA area.

**Revision 10.** The following revision to the language of Draft EIR page 4.6-74, second full paragraph, has been made, as also in Table ES-4, page ES-25, and Table ES-5, page ES-31, as indicated above.

Applicable sections and Elements of the County's General Plan were reviewed for consistency with the Proposed Project. Generally, the General Plan supports the preservation, enhancement, and restoration of natural habitats. The General Plan also describes preservation and enhancement of oak woodlands, and requires mitigation for impacts to biological resources including oak woodlands. Mitigation Measure BIO-1.1 requires compensatory mitigation for impacts to oak woodlands at a 3:1

ratio (acres conserved to acres impacted). Mitigation Measures BIO-1.1 through BIO-3.11 would reduce impacts to biological resources and ensure the Proposed Project complies with local policies and ordinances (Impact BIO-5). Implementation of these measures would reduce impacts to a less than significant level (Class III).

## Draft Environmental Impact Report Chapter 4 (Environmental Analysis), Section 4.10 (Land Use)

**Revision 11.** Per Response to Comment B-12, Impact LU-2 of the Draft EIR has been revised to reflect modifications that have been made to Impact TR-2 (Draft EIR Section 4.14 (Transportation and Circulation)), as further addressed below. Revisions to the Draft EIR Executive Summary, Table ES-4, and the language of Draft EIR page 4.10-8, second full paragraph as follows:

The Oster/Las Pilitas Quarry Project is a proposed new quarry operation in a rural community, which, through its environmental review process was found to be publicly controversial due to the potential impacts that this new development would generate. In particular, the EIR for the Oster/Las Pilitas Quarry Project found that potential incompatibility issues with existing land uses in the community of Santa Margarita could result from truck traffic as related to pedestrian traffic and safety. For that Project's EIR, Section 4.11 (Transportation and Circulation) addresses public roadway safety under Impact TR-2. Quarry egress and ingress on El Camino Real were examined and it was found that operation of the Santa Margarita Quarry Expansion Project would ~~have no direct or demonstrable~~ negatively effect on safety at the El Camino Real/Estrada Avenue intersection or along El Camino Real from Estrada Avenue to Murphy Avenue even under peak quarry operation, which would result in an ~~significant~~ adverse impact. ~~As such, the Proposed Project's operation would have no measurable direct increase in existing traffic volumes or adverse safety impacts at these locations; therefore, the Project Project's pedestrian safety in comparison to baseline conditions would be less than significant (Class III). However, as discussed under Impact TR-2, Mitigation Measure TR-1 would ensure that the Project Applicant pay a fair share contribution to provide the necessary improvements to roadway and pedestrian safety. With implementation of this measure, impacts associated with roadway safety would be less than significant (Class II). The Proposed Project would not present a new land use that would be potentially incompatible with the community, nor would it present issues of safety in the areas surrounding the Project site. Potential incompatibility impacts to the community of Santa Margarita would be less than significant (Class III).~~

## Draft Environmental Impact Report Chapter 4 (Environmental Analysis), Section 4.13 (Recreation)

**Revision 12.** Per Response to Comment B-11, a new APM (APM REC-1) has been incorporated into the Proposed Project to ensure compliance with Policy 3.12.3.c of the County's Parks and Recreation Element. The language of the Draft EIR, under Impact REC-3, has been revised to reflect this change. Mitigation Measure REC-1 has been deleted in Table ES-4 of the Draft EIR Executive Summary and Draft EIR page 4.13-6. In addition the language of the first two full paragraphs of Draft EIR page 4.13-5 has been revised as follows:

All excavation activities would occur within the 193.1 acre site, which does not include recreational facilities either on-site or in the immediate Project vicinity. As shown in Table 4.13 1, the closest recreational resource is the proposed Salinas River Trail. A branch of the Salinas River is adjacent to the Proposed Project site; and the closest segment of the proposed trail would be located

approximately 1.3 miles west of the site. Additionally, the Santa Margarita Community Park is located approximately 1.8 miles west of the Proposed Project site. Both the Salinas River Trail and the community park are located along off-site access roads that lead to the quarry. ~~However, as~~ Therefore, agricultural activities and improvements related to agricultural operations are allowed uses under the County's land use designation for the Project site (Rural Lands and Agriculture), and it is possible that these future uses may pose a conflict with the development of the Salinas River Trail and/or may be incompatible with the recreational uses along this proposed trail. ~~Therefore, the inclusion of a new trail easement is addressed in this EIR since a discretionary action is required for the quarry and the County may include the offer of a trail easement as a condition of approval, To ensure that land is available for the proposed trail, and therefore in accordance to ensure compliance with Policy 3.12.3.c of the Parks and Recreation Element, (as outlined in EIR Section 14.3.2, above),- the Applicant, as APM REC-1, has agreed to offer an easement for dedication to the County along the Salinas River corridor subject to the County's conditions and policies for trail development and the protection of public safety and property owner rights. The offer of dedication shall be a minimum of 25 feet in width and will be adjacent to the Salinas River outside of its established flow corridor. Development of this segment of the Salinas River Trail shall not commence until either all activities associated with Phase IV of the Project are complete, or otherwise when all Project-related mining activities have ceased, with whichever scenario occurs first. County policies also require that extensive trail systems such as the Salinas River Trail shall not be constructed on individual properties until a viable link can be established to create a larger trail. Development of a trail corridor by the County must meet required findings including sufficient funds for ongoing maintenance and liability. Planning for trail development is a long term process and there is not currently a viable planned segment that includes the Project site. For this reason, only a very general description of a future trail on the Project property can be considered at this time.~~

Since the Salinas River is the unifying feature and most aesthetic focus for the regional trail system, it is reasonable to expect that the future trail will be located generally along the river itself, as opposed to a location along ridgelines or slopes in the area. Such a location would be well removed from the proposed quarry (by over 1,000 feet), but would occur in the general vicinity of existing grazing and agricultural operations associated with the property. For this reason, the any future trail design would have to be developed with the property owner's input, and would have to include appropriate fencing for the safety of trail users and the security of the property owner. The land near the river on the property is relatively flat, and consists mainly of a mixture of non-native grasses underneath oak trees. It is likely that a trail could be designed that would require minimum ground disturbance and drainage control, and would preserve all or most of the oak trees present. A more detailed evaluation of the ~~potential environmental effects of such a future trail~~ would have to be prepared by the County at the time a specific trail segment is proposed. The final offer of dedication of the future trail shall be determined by the County of San Luis Obispo Planning and Building Department in consultation with the County of San Luis Obispo Parks Department, and shall be finalized prior to issuance of a Notice to Proceed for the Proposed Project's Final Reclamation Phase.

## **Draft Environmental Impact Report Chapter 4 (Environmental Analysis), Section 4.14 (Transportation and Circulation)**

**Revision 13.** Per Response to Comment B-12, the analysis and mitigation measures associated with the Draft EIR's Section 4.14 have been revised. Revisions to the language of the Draft EIR are presented

below by page number and paragraph and Executive Summary Table ES-4, as applicable (Items 13(a) through 13(f)).

- a. Draft EIR page 4.14-9, second full paragraph added:

Although the Applicant's average baseline operations may reflect typical conditions, the Traffic Impact Study (Draft EIR Appendix F) does not entirely focus on the effects of maximum production rates independently of average existing quarry operations from 2003 through 2012 (or any other average). Therefore, Appendix F does not explicitly estimate what could occur under peak production should it occur for a prolonged period of time (e.g., a "worst case" scenario). Consequently, to augment the Applicant's technical assessments, the following traffic analysis includes consideration of the quarry at maximum production for decision makers and the public to consider.

- b. Draft EIR page 4.14-14, second full paragraph:

As analyzed above under Impact TR 1, the Proposed Project would not generate any average or peak hour vehicle trips beyond that of current quarry operations (existing conditions). However, the Project would continue quarry traffic beyond the existing quarry permit (59 additional years through Phase IV). Under a worst-case analysis, where the frequency of peak quarry operations significantly exceeds that of average existing quarry operations from 2003 through 2012, the Proposed Project is considered to result in a cumulative contribution to pedestrian intersection LOS degradation-safety impacts at the intersections of Estrada Avenue (State Route 58) and El Camino Real, and Estrada Avenue and H Street (location of the Santa Margarita Elementary School pedestrian crossing). The Project's contribution from continued traffic at these locations is considered a potentially significant impact that can be mitigated through implementation of Mitigation Measure TR-1, below. The intent of this measure is to ensure the Project Applicant pay a fair share contribution to these improvements necessary to ensure roadway and pedestrian safety. With the implementation of Mitigation Measure TR-1, impacts would be less than significant (Class II).

- c. Draft EIR page 4.14-14, Mitigation Measure TR-1, and Draft EIR Executive Summary Table ES-4:

**TR-1** **Fair share contribution to 2030 traffic volumes within the community of Santa Margarita.** The Applicant shall enter into an agreement with the County that specifies a fair share contribution percentage and timing of payment toward improvements necessary to identified intersections in the community of Santa Margarita. The fair share contribution shall be evaluated and the agreement updated as necessary by the County in consultation with Caltrans, prior to the issuance of a Notice to Proceed of each phase. The 10-year trip average for the existing operation identified in the Santa Margarita Quarry Expansion Project EIR shall be used as the baseline in determining the fair share contribution for traffic in excess of this number that may result from the continued/expanded operation. This fair share may be calculated:

1. Based on a reasonable assumption of increased trips above the baseline that is agreed upon by the County and the applicant.
2. Based on an actual count for an agreed upon time period (5-10 years) to establish the average increase in traffic above the baseline.

The Applicant may include a contribution for existing traffic, but shall not be obligated to do so.

- d. Draft EIR page 4.14-15, third full paragraph:

Under existing quarry operations, shoulder damage on southbound El Camino Real at the quarry access road has occurred from quarry egress of large southbound trucks. Currently, the southbound lane of El Camino Real at the quarry entrance has a width of approximately 11 to 11.5 feet, with four to five feet of shoulder. The County Department of Public Works' standard for new roadway construction requires a 12 foot travel lane with an 8 foot shoulder. Large trucks exiting the quarry with a destination to the south would occasionally swing wide to minimize trailer tracking and the amount of time that the trailer is crossing the northbound lane. While it is acknowledged that shoulder damage on El Camino Real is part of baseline conditions, the Proposed Project would extend quarry operations within both the existing quarry footprint and the proposed expansion area for 59 years (through Phase IV). Under a worst-case analysis, where the frequency of peak quarry operations significantly exceeds that of average historic quarry operations from 2003 through 2012 (baseline), ~~Therefore,~~ operation of the quarry under the Proposed Project would have a direct and demonstrable continuing effect on shoulder damage impacts to El Camino Real. Mitigation Measure TR-2 is therefore recommended to reduce the Proposed Project's impact to less than significant (Class II).

- e. Draft EIR page 4.14-16, second full paragraph:

While worst-case peak traffic volumes from the Project are minimal along these segments of State Route 58, the Proposed Project would extend the operational life of the quarry 59 additional years (through Phase IV). Under a worst-case analysis, where the frequency of peak quarry operations significantly exceeds that of average historic quarry operations from 2003 through 2012 (baseline), ~~based on information contained in the Oster/Las Pilitas Quarry Final EIR (County of San Luis Obispo, 2014),~~ truck trips generated by the Project would cause incremental damage and wear to roadway pavement surfaces along State Route 58. The degree to which this wear and tear would occur depends on the roadway's design (pavement type and thickness) and its current condition. The Project's contribution of continued heavy truck traffic along these segments of State Route 58 is considered a potentially significant impact that can be mitigated through implementation of Mitigation Measure TR-3, below (Class II). The intent of this measure is to ensure on-going maintenance of State Route 58 along the haul route such that the highway does not experience major degradation beyond the existing condition of the highway without the Project. With the implementation of Mitigation Measure TR-3, impacts would be less than significant.

- f. Draft EIR page 4.14-16 through 4.14-17, Mitigation Measure TR-3, and Executive Summary Table ES-4:

**TR-3 Reduce Project contribution to deterioration of State Route 58 structural conditions.** The Applicant shall pay for the Project's fair share of impacts to the State Route 58 roadway using one of the two options described below. The 10-year trip average for the existing operation, and trip distribution, identified in the Santa Margarita Quarry Expansion Project EIR shall be used as the baseline in determining the fair share contribution for traffic in excess of this number that may result from the continued/expanded operation. This fair share may be calculated: 1) based on a reasonable assumption of increased trips above the baseline that is agreed upon by the County and the Applicant; or 2) based on an actual count of an agreed upon time period (5-10 years) to establish the average increase in traffic above the baseline. The Applicant may include a contribution for existing traffic, but shall not be obligated to do so.

- Option 1: Prior to issuance of a Notice to Proceed, the Applicant shall prepare a pavement monitoring program for State Route 58 between Mile Marker (MM) 0.00 and MM 5.44 for review and approval by the County in consultation with Caltrans. The program shall provide before and after video evidence of pavement conditions, require the posting of a pavement repair bond or other mechanism to fund the repair of roadway deterioration resulting from the project, and a mechanism that ensures the funds collected will only be used for improvements /repairs to State Route 58 between MM 0.00 and MM 5.44. The Applicant shall coordinate with the maintenance division of Caltrans regarding the details of the monitoring program and any requirements for road repair should they become necessary. The program shall include criteria for when maintenance is required and the type of repairs required for various pavement deterioration conditions that may result from heavy truck traffic. Any improvements / repairs resulting from the pavement monitoring program shall be made in accordance with the Complete Streets Program.
- Option 2: Prior to issuance of a Notice to Proceed, the Applicant shall enter into an agreement in a form acceptable to the County of San Luis Obispo or Caltrans to pay for the Project's fair share of impacts to State Route 58 roadway (between MM 0.00 and MM 5.44). The agreement shall include a mechanism that ensures the funds collected will only be used for improvements/repairs to State Route 58 between MM0.00 and MM5.44. The cost per load /cost per ton shall be established using project generated information and / or assumptions consistent with Caltrans standards including the cost associated with any improvements required by the Complete Streets Program.

**Revision 14.** Per Response to Comment B-19, a revision to the language of Draft EIR page 4.14-15, final paragraph has been made. This revision has also been made to the third full paragraph page 4.14-15, as indicated above under Revision 13(d).

The County Department of Public Works additionally requested that standard deceleration and acceleration tapers for a rural driveway be required at the quarry entrance driveway. The County's existing standards include 75 foot deceleration and acceleration tapers for traffic entering and exiting rural access roads. This would require the existing quarry access driveway approach on El Camino Real to be reconstructed per the County's current standard, as detailed in Drawing Number B 1e of Appendix F). A review of the details provided in Appendix F indicates that there may be sufficient pavement already in place to accommodate a 75 feet deceleration taper with some minor striping improvements. However, minor roadway improvements may be necessary to provide this acceleration taper. While it is acknowledged that current quarry operations function without deceleration and acceleration tapers on El Camino Real, the Proposed Project would extend quarry operations for 59 years within both the existing quarry footprint and proposed expansion area (through Phase IV). Therefore, operation of the quarry under the Proposed Project would have a direct and demonstrable continuing inconsistency with the current County standard for deceleration and acceleration tapers for a rural driveway. Mitigation Measure TR-2 is recommended to reduce the Proposed Project's impact associated with rural driveway design to less than significant (Class II).

## **Draft Environmental Impact Report Chapter 6 (Comparison of Alternatives), Section 6.3 (Enhanced Reclamation Alternative (Alternative 2))**

**Revision 15.** Per Response to Comment B-16, the language of the description and analysis of the Enhanced Reclamation Alternative (Alternative 2) has been modified. The revisions to Draft EIR Section 6.3, as found on Draft EIR pages 6-6 through 6-8, are indicated below.

The Enhanced Reclamation Alternative would retain the Proposed Project's expansion plan and operations. It would incorporate expansion of the quarry into Phases I through IV, including the estimated total amount of aggregate production. However, the Enhanced Reclamation Alternative would revise the design of the Proposed RPA to:

- Enhance the biological function of the site after the operational phase of the Proposed Project is complete; and
- Reduce the visual impacts of the quarry by treating the exposed rock surfaces visible from State Route 58.

The goals of the Enhanced Reclamation Alternative would be to:

- Encourage wildlife to use the bottom of the excavation pit as wetland habitat and provide wildlife pathways to this area. Because the bottom of the excavation pit will be seasonally inundated, there is an opportunity to create seasonal wetland habitat and to allow for its use by reducing the slope sides or providing other wildlife pathways.
- Render the mine's exposed rock surfaces visible from State Route 58 to match the colors with the existing surrounding color palette. By selecting appropriate colors and applying them to the rock, the vertical surfaces can be rendered substantially less dominant in the landscape.

The Proposed RPA would be revised to establish final benches on all sides of the perimeter of the quarry except for the northwestern cut face during Phase I. During this phase, the Enhanced Reclamation Alternative would therefore alter the eastern perimeter of the quarry footprint to allow for increased wildlife use and enhanced biological functions of the reclaimed excavation pit after the quarry is reclaimed. The following revisions to the Proposed RPA would be made:

- **Biological Resources.** The revised RPA would grade the quarry's Lower Area of the excavation pit to mirror the plans approved in 1981 Reclamation Plan while providing for proper drainage of the site. The Lower Area would be graded to direct runoff away from the Salinas River. Because this area would contain seasonal water, the Enhanced Reclamation Alternative would require this area be used to create seasonal wetland habitat using improved seed mixes. Creation of seasonal wetland habitat within the bottom of the excavation pit would increase the overall habitat functions and values of the reclaimed area. As considered conceptually, this could be achieved by incorporating 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 the water. This enhanced habitat may attract species such as yellow-headed blackbird (*Xanthocephalus xanthocephalus*) and tri-colored blackbird (*Agelaius tricolor*), both special-status species, who prefer freshwater wetlands with dense emergent vegetation and are known to occur in the area. The addition of the riparian tree species along the fringes could also attract a large number of the riparian songbirds known to occur within the riparian corridor of the Salinas River. It is noted, however, that development of a site-specific design plan for this alternative would be necessary, and specifics regarding the plant species used and the wildlife species that they could attract would need to be determined at that time.

In addition to enhancing the wetland habitat, the Enhanced Reclamation Alternative would improve wildlife access to this habitat. The benches proposed for construction during Phase I would consist of a series of 25 foot-wide horizontal benches at 50 foot vertical intervals. The bench face angle along the north, northeast and east sides of the excavation pit would be 60 degrees. The bench face angle to the northwest and west would be 70 degrees. These slopes would receive growth medium and a bulldozer would track-walk the finished slopes vertically to

roughen the surface. Benches would receive 24 inches of growth medium and be seeded. In order to enhance use of the seasonable wetland habitat, the alternative would reduce the severity of the slope along the north, northeast and east sides or include additional benches for wildlife pathways. A reduction in the final slopes of the excavation pit faces would likely provide for easier access to the water source at the bottom of the excavation pit. 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 would be more amenable to wildlife access and usage. The reduction on the steepness of the slopes is also likely to reduce overall erosion allow for more successful recruitment of seeded and/or naturally recruiting vegetation.

- **Aesthetics and Visual Resources.** As part of site reclamation, rock surfaces exposed by mining and visible from State Route 58 would be stained or treated to reduce their visual contrast with vegetated areas and natural undisturbed rock in the vicinity. The Applicant would consult with the County to determine the extent of rock surfaces requiring treatment. In consultation with the County and subject to County approval, the Applicant would identify a palette of suitable colors to apply to the exposed visible rock surfaces to reduce their visual contrast and to blend with the more muted colors of surrounding undisturbed areas. The material to be applied would be permanent and would neither require maintenance nor pose a risk to the public or to biological resources.

In addition to the above, implementation of the Proposed RPA, as revised, would be required to comply with all County APCD rules and regulations for the application of stains or other materials to exposed rock surfaces to ensure that potential air quality impacts are minimized to the maximum extent feasible.

**Project Objectives.** The Enhanced Reclamation Alternative would meet most of the basic project objectives because it would retain the Proposed Project's expansion plan and operation and, therefore, would contribute to meeting future aggregate demand and support construction and economic growth. Furthermore, the Enhanced Reclamation Alternative would go further toward attaining the County's goal to develop mineral deposits in a manner that protects sensitive natural resources. However, due to design changes that would be required to implement this alternative, it would not allow for the maximum amount of aggregate material that could be mined under the Proposed Project.

**Feasibility.** The Enhanced Reclamation Alternative would be feasible because it would not change the expansion and operational plans of the Proposed Project. The economic feasibility of this alternative is unknown at this time.

**Environmental Effects.** As indicated above, in comparison to the Proposed Project, the Enhanced Reclamation Alternative would primarily ~~affect~~ lessen effects to biological resources and aesthetics and visual resources, as addressed below.

- **Biological Resources.** Under the Proposed Project, final reclamation of the expanded quarry would create 193.1 acres of open space uses, including: riparian woodland (1.8 acres); exposed bedrock (17.3 acres); seasonal water (32.6 acres); buffer (45.2 acres); chaparral (81.1 acres); oak woodland (12 acres); and access roads (3.1 acres). As addressed in EIR Section 4.6 (Biological Resources), implementation of the Proposed Project would not result in any direct or indirect significant and unavoidable impacts. The same mitigation measures as recommended for the Proposed Project would apply to the Enhanced Reclamation Alternative because its expansion

area and on-going quarry operation would be identical to, and thus result in, the same short and long-term impacts (Class II and III).

Implementation of the Enhanced Reclamation Alternative, would, however, replace a portion of the Proposed RPA's seasonal water use with seasonal wetland habitat (see Figure 2.6-2). Although the exact acreage of this habitat cannot be reasonably predicted at this level of analysis, the addition of the seasonal wetland habitat would be expected to increase the Proposed RPA area's overall habitat function and value following final reclamation. In addition, this alternative's modifications to the Proposed Project's final site re-contouring would be expected to improve wildlife movement, reduce potential erosion, and promote the successful establishment of seeded areas as well as the recruitment of naturally re-vegetated areas. Consequently, the Enhanced Reclamation Alternative would be anticipated to result in enhanced long-term benefits in comparison to the Proposed Project, even though it would not ~~reduce or~~ eliminate any of the impacts associated with the Proposed Project.

- **Aesthetics and Visual Resources.** Figure 6-1 shows the anticipated final area of exposed rock that would exist at the conclusion of the Proposed Project prior to reclamation. As proposed by the Applicant, reclamation would be undertaken to establish vegetation on the flat bench surfaces. No treatment is proposed for vertical rock surfaces. Visually, this would result in regularly spaced striations of darker color across the rock face, but would leave the vertical exposed rock surfaces unaltered. This is illustrated in Figure 6-2.

Enhanced visual reclamation would require treating vertical exposed rock surfaces visible from State Route 58. By selecting appropriate colors and applying them to the rock, the vertical surfaces can be rendered substantially less dominant in the landscape. While it is not known what suitable surface treatment materials might be available commercially when reclamation of this area occurs, existing materials could adequately restore scarred rock features to a more natural appearing condition. One such product is Permeon, a varnish developed by Arizona State University. The sprayed material is absorbed into rock surfaces where it reacts with the rock to accelerate natural oxidation and restore natural rock colors in a short time. The effect is to greatly reduce the contrast of mine-exposed rock surfaces relative to their surroundings. Permeon can be mixed in a wide range of natural shades and is a permanent one-time spray application. Examples of the use of Permeon are shown in Figures 6-3 and 6-4.

Implementation of the Enhanced Reclamation Alternative would not change any operational components of the Proposed Project or its expansion area and, therefore, would not reduce the severity, or eliminate any of its direct or indirect impacts (Class III). Treatment of the exposed rock surfaces would, however, in the short term, further minimize visual contrast associated with the quarry's exposed rock surfaces, and thus would be considered beneficial in comparison to the Proposed RPA's landscaping treatment.

As indicated above, the Enhanced Reclamation Alternative would be expected to appreciably lessen, or minimize, the Proposed Project's long-term impacts to biological resources and aesthetics and visual resources through site-specific enhancements and improvements. These enhancements and improvements are consistent with State CEQA Guidelines Section 15126(b), which states that an EIR "...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 Enhanced Reclamation Alternative would not be expected to change the number or severity of any other impacts associated with the Proposed Project because the resulting changes to final reclamation activities that would occur would be relatively minor. However, this alternative's potential to improve site drainage and reduce onsite erosion could benefit surface water quality. This benefit would not, though, be expected to reduce the severity of Impact HYD-1 to less than significant, as addressed in EIR Section 4.15 (Surface Water Quality and Supply), and Mitigation Measure HYD-1.1 (Prepare and Implement Site-Specific SWPPP) would still be required (Class II).

### **Draft Environmental Impact Report Chapter 9 (EIR Preparers and Reviewers)**

**Revision 16.** The following addition had been made to Draft EIR Table 9-2, page 9-2, final row, first and second columns:

Airlin Singewald, Senior Planner